JOURNAL

OF THE

REGULAR SESSION OF THE SENATE

OF THE

COMMONWEALTH OF KENTUCKY,

BEGUN AND HELD IN THE CITY OF FRANKFORT, OF MONDAY,
THE FIRST DAY OF DECEMBER, IN THE YEAR
OF OUR LORD 1873, AND OF THE COMMON-
WEALTH THE EIGHTY-SECOND.

FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE.
S. I. M. MAJOR, PUBLIC PRINTER.
1873.
MONDAY, DECEMBER 1, 1873.

Hon. John G. Carlisle, Lieutenant Governor, presiding.

At a General Assembly, begun and held for the State of Kentucky at the Capitol, in the city of Frankfort, the first day of December, one thousand eight hundred and seventy-three, the following Senators appeared and took their seats, viz:

From the First Senatorial District, H. S. Hale.
From the Second Senatorial District, Jesse C. Gilbert.
From the Fourth Senatorial District, F. W. Darby.
From the Sixth Senatorial District, Walter Evans.
From the Seventh Senatorial District, G. W. Swoope.
From the Eighth Senatorial District, W. J. Berry.
From the Ninth Senatorial District, P. F. Edwards.
From the Tenth Senatorial District, J. W. Hays.
From the Eleventh Senatorial District, John S. Barlow.
From the Twelfth Senatorial District, W. W. Frazer.
From the Thirteenth Senatorial District, John J. Gatewood.
From the Fourteenth Senatorial District, Thos. J. Barker.
From the Fifteenth Senatorial District, Robt. A. Briggs.
From the Sixteenth Senatorial District, D. R. Haggard.
From the Seventeenth Senatorial District, B. W. S. Huffaker.
From the Eighteenth Senatorial District, Thos. W. Varnon.
From the Nineteenth Senatorial District, C. J. Walton.
From the Twentieth Senatorial District, Scott Brown.
From the Twenty-first Senatorial District, W. L. Vories.
From the Twenty-second Senatorial District, Wm. P. Duvall.
From the Twenty-third Senatorial District, D. H. Lindsay.
From the Twenty-fourth Senatorial District, Robt. Simmons.
From the Twenty-fifth Senatorial District, Geo. B Hodge.
From the Twenty-eighth Senatorial District, W. A. Cunningham.
From the Twenty-ninth Senatorial District, E. W. Turner.
From the Thirtieth Senatorial District, Thos. F. Hargis.
From the Thirty-first Senatorial District, R. B. Lovel.
From the Thirty-second Senatorial District, W. W. Culbertson.
From the Thirty-third Senatorial District, A. L. Martin.
From the Thirty-fourth Senatorial District, John E. Cooper.
From the Thirty-fifth Senatorial District, I. L. Hyatt.
From the Thirty-sixth Senatorial District, T. L. Jefferson.
From the Thirty-seventh Senatorial District, Ben. J. Webb.


The Speaker then announced that nominations for the office of Chief Clerk of the Senate were in order.

Whereupon, Mr. Hargis nominated Mr. Keene F. Prichard, of Boyd county, as a suitable person to fill said position.

There being no other nomination for said office, the Senate then proceeded to take the vote, which stood thus, viz:
Those who voted for Mr. Prichard, were—

Thos. J. Barker, W. W. Frazer, I. L. Hyatt,
John S. Barlow, John J. Gatewood, T. L. Jefferson,
W. J. Berry, Jesse C. Gilbert, D. H. Lindsay,
Robert A. Briggs, D. R. Haggard, R. B. Lovel,
Scott Brown, H. S. Hale, Robert Simmons,
John E. Cooper, Thos. F. Hargis, E. W. Turner,
W. A. Cunningham, J. W. Hays, Thos. W. Varnon,
F. W. Darby, Geo. B. Hodge, W. L. Vories,

Mr. Prichard having received a majority of all the votes cast, was declared duly elected Clerk of the Senate for the present session, who then took the oath prescribed by the Constitution and laws of the State.

The Speaker then announced that nominations were in order for the office of Assistant Clerk of the Senate.

Whereupon, Mr. Duvall nominated Mr. John L. Sneed, of Frankfort, as a suitable person to fill said position.

And the vote being taken, stood thus, viz:

Those who voted for Mr. Sneed, were—

Thos. J. Barker, P. F. Edwards, T. L. Jefferson,
John S. Barlow, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
Robert Boyd, Jesse C. Gilbert, A. L. Martin,
Robert A. Briggs, D. R. Haggard, Robert Simmons,
Scott Brown, H. S. Hale, E. W. Turner,
John E. Cooper, Thos. F. Hargis, Thos. W. Varnon,
W. W. Culbertson, J. W. Hays, W. L. Vories,
W. A. Cunningham, Geo. B. Hodge, C. J. Walton,

Mr. Sneed having received a majority of all the votes cast, was declared elected Assistant Clerk of the Senate for the present session, who then took the oath prescribed by the Constitution of the State.

The Speaker then announced that nominations for the office of Sergeant at-Arms of the Senate were in order.

Whereupon, Mr. Duvall nominated Mr. D. D. Sublett, of Magoffin county, as a suitable person to fill said position.

There being no other person in nomination, the vote was then taken, which stood thus, viz:
Those who voted for Mr. Sublett, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, Jesse C. Gilbert, R. B. Lovel,
W. J. Berry, D. R. Haggard, A. L. Martin,
Robert A. Briggs, H. S. Hale, Robert Simmons,
Scott Brown, Thos. F. Hargis, G. W. Swoope,
John E. Cooper, J. W. Hays, E. W. Turner,
W. A. Cunningham, Geo. B. Hodge, Thos. W. Varnon,
F. W. Darby, B. W. S. Huffaker, W. L. Vories,
William P. Duvall, I. L. Hyatt, C. J. Walton,

Mr. Sublett having received a majority of all the votes cast, was declared elected Sergeant-at-Arms of the Senate for the present session, who then took the oath prescribed by the Constitution of the State.

The Speaker then announced that nominations for the office of Door-keeper of the Senate were in order.

Whereupon, Mr. Webb nominated Mr. P. B. Turner, of Morgan county, as a suitable person to fill said position.

There being no other person in nomination, the Senate then proceeded to take the vote, which stood thus, viz:

Those who voted for Mr. Turner, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Robert A. Briggs, D. R. Haggard, Robert Simmons,
Scott Brown, H. S. Hale, G. W. Swoope,
John E. Cooper, Thos. F. Hargis, E. W. Turner,
W. A. Cunningham, J. W. Hays, Thos. W. Varnon,
F. W. Darby, Geo. B. Hodge, W. L. Vories,
William P. Duvall, B. W. S. Huffaker, C. J. Walton,

Mr. Turner having received a majority of all the votes cast, was declared duly elected Door-keeper of the Senate for the present session, who then took the oath prescribed by the Constitution.

Mr. Walton moved the following resolution, viz:

Resolved, That a committee of three on the part of the Senate be appointed to wait upon the House of Representatives, and inform them that they have met, organized, and are ready to proceed to legislative business.

Which was adopted.
Whereupon, the Speaker appointed Messrs. Walton, Cooper, and Barker said committee.
On motion, the Senate adjourned.

TUESDAY, DECEMBER 2, 1873.

Hon. James F. Clay, Senator from the Fifth Senatorial District, appeared and took his seat.

Mr. Walton, from the committee appointed to inform the House of Representatives that the Senate had met and organized, and were now ready to proceed to legislative business, reported that they had performed the duty assigned them.

Mr. Cooper presented the petition of sundry citizens of Breathitt county, asking the passage of an act adding a portion of the county of Breathitt to the county of Owsley.
Which was received, the reading dispensed with, and referred to the Committee on Propositions and Grievances.

Mr. Varnon moved the following resolution, viz:
Resolved, That a committee of three be appointed, to act with a like committee of the House, to inform the Governor that the two Houses of the General Assembly are fully organized, and ready to receive any communication he may make to them.
Which was adopted.

Whereupon, Messrs. Varnon, Edwards, and Evans were appointed said committee.
On motion of Mr. Webb, leave of absence, indefinitely, was granted Mr. Boyd.

A message was received from the House of Representatives by Mr. Corbett, informing the Senate that they had met and organized, and had appointed a committee, to act in conjunction with a similar committee from the Senate, to wait upon the Governor and inform him that the two Houses of the General Assembly had met and organized, and were now ready to receive any communication he might think proper to make.

After a short time, Mr. Varnon, from the joint committee appointed to wait on the Governor, reported that they had performed the duty assigned them, and were informed by the Governor that, in a short
time, he would lay before the General Assembly a communication in writing.

In a short time, a message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Which was taken up and read as follows; viz:

_Fellow-Citizens of the Senate and House of Representatives:_

In welcoming you to the Capital of the State in regular session, I congratulate you that you meet under auspices comparatively so favorable. While some portions of our country have been scourged with pestilence, and financial distress has prevailed in others, our own people have, in the main, been blessed with health, and are free from other embarrassment than that which results from depression at the money centers. Seasonable harvests and average crops have rewarded the labor of the past year, giving with other blessings abundant cause of gratitude to a benign Providence.

I regret to say that, while the general observance of the laws has been commendable, yet in certain localities of the Commonwealth deeds of violence have been committed with such evidence of organization and pernicious design as to call for special condemnation. I give the subject the first prominence in this message, as well to invite your most earnest attention as to indicate my purpose and desire to lend the whole weight of my official and personal influence towards the suppression of an evil which has too long brought shame to us at home and reproach upon us abroad.

It matters little what may have been the origin of this form of lawlessness for which, in its incipiency, some have claimed merit as intended to correct abuses and crimes springing from the unsettled condition of affairs at the close of the war. It is enough to know that any expedient to redress real or supposed grievances other than as provided by the statutes is wrong, and not to be justified by any argument that regards law as the truest foundation and safeguard for society. The history of all such combinations is, that however worthy may be the original object, or however deserving its authors, they degenerate in time into lawlessness worse than that which they were designed to suppress, and, in the hands of bad men, become instruments of oppression even to those who first conceived them. Certain it is that, whatever the occasion, or who the originators of the system, which has developed so much of that organized crime to which I now refer, those who engage in such practices as midnight marauding in disguise, should be regarded and
treated as outlaws and the worst enemies of society. The indications are, that instead of being an organization extending over large districts, the worst elements of the several counties are only locally organized, and depend upon the popular terrorism which has sprung from the idea of a powerful and widely diffused organization.

Whatever plausible pretexts may have been found in certain conditions of society in other States to apologize for such unlawful combinations, not the least ground of excuse can be found for their existence in Kentucky. It could not be alleged that our Government had ever failed to maintain law and order, to punish crime, or protect the rights of its citizens when these night-prowling bands began their lawless career—a career which has been productive of evil, and only evil, to the community.

The safety of the citizen and the honor of the State alike require that all lawful means should be employed for the prompt and thorough suppression of such a condition of affairs. To this end the Legislature of the State must come to the aid of its judicial and executive officers. No additional legislation is needed for the punishment of these offenses, our statutes prescribe sufficient penalties for every crime that has been committed, and our laws are ample to secure the conviction and punishment of the guilty, if the officers of the law and juries do their duty. The difficulty in bringing these offenders to justice lies upon the threshold—in securing their detection and arrest. This difficulty, moreover, does not arise altogether, or even mainly, from the secrecy and disguise with which they seek to veil their crimes, or their facilities for concealment. These circumstances contribute less to their escape, as I believe, than the reluctance of men, whether from fear or favor, to disclose what they know, and the apathy or terror which restrains the community, and, by consequence, the officers of the law, from pushing investigation. Let now a healthier tone of public sentiment prevail; let the manhood of the community be roused; let them realize that they, the people, are the true conservators of the peace and good order of society; that upon them rests the defense of the laws of the Commonwealth and of the rights of the citizen; and let them determine, with the courage of freemen, that at all hazards these infamous outrages shall cease. Let this be, and the doom of these marauders is sealed.

The adoption of some suitable means by which the citizen shall be made to feel his responsibility in such cases would greatly promote the more faithful execution of law throughout the Commonwealth. There
is to me painful evidence of a radical change in the political spirit of some of our people—evidenced in their readiness to relinquish the duties and functions of their local governments. There is an increasing tendency to ignore the local authorities and depend upon the chief State officer at Frankfort for the execution of the laws, even to the performance of police duty. The fact gives just cause for alarm. For such abdication of duty not only involves peril to the rights and liberty of the citizen, but tends to impede the administration of justice, and opens the door to gross abuses. Men have left their homes and traveled over a hundred miles to this office, to let the Executive know that a murderer was within seven or eight miles of their residence, who, with the aid of a thousand dollars to be furnished by the Governor, might be arrested. Others have informed the Executive by letter, that two or three of their neighbors were guilty of crime, which could be proved by competent witnesses, if the State would furnish money to secure their arrest; and I fear that, in some instances, criminals have been purposely left to go at large until proclamations offering rewards for their apprehension could be secured.

Appeals have been made to me, in a number of instances, to organize a select company of mounted militia, armed, equipped, and maintained at the expense of the State, to be sent into certain districts, charged with the duty of detecting, arresting, and bringing to trial unknown perpetrators of crime, as also with that of hunting up witnesses to secure their conviction. The effect of such extraordinary procedure would be to supersede the regular constabulary force of the county, established for the purpose of securing to each vicinity the right and power of preserving the peace and enforcing the laws by home officers of its own selection; and to transfer from the citizen to the Executive, and a squad of soldiers controlled by him, the exercise of a grave authority and duty, which the Constitution and laws have, in the interests of liberty, jealously guarded against being lodged in his hands. Under the Constitution “the Governor is commander-in-chief of the army and navy of this Commonwealth and of the militia thereof,” and article 3, section 14, of the Constitution, directs that “the Governor shall take care that the laws be faithfully executed.” But the Legislature has restricted him in the use of the militia as a means of enforcing the law, and only allows him to call it out “to repel invasion, suppress insurrection, rebellion, riot, and to aid civil officers in the execution of the laws of the State,” when the “posse comitatus shall be deemed insufficient for the enforce-
ment of the laws," which, in my judgment, is as far as such authority should be vested in an Executive. Even then the power granted is not an exclusive prerogative of the Executive, but one which is equally shared by the authorities of the county.

In obedience, therefore, to the letter and spirit of the Constitution and laws, and in hearty sympathy with their teaching, I have, whilst anxious and prompt to employ every lawful means of repressing the disorders which have afflicted certain localities of our State, steadfastly refused—in the face, too, of much inconsiderate censure—to comply with the repeated solicitations made to me, either to send select companies or call out the militia in the infected districts. Had I yielded to the urgent, importunate, and, at times, almost mandatory appeals for such action, I should have justly incurred the censure of all true and wise friends of law and order, and of political liberty and public justice. I should have done an act unauthorized by the Constitution and laws; and no exigency can justify the Chief Magistrate of a State in violating his oath of office. Had I been fully convinced of the policy of the measure, which I was not, its adoption would have been a gross act of executive usurpation. None of the conditions precedent necessary to authorize me to call out the militia existed. No application has been made to me by the authorities of any county in which these disorders exist for aid in executing the laws—except as I have been asked to issue a proclamation offering a reward. No riot caused by the marauders has called for suppression; no resistance has been offered to the warrant of a magistrate; no officer of the law has been impeded in the discharge of his duty, so far as I am informed. In no instance has even a posse comitatus been summoned to aid in the arrest of such malefactors.

All the appeals to this office have been made through private and unofficial channels, and the entire outcry against the non-action of the Governor has been from such persons, and in such a form as rather to embarrass than aid the Executive in his efforts to bring the offenders to justice. Under these circumstances the Governor has no more authority to arm, equip, and employ troops than any private citizen, and to do so would constitute a malfeasance and usurpation of power furnishing just ground for his impeachment; and the soldiers thus employed would be, in the eye of the law, themselves marauders, indictable and punishable as disturbers of the peace. The Executive can be held responsible only for the use of the power intrusted to his hands; and to that extent I have strenuously employed all lawful means that suggested themselves
to me for the suppression of this peculiar form of lawlessness. I am pained to confess, however, that these efforts have not accomplished the desired end, and that I am satisfied that additional legislation, and even some extraordinary agencies, are needed for that purpose. Trusting that your wisdom will find an adequate remedy for a state of things which has become alike dangerous to the public welfare and a disgrace to the Commonwealth, I commend the subject to your earnest deliberation, with a few suggestions:

With regard to the officers of the law, I would suggest, that, as an incentive to greater faithfulness and diligence in the discharge of their duties, larger compensation be allowed for their services in executing the criminal law, at the same time heavier penalties be denounced against them for malfeasance in office and neglect of duty, especially as to jailers. The great number of escapes from jail through the State is ominous, and needs legislative attention.

I further recommend that the law shall provide that if, in any county or district where this character of disorders prevail, it shall be found that the people, either from complicity or sympathy with the wrong-doers, or from culpable indifference and disregard of their duty as citizens, shall make no earnest effort to detect and bring the perpetrators of crime in their midst to just punishment, then shall the Executive be empowered, without waiting for an application from the local authorities, to appoint a Commissioner of Inquiry, who, after being duly commissioned, and having taken an oath for the faithful performance of his duties, shall proceed to the county, district, or neighborhood where the disorder prevails, and hold an examining court, for the purpose of inquiring into the alleged offenses and securing the arrest of the guilty parties. And, that he may be fully protected while engaged in the discharge of his duties, as well as to secure the execution of his orders, he should be furnished with a sufficient guard of select men, vested with constabulary power, to be appointed and placed under his control by the Governor, with authority to increase their number should he deem it necessary. He should be invested, to the extent of his commission, with the same power and jurisdiction possessed by any other Court of Inquiry in the State, and also with the inquisitorial powers of a grand jury. He should be empowered to direct and cause to be arrested and brought before him all persons suspected of offenses to which his jurisdiction extends, hear the evidence in the case, and if, in his judgment, the proof establishes the guilt of any of the parties charged, or is sufficiently strong as that a
trial should be had in the circuit court, he shall commit to jail or hold to bail such guilty parties for trial in the circuit court of the county.

The compensation for the services of such Commissioners should be sufficiently liberal to secure the acceptance of the position by men of the highest qualifications, and this, together with the expenses attending such examinations, should be payable from the Treasury of the State upon proper affidavit of the Commissioner and upon being duly audited after approval by the Executive.

## STATE DEBT.

It is a source of great satisfaction to me, as doubtless it will be to you and the people of the State, to be able to announce that the State debt is virtually liquidated in full, with the exception of the school debt, which is a permanent loan, and therefore not redeemable.

At the close of the fiscal year ending the 10th day of October, 1872, the entire outstanding bonded indebtedness of the State was, as stated in my last annual message, $966,394. During the fiscal year which closed the 10th day of October, 1873, there was paid, of that amount, $435,000, leaving unpaid at that date the following bonds, to-wit:

<table>
<thead>
<tr>
<th>Bonds Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 per cent. bonds past due</td>
<td>$149,394.00</td>
</tr>
<tr>
<td>5 per cent. bonds past due</td>
<td>71,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1874</td>
<td>116,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1875</td>
<td>19,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1876</td>
<td>2,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1877</td>
<td>109,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1878</td>
<td>60,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1879</td>
<td>5,000.00</td>
</tr>
<tr>
<td>6 per cent. bonds maturing in 1880</td>
<td>500.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$531,394.00</strong></td>
</tr>
</tbody>
</table>

Since that date there have been redeemed and canceled of the foregoing bonds the following:

<table>
<thead>
<tr>
<th>Bonds Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 per cent. bond maturing in 1874</td>
<td>$1,000</td>
</tr>
<tr>
<td>6 per cent. bond maturing in 1875</td>
<td>135,000.00</td>
</tr>
<tr>
<td>6 per cent. bond maturing in 1876</td>
<td>61,000.00</td>
</tr>
<tr>
<td>6 per cent. bond maturing in 1877</td>
<td>1,000.00</td>
</tr>
<tr>
<td>6 per cent. bond maturing in 1878</td>
<td>2,000.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$200,000</strong></td>
</tr>
</tbody>
</table>

Thus leaving only $331,394 of bonds outstanding unredeemed and uncanceled. To meet that amount, the Commissioners of the Sinking Fund have deposited with the Bank of America in New York $350,000 of five-twenty gold-bearing interest bonds of the United States, worth a considerable premium in the market, with which to redeem said bonds.
with the accruing interest thereon. So that, the State having deposited with her fiscal agent in the city of New York an amount more than sufficient to pay her entire outstanding indebtedness, I feel justified in saying that she is virtually out of debt and free of her bonded obligations.

Among the outstanding and unredeemed bonds there are $165,000 in the possession of the Commissioners of the Sinking Fund, held by them for the benefit of the Agricultural College at Lexington. I respectfully recommend that an act be passed authorizing and directing the Commissioners to take up and cancel said $165,000 of bonds, and to substitute in lieu of them so many of the five-twenty bonds on deposit in New York as will be just and equitable to the College and to the State. Unless some provision of the kind suggested be adopted, the bonds mentioned cannot be redeemed for twenty years to come, as all of them are of the issue known as "military bonds."

In my judgment, sound policy and the best interests of the State alike demand that the last vestige of her indebtedness be wiped out, especially in view of the fact that she has the means with which to do it. It is better for her to exchange any security she may hold for her own paper when she can do it on fair terms.

REVENUE PROPER.

The Commissioners of the Sinking Fund, acting under the authority and by the direction of the act approved March 19, 1873, entitled "An act to amend the revenue laws of this Commonwealth," after investing so much of the means at their disposal in five-twenty gold-bearing interest bonds of the United States as was sufficient to provide for the payment of the whole amount of the redeemable bonded indebtedness of the State, as provided in said act, directed, by an order entered on their minutes on the 4th day of November, 1873, the Auditor to transfer all of the remaining resources of the Sinking Fund to the Revenue Proper, except the five cents tax on each one hundred dollars of taxable property to pay the interest on the school debt, which was accordingly done.

The wisdom and policy of that act will not be doubted when an examination is made of the Auditor's report, which in due time will be laid before you. It will be seen, from that report, that the receipts into the Treasury for the fiscal year ending the 10th day of October, 1873, to the credit of the Revenue Proper, were as follows, to-wit:
It will thus be seen that the expenditures exceeded the receipts for the last fiscal year ending the 10th day of October, 1873, $515,435 98.

It will also be seen that the transfer made, in pursuance to the order of the Commissioners of the Sinking Fund, not only enabled the Auditor to liquidate the deficit shown to exist, but also to estimate the receipts into the Treasury for the current fiscal year ending the 10th day of October, 1874, at $2,334,334 34; whilst the expenditures for the same period are estimated at $2,085,455 01. Thus showing, according to his estimates, that the surplus likely to be in the Treasury at the date stated will be $248,879 33. With strict economy that amount may be materially increased.

This is indeed a flattering condition of our finances. But it must be understood that in the Auditor's estimate of receipts is embraced $801,027 56 in cash, transferred from the Sinking Fund under the act of March 19, 1873, and which cannot be included in any future estimate of receipts into the Treasury for succeeding fiscal years. I would have no one misled by the prosperous condition of our finances likely to exist during the present fiscal year.

Whilst I am fully persuaded that the present rate of taxation will prove amply sufficient to pay the ordinary current expenses of the State for many years to come, if a just and proper valuation of the taxable property of the State can be had, and a prompt and faithful collection and payment of the public revenue secured, yet I am not certain that it will continue sufficient for many years to come, unless some material changes are made in our revenue laws.

I have heretofore called the attention of the General Assembly to the unequal, unjust, and inefficient system of assessing for taxation the taxable property of the State.

My information is, that in many of the counties of the State there are large quantities of property not listed for taxation at all; and in still a greater number it is rated at not more than one half its real value, and, in but few, up to its full value. Whilst the rate of taxation is equal and uniform upon the assessed value of property throughout the
Commonwealth, the burden is not equally distributed, for want of uniformity in the rate of assessment. I do not refer to those fraudulent evasions and concealments of which the dishonest tax payer is guilty in listing his property. The only means for the detection and punishment of these, further than the law now provides, would, perhaps, to be successful, involve an inquisitorial procedure vexatious to good citizens and more mischievous to the public interests than the fraud itself. I refer to that inequality in the rate of valuation for which assessors and supervisors are themselves responsible. If land, for instance, of the same market value, is assessed at fifty dollars per acre in one county, and at twenty-five dollars in another, it is clear that, whilst nominally a uniform rate of taxation is observed, the Government does practically and in fact exact from the citizens of the first county a tax double that which it requires from those of the second for the same amount of property; and, in such case, the theory of uniformity in the rate of taxation becomes a snare and a grievance. For, whilst it is but just that a citizen should bear his fair share of the public burdens, it is a grievance that the Government should increase the burden to him by permitting a discrimination in favor of others.

The Auditor's report for 1872 shows that the total valuation of the property of the State for that year was $22,653,959 less than it was for the previous year, and his report for 1873 will show it to be $372,181 less than it was in 1872. Should this state of things continue many years longer, an increased rate of taxation will be inevitable, or the public credit will seriously suffer. There is a remedy for this condition of affairs, and it ought to be applied promptly and without hesitation.

I respectfully recommend that an act be passed creating a Board of Equalization in each county in the State, to be appointed by the State authorities.

It ought to be made the duty of the county boards to lay off their respective counties into revenue districts, and to require the assessors to list the property in each district separately, and to return their books to them, who shall immediately proceed to examine them and see that all the taxable property is listed, and equally and justly valued, as nearly as may be.

They should have full power to increase or decrease the valuation of each piece of property listed; and when they have completed their work, they should be required to return the books under oath to the county clerks, who shall immediately examine and correct any mistakes of extension or addition.
A State Board of Equalization should also be established, whose duty it should be to examine the assessments of each county after they are returned to the Auditor, and increase or diminish them, so as to secure uniformity and a just valuation throughout the State.

A number of our sister States have systems for regulating and fixing the values of taxable property similar to that recommended, and my information is that they have worked admirably well, and proved a great success.

In the discharge of my official duties I have heretofore recommended, in two successive messages, the repeal of the law giving sheriffs and collectors until the first of April in which to pay the revenue into the Treasury. That recommendation I renew. The reduction of the resources of the Sinking Fund has increased the necessity for an earlier collection and a more speedy payment of the revenue into the Treasury.

Hereafter there will be little or no surplus in the Treasury to the credit of that fund from which to borrow, in case of a deficiency in the revenue; and an exigency may therefore occur which will prevent the prompt payment of the legitimate demands upon the Treasury, and thus force the State to suspension.

This dilemma can and must be averted by requiring sheriffs to settle their revenue accounts by the first day of January in each year. The injurious effects of the present law were clearly demonstrated during the present year by the inability of the Treasurer to pay promptly the school money when due to the several counties. Much the larger portion of that fund due in July last was not paid until October, in consequence of it not having been paid into the Treasury by the sheriffs—thus seriously injuring and embarrassing the school interests of the State.

In my judgment, and that of the Auditor, our revenue system cannot be made to work harmoniously and successfully under the law as it now stands.

COLLECTION OF REVENUE, AND CORPORATIONS.

Among the subjects which will be presented for your deliberation none will have more urgent claims on your attention than the adoption of some measure for enforcing a more prompt and efficient collection of the public revenue. For many years past so tardy and deficient have been the payments into the public Treasury, that the Auditor has often been unable, for a length of time, to meet appropriations made by the Legislature or the just claims of citizens; and frequently has the poor, laborious teacher of a district school, been distressed by having to wait...
for the payment of his hard-earned wages because of the failure in payment of the State and school revenues. Had not, indeed, the plentificorous Sinking Fund come to the relief of the revenue proper, the proud Commonwealth of Kentucky, rich in resources and with a merely nominal debt, would have been reduced to a condition of actual suspension of payment. And, although the defective collection of the current revenue was not the sole or chief cause of this financial embarrassment, it largely contributed to it. And, now that we have no longer the Sinking Fund to fall back upon, the prompt payment of every dollar of revenue raised at the present rate of taxation will be required to defray the ordinary expenses of Government; and should these delinquencies continue, they will inevitably create, at no distant day, a deficit, to meet which the State will be forced either to borrow money or increase the rate of taxation.

The increased delinquency of the last fiscal year is highly instructive. Although the taxes of 1872 were due from corporations and revenue collectors respectively January and April, yet on the 10th of October, the close of that fiscal year, the large sum of $251,238 68, including some back deficits due from corporations, and $229,387 96, due from sheriffs, making in all $480,626 64, remained unpaid. How much of revenue has been lost to the State in the last twenty years by the default of sheriffs alone is shown in the following exhibit furnished me by the Auditor:

<table>
<thead>
<tr>
<th>Year</th>
<th>Sheriffs' Revenue Unpaid</th>
</tr>
</thead>
<tbody>
<tr>
<td>1852</td>
<td>$98,568 82</td>
</tr>
<tr>
<td>1853</td>
<td>6,34 25</td>
</tr>
<tr>
<td>1854</td>
<td>4,752 94</td>
</tr>
<tr>
<td>1855</td>
<td>4,771 43</td>
</tr>
<tr>
<td>1856</td>
<td>552 87</td>
</tr>
<tr>
<td>1857</td>
<td>3,516 01</td>
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<tr>
<td>1858</td>
<td>18,241 20</td>
</tr>
<tr>
<td>1859</td>
<td>7,319 91</td>
</tr>
<tr>
<td>1860</td>
<td>26,886 68</td>
</tr>
<tr>
<td>1861</td>
<td>15,403 46</td>
</tr>
<tr>
<td>1862</td>
<td>15,180 81</td>
</tr>
<tr>
<td>1863</td>
<td>15,353 16</td>
</tr>
<tr>
<td>1864</td>
<td>14,576 28</td>
</tr>
<tr>
<td>1865</td>
<td>13 78</td>
</tr>
<tr>
<td>1866</td>
<td>16,112 67</td>
</tr>
<tr>
<td>1867</td>
<td>1,719 32</td>
</tr>
<tr>
<td>1868</td>
<td>6,254 46</td>
</tr>
<tr>
<td>1869</td>
<td>30,212 14</td>
</tr>
<tr>
<td>1870</td>
<td>1,645 56</td>
</tr>
<tr>
<td>1871</td>
<td>229,387 96</td>
</tr>
</tbody>
</table>

$517,241 21
In this table of deficits, amounting to more than half a million of dollars, we find only two years (1857 and 1866) in which the entire amount of taxes collected by sheriffs was paid into the public Treasury; and yet I see no reason why a proper legislation cannot secure such a result every year.

This loss of revenue to the State is not caused by the delinquency of the tax-payers, but of the sheriffs, who improperly retain in their hands the money collected from the people. The office is often sought, not for the legal compensation it proffers, but for the large profits made in handling the public money. Such a sheriff does not scruple to embarrass the public finances in using the people's money for his own private gain, and subject the Commonwealth to the vexatious delay and expense of a prosecution to wrest it from his hands. I say it with all courtesy, but with a firm conviction of its truth, that for this state of things the Legislature has been largely responsible in the indulgence which it has granted to such officers. It is a case of frequent occurrence that, when judgment has been rendered against a delinquent sheriff, a special act is obtained from the next Legislature releasing him from the damages assessed against him according to law. At every session much of the time of the General Assembly is consumed by cases of this kind; and, in considering the numerous applications, which are too generally granted, for extending the time of payment to individual sheriffs—an indulgence which has cost the State largely over fifty thousand dollars within the last ten years. I trust that you will observe greater caution in granting such indulgences than has been usual in the past.

Corporations are required to report their taxable property to the Auditor, and pay their taxes directly into the Treasury through their own officers, and at stated times during the fiscal year. How little regard has been paid to this requirement is shown in the fact stated above, that more than a quarter of a million of dollars due from these institutions remained unpaid at the close of the last fiscal year. Of such arrearages some (accumulating for years) are at length entirely lost, others are collected only by the expense and tedious process of a suit in chancery; and that many corporations evade taxation altogether is evidenced by the fact that every year the Auditor discovers that some of them have never reported to his office, nor paid a cent into the public Treasury.

The salutary amendments to the law on this subject incorporated by the revisors in the General Statutes will, if properly enforced, do much to abate the evil; and, whatever additional provisions may be needed to
complete the remedy, will, I trust, receive from you that attention which the importance of the subject demands.

In this connection I commend to your thoughtful consideration the peculiar immunities as to taxes, granted by charter to banks and other private corporations. When these institutions were first created by the Commonwealth it was thought wise to protect and encourage the investment of capital in enterprises which promised to be of such benefit to the public by a most liberal legislation, and, among the exclusive privileges, franchises, and immunities secured to them by charter, was an exemption from all taxation, except a stipulated specific tax upon their capital stock. When, afterward, similar corporations were multiplied, not so much for public accommodation as for purposes of private gain, the same, or even an increased exemption, was granted to them, without regard to the change which had taken place in the value of money, the financial condition of the country, or the fiscal requirements of the Government. The result is, that the surplus money of the wealthy, instead of being directed to the development of the resources of the country in the improvement of agriculture and other industrial pursuits, is aggregated in these institutions, where it receives an ample usury from the people, without sharing an equal part with them in the burdens of taxation.

The Auditor's report shows that on the 1st of January last we had eighty-seven banking institutions, employing a capital of twenty-two million one hundred and forty thousand dollars. Of these, fifty-two are required by law to pay a tax of fifty cents on each share of one hundred dollars of capital stock; thirty-four pay forty-five cents, and one is required to pay twenty-five cents. Besides these, one or more brokers' offices have received, by charter, a like exemption. None of these corporations pay any other tax whatever. Thus an aggregated money capital of over twenty-two millions of dollars, belonging to citizens of the Commonwealth, is so protected and exempted by the charters of these institutions as to escape its due share of the public burdens. It escapes all the city, county, and district taxes, which constitute at present so heavy a burden upon the citizens in many parts of the State, and refuses even to pay tax upon its surplus earnings. It is difficult to reconcile such a discrimination against the producing class of our citizens with the principle of "equal rights to all and exclusive privileges to none;" or with that other recognized maxim of political economy, that "taxation, to be just, must be equal and uniform." And upon what
ground can these institutions claim an immunity exempting them from the common obligations and responsibilities of property? Useful and convenient as they are to the business community, they are organized and operated, not for any beneficent purpose, but for gain; and their directors would be thought culpable in granting any favor or indulgence inconsistent with this purpose. I am happy to say that I am satisfied that our banks have been, in the main, conducted with integrity and to legitimate ends; and the manner in which they have met the recent and continuing financial crisis, assures us that they are in a sound and healthy condition. And, although they have not been able to afford to the citizens all the aid desired in this emergency, yet we have no cause of complaint, but rather commend the wise stewardship which secured their safety amid disaster, and cannot ask them to compromise their sufficiency by hazardous accommodations. Nevertheless a banking institution is simply aggregated capital, seeking through chartered privileges and under skillful financiers to secure larger and more punctual usury than it could otherwise obtain. And why should it, or any other corporation organized for like purposes, be granted an exemption from burdens which other property has to bear? It seems to me that a banking company, so weak and inefficient that it cannot make its business profitable without such immunity, is neither necessary or safe.

Our railroad companies enjoy a similar exemption. Our revenue laws fix the rate of assessment on these roads at $20,000, or, if narrow gauge, $10,000 per mile, upon which is to be paid the same rate of tax as is levied by law on real estate. This valuation includes their depot grounds and improvements, the right of way, engines, rolling stock, and all their investments for the uses and purposes of the road; and, as in the case of banking companies, they pay no other tax whatever. Some of them are exempted by law from all taxation for a number of years, and others, till their entire line of road is completed. When we take into consideration the large sums which have been consumed in the construction of these roads, raised by special tax levied upon the citizens of many counties, cities, and towns to pay for subscriptions of stock, imposed by voting majorities under authority of legislative enactments, and that the stock so subscribed is virtually a mortgage upon such localities, and has been, or is being, paid dollar for dollar, but is owned in many instances by the companies under purchases at greatly reduced prices, it does seem that the very improvements secured and built up by such taxation, and being operated at profit, ought to be made to assist in bearing all the burdens of taxation upon such localities.
Nor is it the present loss of revenue so much as the consequences which lie in the future that are just cause of alarm. The diversion of the surplus capital of the State to corporations enjoying such immunities must inevitably result in imposing an increased rate of taxation upon the real estate and producing classes, besides lodging a dangerous power in the hands of these privileged institutions. Already, in some of our neighboring States, the abuse of such power has excited great apprehensions, and given rise to the serious question how far the charters of such corporations are subject to revisal by the Legislature in the interests of the public. It is often the case, especially in the great commercial centers of the country, that moneyed institutions are organized and operated in the interest of rings, and, instead of meeting the wants and relieving the necessities of the farmer and other producers, are ready to help the monopolist in his efforts to take advantage of the necessities of the producer, and control the market for purposes of richer speculation; while at the same time, colossal railroad companies abuse their chartered power in exacting capricious, exorbitant, and oppressive rates of freight from those who are compelled to use their roads.

Whilst, however, we should be vigilant to mark such abuses and discover proper remedies for them, we must be careful not to invade vested rights, or encourage a spirit of hostility to the institutions themselves. We must not forget that, to the employment of associated capital, more than to any other cause, is due the great increase in the wealth of States, and the wonderful material progress which characterize the age in which we live. Such corporations, aided by the inventive genius of the age, undertake and accomplish enterprises which neither individual capital nor State aid could successfully carry on. We need more of such associations among us to facilitate commerce, stimulate manufacturing and agricultural industry, and aid in developing the resources of the State. We have happily had no occasion in Kentucky to provide remedies for the abuses mentioned above; and without discussing the question how far, in certain exigencies, the charter of a corporation is subject to revisal by the Legislature in the interest of the Commonwealth, as well as its own, I have desired simply to call your attention to the comparative immunity from public burdens enjoyed by certain institutions, and to submit to your wisdom to decide what remedy, if any, should be adopted to secure equality of taxation in their case.
In my last annual message I called the attention of the General Assembly to some suggestions, the adoption of which would make the turnpike stock of the State more profitable. I respectfully renew the recommendations therein contained for your consideration.

I am gratified to be able to state that the Auditor reports a continued increase in the revenue derived from this source ($33,550 in last year, and $27,847 45 the year preceding). But still it is not as it ought to be. I am sure if a proper agency were employed to attend to the interest of the State in these corporations, and secure its equitable share of their earnings, the amount received from them by the public Treasury would be greatly increased. These roads are amongst the most valuable of our internal improvements, and if the large sum of the public money—near three millions of dollars—expended in their construction had not returned a cent of revenue, they have so greatly contributed to the convenience, comfort, and prosperity of our citizens, that there would be no cause to regret the expenditure. This fact, however, can neither justify us in abandoning these public enterprises to the grasp of a few private speculators, nor absolve the Government from its duty of seeing to it that the people, whose money has been thus invested, shall have returned to them every dollar of dividend which is fairly their due. With States as with individuals, a wise liberality must always rest upon a just and rigid economy; and were this source of revenue even less considerable than it is, still the duty of exacting it would not be lessened. I am convinced, moreover, that, under a more vigilant and economic management, these roads may be made to yield to the State an annual income of fully fifty thousand dollars, without increasing tolls or lessening their accommodations for travel. A vigilant and energetic commissioner, supervising the interest of the State in these roads, could readily effect any changes in their present management which may be found desirable; for, as the larger portion of the stock in the several companies is owned by the State, its representative, properly instructed, could secure the election of suitable directors in each to introduce the proposed reforms.

Entertaining these views, I feel it my duty earnestly to renew my former recommendations that the Legislature provide by law for the appointment of a Commissioner of Turnpike Roads.

JUDICIARY.

It will become the duty of the General Assembly, at its present ses-
sion, to readjust the judicial districts of the State. Whilst addressing yourselves to this duty, I would press upon your consideration the urgent necessity which exists for the establishment of additional courts, in order to secure a more prompt administration of justice, especially in the execution of the criminal law. In my last annual message I called the attention of the Legislature to the inevitable but vexatious delays occurring constantly in the trial of both civil and criminal causes, and the enormous expenses of criminal prosecutions consequent on such delays. My views, as expressed in that document, to which I respectfully call your attention, have been confirmed in my mind by subsequent reflection and information, and I renew the suggestions therein contained, together with the recommendations which I now make. It is for many reasons desirable that our judiciary system should be uniform in its constitution throughout the State, and doubtless it was intended so to be by the framers of our organic law in the use of the circuit court system; but the power of the Legislature has been so restricted in creating circuit court districts, that it has been compelled for many years to supplement other courts to particular districts and localities, where the business and convenience of the people so much demand it, until at this day the system is much checkered. The increase of the present number of circuit districts is conditioned in that instrument by the possession of a population of fifteen hundred thousand, and we have no sufficient evidence that the State has yet attained to that number; hence we are compelled to provide for the deficiency by creating more criminal and chancery courts, or courts of common pleas. It is a question of great doubt with many whether, even if we possessed the requisite population, the General Assembly has constitutional authority to establish more than one additional judicial district every four years.

Under such restriction, the establishment of circuit courts, as provided for in the Constitution, could bring no adequate relief to our present necessities. After mature deliberation upon the subject, I recommend, as the most expedient measure that has presented itself to me, that you repeal all laws establishing equity and criminal courts and courts of common pleas in the State, except as to the city of Louisville, and redistrict the State into sixteen circuit court districts, providing for the election of a judge in each next August; that you create, in addition, a system of chancery courts, dividing the State—excepting the city of Louisville—into a proper number of chancery districts—say eleven—besides the one above mentioned, and provide for the holding of a court, vested with
equity jurisdiction only, in every county twice a year; providing further for the election of a chancellor in each district at the same time, and for the same term as in the case of judges of the circuit courts; and that the circuit judges be relieved from the consideration and jurisdiction of all equity causes, and be vested with only common law and criminal jurisdiction, and required to hold one extra term of their courts annually in each county for the trial of criminal causes exclusively.

This measure would give to the State sixteen circuit judges, twelve chancellors, and one vice chancellor, besides the common pleas judge of Louisville—thirty in all—in place of the present number—twenty-four. It will secure a uniform judicial system throughout the Commonwealth, and give equal facilities for justice to all the citizens. The division of labor will also enable the judges to devote their attention more exclusively to, and perfect themselves in, their several departments of the law intrusted to their administration, and afford them more time for study and deliberation in forming their decisions. Nor will the adoption of this measure increase the public expenditure. I am well satisfied that the saving in witness claims, guards, and jailers' fees, which it would accomplish, would fully pay the expenses incurred in the support of these additional courts.

SCHOOL DEPARTMENT.

I regret to say that the condition of our Common Schools is such as to require prompt measures of relief. The Department of Public Instruction is suffering from a financial embarrassment, not attributable to any fault in its administration, or to an insufficiency in the provisions made for its maintenance. The Constitution and laws have provided a liberal endowment for its support. The embarrassment is due solely to defects in the laws governing the payment of the school revenue into the Treasury and its disbursement among the teachers; and the derangement must continue until the provisions of the statute in this respect are changed.

Formerly the school year ended 31st December, and on the next day the revenue was due and was required to be paid into the Treasury. The Auditor, having full reports of the number of children attending school during the year just closed, had no difficulty in ascertaining the pro rata for each child, and promptly paid the school claims according to the estimates. But in 1870 the system was changed in two important particulars. Under the statute enacted at that time, and still in force,
the Auditor is required a year in advance, and before the assessment upon which the tax is to be levied and collected can be known to him, to estimate and certify to the school department the amount of school money distributable in the ensuing year; and upon this the Superintendent of Public Instruction calculates the per capita allowance to the children who are expected to attend the schools. It will be readily seen how difficult it must be for either the Auditor or Superintendent to make an accurate approximation even to the facts, in estimates based upon such unreliable data as the ever-varying returns in the assessment and collection of public revenue, or the uncertain attendance of pupils in our Common Schools.

Another defect in the law is, that it makes the compensation due to teachers payable in installments at stated times during the year, and thus promises a disbursement of the school fund before it is collected and paid into the Treasury. I recommend a return to the former system of annual payments, and that the rate of distribution of the school fund be estimated upon the basis of the revenue actually paid in. The school year now ends June 30, and, under the General Statutes, which took effect the first of this month, payments to teachers are to be made November 15th, February 15th, May 15th, and July 1st. But inasmuch as, under the former law, January 10th, April 10th, and July 1st were the times fixed for payment, no teacher can be paid for services rendered during the present school year until February 15th, 1874. I trust that this worthy and deserving class of our public servants will not be again subjected to such disappointments as they have experienced within the last two years, but that you will devise means to meet promptly their claims upon the State.

I commend to your attention the instructive and interesting report of the Superintendent of Public Instruction, which will be laid before you. All must be gratified with the assurance it gives of the steady progress and increased popularity of the enterprise, and the cheering evidences of success in the efforts made to secure an improved management of the schools, and greater thoroughness in the character of instruction in them.

Whilst our colored population are struggling so earnestly, and with a measure of hopeful success, to educate their children, it occurs to me that we should shape out for them a system of schools, and offer them at least the countenance of our approval in their laudable efforts toward improvement. In each of the annual messages I have heretofore delivered to the General Assembly I called attention to this subject, and
made recommendations suggestive of my views. I now renew those recommendations, and earnestly invite your attention to this important interest. Our own sense of justice, it seems to me, will not allow us to longer ignore this demand.

CHARITABLE INSTITUTIONS.

When I came into office I found the two Lunatic Asylums full to their utmost capacity; so that large numbers of that class of sufferers, for whom they were provided, were compelled, in the absence of hospital accommodations, to be confined in the public jails or guarded in private hands. The attention of the Legislature was called to the subject two years ago, with an earnest recommendation to supply the deficiency; and accordingly, on the 21st of April last, an act was passed reconstructing and changing the system of conducting said Asylums, and some others of the charitable institutions of the State, by the terms and provisions of which, the building which had been provided by the State as a House of Reform for Juvenile Delinquents was set apart and directed to be used as an Asylum for the reception and treatment of chronic cases of lunacy. It was provided, also, that, in case this Asylum, in addition to the other two, should prove insufficient to meet the wants of the white lunatics of the State, the Institution for the Education of Feeble-minded Children should cease to be used for the purposes of its erection, and converted into a Lunatic Asylum. The act directed "the Governor to cause all the lunatics in the State to be located and provided for in conformity with its provisions, at as early a day as practicable after the first day of May, 1873."

Immediately after the adjournment of the Legislature, and after a Superintendent and Commissioners had been appointed for the said new Asylum, situated near Anchorage, in Jefferson county, I made with them a personal inspection of the buildings and grounds, with a view to carrying out the provisions of said law. Finding the buildings unfinished and unsuited in construction for the purposes of such Asylum, without water supplies or facilities for warming the apartments, and destitute of furniture, it was manifest that lunatics could not be suitably accommodated there without a large expenditure of money in finishing the buildings and reconstructing and adjusting their apartments to their new purpose, as well as in supplying them with heating apparatus, water, and furniture. The Legislature having failed to make any appropriation for these purposes, the alternative was forced upon me either to abandon the
enterprise till the Legislature should reassemble, in the meantime leaving a multitude of poor lunatics unrelieved in their wretchedness, or to assume the responsibility of borrowing, in the name of the State, the money necessary to complete the improvement. I felt that, as Chief Magistrate of the Commonwealth, I was truly representing the hearts of a generous and humane people when, in compassion for the poor sufferers, I chose the latter alternative. I borrowed at once fifty thousand dollars from the Commissioners of the Sinking Fund, and proceeded to contract for materials and labor, furniture, &c., to secure the completion and readiness of said institution for occupation at the earliest day practicable—the amount expended, and to be paid under contract, being sixty thousand four hundred dollars. A special report on this subject will be laid before you; and I respectfully ask that you approve my action, and make provision enabling me to meet this liability.

The work and improvements having progressed so as to justify the risk, I issued a proclamation fixing the 15th day of October for the reception of inmates at that institution; and although the buildings and other necessary appendages are not entirely completed so as to supply their full capacity, yet about 143 inmates have been received, and are amply and comfortably provided for.

The Asylums at Lexington and Hopkinsville were relieved of a number of their chronic cases, in the hope that such reduction, affording more room to those remaining, would secure greater advantages; but these two, as well as the one at Anchorage, are again almost filled to their utmost capacity; and it is apprehended that the Institution for the Education of Feeble-minded Children, according to the provisions of the new law, will soon be required for the accommodation of lunatics. The buildings at the First Asylum for colored lunatics are filled, and yet there are many of that class unprovided for, confined in the common jails or under the care of committees. I recommend that you make provision for their reception at the Fourth Asylum. It need not cost a great sum of money to make ample and comfortable accommodations for the same number, or more than are at the First Asylum.

Application of New Law to Institution for Feeble-minded Children.

Construing the law of last April as not designed to divert the institution erected for the Education of Feeble-minded Children from the purpose for which it was originally established, until the other three Asylums were filled, and that contingency not having occurred, it has been conducted as heretofore, but under the new law, which has increased the
expense of its management by the amount of the additional salaries paid to the Steward and Assistant Physician. The reports of the Steward and Secretary, on file in my office, show that the receipts from the Treasury, added to the amount realized from the products of the garden attached to the institution, have been sufficient to pay the current expenses from first of May to first of November, except $1,881.61 paid for the purchase of coal, costing $2,500, which will supply the wants of the institution till April next; so that at that time there ought to be a surplus of funds on hand under the control of the Board of Commissioners.

Feeling that to abandon such a noble charity of the Commonwealth as this is, in the full tide of its successful experiment, in order to provide increased accommodations for another class of the afflicted, would be a source of profound regret to the friends of humanity who have watched its progress with so much interest, I recommend that some measure be adopted which will provide for the wants of the lunatic without interfering with the peculiar mission of mercy assigned to this institution.

Should its conversion into a Lunatic Asylum be persisted in, it will require an expenditure of from fifty to eighty thousand dollars to reconstruct and adapt the buildings to the purposes of a Lunatic Asylum; and, even then they will afford accommodations for but a limited number. I recommend, that, instead of this, you make an appropriation to enlarge the capacity of the Anchorage Asylum during the coming year, so as to receive about one hundred more lunatics. This, I believe, will secure ample accommodations for this class of our afflicted for many years to come, if the courts of the country will observe proper caution in sending inmates to such Asylums.

Operations of New Law.

Previous to the act which, in April last, reconstructed the Lunatic Asylums, the several Superintendents, who were appointed not in reference to their administrative ability, but solely in regard to their skill as physicians, were not only charged with the care and medical treatment of the inmates—the great object for which these homes for the afflicted were established—but were burdened with the entire financial management of the institutions, including the purchase of supplies, and the conduct of the farms and gardens attached to them. The General Assembly, believing that the welfare of the inmates required the constant attention, services, and skill of the medical officers to whose charge they
were intrusted, relieved the Superintendents and their assistants of all
other cares, and transferred the economical management of the institu-
tions to the hands of Stewards (subjecting them to the scrutiny and
oversight of a Board of Commissioners) appointed by the Governor.
I am gratified to be able to state that the experiment, within the first
six months of its trial, has fully vindicated the wisdom of the change,
and sustains the belief that it will not only prove a benefit to the afflicted,
but lessen very considerably the charge upon the public Treasury.
I have endeavored to procure such information as to enable me to
present a comparative statement of the cost of the several institutions
during the first six months under the new system, and for the same period
of last year. I have full reports of the expenses incurred under the new
system; but, inasmuch as no monthly reports or settlements were re-
quired under the former law, I have not been able to arrive at an accurate
exhibit of the expenses during the corresponding period of last year.
By estimating, however, an average of the expenses for the year, it would
appear that the cost of these institutions, under the new system, is less
than under the former by from twenty to thirty thousand dollars per
annum. The problem, however, will be fully solved by the end of the
year. I have required the Stewards to contract no debt beyond the
funds on hand to pay, and to settle and pay all contracts at the end of
each month of the year.
The present Board of Commissioners have paid, as appears from the
reports filed in my office, fifteen to eighteen thousand dollars of debts
against the institutions contracted before last May; but, on the first day
of November, no debt contracted under the new system remained unpaid,
except that for coal for the Third Asylum during the coming winter. I
am advised, however, by the former Board of Commissioners of the
Institution for the Education of Feeble-minded Children, that there are
debts contracted by them for improvements and supplies in carrying on
the institutions amounting to four thousand dollars, which remain unpaid.
I recommend that provision be made for their payment. I also recom-
mand that the annual salary of the Steward to the Fourth Lunatic Asy-
Ium be made equal with those of the First and Second Asylums.

Amendments Needed.

Our Lunatic Asylums, as well as the Institution for the Education
of Feeble-minded Children, contain a few inmates from other States.
These institutions were founded and have been maintained at a heavy
public expense as a State charity; and whilst none should be excluded
from their benefits, so long as there is room to receive them, it does not seem to me just that patients from other States should be admitted until the large number of our own afflicted are fully accommodated.

The law should be amended also in reference to pay patients, so as to provide, that, in cases where they are able to pay, wholly or in part, the expenses of their accommodation, proper security for such payment should be required and means provided for collecting it.

The annual report of the Commissioners for each of these institutions will be laid before you, and I call your careful attention to their examination. The suggestions and recommendations of the Commissioners for the First Lunatic Asylum are, in my judgment, very valuable, and I heartily indorse and recommend their adoption.

House of Reform.

The law appropriating the buildings at Anchorage to the purposes of a Lunatic Asylum still requires the Superintendent and Commissioners to receive in charge and treat juvenile delinquents, as provided for in the original establishment of that institution. It is not matter of surprise, however, that they have not been called upon to receive any of this class of offenders. To unite crime with misfortune, the custody and reformatory discipline of juvenile delinquents with the sanitary treatment of maniacs in the same institution, and under the same management, requires a combination of incongruous duties which, to say the least, promises no satisfactory results. But, convinced as I am, that the establishment of a House of Reform is dictated by a wise statesmanship, as well as by a compassionate philanthropy—that the State assumes only a duty of beneficence worthy of a Christian people when it lays a restraining hand upon its erring children, and seeks by a wholesome discipline to restore them to virtue, I trust that the enterprise will not be abandoned, and that you will take measures for the establishment of a separate institution for this purpose. The alternative must be the continued consignment of youthful offenders to the baneful contagion of concentrated crime in our State Penitentiary. From fifty to one hundred acres of the land originally purchased for that purpose may be set apart, and suitable buildings and inclosures erected at a small cost, amply sufficient to meet the present requirements for such an institution; and I recommend that it be done, as well, also, as that the provisions of the present law requiring juvenile delinquents to be received at said Asylum be repealed.

INSURANCE.

The report of the Insurance Commissioner for the year ending 31st
December, 1872, shows that the amount insured at that time upon property and lives in this State was $107,699,684 61. Premiums paid during that year by the people of this State amounted to $2,684,567 81. The colossal magnitude of these enterprises, rendering necessary that surveillance in the interests of the people which has been provided by the establishment of our Insurance Bureau, is shown in the fact, that the amount of all the insurance in force in the companies admitted and doing business in this State—the whole of which is under the law subject to supervision by the Commissioner—was, at the close of last year, but little short of six thousand millions of dollars. The income of these companies for the year amounted to $129,707,584 27, and the expenditures during the same time to $105,130,855 91. The companies paid into the State Treasury as their revenue tax for the fiscal year ending October 10, 1873, the aggregate sum of $57,607 72, and in fees toward defraying expenses of our Statesupervision of insurance, $13,714 98; while the expense of that supervision under our laws amounted to $27,732 13.

Previous to the enactment of the general insurance laws in 1870, the tax on premiums collected by insurance companies of other States and foreign countries, doing business in this State, was five per cent. These laws reduced the tax to two and one half per cent., and required, in addition to taxes (which are paid into the Treasury as part of the public revenue) and license fees (which go to the Auditor), that the companies shall pay the expense of State supervision. To be of any real value to policy-holders or to honest, well managed companies, State supervision must be rigid and effective. This I am sure has been the case in Kentucky under the operations of our Insurance Bureau.

The peculiar and onerous services demanded in faithfully fulfilling the requirements of the law for the protection of these vast interests cannot be efficiently rendered without, of necessity, involving a considerable cost. In some of the States, life insurance premiums are not taxed at all; in others, the tax is less than with us; and in nearly all the States the tendency is to reduce it. But, in my judgment, whatever relief from taxation in other respects it may hereafter be found expedient to grant to these companies, they should, in all cases, be required to pay the expenses incurred for their proper supervision by the insurance department.

An assessment has been made by the Commissioner, as the law requires, upon companies doing business in the State, to supply the deficiency in the receipts of last year in meeting the expenses of that Bureau.
These assessments, it is believed, will be paid into the Treasury. But, in order to guard against such charge upon the Treasury in the future, I recommend that all companies proposing to do business in this State under the general insurance laws, shall be required to deposit in the Treasury, at the beginning of each year, a sum sufficient to not only pay the customary fees, but to cover also such assessment as the Commissioner may find necessary to impose upon them to meet any deficiency in the expenses of the Bureau for that year. Such provision, whilst affording a convenient relief to the public revenue, will impose no undue exaction upon any company.

In my last annual message I recommended the repeal of an act passed at the January session of 1871, entitled "An act to authorize life insurance companies to make special deposits of securities in the insurance department." I most respectfully call your attention to the subject, and earnestly renew my recommendation for its repeal. The State should not, in my judgment, incur any further liability under that law; nor should it remain on the statute book to be used as a delusion in the hands of designing men.

PENITENTIARY.

I cannot but regard the present system under which the State Penitentiary is leased and managed as a reproach to the Commonwealth. In thus expressing myself, I would not be understood as implying any censure of the present or any former keeper in charge of the institution. It is the system, not the officer acting under it, with which I find fault. Impressed with this conviction, and anxious that the subject should be dispassionately and carefully considered by a Legislature unembarrassed by a canvass for the election of keeper, I commended the matter to the attention of the General Assembly in my last annual message. As, however, it was not taken up for consideration by that body, and as further thought bestowed upon the subject has but more thoroughly convinced me of the correctness of the views presented at that time, I would respectfully invite you to take the subject into careful consideration. I still favor and recommend the adoption of the warden system, as proposed in my former message, as I am satisfied that it has, more fully than any other, subserved the ends for which the penitentiary was instituted. But should you determine to adhere to the present system, I feel constrained (respectfully but most earnestly) to call your attention to some serious defects in the law governing the subject as it now stands.
the correction of which is required alike by considerations of public interest and by motives of humanity.

In an economical point of view the leasing system has proved a costly experiment to the State. Since its adoption in 1857, the excess of expenditures over receipts has been, as shown by the Auditor’s exhibit, largely over three hundred thousand dollars; and from 1865 to the present year, inclusive, the average annual charge of the institution on the public Treasury has reached the enormous amount of forty thousand dollars. This burden upon the State must continue, and probably be steadily increased, so long as the Penitentiary shall be leased upon terms now provided by the statute. The Legislature will be constantly called upon to make appropriations for the erection of new buildings, repair losses by fire, supply additional machinery, &c., whilst the only income derived from the institution to meet such outlay is the stipulated eight thousand dollars to be paid as annual rent by the keeper.

Now, whilst we cannot expect that any suitable and competent person will undertake the management of our convict labor unless it promises to be amply remunerative, I feel sure that the annual payment required of the lessee might be greatly increased, and still leave a large margin for profits. The hire of six hundred convicts at $8,000 per year, allows, as wages for each person’s labor, less than twenty-six cents per week, or a fraction over four cents per day. When we take into consideration the fact that all the necessary buildings for the accommodation of the inmates, the workshops, machinery, tools, &c., are furnished by the State, that the food and clothing supplied are of the cheapest quality, and that the labor is under absolute control, it does seem to me that an increased amount might be profitably paid for that hard labor which the taskmaster is not only permitted, but required by law, to exact from each convict.

A more important amendment to the law is required in the interests of humanity; for a more thorough inspection of the management of the institution, which, while it will tend to secure a wholesome prison discipline, may guard against abuses of power, and insure a strict obedience of the requirements of the law. The keeper having given his bond conditioned for the faithful performance of his office, pays his rental and makes his annual report; but how shall the Governor or the public know that the provisions of the law have been fully complied with or at all observed within the walls of the prison? The means of obtaining information in this matter are at present very slender; and yet, it is the indis-
The indispensible duty of the State to see to it that its buildings and machinery, which have cost so much money, are properly guarded and taken care of, and to know that the prisoners are humanely treated, how they are fed and clothed, cared for in sickness, and supplied with spiritual instruction in the dying hour; and what is the character of the discipline employed, and how it is enforced, and what means are used, if any, for the reformation of the convicts. The provision made for this end (General Statutes, chapter 85, section 10) has not proved adequate to the purpose, and I recommend that it be so amended as to provide for the appointment of one Inspector, with a sufficient salary (instead of the three therein mentioned), who shall be in daily attendance in the prison, and whose duty it shall be to examine into all the matters connected with the government, discipline, and police of the Penitentiary, and make a report thereof every month to the Governor. Provision should also be made for the appointment of a physician and chaplain, whose salaries, as well as that of the Inspector, shall be paid out of the rental collected from the keeper. And, as one object had in view in the change proposed is that the government may benefit by the observations of intelligent men upon the management of the institution made from the different stand-points in which their several duties may place them, I think that all these officers should be appointed and subject to removal by the Governor, and be required to report to him statedly, or whenever he may require.

I also recommend that it be especially provided that no person shall be punished for a violation of the rules of the prison unless in the presence of either the Inspector or Physician, and that in every case such punishment shall be inflicted only by the keeper, or in obedience to his express order.

STRONG DRINK AT ELECTIONS.

Under the conviction that the greater part of the undue excitement, lawless violence, riots, and personal encounters, often ending in bloodshed, as well as the corruption of voters and fraud, which so frequently disgrace our popular elections, is attributable to the free use of intoxicating drinks, I recommend that a law be passed forbidding, under stringent penalties, the vending or giving to any person ardent spirits, or other intoxicating liquor, on the day of any public election, at or within a specified distance from any place of voting. The elective franchise is the most precious birthright of a freeman; its free and intelligent
exercise the highest privilege and most responsible duty of a citizen. And among the duties of government, none are of higher obligation or greater moment to the public welfare, or to the interest of civil and political liberty, than that of guarding against every impediment or improper influence which may tend either to embarrass or prevent the free and honest expression of the popular will. He that corrupts a citizen commits a crime against liberty. There is, I believe, no one cause which tends so much to disturb the peace and corrupt the purity of elections, as the indulgence in intoxicating drinks on such occasions. It is neither patriotism nor party zeal that collects those noisy, turbulent, and riotous crowds which surround the polls, and often by their violence prevent the peaceful, quiet citizen, from casting his vote; which makes the voting place an arena for the settlement of old feuds in bloody conflict and the occasion of new ones. It is the inspiration of strong drink, and many men seem to look forward to election day as an anniversary for such indulgence. The adoption of the measure proposed will do much to disperse these crowds and abolish the disorders, and also remove from the final day of canvass that degrading form of bribery—a cheap price at which so many venal votes are sold. No man should be permitted to use it as a corrupting element in the election; nor should licensed vendors be allowed to profit on such occasions in its sale at such great cost and sacrifice to the public.

Such a law is now enforced with good results in other States, and in some of our local municipalities, and I recommend that it be extended to every election precinct in the State.

GEOLOGICAL SURVEY.

Under the law providing for the further prosecution of the Geological Survey of the State, I appointed, in June last, Professor N. S. Shaler, of Campbell county, as principal Geologist. On account, however, of his absence in Europe at the time of his appointment, he was not able to enter upon the duties of his office until August 23d, at which time the other officers provided for by law were also appointed by him, and their appointment concurred in by me. After the organization of the corps the Geological Survey of the eastern coal-field was at once resumed, and seven persons are now employed in the work—five in the field and two in the chemical laboratory—at the cost of about one thousand dollars per month for salaries, subsistence, and transportation.

The accompanying report of the superintendent of the Survey will exhibit his plans and estimates for the work which remains to be done.
Your special attention is called to his recommendation, that the work of the Survey be so extended as to include the water-powers and fisheries of the State, as also his plans for making special reports, accompanied by maps, of the territory adjacent to our several railways, whether already built or in process of construction. The execution of such a design, which will require additional force in the field, as also an office corps for the preparation of maps, cannot be accomplished without an increase in the appropriation made for the Survey.

The usefulness of such special reports upon the soils, medicinal waters, minerals, timber, and cultivated products of the lands lying within the reach of our railroads, cannot be doubted. The Geological, and its associated Surveys, constitute, in effect, an effort to obtain a complete account of our natural advantages, and exhibit them to the world, as a necessary preliminary step to the work of developing the resources of the State by attracting population and capital to its unoccupied fields.

Your attention is also called to the recommendation in reference to securing the aid of the United States Coast Survey. It is of the first importance that we should have the aid of this able scientific corps in the preparation of an accurate geographical and topographical map of the State. I again invoke the liberal support of the Legislature to an enterprise, the successful prosecution of which is fraught, as I believe, with great and lasting benefits to the Commonwealth.

PUBLIC OFFICES.

The State has expended one hundred and fifty-five thousand dollars in erecting and partly finishing the building in the Capitol grounds, commonly called Fire-proof Offices; and yet not more than one half of its room is fit for use and occupation. The State needs its apartments for the safe-keeping of valuable papers and the transaction of public business, and is compelled to rent insecure and inconvenient offices in private buildings to supply the deficiency. I invite your personal inspection of the building, and recommend that you decide for what purposes it shall be used, and provide by law for its early completion.

HONORED STATESMEN AND SOLDIERS.

By the terms of a resolution adopted and passed by the last General Assembly, it was made "the duty of the Governor to have the remains of Gen. CAREY H. FRY, Col. THEODORE O'HARA, and Adjutant GEORGE N. CARDWELL, brought to and deposited in the State military lot at
Frankfort, and their graves marked with appropriate stones." I was unable to comply with the requirements of the resolution, inasmuch as no provision was made under which the money could be drawn from the public Treasury to defray the necessary expenses; and in order that the duty may be performed, I recommend that you make the necessary provision.

A resolution was also passed by that General Assembly directing the Governor to cause monuments to be erected over the graves of Governors John Adair, John Breathitt, and Charles S. Morehead, which has been done, except as to the grave of Gov. Morehead. The appropriation for his monument was only twelve hundred dollars, whilst as to the others there was no restriction. Learning from his family that they designed to supply additional funds with a view to the erection of a monument which should not be inferior to any of those adorning the graves of other deceased Governors in the State cemetery, I have delayed taking action; and that there shall be no seeming discrimination made by the State in such commendable memorials of our honored dead, I recommend that the restriction above alluded to be removed.

IMMIGRATION.

Regarding it as matter of such momentous interest to the State, I feel constrained to again call the attention of the Legislature to the propriety and great need of adopting some measures to encourage immigration. Almost every other State is alive to this great means of enriching and strengthening their population; and whilst both older and younger States than ours have found such success as to stimulate them to increased effort, we have stood still. We have the room, and need a million more citizens, with strong arms, brains, and gold. Our soil, climate, and our institutions, with our mountains of coal and iron, stretching from the Big Sandy to the Mississippi river; our immense supply of minerals; our timber and water-powers, as also our light taxation, properly presented and made known, would soon bring to us great gains in citizenship, wealth, and power.

Shall we open the gateway and invite them to come in?

I also call your attention to the suggestions made in my last annual message in reference to the establishment of a Bureau of Statistics. Should you, however, not think it advisable to establish a Bureau so comprehensive in its design as was recommended at that time, I trust that
you will make provision for the collection and preservation of such statistics in some form which shall render them more accessible than at present.

CONCLUSION.

In conclusion, I call your attention to the large amount of time which is devoted at every session of the General Assembly to the consideration of bills and subjects of a purely local and private nature, and such as often are within the jurisdiction of the courts. The numerous demands made upon its attention by this kind of special legislation not only impede the dispatch of business, and prolong the sessions of the Legislature, at a great expense to the State, but, what is still more to be deprecated, consume the time requisite for careful and mature deliberation upon matters of grave and general public interest. Were the larger part of the applications for such private bills referred to local courts, which would be generally more competent to decide upon their merits than the State Legislature can be, I am satisfied that the work of legislation would be rendered more efficient, and that we could return, without any detriment to the public interest, to biennial sessions of the Legislature, as contemplated by the Constitution. However convenient such special legislation may be to the private citizen, its inconvenience and expense to the State are manifestly so great, that you could surely incur no censure from your constituents in providing by general law that, in a certain class of cases, the local courts shall have power to grant the same relief or franchise as is now given by special act of the Legislature.

Pledging you a faithful and earnest cooperation in your labor for the public welfare, I pray that you may be guided in all your deliberations by that wisdom which cometh from above, and directed in its light to the adoption of measures which shall be, under the blessing of Divine Providence, abundantly fruitful of good to the Commonwealth, whose representatives you are.

P. H. LESLIE.

Mr. Gatewood moved the following resolution viz:

Resolved, That that portion of the Governor's message relating to the financial condition of the State, be referred to the Committee on Finance.

That portion relating to Criminal Law and Lawlessness, to the Committee on the Judiciary.

That portion relating to Courts and the redistricting the State, to the Committee on Courts of Justice.
That portion relating to the Charitable Institutions of the State, to the Committee on Charitable Institutions.
That portion relating to Insurance, to the Committee on Banks and Insurance.
That portion relating to the Militia, to the Committee on Military Affairs.
That portion relating to the Penitentiary, to the Committee on the Penitentiary and House of Reform
That portion relating to the Geological Survey of the State and Immigration, to the Committee on Immigration and Labor.
That portion relating to Education, to the Committee on Education.

Which was adopted

Mr. Brown moved the following resolution, viz:

Resolved, That the Public Printer be directed to print four thousand copies of the Governor's message, with paper covers, enveloped and stamped, ready for distribution by mail, for the use of the members of the Senate.

Which was adopted.

Mr. Turner moved the following resolution, viz:

Resolved, That the rules of the Senate, and the joint rules of the two Houses for the last session of the General Assembly, be adopted as the rules for the present session of the Senate.

Which was adopted.

Mr. Hodge moved the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee, consisting of ten members upon the part of the Senate, and ten members upon the part of the House of Representatives, be appointed by the Speakers of the Senate and House of Representatives, to take into consideration the subject of the apportionment of representation in the Senate and House of Representatives, and report by bill or otherwise.

The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with, said resolution was taken up and adopted.

Mr. Hodge moved the following resolution, viz:

Resolved, That the Sergeant-at-Arms of the Senate be, and he is hereby, authorized to appoint one additional Page of the Senate, in addition to the usual number of Pages.

Which was adopted.

Mr. Haggard moved the following resolution, viz:

Resolved, That the Sergeant-at-Arms of the Senate be directed to purchase, for the use of each member of the Senate, three daily newspapers, and place them upon the tables of each Senator.

Which was adopted.
Mr. Evans, by unanimous consent, reported a bill, entitled
A bill to regulate the times for holding the Christian quarterly
courts.
Which bill was read the first time and ordered to be read a second
time.
The constitutional provision 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, viz:
On motion of Mr. Walton—
1. A bill to take the sense of the people of this Commonwealth as
to the propriety and expediency of calling a convention to amend
the State Constitution.
On motion of Mr. Evans—
2. A bill to incorporate the Hopkinsville Plow Manufacturing Com-
pany.
On motion of Mr. Gilbert—
3. A bill to create a sinking fund for McCracken county.
On motion of same—
4. A bill to facilitate the collection of taxes.
Ordered, That the Committee on Internal Improvement prepare
and bring in the 2d; Messrs. Gilbert, Hale, and Darby the 3d; and
the Committee on Finance the 4th.
And then the Senate adjourned.
4-s.
The Speaker laid before the Senate the following as the Standing Committees of the Senate for the present session, viz:


The Speaker laid before the Senate a communication from Hon. Wm. Johnson, one of the Commissioners appointed to edit and prepare the General Statutes for publication, as follows, viz:

Hon. John G. Carlisle, Speaker of the Senate:

Sir: In editing the General Statutes, I noticed several inconsistencies and omissions, some of which you will find indicated in the inclosed paper, to which I call the attention of the General Assembly, at the request of several members of your body.

Yours respectfully,

WILLIAM JOHNSON.

INCONSISTENCIES OF THE GENERAL STATUTES.

Page 223, section 1, line 9, the word "county" is used instead of the word "district."

Pages 237-8, sections 1, 2, and 3, the word "act" is used instead of the word "chapter."

Compare sections 9 and 10, on page 264, with section 5, on page 386; also sections 39 and 40, page 786, with sections 9 and 10, page 386.

Page 310, section 2, article 20, is in conflict with subsection 5, section 10, page 568, of the Criminal Code; see also section 4, page 350, of the General Statutes. Would it not be better to repeal section 2, on page 310?

Section 9, on page 350, is in conflict with section 11, on page 703; and both are in conflict with section 3, on pages 302-3.

Chapter 49, Guards, section 1, on pages 509-10, is in conflict with section 5, on page 310.
In the General Statutes, we have nothing as to the competency of witnesses, except on page 330, section 8. The Civil Code, sections 669 and 670, declare who is competent and who is incompetent. The Criminal Code is silent upon the subject.

Subsection 1, of section 670, Civil Code, says: Persons convicted of a capital offense, or of perjury, subornation of perjury, burglary, robbery, larceny, receiving stolen goods, forgery, or counterfeiting, shall be incompetent to testify.

Now, under the present law, suppose a convict in the penitentiary should be guilty of a felony while confined in the prison, could you introduce a convict, guilty of any of the above offenses, as a witness against him? I think not.

Would it not, therefore, be well to re-enact section 8, of article 3, chapter 74, of the Revised Statutes (volume 2, page 203), which reads as follows, to wit: "On the trial of a convict confined in the penitentiary for a crime committed during the time for which he is convicted, the other convicts (except such as have been convicted of perjury) shall be competent witnesses."

If the foregoing provision is embraced in the General Statutes, I have overlooked it.

Section 19, on page 581, is in conflict with section 15, on page 728. It should be 10 or 20 days after judgment, and not after adjournment.

Compare sections 5, 6, 7, and 8, on page 579, with sections 1, 2, and 3, on pages 748-9, and see if they do not conflict.

Section 5, page 579, says the trustee must report on the 2d day; section 1, page 748, says the 1st day.

Section 5, page 579, fixes the fine at not exceeding $30; section 3, page 749, says not exceeding $500. Both articles 6 and 15 certainly need correcting.

Section 10, page 580, requires the Trustee of the Jury Fund to settle his accounts. Section 17, page 581, fixes the penalty at not exceeding $500 for not settling; section 22, page 730, says not less than $300 nor more than $500, for failing to settle.

Section 20, page 730, also conflicts with section 17, page 581, as to the amount of fine.

It will be seen that section 18, page 581, and section 13, page 728, are the same; yet section 20, page 730, fixes a different penalty from section 17, page 581, for the same omission of duty.

Section 1, article 7, page 583, prescribes the same penalties that section 17, page 581, does.

Article 6, page 578, article 7, page 735, and article 15, page 748, all legislate on the same subject, and are very conflicting.

Section 1, page 717, relates to article 7 and article 15, and there again the penalty is different.

The above three articles ought to be revised from beginning to end. See also sections 7 and 8, page 202.
the judgment shall bear interest from the first day of the preceding June. Suppose the money was due and payable into the Treasury on the 1st day of January, 1873, and judgment was not rendered until 1st of July, 1873, the State would lose six months' interest. Would it not be better to make the judgment bear interest from the day the money should have been paid into the Treasury?

Sections 3 and 4, article 10, page 740, seem to be in conflict with sections 1 and 2, article 14, page 748. What necessity is there for article 14?

Railroads is omitted in article 14, and Plank Roads in article 10.

Which communication, together with the accompanying document, was referred to the Committee on Revised Statutes.

Mr. Hays presented a memorial from Hon. Ed. Wooldridge, claiming to have been elected to the Senate on the first Monday in August, 1873, from the 27th Senatorial District, composed of the counties of Fayette, Jessamine, and Woodford, viz:

To the Senate of the Commonwealth of Kentucky:

Your petitioner and memorialist, Ed. Wooldridge, represents to your honorable body that he is and was, on the first Monday of August, 1873, a citizen of the county of Woodford, and of the Commonwealth of Kentucky, possessed of all the legal qualifications to entitle him to a seat in the Senate; that, in obedience to the statute in such cases made and provided, an election was held at the respective polls in the several counties of Fayette, Jessamine, and Woodford, constituting the 27th Senatorial District of the State of Kentucky, for the purpose of electing a member to represent that district in the Senate. W. C. Goodloe, of the county of Fayette, and your petitioner, were the only candidates for that office at said election.

Your petitioner further represents, that, after said election was held, the boards for examining the poll-books of the respective counties constituting said district met at the clerks' offices of their respective counties, and examined the poll-books of the several precincts thereof, in strict conformity with the laws of the State in such cases made and provided; and it appeared from the certificate of the duly authorized board for examining the poll-books of the county of Fayette that your petitioner had received of the votes cast at said election two hundred and thirty-two votes, and W. C. Goodloe, of the county of Fayette, two hundred and ninety-one votes. A certified copy of said certificate from the office of the Clerk of the Fayette County Court is filed herewith as part hereof, marked "A."

It further appeared from the certificate of the regularly authorized board for examining the poll-books of the county of Jessamine, that your petitioner received of the votes cast at the aforesaid election one thousand and fifty-one votes, and W. C. Goodloe, of the county of Fayette, one thousand and seventy-six votes. A certified copy of
said certificate from the office of the Clerk of the Jessamine Court is filed herewith as part hereof, marked "B."

It further appeared from the certificate of the duly authorized board for examining the poll-books of the county of Woodford, that your petitioner received of the votes cast in said election, in the said county, thirteen hundred and two votes, and W. C. Goodloe, of the county of Fayette, ten hundred and forty-five votes. A certified copy of said certificate from the office of the Clerk of the County Court of Woodford is attached hereto and made part hereof, marked "C."

From all of which certificates it will fully appear that your petitioner, at said election, received at said election a majority in said district of nine hundred and seventy three votes.

Your petitioner further represents, that, after said election was had and after said certificates had been granted, and after the same had been delivered as required by law to the sheriffs of the respective counties named, to-wit: on the first Monday after said election, the sheriffs of the several counties met at the Clerk's office of the County Court of the county of Fayette—it being the first county named in said Senatorial District—which is heretofore mentioned, and therefrom give triplicate or more certificates of election in writing, over the signatures, of the person who appeared to have received the highest number of votes—one copy of the certificate to be retained in the clerk's office, another delivered to the person elected, and the other forwarded to the Secretary of State, at Frankfort; or, in other words, "having ascertained, by faithful comparison and addition, the number of their respective polls," shall make return in the manner above set forth. Now, your petitioner, being reliably informed that the sheriffs of two of the counties named, constituting a majority, with power to act, in disregard of what he conceived to be the law, and in violation of his rights as a citizen, were about to proceed to grant a certificate of election to his competitor, W. C. Goodloe, of the county of Fayette, notwithstanding the fact that it appeared, from the certificates of the boards for examining the poll-books of the several counties, that your petitioner had received the highest number of votes cast at said election for said office, procured an order from the Circuit Court for the county of Fayette enjoining and restraining said sheriffs from issuing to said Goodloe the certificate of election, and sued out a mandamus, from the same court, to compel the sheriff aforesaid to issue said certificate to him. All of which matters and proceedings are yet pending and undetermined in said court.

Your petitioner would respectfully submit to your honorable body that the sheriffs of the several counties, acting in the capacity last named, are merely ministerial officers, having no power or authority express or implied, to go behind the certificate of the boards for examining the poll-books of the respective counties. If the power attempted to be exercised by them be conceded, they could, with equal right and propriety, constitute themselves judges of the election, and pass upon the qualifications of the voter at the polls. Such
a power would be dangerous to the liberties of the people—an engine of fraud and corruption.

In support of this position assumed by your petitioner, the statute provides that "the poll-books shall (after the examination and comparison made by the board for each county) remain in the clerk’s office as part of its records." Being in possession of the clerks of the different counties composing the Senatorial District, who are made by law the custodians of the records of their respective counties, there is no authority given the sheriff, or any one else, to remove the same; and, especially, there is no authority to remove the records from the county in which they are kept, and to which they belong, to another county, without an order from a tribunal authorized by statute to cause the removal of the same. Assuming this to be the case—that no poll-books were present at the place designated by law for the sheriffs to meet; except those of the county in which they did meet—the conclusion is inevitable that their action must be controlled by the certificates made and delivered by the boards for examining the poll-books of the several counties.

Your petitioner would further represent, that his competitor, W. C. Goodloe, of the county of Fayette, received in the county of Jessamine, one of the counties composing the 27th Senatorial District, twenty-five illegal votes, which said votes were counted by the Board of Examiners for Jessamine county for the said Goodloe, and go to make up his aggregate vote in that county, which, being deducted from his vote, would still increase the majority of your petitioner.

Your petitioner further states that, at precinct No. 2, in the county of Jessamine, many legal and qualified voters, on the day of election, who had offered to vote for him; and intended so to do, were, by an armed mob of negroes, driven from the polls, and by threats and intimidation were prevented from voting; who, but for such threats and intimidation, would have voted for him.

The premises considered, your petitioner prays that he be given his seat as a member of the Senate of the Commonwealth of Kentucky, for the 27th District, to which he is by right and law entitled.

E. WOOLDRIDGE.

STATE OF KENTUCKY, FAYETTE COUNTY, &c:

We, Benj. F. Graves, Presiding Judge, L. P. Tarleton, jr., Sheriff, and Allie G. Hunt, Clerk of County Court, and State aforesaid, duly authorized to compare the poll-books for the county of Fayette, do certify, that, at an election held on the 4th day of August, 1873, in said county, for Senator in the 27th Senatorial District, Ed. Woolridge received two hundred and thirty-two (232) votes, and W. C. Goodloe received two hundred and ninety-one (291) votes.

Witness our hands this 7th day of August, 1873.

Benjamin F. Graves, P. J. F. C. C.

Allie G. Hunt,

Clerk Board of Examiners F. C.
COMMONWEALTH OF KENTUCKY, set.:

We, Tucker Woodson, Presiding Judge, J. M. Mattingly, Sheriff, and R. S. Price, Clerk of the County Court, duly authorized to compare the poll-books for the county of Jessamine, do certify, that, at an election held in said county on Monday, the 4th day of August, 1873, for the office of State Senator for the State of Kentucky, at the several places provided by law for holding elections in said county, upon due comparison and addition, the vote stood thus:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>W. C. Goodloe</th>
<th>Edmund Wooldridge</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 1</td>
<td>227</td>
<td>197</td>
</tr>
<tr>
<td>No. 2</td>
<td>386</td>
<td>288</td>
</tr>
<tr>
<td>No. 3</td>
<td>61</td>
<td>122</td>
</tr>
<tr>
<td>No. 4</td>
<td>103</td>
<td>106</td>
</tr>
<tr>
<td>No. 5</td>
<td>93</td>
<td>106</td>
</tr>
<tr>
<td>No. 6</td>
<td>206</td>
<td>177</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,076</strong></td>
<td><strong>1,051</strong></td>
</tr>
</tbody>
</table>

Given under our hands this 7th day of August, 1873.

T. WOODSON, Presiding Judge.

J. M. MATTINGLY, Sheriff.

ROBT. S. PRICE, Clerk County Court.

STATE OF KENTUCKY, JESSAMINE COUNTY, set.:

I, Robert S. Price, Clerk of the County Court of the county aforesaid, do certify that the foregoing is a true copy of the election certificate in the Senatorial race at the August election, 1873, as appears on file in my office.

Given under my hand this 3d day of December, 1873.

ROBT. S. PRICE, C. J. C. C.

COMMONWEALTH OF KENTUCKY, set.:

We, Wm. W. George, Presiding Judge of the Woodford County Court, L. H. Parrish, Sheriff of Woodford county, and Sam S. Darneal, Clerk of the Woodford County Court, duly authorized to compare the poll-books for the county of Woodford, do certify that, at an election held in said county on the 4th day of August, 1873, for the office of State Senator, at the several places provided by law for holding elections in said county, upon due comparison and addition, the vote stood thus: At precinct No. 1, Edmund Wooldridge received 242 votes; Wm. Cassius Goodloe received 218 votes. At precinct No. 2, Edmund Wooldridge received 118 votes; Wm. Cassius Goodloe received 64 votes. At precinct No. 3, Edmund Wooldridge received 287 votes; Wm. Cassius Goodloe received 217 votes. At
At an election held August 4th, 1873, for Senator for the 27th District, composed of the counties of Fayette, Woodford, and Jessamine, Ed. Wooldridge and your petitioner were the only persons voted for by the qualified voters of the district; that the poll-book of the above named counties show that your petitioner received 5,184, and Ed. Wooldridge received 5,164, votes.

Your petitioner further states, that, in accordance with law, and in view of the fact that your petitioner received a majority of the votes cast, the sheriffs, whose duty it was to prepare certificates of election, were enjoined, while in discharge of that duty, by an order from the honorable the Fayette Circuit Court, on petition of Ed. Wooldridge.

It has at no time, or by any one—to the knowledge of your petitioner—been urged that the majority of votes received by your petitioner were obtained by fraud or any other wrong against the rights of the people or the dignity of the Commonwealth.

As the Constitution explicitly states, "each House of the General Assembly shall judge of the qualifications, elections, and returns of its members," your petitioner protests against the right of a court to interfere with the officers appointed by law to certify such elections in the rightful discharge of their sworn duty; and he feels and believes that such action on the part of the court, and the consequences following an obedience by the sheriffs of an unwarrantable restraining order, ought not, and will not, prejudice his rights before the only body having jurisdiction.

Your petitioner asks to be admitted as Senator from the 27th District, as a matter of right to himself and justice to one of the largest and most intelligent constituencies in the State.

5-8.
Your petitioner files herewith a statement from the sheriffs of Fayette and Jessamine counties, in verification of the justness of your petitioner's claims.

Edmund Wooldridge appealed to an inferior court; your petitioner appeals to the Senate, knowing that it is the only power competent to pass upon the claims of either.

Your petitioner unreservedly invites and courts a thorough investigation of the poll-books of the 27th District; and if it be subsequently shown, to the satisfaction of the Senate, that your petitioner has not received the suffrages of the greater number of the qualified voters of the 27th District, he neither expects nor desires to retain the seat.

Your petitioner would further state, that, if he be admitted as Senator for the 27th District, as he believes he is of right entitled, that in no case will he place any obstacles in the way of the fullest and ampest scrutiny of the poll-books, in order that any fraudulent or illegal votes may be discovered; and he distinctly waives all technical objections and niggles concerning any investigation the Senate may deem proper to inaugurate.

The position of Senator, honorable as it is, has no charms for your petitioner, if it be not obtained by the untrammeled suffrages of a majority of the legally qualified voters of this district; and the resignation of your petitioner will not be tardily tendered any moment another can substantiate a more equitable claim.

Again, your petitioner asks to be admitted as the duly elected Senator for the 27th District.

WM. CASSIUS GOODLOE.

We, L. P. Tarlton, jr., Sheriff of Fayette county, and J. M. Mattingly, Sheriff of Jessamine county, herewith certify, that, on Monday, August 11th, 1873, we met in the court-house at Lexington, Fayette county, as required by law, for the purpose of counting the votes cast for State Senator for the 27th District, at an election held in pursuance of law, on Monday, August 4th, 1873, and by faithful comparison and addition ascertained the number of said polls.

We had before us the certificate of the returning board, and the poll-books of Jessamine county, on which votes were recorded as follows:

<table>
<thead>
<tr>
<th>Precinct No. 1, West Nicholasville</th>
<th>-</th>
<th>227</th>
<th>199</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct No. 2, East Nicholasville</td>
<td>-</td>
<td>386</td>
<td>288</td>
</tr>
<tr>
<td>Precinct No. 3, Marble Creek,</td>
<td>-</td>
<td>61</td>
<td>122</td>
</tr>
<tr>
<td>Precinct No. 4, Little Hickman,</td>
<td>-</td>
<td>103</td>
<td>106</td>
</tr>
<tr>
<td>Precinct No. 5, Lee,</td>
<td>-</td>
<td>93</td>
<td>161</td>
</tr>
<tr>
<td>Precinct No. 6, Keene,</td>
<td>-</td>
<td>206</td>
<td>177</td>
</tr>
<tr>
<td>Total,</td>
<td>-</td>
<td>1,076</td>
<td>1,053</td>
</tr>
</tbody>
</table>

And the certificate of the returning board of Woodford county, presented by L. H. Parrish, Sheriff of Woodford county, which evi-
denced that Edmund Wooldridge had received 1,302 votes, and William Cassius Goodloe had received 1,045 votes.

We had before us also a certificate, signed by two of the members of the returning board for Fayette county, stating that Ed. Wooldridge had received 231 votes, and Wm. Cassius Goodloe had received 290 votes.

We also had before us another certificate, signed by the remaining member of the returning board for Fayette county, which evidenced that Edmund Wooldridge had received 2,809 votes, and Wm. Cassius Goodloe had received 3,063 votes.

Between these conflicting certificates from the county of Fayette we did not feel authorized to determine as to the validity of either, and adjourned to the clerk's office and examined the poll-books themselves.

The votes thereon for State Senator were as follows:

<table>
<thead>
<tr>
<th>District No. 1, Athens</th>
<th>W. C. Goodloe</th>
<th>Ed. Wooldridge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>174</td>
<td>388</td>
</tr>
<tr>
<td>District No. 2, Briar Hill</td>
<td>133</td>
<td>150</td>
</tr>
<tr>
<td>District No. 3, Dog Fennel</td>
<td>127</td>
<td>202</td>
</tr>
<tr>
<td>District No. 4, Sandersville</td>
<td>162</td>
<td>270</td>
</tr>
<tr>
<td>District No. 5, South Elkhorn</td>
<td>116</td>
<td>224</td>
</tr>
<tr>
<td>District No. 6, East Hickman</td>
<td>104</td>
<td>200</td>
</tr>
</tbody>
</table>

**DISTRICT NO. 7.**

Voting precinct at Speyer's Warehouse,
- Duck's Coal-yard, 349 154
- Williams' Coal-yard, 79 139
- Spencer's Coal-yard, 338 164

**DISTRICT NO. 8.**

Voting precinct at Court-house,
- Cropper's Coal-yard, 280 111
- Tingle's Grocery, 382 186
- Kaarsner's, 166 56
- Worsham's, 82 117

Taking the aggregate vote, as shown by the certificate of the returning board, the poll-books of Jessamine county, for State Senator, and the same as shown by the certificate of the returning board of Woodford county, and the same as shown by the poll-books of Fayette county, it is as follows:

<table>
<thead>
<tr>
<th>Jessamine county</th>
<th>W. C. Goodloe</th>
<th>Ed. Wooldridge</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,076</td>
<td>1,053</td>
</tr>
<tr>
<td>Woodford county</td>
<td>1,045</td>
<td>1,302</td>
</tr>
<tr>
<td>Fayette county</td>
<td>3,063</td>
<td>2,869</td>
</tr>
</tbody>
</table>

| Total           | 5,184         | 5,164          |
Leaving a majority of 20 votes in favor of Wm. Cassius Goodloe.

Believing Wm. Cassius Goodloe to have been duly elected to the office of State Senator from the 27th District, at an election held on the 4th day of August, 1873, we were prepared to certify the same in the mode and manner prescribed by law, but were prohibited by an order from the honorable the Circuit Court of Fayette county. The restraining order of the Fayette Circuit Court alone prevented us from giving the certificate of election to Wm. Cassius Goodloe as the duly elected Senator for the 27th District, and forwarding a copy of the same to the Secretary of State, as required by law to do.

Given under our hands this, the 28th day of November, 1873.

Llew. P. Tarlton, Jr.,
Sheriff Fayette County.

J. M. Mattingly,
Sheriff Jessamine County.

Which memorials, together with the documents therein referred to, were severally read, and referred to the Committee on Privileges and Elections.

Mr. Haggard moved the following resolution, viz:

Whereas, The Clerk of the Senate is responsible for the correct enrollment of the bills which originate in the Senate; therefore, Resolved, That he is authorized, and is hereby directed, to appoint an Enrolling Clerk of the Senate, who shall be paid a reasonable compensation for his services.

Mr. Hodge moved to lay said resolution on the table.

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

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

Whereas, The Commissioners, Hon. R. A. Buckner and Hon. J. F. Bullitt, hitherto appointed to revise the Codes of Practice of Kentucky, have had nearly two years to complete their labors; and in order to secure an early completion and adoption of said revision, be it Resolved by the General Assembly of the Commonwealth of Kentucky, That said Commissioners, the Hon. R. A. Buckner and the Hon. J. F. Bullitt, be, and they are, respectfully requested forthwith to report their labors on said revision to this body.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint select committee, consisting of five members upon the part of the Senate and nine members upon the part of the House of Representatives, be appointed by the Speakers of the Senate and House of Representatives, to take into consideration all propositions
relating to the calling of a convention to revise the Constitution of this State, and to report thereon by bill or otherwise.

The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with,

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, T. L. Jefferson,
John S. Barlow, W. W. Frazer, D. H. Lindsay,
Robert A. Briggs, John J. Gatewood, R. B. Loveless,
Scott Brown, Jesse C. Gilbert, Robert Simmons,
James F. Clay, D. R. Haggard, E. W. Turner,
John E. Cooper, H. S. Hale, Thos. W. Varnon,
W. W. Gilbertson, Thomas F. Hargis, W. L. Vories,
W. A. Cunningham, B. W. S. Huffaker, C. J. Walton,

Those who voted in the negative, were—


William P. Duvall,

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Sergeants-at-Arms of the two Houses, and the State Librarian, be directed to furnish the Chief Clerks and Assistant Clerks of the Senate and House of Representatives such articles of stationery as they may require in the discharge of the duties of their respective offices.

The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with,

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

Mr. Walton moved to refer the resolution offered by Mr. Turner, in relation to calling a convention to revise the Constitution, to the Committee on the Judiciary, with instructions to report on Friday next, at eleven o'clock.

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

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


Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, Jesse C. Gilbert, R. B. Lovel,
Scott Brown, D. R. Haggard, Robert Simmons,
John E. Cooper, H. S. Hale, G. W. Swoope,
W. A. Cunningham, Thos. F. Hargis, E. W. Turner,
F. W. Darby, J. W. Hays, Thos. W. Varnon,
William P. Duvall, Geo. B. Hodge, W. L. Vories,

W. W. Frazer, T. L. Jefferson,

Mr. Webb moved the following resolution, viz:

Resolved, That there be added to the Standing Committees of the Senate a committee to be styled a "Committee on Printing," to consist of five members, whose duty it shall be to take into consideration all matters pertaining to the public printing and binding, and report thereon to the Senate.

Which was adopted.

The Speaker thereupon added to the list of Standing Committees, as composing said committee, Messrs. Webb, Hargis, Varnon, Duvall, and Walton.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to regulate the times for holding the Christian quarterly courts.

Mr. Hargis moved the following resolution, viz:

Resolved, That Ed. Wooldridge, Esq., and W. C. Goodloe, Esq., be admitted to seats upon the floor of the Senate during the pendency of the contest for the office of Senator of the 27th District before this body.

Which was adopted.

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

On motion of Mr. Walton—
1. A bill to amend chapter 3, title 18, of the Civil Code of Practice.

On motion of Mr. Berry—

On motion of Mr. Vories—
3. A bill for the benefit of Carroll County Agricultural Association.
On motion of Mr. Haggard—
4. A bill to increase the capacity of the Lunatic Asylum at Anchorage, and to build a second, or enlarge the Asylum at Lexington, for the accommodation and care of the colored lunatics in this Commonwealth.

On motion of same—
5. A bill to better define the duties of the Superintendent and the general management of the Institution for the Education of the Feeble-minded Children of this Commonwealth.

On motion of same—
6. A bill to better define the duties of the Superintendent of the Deaf and Dumb Asylum at Danville.

On motion of same—
7. A bill to appropriate money to build a House of Reform for Juvenile Delinquents in this Commonwealth.

On motion of Mr. Hyatt—
8. A bill to amend an act incorporating the Kentucky Land Company.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st; the Committee on Internal Improvement the 2d; the Committee on Agriculture and Manufactures the 3d; the Committee on Charitable Institutions the 4th, 5th, and 6th; the Committee on the Penitentiary and House of Reform the 7th; and Messrs. Hyatt, Turner, and Gilbert the 8th.

And then the Senate adjourned.

THURSDAY, DECEMBER 4, 1873.

A message was received from the House of Representatives, announcing their concurrence in joint resolutions, which originated in the Senate, of the following titles, viz:

Resolution directing the furnishing of stationery to the Clerks of the Senate and House of Representatives.

Resolution in relation to apportionment.
That they had adopted a resolution, which originated in the House of Representatives, entitled
Resolution directing the furnishing of copies of the General Statutes to State Librarian for certain specified uses.
Which resolution was taken up, twice read, and, on motion of Mr. Vories, the further consideration thereof was postponed and made the special order of the day for to-morrow, the 5th inst., at 11 o'clock.

Mr. Gatewood, from the Committee on Education, reported a bill, entitled
A bill in aid of the common schools of this Commonwealth.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be printed, and made the special order of the day for Saturday, December 6th, at 11 o'clock, A. M.
Leave was given to bring in the following bills, viz:
On motion of Mr. Huffaker—
1. A bill to increase the jurisdiction of the justices of the peace and judges of the quarterly court in Wayne and Pulaski counties.
On motion of Mr. Briggs—
2. A bill to amend section 6, article 5, chapter 18, of the General Statutes—
On motion of same—
3. A bill to amend the law in relation to common schools in this State.
On motion of same—
4. A bill for the benefit of A. S. Hardy, jailer of Marion county.
On motion of same—
5. A bill prohibiting any officer of this Commonwealth from accepting a free pass or conveyance over any railroad or other public thoroughfare of this Commonwealth.
On motion of Mr. Hale—
6. A bill to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, vinous, or malt liquors shall be sold within one mile of the corporate limits of said city.
On motion of Mr. Brown—
7. A bill appropriating money to finish the Fire-proof Offices at Frankfort.
On motion of Mr. Gilbert—
8. A bill to amend chapter 65 of the General Statutes, title "Lands West of the Tennessee River."

On motion of Mr. Clay—
9. A bill to amend section 5, article 4, chapter 62, of the General Statutes.

On motion of Mr. Jefferson—
10. A bill to amend article 8, chapter 92, of the General Statutes.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st; the Committee on Revised Statutes and Codes of Practice the 9th; the Committee on Education the 2d and 3d; the Committee on Claims the 4th; the Committee on the Judiciary the 5th; the Committee on Religion and Morals the 6th; the Committee on Library and Public Buildings and Offices the 7th; the Committee on Finance the 10th; and a select committee, consisting of Messrs. Gilbert, Hale, and Holt, the 8th.

On motion of Mr. Webb, leave of absence, indefinitely, was granted Mr. Duvall.

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

Resolved by the General Assembly of the Commonwealth of Kentucky,
That a committee of four members on the part of the Senate and seven on the part of the House of Representatives, be appointed by the Speakers of each House, whose duty it shall be to ascertain whether this State has a population of one million five hundred thousand inhabitants; and whether the interest of this State requires the creation of more judicial districts; and whether they can be constitutionally created at this time; and said committee may report by bill or otherwise.

Mr. Gilbert moved the following resolution, viz:

Resolved, That the Committee on Education be requested to investigate, and report at their earliest convenience, the cause of the great deficit in the common school revenues for the present year, and what amendments, if any, to the common school laws, or the laws regulating the assessment of property for taxation, are needed to prevent a recurrence of the evil.

The Senate took up the joint resolution offered by Mr. Hargis, calling for report from the Commissioners to revise the Codes of Practice.

6-8.
Mr. Darby moved an amendment by way of substitute, viz:—

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Commissioners for Revision of Codes report to this General Assembly the progress made by them in the work assigned them.

And the question being taken on said substitute, it was decided in the negative.

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

Mr. Hodge moved the following resolution, viz:

Resolved, That the Secretary of State be requested to inform the Senate how many copies of the General Statutes have been delivered to him by the Public Printer; how many he has distributed to the various counties of the State; how many he has deposited in the State Library; and how many he has on hand.

The rule of the Senate requiring resolutions to lie one day on the table being dispensed with, said resolution was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Public Printer be, and he is hereby, directed to print two hundred copies of the Journals or daily proceedings of the two Houses for distribution to the members of the Legislature and to the public offices in Frankfort.

The Speaker laid before the Senate the following annual reports, viz:

The First Kentucky Lunatic Asylum.
The Second Kentucky Lunatic Asylum.
The Third Kentucky Lunatic Asylum.
The Fourth Kentucky Lunatic Asylum.
The Kentucky Asylum for the Education of the Blind.

* [For Reports—see Legislative Documents Nos. 4, 5, 6, 7, and 8.]

Ordered, That the Public Printer be directed to print the usual number of said reports.

And then the Senate adjourned.
FRIDAY, DECEMBER 5, 1873.

The Lieutenant Governor and Speaker of the Senate being absent, the Senate was called to order by the Clerk.

Mr. Turner nominated the Hon. A. L. Martin, Senator from the 33d District, as Speaker pro tem.

And the question being taken thereon, Mr. Martin was declared unanimously elected, and assumed the duties of the Chair.

A message was received from the House of Representatives, announcing that they had concurred in a resolution, which originated in the Senate, entitled

Resolution relating to revising the Constitution.

Mr. Hays moved the following resolution, viz:

Resolved, That the Sergeant-at-Arms be directed to procure the same number of newspapers for the officers of the Senate as are furnished the members of the Senate.

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

On motion of Mr. Hargis—
1. A bill to establish a Bureau of Immigration.

On motion of Mr. Jefferson—
2. A bill to amend the revenue and taxation laws of this Commonwealth.

On motion of Mr. Huffaker—
3. A bill to amend chapter 5, article 1, of the General Statutes.

Ordered, That the Committee on Immigration and Labor prepare and bring in the 1st; the Committee on Finance the 2d; and the Committee on Courts of Justice the 3d.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, 
FRANKFORT, December 5th, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:

W. J. McCord, of Jefferson county.
James F. Huber, of Jefferson county.
John K. Goodloe, of Jefferson county.
W. H. Morris, of Jefferson county.
Resolved, That the Senate advise and consent to said nominations.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined an enrolled bill and resolutions, which originated in the Senate, of the following titles, viz:

An act to regulate the times for holding the Christian quarterly courts;
Resolution in relation to apportionment;
Resolution relating to revising the Constitution;
Resolution directing the furnishing of stationery to the Clerks of the Senate and House of Representatives;

And had found the same truly enrolled.

Said bill and resolutions having been signed by the Speaker of the House of Representatives, the Speaker of the Senate pro tem. 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. Hyatt reported that the committee had performed that duty.

On motion of Mr. Varnon, Mr. W. A. Cunningham was added to the Committee on Revised Statutes and Codes of Practice.

On motion of Mr. Hays, Mr. E. W. Turner was added to the Committee on the Judiciary.

On motion of Mr. Jefferson, Mr. Robert Simmons was added to the Committee on Finance.

On motion of Mr. Gatewood, Mr. Thomas F. Hargis was added to the Committee on Education.

The Senate, according to order, took up for consideration a resolution from the House of Representatives, directing the furnishing of copies of General Statutes to State Library for specified uses.
Mr. Gatewood moved an amendment by way of substitute, viz:

Resolved, That the Secretary of State be directed to place in the Library one hundred and fifty copies of the General Statutes, instead of the present number, forty, required by said Statutes.

Which was adopted.

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

The Senate took up for consideration the resolution of Mr. Webb on yesterday, in relation to printing copies of the Journals of the Senate and House of Representatives.

Which was adopted.

Mr. Hargis moved to reconsider the vote by which said resolution was adopted.

Which motion was simply entered.

Mr. Hays moved to take up the motion to reconsider, which was decided in the affirmative.

Mr. Gatewood then moved to lay the motion to reconsider on the table.

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

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

Those who voted in the affirmative, were—

W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Scott Brown, J. W. Hays, Robert Martin,
James F. Clay, Geo. B. Hodge, G. W. Swoope,
W. A. Cunningham, B. W. S. Huffaker, E. W. Turner,
Walter Evans, L. L. Hyatt, Thos. W. Varnon,
W. W. Frazer, T. L. Jefferson, C. J. Walton,

Those who voted in the negative, were—

Thos. J. Barker, F. W. Darby, H. S. Hale,
John S. Barlow, P. F. Edwards, Thomas F. Hargis,

Mr. Lindsay, from the Committee on Religion and Morals, reported a bill, entitled

A bill to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof.

Which bill was read the first time and ordered to be read a second time.
Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the 22d day of December, 1873, there shall be submitted to the voters of the city of Mayfield the proposition whether there shall thereafter be sold as a beverage, in said city, any spirituous, malt, or vinous liquors.

§ 2. The officers holding said election shall open a poll “For,” and a poll “Against,” the sale of said liquors in said city, and shall demand of each voter casting his vote whether he votes for or against said proposition, and so record the same. If a majority of said votes be cast against the sale of said liquors, the clerk of said election shall so certify to the judge of the county court of Graves county; and it shall be unlawful for him, and for the city authorities of said city, thereafter, to grant license to vend such liquors within the corporate limits of said city, or within one mile thereof, to hotel-keepers, tavern-keepers, merchants, or to any one, except as hereinafter provided; and any such license granted by such county judge or city authorities shall be null and void.

§ 3. That any one who shall, after said vote has been taken, and the same being against the sale of said liquors, vend, sell, give, or furnish in any way, to any one, such liquors, be, she, or they so offending shall be fined the sum of one hundred dollars for each offense, to be recovered by warrant in the name of said city of Mayfield, before the judge of said city. The fines so recovered, when collected, shall be paid to the treasurer of said city, and by him held as such treasurer.

§ 4. That the judge of said city shall have the power, and it is hereby made his duty, to issue his warrant of arrest against any person violating any provision of this act, to try the same, to render judgment thereon, and to enforce the collection of same by execution, or by capias pro fine, in the name of said city.

§ 5. The marshal of said city shall have the power, and it is hereby made his duty, to execute the warrant of arrest issued by said city judge, as herein provided; and also power to collect such fines as may be inflicted under the provisions of this act upon the process thereof issued by said city judge. Upon the arrest of any person violating the provisions of this act, upon the warrant of arrest, and his failure to give bond for his appearance at the trial, or upon his arrest upon capias pro fine, such officer shall commit the said offender to the custody of the jailer of Graves county, there to remain until the time fixed for his trial, or until the fine inflicted and costs of prosecution are paid in money, or until the fine is satisfied at the rate of two dollars a day, by remaining in said jail; said warrant, execution, and capias pro fine, may also be directed to the sheriff, or any constable of Graves county; and such officer shall have the same powers in regard to same as are herein conferred upon the marshal of said city.

§ 6. The judge of the Graves county court, and the council of said city, shall have the power to grant license to such person or persons as are bona fide druggists, and only to such, to sell spirituous liquors for medical purposes, and only for such purposes.
§ 7. That before said license is granted, the applicant shall take an oath before said county judge that he will not sell, give, or in any way furnish, to any one, such spirituous liquors, except for medical purposes; and shall execute bond, with good security, before said county judge, in a penalty to be fixed by said county judge, with the condition that he will sell or furnish such spirituous liquors for medical purposes only, and that he will not suffer or permit the same to be drank as a beverage upon his premises. Upon the violation of his said bond, he shall be fined, for each offense, the sum of fifty dollars, to be recovered off of him and his surety or sureties as provided for in sections four and five of this act.

§ 8. That the person or persons to whom license shall be granted, as aforesaid, to sell, give, or in any way furnish such liquors, may require of the person or persons applying therefor a certificate, in writing, signed by a practicing physician, that such liquors are necessary for medical purposes: Provided, That the person or persons furnishing such liquors, without such certificate, shall be equally responsible with the person or persons furnished, for all fines imposed upon the party or parties furnished, for a misuse of such liquors, and equally bound for all damage done to the person or property of another by the person or persons so furnished, while under the intoxicating influence of the liquor so furnished, to be recovered of him and his sureties as provided for in the fourth and fifth sections of this act.

§ 9. That any person to whom such license shall be granted, upon the second conviction of the violation of the provisions of this act, shall forfeit such license, which shall then become null and void; and upon his attempt to sell under the same, he shall be fined as provided for in section three of this act, to be recovered as provided for in sections four and five of the same, and be forever disqualified from obtaining license to sell such liquors in said city.

§ 10. That no physician shall prescribe such spirituous liquors save for medical purposes only, and in cases of actual necessity for same as a medicine; and if any physician shall prescribe same, having reasonable ground to believe, or knowing that same is to be used as a beverage, and same is used as a beverage, such physician shall be fined the sum of twenty-five dollars, to be recovered as provided for in sections four and five of this act.

§ 11. Said election shall be held in the office of the judge of said city, being the last ground floor room of the house occupied by W. M. Cargill as a hotel, and the voting place of the second ward of said city. The judge of the Graves county court shall appoint two fit and proper judges, a clerk and sheriff, to take said vote, who shall be by him sworn to faithfully perform their duty under this act; said judges shall decide who are legal voters, order their votes to be recorded, and preserve order while said vote is being taken. The clerk shall record the votes so given for or against said proposition, and the sheriff shall preserve order while said vote is being taken. When said vote is taken, the poll-book shall be, by said judges and clerk, certified to the council of said city, and an entry made upon the record-book of said city council of the result of said vote.
Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on the 22d day of December, 1873, there shall be submitted to the voters of the city of Mayfield the proposition whether there shall thereafter be sold as a beverage, in said city, any spirituous, malt, or vinous liquors.

§ 2. The officers holding said election shall open a poll "For," and a poll "Against," the sale of said liquors in said city, and shall demand of each voter casting his vote whether he votes for or against said proposition, and so record the same. If a majority of said votes be cast against the sale of said liquors, the clerk of said election shall certify to the judge of the county court of Graves county; and it shall be unlawful for him, and for the city authorities of said city, thereafter, to grant license to vend such liquors within the corporate limits of said city, or within one mile thereof, to hotel-keepers, tavern-keepers, merchants, or to any one, except as hereinafter provided; and any such license granted by such county judge or city authorities shall be null and void.

§ 3. That any one who shall, after said vote has been taken, and the same being against the sale of such liquors, vend, sell, give, or furnish in any way, to any one, such liquors, he, she, or they so offending shall be fined the sum of one hundred dollars for each offense, to be recovered by warrant in the name of said city of Mayfield, before the judge of said city. The fines so recovered, when collected, shall be paid to the treasurer of said city, and by him held as such treasurer.

§ 4. That the judge of said city shall have the power, and it is hereby made his duty, to issue his warrant of arrest against any person violating any provision of this act, to try the same, to render judgment thereon, and to enforce the collection of same by execution, or by capias pro fine, in the name of said city.

§ 5. The marshal of said city shall have the power, and it is hereby made his duty, to execute the warrant of arrest issued by said city judge, as herein provided; and also power to collect such fines as may be inflicted under the provisions of this act upon the process thereof issued by said city judge. Upon the arrest of any person violating the provisions of this act, upon the warrant of arrest, and his failure to give bond for his appearance at the trial, or upon his arrest upon capias pro fine, such officer shall commit the said offender to the custody of the jailer of Graves county, there to remain until the time fixed for his trial, or until the fine inflicted and costs of prosecution are paid in money, or until the fine is satisfied at the rate of two dollars a day, by remaining in said jail; said warrant, execution, and capias pro fine, may also be directed to the sheriff, or any constable of Graves county; and such officer shall have the same powers in regard to same as are herein conferred upon the marshal of said city.

§ 6. The judge of the Graves county court, and the council of said city, shall have the power to grant license to such person or persons as are bona fide druggists, and only to such, to sell spirituous liquors for medical purposes, and only for such purposes.
§ 7. That before said license is granted, the applicant shall take an oath before said county judge that he will not sell, give, or in any way furnish, to any one, such spirituous liquors, except for medical purposes; and shall execute bond, with good security, before said county judge, in a penalty to be fixed by said county judge, with the condition that he will sell or furnish such spirituous liquors for medical purposes only, and that he will not suffer or permit the same to be drunk as a beverage upon his premises. Upon the violation of his said bond, he shall be fined, for each offense, the sum of fifty dollars, to be recovered off of him and his surety or sureties as provided in sections four and five of this act.

§ 8. That the person or persons to whom license shall be granted, as aforesaid, to sell, give, or in any way furnish such liquors, may require of the person or persons applying therefor a certificate, in writing, signed by a practicing physician, that such liquors are necessary for medical purposes: Provided. That the person or persons furnishing such liquors, without such certificate, shall be equally responsible with the person or persons furnished, for all fines imposed upon the party or parties furnished, for a misuse of such liquors, and equally bound for all damage done to the person or property of another by the person or persons so furnished, while under the intoxicating influence of the liquor so furnished, to be recovered of him and his sureties as provided for in the fourth and fifth sections of this act.

§ 9. That any person to whom such license shall be granted, upon the second conviction of the violation of the provisions of this act, shall forfeit such license, which shall then become null and void; and upon his attempt to sell under the same, he shall be fined as provided for in section three of this act, to be recovered as provided for in sections four and five of the same, and be forever disqualified from obtaining license to sell such liquors in said city.

§ 10. That no physician shall prescribe such spirituous liquors save for medical purposes only, and in cases of actual necessity for same as a medicine; and if any physician shall prescribe same, having reasonable ground to believe, or knowing that same is to be used as a beverage, and same is used as a beverage, such physician shall be fined the sum of twenty-five dollars, to be recovered as provided for in sections four and five of this act.

§ 11. Said election shall be held in the office of the judge of said city, being the last ground floor room of the house occupied by W. M. Cargill as a hotel, and the voting place of the second ward of said city. The judge of the Graves county court shall appoint two fit and proper judges, a clerk and sheriff, to take said vote, who shall be by him sworn to faithfully perform their duty under this act; said judges shall decide who are legal voters, order their votes to be recorded, and preserve order while said vote is being taken. The clerk shall record the votes so given for or against said proposition, and the sheriff shall preserve order while said vote is being taken. When said vote is taken, the poll-book shall be, by said judges and clerk, certified to the council of said city, and an entry made upon the record-book of said city council of the result of said vote.
§ 12. That should said proposition fail, at the first vote thereon, to exclude the sale of such liquors, it shall be resubmitted to the voters of said city at any election for city officers thereafter held, upon the request of twenty citizens of said city; or the council of said city may order the same to be resubmitted at any time after said first election; and shall have the power to fix the time and place of holding said election, and to appoint the officers necessary to hold the same.

§ 13. That any person voting illegally in said election shall be subjected to the same penalties, and be dealt with as now prescribed by the general law of this Commonwealth.

§ 14. This act shall be in force and take effect from and after its passage.

Mr. Haggard then moved to amend said bill by adding after the word "medical," in the 6th and 7th sections, the words "and sacramental."

Which was adopted.

Mr. Clay moved to amend said bill by adding the following as a proviso to the second section thereof, viz:

Provided, That the provisions of this act shall not apply to licenses heretofore granted until the said licenses shall have expired.

Which was adopted.

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

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, T. L. Jefferson,
John S. Barlow, Jesse C. Gilbert, D. H. Lindsay,
Robert A. Briggs, D. R. Haggard, R. B. Lovel,
Scott Brown, H. S. Hale, A. L. Martin,
James F. Clay, Thos. F. Hargis, Robert Simmons,
W. A. Cunningham, J. W. Hays, E. W. Turner,
F. W. Darby, Geo. B. Hodge, Thos. W. Varnon,
P. F. Edwards, B. W. S. Huffaker, C. J. Walton,

Those who voted in the negative, were—

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

Mr. Varnon, from the Committee on Revised Statutes, reported a bill, entitled

A bill to amend chapter 3 of title 18 of the Civil Code of Practice.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and placed in the orders of the day.

And then the Senate adjourned.

SATURDAY, DECEMBER 6, 1878.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a joint resolution, which originated in the House of Representatives, entitled

Resolution directing the furnishing of copies of the General Statutes to State Librarian for certain specified uses.

That they had passed bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the county of Breckinridge.
An act to increase the jurisdiction of the justices of the peace in Logan county.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred to the Committee on Courts of Justice.
A message was received from the House of Representatives, announcing that they had adopted a resolution, entitled
Resolution directing the Auditor to furnish certain statistical information.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be requested to furnish this General Assembly a statement showing the number of qualified voters in each county in the State, as shown by the enumeration made by the county assessors in the year 1873.

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

The Speaker laid before the Senate the response of Hon. G. W. Craddock, Secretary of State, to a resolution calling on him for certain information in regard to the distribution of the General Statutes.

Which was read, and referred to the Committee on Claims.

The Senate, according to order, took up for consideration a bill, entitled

A bill in aid of the common schools of this Commonwealth.

On motion of Mr. Simmons,

Ordered, That the further consideration of said bill be postponed, and made the special order of the day for Tuesday next, the 9th inst.

On motion of Mr. Gatewood, leave of absence, indefinitely, was granted Mr. Cooper.

A message was received from the House of Representatives, announcing that the Speaker had appointed the following committee on the part of the House of Representatives, viz: Messrs. R. A. Jones, Blackburn, H. C. Baker, Morrow, Blakey, Thomas, Beckham, Finn, and Gresham, in pursuance of a joint resolution adopted by the two Houses, directing the appointment of a joint committee to take into consideration all matters relating to the call of a Constitutional Convention.

Whereupon, the Speaker of the Senate appointed Messrs. Turner, Clay, Gatewood, Simmons, and Walton a similar committee on the part of the Senate, as required by said resolution.

Leave was given to bring in the following bills, viz:
On motion of Mr. Hodge—
1. A bill to incorporate the Licking River Navigation Company.
On motion of Mr. Evans—
2. A bill to amend chapter 113 of the General Statutes, entitled
"Wills."

On motion of same—
3. A bill to amend chapter 31 of the General Statutes, entitled
"Descent, Distribution, Exempt Property, and Adoption."

On motion of Mr. Darby—
4. A bill for the benefit of judges of police and city courts of this
Commonwealth.

On motion of Mr. Walton—
5. A bill to take the sense of the people of this Commonwealth as
to the necessity and expediency of calling a convention to amend
the State Constitution.

Ordered, That the Committee on Internal Improvement prepare
and bring in the 1st; the Committee on the Judiciary the 2d and
3d; the Committee on Courts of Justice the 4th; and that the 5th
be referred to the Joint Committee on Constitutional Revision.

Mr. Hyatt, from the Committee on Enrollments, reported that the
committee had examined an enrolled resolution, which originated in
the House of Representatives, entitled
Resolution directing the furnishing of copies of the General Stat-
utes to State Librarian for specified uses;

And had found the same truly enrolled.

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 approval and signature.

After a short time, Mr. Hyatt reported that the committee had per-
formed that duty.

Mr. Clay, from the Committee on Privileges and Elections, to whom
was referred the memorials of Wm. Cassius Goodloe and Edmund
Wooldridge, each claiming the seat as Senator elect from the 27th
Senatorial District, submitted the following report, viz:

To the Honorable Senate of Kentucky:

The Committee on Privileges and Elections, to whom was referred
the memorials of Edmund Wooldridge and Wm. C. Goodloe, each of
whom claims to have been elected a member of the Senate on the
1st Monday in August last, from the 27th District, composed of the
counties of Fayette, Jessamine, and Woodford, after a careful consid-
eration of the subject, beg leave to report, for adoption by the Senate, the following resolutions, as embodying their conclusions in the premises:

1. Resolved, That Wm. C. Goodloe appearing to have received the highest number of votes for said office at said election in said district, is now entitled to be sworn in and take his seat as Senator from said district.

2. Resolved, That inasmuch as this action of the Senate is equivalent to the final action of the board for examining the poll-books of the several counties for said district, said Wooldridge is now declared to be entitled to, and is given, fifteen days from this action of the Senate in which to give notice of contest of said election; all proceedings upon which shall, as far as practicable, be conducted in conformity to the general laws upon the subject of contested elections.

On motion of Mr. Hodge,

Ordered, That said report be printed, and referred to a Committee of the Whole Senate, on Wednesday next, the 10th inst., at 11 o'clock, A. M.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, D. H. Lindsay,
John S. Barlow, W. W. Frazer, Robert Simmons,
Robert A. Briggs, D. R. Haggard, G. W. Swoope,
Scott Brown, J. W. Hays, E. W. Turner,
James F. Clay, Geo. B. Hodge, Thos. W. Varnon,
W. A. Cunningham, I. L. Hyatt, W. L. Vories—19.
F. W. Darby,

Those who voted in the negative, were—

W. J. Berry, H. S. Hale, A. L. Martin,
W. W. Culbertson, B. W. S. Huffaker, C. J. Walton,
Walter Evans, T. L. Jefferson, Ben. J. Webb—11,
John J. Gatewood, R. B. Lovel,

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

1. An act for the benefit of Harrison Lay, of Breckinridge county.
2. An act to prohibit the sale of spirituous or vinous or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of said incorporated limits.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 2d bill be referred to the Committee on Religion and Morals.

The first bill was ordered to be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

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

The yeas and nays being required thereon by Messrs Swoope and Clay, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, W. W. Frazer, R. B. Lovel,
Robert A. Briggs, John J. Gatewood, A. L. Martin,
Scott Brown, H. S. Hale, Robert Simmons,
James F. Clay, J. W. Hays, E. W. Turner,
W. A. Cunningham, B. W. S. Huffaker, Thos. W. Varnon,
Walter Evans, D. H. Lindsay,

Those who voted in the negative, were—

W. W. Culbertson, G. W. Swoope,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Harrison Lay, a citizen of Breckinridge county, and town of Stephensport, in this State, be, and he is hereby, authorized and empowered to keep his grocery and bar-room in an out-building on his tavern premises, but not adjoining the main building thereon.

§ 2. That nothing in this act shall be construed to exempt said Lay, on account of this privilege being granted to him, from the pains and
penalties provided by law for violation of any of the statutes inflicting pains and penalties for the improper or unlawful vending of ardent spirits.

§ 3. This act to take effect and be in force from and after its passage.

That they had adopted a resolution, entitled
Resolution calling on the Auditor for certain information.

Which resolution was taken up, twice read, and concurred in.

Mr. Evans read and laid on the table the following preamble and joint resolutions, viz:

WHEREAS, The steamer Virginius, a duly registered vessel of the United States, and sailing under the flag thereof, was recently forcibly captured on the high seas by a Spanish ship of war, was taken into a Spanish port on the island of Cuba, and a large number of citizens of the United States were taken therefrom and summarily executed, under circumstances of great atrocity, by the Spanish authorities on said island, all without the authority of the home government of Spain, but in palpable violation of international law, thereby producing a just cause of war, which, if declared, would have been a misfortune both to the United States and to our sister Republic of Spain, formed by the genius and eloquence of a Castelar, who, in the midst of many difficulties, now presides over it; and whereas, the President of the United States, and the Secretary of State thereof, by a wise and dignified statesmanship, through a peaceful diplomacy, have secured for the United States a settlement of the difficulty on terms at once honorable to us and to Spain; and whereas, though possibly the acquisition of Cuba might be of the utmost importance and advantage to the United States, yet not desirable if at the cost of Spain of her republican form of government, with all its prospective advantages; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the thanks and congratulations of this body are due, and hereby tendered, to the President and Secretary of State of the United States, for the wise and statesmanlike manner in which they have settled the difficulties with Spain, growing out of the seizure of the Virginius and the execution of her passengers, a settlement which has averted war with the Republic of Spain, the overthrow of Castelar, and probably much misery and suffering from many of our own citizens.

Resolved, That the best efforts of the Government of the United States should be used to bring to a just punishment the officers who are responsible for the outrage to the flag of the United States committed in said seizure, and also those who were guilty of the cold-blooded execution of citizens of the United States, who were passengers on board of said steamer, without allowing to them a fair trial before a lawful tribunal.

Resolved, That these resolutions, and the preamble thereof, be communicated to the President and Secretary of State of the United States by the Governor of this Commonwealth.
Mr. Evans moved to suspend the rule of the Senate requiring joint resolutions to lie one day on the table.

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

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

Those who voted in the affirmative, were—

W. J. Berry, W. W. Frazer, Robert Simmons,
Walter Evans, B. W. S. Huffaker,

Those who voted in the negative, were—

John S. Barlow, P. F. Edwards, R. B. Lovel,
Robert A. Briggs, D. R. Haggard, A. L. Martin,
Scott Brown, H. S. Hale, G. W. Swoope,
James F. Clay, J. W. Hays, E. W. Turner,
F. W. Darby, D. H. Lindsay,

The Speaker laid before the Senate the following reports, viz:
Report of Board of Visitors of Kentucky Military Institute.
Report of Commissioners of Kentucky Asylum at Danville for the Tuition of the Deaf and Dumb.

[For Reports—see Legislative Documents Nos. 10 and 9.]

The Speaker also laid before the Senate the following report of N. B Shaler, State Geologist, viz:

GENERAL REPORT OF THE GEOLOGICAL SURVEY OF KENTUCKY.

INTRODUCTORY LETTER.

To His Excellency, P. H. Leslie, Governor of Kentucky:

Sir: When you did me the honor to appoint me Geologist of Kentucky, I was engaged in some work in England. A telegraphic announcement of the fact came to me on the 25th day of June, but matters which I had in hand delayed my return, so that it was not until the 22d day of August that I arrived in Frankfort, and took the oath of office. Desiring to lose no time in getting to work, the same day I appointed, and you were pleased to confirm, Professor Robert Peter, M. D., of the Kentucky University, to be the chemical assistant, and Mr. A. R. Crandall to be the geological assistant in the survey—thus completing the list of officers required by the law. The following day Dr. Peter began the organization of the laboratory at Lexington, and I left for Greenup and Carter counties to begin, with Mr. Crandall, the work of completing
the surveys of that district—it being provided in the bill for the reorganization of the survey that the work should be a continuation of that done under Dr. Owen. As soon as this work was well under way I returned to Frankfort and began a search for the records of the old survey. To my great regret, I found that almost everything had been destroyed by the burning of the offices of the State in 1869. The field notes, manuscript maps, &c., and all the valuable collections, had been lost in this manner. After much search, I found in Philadelphia the copperplate of the unfinished map of Greenup, Carter, Boyd, and Lawrence. This is worth several hundred dollars to the State. Dr. Peter had carefully preserved the materials in his hands at the time the survey was suspended, so that something has been saved from the work.

The loss of the records of the survey is the more to be regretted from the fact that the Legislature has ordered that this survey be a continuation of that made by Dr. Owen. As far as possible, I have complied with this order. Dr. Owen, however, left no distinct outline of his plan for the conducting of the survey, and I have not been able to see clearly what his plan was from the most attentive study of his reports. I have, therefore, thought it best to sketch out a plan for the continuation of the survey, with the intent of utilizing, as far as possible, the work that has been done, to the end that the survey might be finished in the shortest possible time. This plan constitutes the first part of my annual report. My main object in bringing the questions involved therein before the honorable members of the Legislature is, that I might have their criticism and their warrant for the work I have undertaken or may undertake. Any changes they may order will serve to limit and guide me in the work. You will see, by this plan, that I deem it for the best interests of the State to complete the work of the survey step by step, making no report on any district until it is in itself final and complete. I therefore withhold the reports on the work we have in hand. I confidently expect, however, that the report on the counties of Greenup, Boyd, Carter, and Lawrence, will be finished and ready for publication during the month of February next. It will consist of about as much work as is embodied in one of the four published volumes of the survey; with two maps and a number of important sections and diagrams. Work is now under way on the line of the Elizabethtown and Paducah Railroad, and owing to its more southern position this end of the State, it will be possible to concentrate our energies upon it during the winter season. The work of mapping the line of the Lexington and Big Sandy, with a view to a report on the mineral and other resources along this line of road, has also been undertaken. Some pro-
gress has been made in the preparation of a report on the building materials of the State. I hope to have this completed within a year. With your advice and consent, I have communicated a number of letters to the journals of the State concerning its mineral and other resources. These informal reports will be continued from time to time. Large collections, illustrative of the mineral and soil wealth of the State, have been begun, with especial reference to the representation of the State in exhibitions to be held in the different American cities.

The following gentlemen are now employed in the work of the survey: Dr. Robert Peter, assisted by Mr. John H. Talbutt, in the office of the chemical department; at Lexington; Mr. A. R. Crandall, Mr. Philip N. Moore, Mr. John A. Monroe, Mr. C. W. Beckham, and Mr. C. Schenk, in the field work. With myself, this makes eight persons employed, at an average cost of about twelve hundred dollars per month, including salaries, chemical supplies, subsistence, transportation, and repairs. No expense for rent or clerical labor has yet been incurred.

The following gentlemen have already engaged to act as local assistants, in accordance with the system recommended in the plan for the conduct of the survey. The list is in the order of their acceptance:

W. T. Knott, Esq., for Marion county; Rev. J. M. Letton, for Mason; Rev. Dr. Cosby, for Nelson; Professor Failes, for Boyle; Dr. W. O. Graves, for Fayette and Clarke; Col. Rard, for Lewis; Thomas Turner, Esq., for Montgomery, Menifee, Powell, and Wolfe; Redd Twyman, Esq., for Woodford; Dr. A. B. Lyman, for Madison; J. R. Anderson, for Adair.

I must acknowledge my obligations to these gentlemen, who, without reward, have offered their valuable assistance to the State.

The thanks of the survey are due to Mr. Joseph Lesley, of Philadelphia, at one time assistant in the geological survey under Dr. Owen, for permission to use the plate of a map of the coal-field of Eastern Kentucky, prepared by him since the suspension of the survey. This map represents the results obtained by one of the parties of the survey during the last year of the work. I have also to acknowledge the kind assistance of the Eastern Kentucky Railroad, and also the many favors of its Vice President, Mr. Bates, and its Chief Engineer, Mr. Stoughton. We are also indebted to Mr. Kuper and his assistants, of the Lexington and Big Sandy Railroad, and to Mr. McLeod, the Chief Engineer, and Mr. Brock, Superintendent of the Elizabethtown and Paducah Railroad.

Despite the difficulties which always surround the beginning of any such undertaking, we have managed to accomplish a large amount of im-
portant work during the first three months of the operations of the survey. The expenses which were incurred for outfit, though kept within the narrowest limits, exceeded one thousand dollars, two thirds of which was for chemical apparatus and supplies. By the first of January about one half of the appropriation of ten thousand dollars will have been expended, and the whole of the sum will be used by the first of next June. It is of the utmost importance that we should know, at the earliest possible date, what the future of the survey is to be; for, under any circumstances, I desire to complete the work now in hand.

Let me say, in closing, that I have already seen enough of our resources to feel convinced that they need but to be properly set forth to the world to command wealth and prosperity for the State.

With great respect,
Your obedient servant,
N. S. SHALER,
State Geologist of Kentucky.

NEWPORT, Ky., December 1st, 1873.

PLAN FOR THE CONDUCT OF THE KENTUCKY GEOLOGICAL SURVEY.

No such considerable work as the careful survey of extensive and varied region like the State of Kentucky should be undertaken without a well-considered plan. I therefore propose at the outset to take up the questions involved in the work to show the objects of the survey, and the means of satisfying them.

The accepted object of a scientific survey of any region is to determine, with the aid of exact science, its relations to other parts of the earth, and the means whereby it may be made to contribute to the welfare of its inhabitants. Taking the successful and profitable surveys in this and other countries, we find the following means of gaining the ends in view:

1st. A general reconnoissance of the ground in order to secure the outlines of the problems which have to be met.

2d. The formation of an accurate topographical map, which shall give, on the scale of at least one inch of map distance for every mile of country, the exact relations of every stream, hill, and valley throughout the State.

3d. A geological survey which shall be so exact as to indicate, on colored sheets of this map, the precise limits of each formation; so that
The owner of any land, by the use of this map, and the accompanying diagrams and reports, may be able to determine, as nearly as possible, what lies beneath it.

4th. A careful study of living animals and plants within the State, in order that their usefulness to man, the means of their nurture or destruction, and their relation to the fossil life, shown by the geological survey, may adequately be determined.

5th. The study of the physical conditions existing in the State—climate, magnetic variations, &c.

6th. The presentation of this knowledge in such fashion that it may be best suited to secure its preservation and ready use within the State, and its dissemination abroad.

7th. The extension of the study of science within the State.

I propose to trace, in detail, the steps which should be taken to effect these desired results.

Fortunately for us, the preliminary reconnaissance of the State has been substantially completed. Nearly all the published results of the survey of Dr. Owen were of this character. When he began his survey the general outline of the geological formation of the State was unknown; the area of its coal-fields was a matter of conjecture. The utter want of knowledge of the State was a difficulty which could but be met by the cursory explorations which are recorded in the four published volumes of the survey. During his years of service, Dr. Owen visited nearly every county in the State, and has recorded, in his successive reports, the important results of his quick and vigorous research. It is difficult to appreciate the value of this preliminary work; it was unhappily followed by five years of civil war, which not only broke up the survey, but kept capitalists from the investments which they would have been disposed to make. Its desultory and fragmentary shape, evils, in good part, the result of the very ignorance of the work to be done, which it was its object to remedy, have made it difficult of access to any one not a special student of geology. I am forced to confess that, after months of assiduous study, I am not yet complete master of its undigested mass of facts. After much consideration, and with the advice of my fellow-workers, I have determined to do little more of this preliminary work, which is costly to the State, and wanting in the precision and completeness demanded in every geological report which is meant to be the base of economic work. I am now endeavoring to procure the required preliminary information in the following fashion: To many of the Senators
and members of the Lower House in the State I have addressed a letter, asking of them assistance—each for his own county—in procuring information concerning the geological phenomena found within its limits. Gentlemen of intelligence and some leisure, the clerks of the courts, sheriffs, physicians, and others, however ignorant of geology, can give me great aid. I have asked the honorable gentlemen of our legislatave body to name to me some such gentleman in each county, who is willing to make himself the agent of the geological survey in procuring information. I have sought of them the following classes of information:

1st. What are the defects in the representation of your county on the maps you may have in hand? County lines, streams, and roads, how far are they in error?

2d. What are the mineral springs, or springs remarkable on account of their temperature, volume, variability, &c.?

3d. What are the minerals, coals, and building stones, as far as known? What mines, salt wells, and quarries have been opened? And what was the yield of these materials last year?

4th. What caverns exist in your county?

5th. What are the principal points where good sections through the rocks can be seen?

6th. What are the principal varieties of soils in your county, their natural timbering, crops, and the regions occupied by them?

7th. What are the timber trees, and how are they distributed in the county?

8th. What are the water-powers of your county, size of streams, character of shore, &c.?

9th. What is the price of land according to the character of soil, productiveness, and availability for immigration purposes?

10th. What remains of ancient races exist in your county?

This last item will lay the foundation for an inquiry into the history of our predecessors in the enjoyment of this land. This study must be made now before the evidences are quite swept away by culture. I hope to gather by these inquiries the popular information concerning each county, which is pretty generally rich in well-observed facts. When these are collated with the observations made by the geological survey of Dr. Owen, we shall, I trust, have for each county a basis for detailed work, which will enable me to begin final work therein with very great advantage. I am inclined to think that at least one third of the expense of the geological work can be saved in this way.
Whenever possible, I have aided these gentlemen, by advice and assistance, in making up local cabinets, which serve to illustrate the geology of their own particular region. The advantages of these local cabinets are very great; they serve to give people an interest in their own section, and will be an immense aid to the survey when it comes to work in the regions where they are accumulated. But the most important result is to educate, in each district, some one person, who may become of inestimable advantage to his fellow-citizens by being constantly on the alert for indications which may be of importance, to which he will, if need be, call the attention of the officers of the survey. A list of the gentlemen who have made arrangements to give this form of assistance to the survey is given in the letter which precedes this report.

The gentlemen who have, without recompense, taken this work upon their shoulders, are entitled to the warmest thanks of their fellow-citizens.

The second division of the work of the survey presents far greater difficulties than the preliminary reconnaissance. To make an accurate map of any country, on such a scale that each land-owner may find a tract of a hundred acres or more fairly indicated thereon, is one of the first and most important works of any survey. Every State in Europe, and many States in this confederation, have incurred large expenditures in order to obtain this necessary basis for all important works. To the geologist a map of this degree of accuracy is imperatively necessary if he would give his best work with the degree of accuracy necessary for economic results. His main end is to indicate on a map the precise outline of each geological formation, accompanying the same by diagrams, showing the succession of rocks beneath each district, and a detailed report on its geology, in such fashion that the resources at the command of any land-owner may be accurately determined. It must not be supposed that it is to the geologist alone that such maps are necessary. As a basis for land surveys, in the construction of roads, railways, canals, and other improvements, such maps spare a large part of the expense which is now incurred in preliminary explorations, so that this mapping work may be regarded as a basis for the whole industry of the State. Most of the States in this Union were surveyed by the General Government. Ohio, Illinois, and Indiana, and the other States west to the Pacific, have had this work done in order to afford a basis for the division of the public lands. The State of Kentucky having been organized before the adoption of this system, never having been, indeed, a part of the Federal territorial domain, came into the Union without any
survey whatever, and has to this day remained without any other delineation of its surface than has been given it by the chance work of several publishers. Taking the best existing maps of the State, we find they use a scale of four or five miles to the inch. Even with perfect accuracy and microscopic minuteness, it is not possible to give the necessary geological details. But a little study will show any one that these maps are mere bundles of errors. Streams are often ten or twelve miles out of place. Every railway survey shows many towns a mile or more from their true position. Indeed, it is not too much to say that the average error in the assigned position of the geographical features of Kentucky is several miles. Any geological mapping done on such an imperfect basis necessarily leads to an entire revision of the work in a few years, at a cost almost equal to the first expenditure. This must not be, for I have fully determined that all the work done under my charge for this survey shall be done with a definite plan, and to the final end of leaving the matter as far advanced as our sciences can take it. The revision that becomes in time necessary must be the revision coming from the constant increase of discovery, not from the original incompleteness of the work. A map, and that as good as modern science can produce, must be the very first object of the survey. Five years ago I should have had grave fears as to the possibility of doing this work in a sufficient manner. In its nature extremely difficult, demanding the skill which is only found in a few large and long-trained governmental corps, the first steps of mapping an area, such as the State of Kentucky, are far beyond the resources of a survey such as the State can readily organize.

The foreign immigrant, accustomed to look upon accurate maps as an evidence of the culture and development of any State, will be the better attracted when he can see the whole State fairly represented before him. The former geologist of the State, Dr. Owen, sought to escape from the difficulty by doing this work as part of the task of the survey. In the six years during which the survey was prosecuted, the greater part of its funds were spent on the topographical work. A base line was rudely measured across the State, and some maps begun; war, time, and fire have done much to obliterate the record of this work. On careful consideration, and by the advice of able counselors, I have determined that it would be imprudent to undertake to complete this map of the State. It can scarcely be said to have been begun, notwithstanding the large sums spent upon it; to carry it out on the scale proposed, would cost the
In 1868, Governor Stevenson recommended in his annual message the revival of the geological survey, and the passage of a resolution, by the Kentucky Legislature, asking the Federal Congress to allow the Coast Survey to give its aid to the work. In pursuance of this recommendation an item of sixty-five thousand dollars was entered in the appropriation bill, to be used by the survey for such purposes. Unfortunately the State failed to pass the bill during the geological survey, and this money has been spent in work done in other States; but I am promised by the Superintendent of the Coast Survey that the State shall have her share of the appropriation which may be made by the next Congress. This will secure to the State an amount of money probably much exceeding the sum appropriated for the use of the geological survey. As the triangulation is completed, we shall obtain a number of determined points, so great that it will be possible to construct, at small expense and with great accuracy, maps on which the geology of the country can be satisfactorily represented. I, therefore, venture to recommend that the Legislature be requested to memorialize the Federal Government to increase the Coast Survey appropriation, so that the work may be energetically prosecuted in this State. As at least a year must elapse before the work done by the Coast Survey will serve as a basis for final maps of the State, I propose the following plan for the work to be done in the interior, until the maps can be made. Most of the railway surveys of the State have been made with sufficient care to give us, with an approximation to accuracy, the surface of the country for some distance on each side of their lines. With reductions of these maps in hand, it will be a comparatively easy matter to color them geologically, and to prepare detailed reports of the soils and minerals to be found along their lines. The aggregate length of the several lines of railway already built, or about to be built, is about one thousand five hundred miles. If the surveys will give a basis for mapping, for the distance of five miles on either side of the lines, then the work will include about the third part of the surface of the State. This will afford data on which
to solicit immigration, and the investment of capital in those regions which have been made readily accessible by these roads. Printed in a simple way, and broadly distributed, these reports will make the most effective possible basis for the development of the State. With proper care, this work can be done in a fashion which will not make it necessary to have it revised in order to bring it on to the final map of the State. It may, therefore, be regarded as no temporary expedient.

Although I am compelled to limit the work which has a final character to the region where railroad, river, and other surveys supply the basis for maps, I shall not hesitate to extend my researches to regions remote from transportation, and to make such reports thereon as may be necessary to inform capitalists who propose to invest money in mines, &c., or to encourage citizens to take the steps necessary to provide adequate conveyance for their mineral wealth. Should the demand make it necessary, I will, besides the time I may be able to give to it myself, appropriate to this purpose the services of a competent assistant; whose whole time shall be given to making special surveys in aid of the development of various projects which are likely to prove successful.

The development of the coal and iron of the State will necessarily be the first object of the survey. Though other States may have a larger area of these materials, a careful comparison of our own stores with those of other countries has satisfied me that when we consider the extent of our coal and iron fields; their relation to the most extensive system of fresh water transportation in the world; their neighborhood to the fertile lands of the central region of the State, and the vast markets of the West and South; the admirable system of rivers which penetrate them, and only require small lockage to make natural canals for the discharge of the products of quarry and mine, and finally the admirable position for working in which the beds lie, we are justified in placing Kentucky the very first in natural wealth of all the States in the Mississippi Valley. But our first object should not be to arouse the export of these products alone, but rather to show the way in which the future of our industries can be so managed as to induce capital to seek to combine our products within our borders, to convert the coal and ore into iron, and this iron into its products, rather than to ship them abroad for other hands to work. The richest States are not always those which produce the most of the basis of industry, but rather those which utilize these materials most effectively within their borders. I shall, therefore, not hesitate to make the work of the survey do all it can to throw light on the questions
of industrial improvement, by giving the statistics of mines, furnaces, &c., by showing the natural routes of transportation as dependent on the structure of the State, and all other similar points.

In doing the geological work along these railways, the utmost care must be taken to record the whole of the observed facts in such fashion that this record may remain a permanent evidence of the survey apart from any theory or opinion which may be based upon it. Let it not be supposed that I would condemn the explanation of observed facts, which constitutes theoretical geology. I only wish to enforce the importance of keeping the evidence of the facts in a way which will, at any time, allow the conclusions to be revised without the expense of collecting the evidence again. The following plan for the collection of materials has been adopted, and the work is being done in pursuance therewith. The note-books of each assistant working in the field are to be kept with all possible detail, and made a part of the records of the survey. As these books will represent the fact of each observation, with proper drawings for illustration, their testimony will always be useful. But the most effective way of recording the observations made, is by carefully collecting specimens illustrative of each formation, and preserving them with such descriptive labels as are necessary to show their position and relation. These specimens should be made to illustrate the resources of the State in the most ample manner; enough should be gathered to enable us to make several collections; the first and most important to be deposited in the State University at Lexington, where the students of our principal school may gain an adequate idea of the resources of their native Commonwealth, while they are studying the means to be used in its development; another collection should be deposited at the Capital; and yet another, or possibly two, be used as a means of representing the State in the exhibitions which now play so prominent a part in the industrial life of this and other countries. These collections should be made to represent, in an ample fashion, the following features:

1st. The geological and mineralogical features of the country.
2d. Its soils and their cultivated productions.
3d. Its native animals and plants.
4th. Its ancient life, both of animals and man.

So close is the dependence of all the forms of life upon the geological conditions of its surface that all the matters above specified properly fall under the attention of the geologist. Moreover, it will be desirable to give, along with these collections, maps showing what is known of our
climate, water-powers, and other features bearing upon the condition of
the State.

One of the advantages to be derived from making our first studies
along the railroad lines is the ample facilities afforded for transportation
of such collections, as well as the good views of the rocks, soils, &c.,
given by the cuts of the roads.

Considerable collections have already been made with a view to the
exhibition above referred to; experiments have been made as to the
methods of display; and the details of the plan are set forth in Appendix
A.

Some work is also doing toward the representation of the fossil con-
tents of our rocks. It is not alone for their great scientific interest that
these objects demand our attention. They have the clearest and most
immediate practical value. Many times the money required for the geolog-
ical survey of the State has been expended in profitless searching for
coal, oil, and other materials, in regions where they are known to be
wanting by trained geologists. It is through the fossils, and through
them alone, that we are able to identify any stratum and determine its
position. Therefore it is imperatively necessary, in any geological re-
port, to show the forms of animal life characteristic of each level. They
are the inscriptions upon the rocks which tell their date and their his-
tory.

A special object of the survey will be to examine the building mate-
rials of the State, at least those which are useful in masonry work. I
am satisfied, from the work which has already been done, that the best
building stone in the West, when we consider their quality and accessi-
bility to water transportation, lie within our State; and yet, with all this
store, the Federal Government has been compelled to pay half a million
for a less enduring stone, brought from the distant shores of Maine, over
a thousand miles away. A plan for this collection is shown in Appendix
B.

By far the most important means of studying the resources of the
State, and contributing to their increase, is to be found in the chemical
laboratory. In the present state of our science, no step forward can be
taken without its aid. The maker of iron and all other metals, the cul-
tivator of the soil, the builder, the domestic economist, must all ask this
aid. The very first step taken in reorganizing the survey was to reap-
point the able chemist of the old survey, and arrange for the starting of
the laboratory. An arrangement was made with the Regent of the Ken-
the University, at Lexington, by which rooms were secured, rent free, at that central point. As a good deal of apparatus had to be purchased, and many other arrangements made, this laboratory was not in order for work until the middle of September. The report of its chief will show the condition of the work in that department. Besides the work directly connected with the survey, this laboratory will give to all citizens of the State a chance of having analyses made at less than one fifth the usual rates. The chief chemist, or his assistant, will be glad at all times to give advice concerning the prosecution of any work which demands chemical knowledge, as far as may be consistent with their other duties. It is especially to be hoped that the farmers of the State may avail themselves of this admirable opportunity for improving the culture of their fields.

A principal work of the laboratory will consist in the preparation of a report on the mineral springs of the State. Kentucky abounds in waters of this description. There can be no doubt that in time these springs will be a source of great wealth to the State; many of them, which are now running quite to waste, would, in Europe, be valued at several hundred thousand dollars. From its position in relation to the great plains of the South and Southwest, the hill region of the State is clearly destined to become a favorite region wherein invalids may escape the dangers which summer brings in the lower country. The neglect in which the health-giving springs of the uplands of Kentucky have rested, can only be explained by the ignorance of their properties which everywhere prevails. Within twenty miles of Cincinnati some of the most remarkable springs in the world remain almost unused, solely from want of capital to develop them, which would not fail to be forthcoming if their properties were widely known. Waters as potent as those of Saratoga or the Virginia White Sulphur Springs, and in great abundance, are found at half a dozen or more points in the State. Scientific questions of great moment connect themselves with these springs. Their waters are but the brines of the early seas, in which millions of years ago our rocks were laid down. By studying them we get at a knowledge of the earliest conditions of life-containing waters. Moreover, the swampy grounds about these springs are filled with successive layers of buried animals, belonging to the extinct life of the country. Elephants, mastodons, and many other animals which no longer live on our land, lie buried by the thousand and tens of thousands around the waters where they resorted for salt. Big Bone Lick, a territory of forty acres or more, is crowded with these remains, as interesting, in their way, as the ruins of
Egypt. It is impossible to exaggerate the importance to science of a thorough study of these great burial places; through such work we may be able to understand the nature of the great changes that swept away the vast creatures which occupied this earth before the time of man.

Besides the history of the extinct creatures of lower degree, a proper survey of the State must give some consideration to the remains of prehistoric races of men which so abound within the State.

The Indians our fathers found here were the successors of a race of far higher civilization. These people we call the mound-builders have left their remains more abundantly in this State than in any other part of the country. Each day the work of culture is sweeping the time-worn remains away. We owe a historic duty to this people, whose lands we have inherited. The coming century will greatly and justly blame us if we ruthlessly destroy these ancient monuments without preserving even a record of their features. We have too little to link ourselves with the remote past of our race to allow these strange remains to escape from us without even an effort to understand their nature. A few hundred dollars will make an enduring record of these remains, besides gathering in our State cabinet a fine collection to illustrate the habits and arts of the ancient men.

By the enactment which gives authority to the present survey, the Superintendent is commanded to make a botanical survey of the State. Without any considerable expense, this work should be combined with a zoological survey, which need only be carried so far as to give to science a knowledge of the new and important forms of animal life which have been found within the State. Along with this a study of the fishes of our rivers should be made, with special reference to the economic questions connected therewith. More than half of the Ohio river system is subject to the control of the State. It is difficult to estimate the possible product of this vast river system. It is confidently asserted by the most experienced fish-breeders that the average animal product of an acre of water well stocked with fish is greater than that of the best land with the highest culture. As Kentucky owns at least a hundred thousand acres of the Ohio river system, it is evident that, on the most moderate calculation, we have a possible basis of great wealth in this source of food.

As the work of the Chief Geologist and his assistants will lead them to traverse all the stream-beds in the State, I venture to recommend that a survey of the water-powers be put in their hands. This will add little to their labors, for it will be easily effected in connection with the
geological work and the study of our fishes. The expense will be little more than the cost of printing the report.

That assemblage of physical conditions we call the climate of the State should also be carefully studied. Depending, as it does directly, in a great measure, upon the geology of the region, it fairly comes within the limit of a geological survey. Furthermore, as the all-important questions of health, of products, of history, indeed, depend upon it, it must be regarded as the crowning work of any survey. I think it is quite possible to secure the aid of the United States Signal Service Corps, so that the State may be spared the cost while reaping the advantage of this work.

The method of publishing the results of the survey demands the utmost attention. Nothing can be more impracticable than the means ordinarily adopted of bringing this information before the people. In the first place, the crowding together, in the shape of annual reports, of all the different materials, geological, chemical, zoological, not even so arranged that the facts concerning particular districts can be found together, is opposed to all purposes of utility. If we take the ordinary run of annual reports of geological surveys, we find that it is extremely difficult to get a clear idea of the geology of any particular district, so widely scattered is the information which bears thereon. The ordinary citizen, inexpert in such special work, finds it well nigh impossible to obtain definite information from this source. The defects in the methods of distributing the reports are almost as great as in their form; four or five thousand copies are thrown suddenly upon the State; given away to every applicant. For a while they are as plentiful as patent-medicine almanacs, and about as little cared for; but the chances of the household soon waste them, until, in ten years, they become the most rare of books. I have been trying for two months to buy a few sets of the reports of Dr. Owen, and failed to get a single copy of the first volume. I am inclined to think that there are not two hundred copies extant at the present time (there were five thousand printed), and these are mostly out of the State. Many counties could not furnish a single complete copy. I am constantly asked by scientific men, and by persons about to invest money in the State, where they can obtain these volumes, and am compelled to leave their demands unsatisfied, though I would often be glad to pay twice or thrice the cost of production. To avoid these difficulties, which come from want of order and from want of permanence in the reports, I venture to propose the following plan for the publication of
the geological survey. Let me say, at the outset, that it is modeled on the system followed in the geological survey of Great Britain; the most economical, as well as the most successful, of surveys.

In addition to the general reports, which may include matter which applies to the whole State, let there be special reports on the geology of each district, limiting these to counties, or to small groups of counties, as the work may make desirable. Each of these reports, whether special or general, should represent work which is completed as far as the resources of the survey will admit. For instance, the report which will be presented in a geological section, including Greenup and a part of Carter, of Boyd, and of Lawrence, will represent all the work done by the survey in this region, and will be complete as far as it is in our power to make it. All that can be ascertained concerning the iron, coal, and other minerals, the building stones, timber, springs, soils, &c., &c., will be represented in the map and reports of this district. As soon as the government survey is far enough advanced to give us new maps, we shall proceed to complete counties and groups of counties on the same fashion. The general reports should include such matters as the general geology of the State, arranged in a way to be used as a hand-book for the use of immigrants and others, a report on the mineral waters of the State, one on the soils and natural manures, &c. By this arrangement the use of the information gathered by the State survey will be immensely facilitated. In place of having to wade through a series of volumes, a work which may occupy days of patient labor, the reader will have only the required matter on hand.

I have already begun accounts of the mineral resources along the line of the Lexington and Big Sandy, the Eastern Kentucky, and the Elizabethtown and Paducah Railways. With the aid of my able and zealous assistants, I hope to have these done by the middle of the coming summer, and to be able to take up the work along other lines of railway. Each of these reports may be expected to contain a map of the line, and as much territory on each side as can be profitably worked for its ores, timber, &c.; the necessary sectional views prepared with accuracy, yet in the simplest and least technical language, and a detailed report of the geological and agricultural resources of the line of country traversed. In a simple form, and with cheap printing, these reports need not cost over twenty to thirty cents apiece, so that they can be distributed by our railways, at their own expense, with great advantage. In the publication of the economic results of the survey, it must be kept steadily in
mind that the immigration of capital and labor, like everything else in the way of investment, is wonderfully affected by advertisement. Other States, by making their small resources widely known throughout the world, are drawing to themselves the capital and energy which is always seeking new homes; we, with our noble resources, are making no headway.

With this method of publication we should have an entirely different method of distribution. The reports should be stereotyped, and not over a thousand copies printed at the outset. Of these, one copy should be given to each member of the Legislature; fifty copies given to public institutions; one copy of each general report filed in every county court; the special reports should be also supplied to each county interested therein. The remainder should be put on sale at the cost of production. The demand would probably require of each general report about an average of two hundred copies a year, and of the special reports about half this number; but every volume so distributed would be an immediate source of usefulness, and at the end of ten years, in place of one twentieth of the copies surviving, at least nine tenths would be in positions to advance the interests of the State. The cost of publication to the State would be not over one half what it would be under the old system, and the effectiveness would be beyond measure greater. As I said before, the British survey, where the experience runs over fifty years, and a great variety of experiments have been had, is distinctly in favor of this method of publication and distribution. The State of California, where there is now in progress the most admirable survey which has ever been undertaken on this continent, equaling, if not surpassing, the best European work, follows the same plan of distribution.

Besides the printed evidences of the work done by the State survey, the collections it makes, and their proper display, merit a great deal of consideration. I have already referred to the most important matters in that connection; its importance justifies me, however, in calling special attention to the question of the display of the resources of the State at the Centennial Exposition at Philadelphia in 1876. By taking pains to prepare for the smaller exhibitions to be held in Louisville, Cincinnati, and Chicago, in the next three years, we shall, by 1876, have a better basis for the illustration of the State than any other survey is likely to have. An annual expenditure of less than one thousand dollars for five years will enable us to do this, and will leave the collections in our hands for use at the Capital, and at the State University. It needs no argument to show the desirability of making a proper exhibition at Phila-
delphia. The estimate that the world at large will form of the several States of our confederation will largely depend on the show made by them at this, our first truly national exhibition.

I have already incidentally indicated the principal means whereby the geological survey can be made to advance the general interests of science in this State. These are to be found in the connection which has been made between the laboratory of the survey and the University at Lexington. This arrangement will extend still further. The geological assistant, Mr. Crandall, during the months when the weather is too bad to make his labor profitable in the field, will be employed by the University as a teacher of geology without expense to the survey. This post will enable him greatly to extend the knowledge of the State among its growing youth. The selection of local agents of the survey in each county, gentlemen who are willing to become special students and fellow-workers of the Superintendent in the investigation of their districts, cannot fail to do something towards developing an interest in such matters.

I am, moreover, satisfied that it is desirable to have in the employ of the survey at least a dozen young men, who have selected mining or civil engineering for their profession, who, having their expenses paid by the survey, will receive their remuneration in the training the work gives them. Much of the mere mechanical work of the survey can be done by young men with half a year's training. As a measure of economy, this system would commend itself for adoption; but the advantage of having in constant training a half a dozen selected youths, who will keep their training at the service of the State, cannot readily be over-estimated. A grave disadvantage connected with the former survey was, that, with a single exception, none of the half dozen persons employed were resident within the State, and not a young man was trained to its service during its five years of useful work. I am satisfied that, with care, each year of the work can be made to train several young men to the knowledge of the resources of the State, and this without extra expense to the survey.

While every effort should be made to bring the largest material return for the expenditure of the survey, the questions of economy and practicality should not narrow its bounds or hamper its work. A great Commonwealth endeavoring to set before the world its wealth of resources, cannot measure every step by its immediate profit. The questions which seem to be purely scientific, demand the same attention as those which bring us at once to cash in hand. The time has passed away when an arbitrary division could be made between the knowledge that
pays and that which does not. The abstract science of to-day is bread for millions in ten years of time. Twenty years ago, a speculative German spent his time in studying the spectrum of the sun with a microscope, trying to find what gases were flaming in its atmosphere; to-day his work makes the Bessemer steel process a possibility, and is the key to an annual product of one hundred millions of dollars, and an industry which is to revolutionize our arts.

This is but one of very many cases where science, the most impracticable in appearance, is the most practical in its results. The true economy is to believe that truth is wealth, and seek it wherever it can be found. A survey having this principle for its guidance, will do much to give our Commonwealth its true place among States.

APPENDIX A.

MUSEUMS OF THE STATE.

1st. The geological and mineralogical collections.

The object of these collections should be to exhibit the following features:

(A.) The succession of rocks and their contents from the base of the section within the State to its uppermost member, with such illustration, drawn from other countries, as may be necessary for its explanation. This collection should include, besides the older rocks, post-tertiary and Indian times.

(B.) A mineralogical collection, including specimens illustrative of the metallurgy of the State, ores, coals, slags, and their products.

All these materials should be accumulated in such quantities that these collections may be triplicated, at least in their most important features. Specimens of ores should include at least 200 cubic inches. All important specimens should be accompanied by a sketched section, showing the precise relation of the mass to its surroundings. Whenever possible, the specimens should be numbered corresponding to label and catalogue.

2d. Museum of soils and cultivated products.

The first object of this collection should be to show the full history of the soils of the State, their derivation, their original condition, the
losses from cultivation, and the means of their restoration to original fertility, or of elevating them above their native state. The collection should consist of four samples of each important variety of soil, representing: 1st. The surface soil as worn by culture; 2d. The subsoil beneath the same; 3d. The rock whence derived; 4th. The virgin soil of the same quality, if it can be obtained. These should be exhibited in glass bottles, arranged one above the other on proper shelves; along with them there should be full descriptions of the soils, their products, proper culture, &c.; the chemical analysis, with a list of the deficient materials, with notes of the best means of restoring the lost elements by manuring or by rotation of crops, fallowing, &c.

The collection of cultivated products should be arranged with special reference to the illustration of the soils and the action of manures. In the collection of this museum the aid of the agricultural societies should be sought.

In this museum should be shown the results of manuring as shown by the change in the analysis of the soil and the product—this with special reference to the manures to be obtained from the marls and limestone beds of the neighboring country.

3d. Museum of woods and other native botanical products.

The special object of this collection should be the illustration of the valuable timbers of the State, as well as the other botanical products which may be of importance.

APPENDIX B.

BUILDING MATERIALS.

The building materials of this State should have an ample illustration. They at present represent industries requiring a capital of over a million dollars, and will in ten years probably quadruple this amount. The failures due to the want of knowledge of the distribution of the building stones in the lower silurian rocks of Campbell county alone would support the geological survey for about two years.

The most important of these industries are in connection with the following materials:
1st. Building stones, sandstones, limestones, and flint stones.
2d. Brick clays.
3d. Fire clays.
4th. Water cements and limes.
5th. Timber.

The museum of building stones should, among other specimens, include several blocks of each important variety, to be exposed in the open air. The most admirable feature connected with our Kentucky marbles and sandstones is their effective resistance to the decay usually brought on by the action of the atmosphere.

The building stones accessible to water transportation in Kentucky are, on the whole, the best in the West. A careful series of experiments, serving to show in an accurate way their resistance to decay, will be calculated to aid their introduction into use. In the month of September the Federal Government awarded a contract for building stone, to be used in the new custom house building in Cincinnati, to a firm of quarriers in Maine. A safer building stone, more enduring, and of a far better architectural effect, can be quarried on the banks of the Kentucky river at half the expense of the transportation of building materials from that distant point.

The woods of the State should also be shown, with special attention to the decorative timbers in which our State abounds. Care should be taken to point out the distribution and relative abundance of the several species of trees in different regions. With a view to this, and of showing the relative abundance of different species at different points, it will be necessary to select in each region several acres of virgin forest, and by converting the several species, determine the per cent. of each kind in the given area. Then, by taking the size of the largest, it will be possible to describe the forest resources of the State in a way calculated to show clearly their surpassing wealth.

The brick clays of the State are numerous and more varied in character than is commonly believed. These should be represented along with the pottery clays, of which there are several good though unused sources. It is especially desirable that this latter industry should be fostered, inasmuch as it can be introduced with little capital, and will fill a want which is now supplied from foreign sources.

The fire clays of the State are of exceeding goodness, and only require a small investment to give them a high place among the resources of the States. In England the mines of this material are among the most profitable in the kingdom. The demand is daily increasing; while the amount of material of good quality is so small that the supply is not likely to overtake it. I shall seek to have samples of the best forms
made into the several articles for which it is fitted, and exhibited in collections.

Along the banks of the Ohio, the Licking, and especially along the Kentucky, we have the combination of cheap coal, and accessible lime-stone and cement stone, which goes so far to make the production of lime and cement profitable industries. When the transportation on these rivers brings coal and carriage to the minimum, there can be no doubt that these articles will make an important source of commerce. It is therefore, desirable to show the lime and cement stones with care, and also to illustrate the goodness of their products.

APPENDIX C.

ESTIMATE OF THE EXPENDITURE FOR THE SURVEY OF THE RESOURCES OF KENTUCKY, FOR THE YEAR FROM JANUARY 1ST, 1874, TO JANUARY 1ST, 1875.

For the pay of persons employed in the geological work—five in number, including the Superintendent, $6,500
For the transportation and subsistence of geological parties in the field, eight months in the year, 2,000
For the work of a gentleman employed as special student of the fisheries, including subsistence and transportation, 500
For the pay of persons employed in map-making, 1,000
For the pay of the chemist and assistant, 2,500
For the purchase of chemical supplies, 500
For the expenses of forming and exhibiting collections illustrative of the State's resources, including show-cases and transportation, 1,500
For the support of two aids or appointees of the survey, 500
For the expenses of printing the reports of the survey, 2,000
For the construction of two wagons, the purchase of horses, &c., for camp outfit, 1,200

$18,200

With expenditures on this scale, I shall be able to prosecute work at four points at the same time. The presence of the Superintendent, after this year, will not be required for more than eight months a year. The sum is much less than the annual appropriations of the States of Ohio, Missouri, and California.

As I hold it improper for a servant of the State to withhold the whole
truth concerning the work put into his hands, I have, against the advice of some counselors, made a careful estimate of the time required to complete the work in the State.

The time required will be determined in a great measure upon the work the State concludes to have done, supposing that we keep the following points in view—

1st. The preparation of a succient account of the geology, etc., of the State, treating it by counties, with a general geological map on a small scale. The whole meant to fill one volume of moderate size, of a nature calculated to attract immigration.

2d. The preparation of maps of each railway line, and a report giving the geology, soils, productions, timber, water-powers, etc., within ten miles or more on each side.

3d. A report on the mineral springs.

4th. A sufficient account of our fossils to make the determination of our rocks a possibility.

5th. A report on the fisheries of the State.

This would require, I estimate, three years from the 1st of January, 1874, with an average annual expenditure, including printing, of about fifteen thousand dollars per annum. I do not think it need run over seventeen thousand at the outside. When the work comes to this point, the United States Coast Survey will have given us a thorough triangulation of the State, at an expense much greater than the geological work. If the State then elects to complete its geological map on a large scale, so that each land-owner can see for himself just what he has below his soil, then it may be necessary to have some years more life given to the survey. This reckoning need not be made now. I am, however, so sure that the survey will prove the key to a new access of vigor and prosperity to the State, that I am confident that its authorities will seek to continue it until its fullest work is done. Though my plans will make it necessary that it be done under the supervision of none other than myself.

It is important to note, however, that, to work economically, it will be necessary to enable the director of the survey to be able to forecast the work of the three years, by voting the appropriation for that time; men can be hired for much smaller recompense when its duration is to be reckoned upon. I must say also that the estimation of our work is quite difficult, and is liable to some errors.

N. S. SHALER,
State Geologist of Kentucky.
Ordered, That the usual number of copies of said Report of the State Geologist be printed, and referred to the Committee on Immigration and Labor.

The House took up the resolution of Mr. Cooper in relation to the creation of additional judicial districts.

On motion of Mr. Gatewood,
Ordered, That said resolution be referred to the Committee on the Judiciary.

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

On motion of Mr. Evans—
1. A bill to repeal section six (6) of chapter 30 of the General Statutes, entitled “Currency.”

On motion of Mr. Walton—

On motion of Mr. Lovel—
3. A bill requiring certain legal advertisements and orders of court in Lewis county, to be published in the Vanceburg Kentuckian.

On motion of same—
4. A bill requiring advertisements and orders of the court, in Greenup county, to be inserted in the Greenup Independent.

On motion of same—
5. A bill to amend the charter of the Concord and Tollsboro Turnpike Road Company.

On motion of same—
6. A bill to amend the charter of the Cabin Creek Turnpike Road Company.

On motion of Mr. Cunningham—
7. A bill to amend the charter of the Bourbon County Agricultural Society.

On motion of same—
8. A bill to amend section 10, article 13, of the General Statutes, entitled “Quarterly Courts.”

On motion of Mr. Varnon—

On motion of Mr. Evans—
10. A bill to amend the charter of Hopkinsville.

On motion of Mr. Haggard—
11. A bill to suppress the sale of ardent spirits in any city or town.
on election days, or within five miles of any voting place or precinct in this Commonwealth.

On motion of same—

12. A bill for the enforcement of a uniform system of freights on all railroads in this Commonwealth.

On motion of same—

13. A bill to reimburse William Brown, Sandy Kininmouth, Samuel Steel, and Terry & White, for interest paid for money borrowed to complete the repairs on the Kentucky, Green and Barren river lines of navigation.

On motion of Mr. Walton—

14. A bill to provide for paying for tobacco hogsheads in all the warehouses of this Commonwealth.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st and 10th; the Committee on Courts of Justice the 3d, 4th, and 8th; the Committee on Internal Improvement the 5th and 6th; the Committee on Agriculture and Manufactures the 7th and 14th; the Committee on Revised Statutes the 9th; the Committee on Railroads the 12th; the Committee on Religion and Morals the 11th; the Committee on Claims the 13th; and a select committee, composed of Messrs. Walton, Hays, and Jefferson, the 2d.

The Senate took up for consideration a bill, entitled A bill to amend chapter 3 of title 18 of the Civil Code of Practice. Said bill was then amended.

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

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

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

And then the Senate adjourned.
A message was received from the House of Representatives, announcing their concurrence in resolutions, which originated in the Senate, of the following titles, viz:

Resolution in relation to printing Journals of the two Houses for the present session.

Resolution calling for report from the Commissioners to revise the Codes of Practice.

With an amendment to the last named resolution.

Which was taken up, twice read, and concurred in.

That they had adopted resolutions and passed a bill of the following titles, viz:

1. Resolution in relation to payment for Collins' History of Kentucky.

2. Resolution providing for the purchase of the Holy Bible, to be placed in the State Library.

An act to repeal an act, entitled "An act to regulate and create the office of county treasurer in the counties of Perry and Harlan," approved April 21st, 1873.

Which resolutions were read and referred—the 1st to the Committee on Education, and the 2d to the Committee on Religion and Morals.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be read a third time.

The constitutional provision 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.

On motion of Mr. Brown, Mr. Varnon was added to the Committee on Library and Public Buildings and Offices.

On motion of Mr. Vories, Mr. Haggard was added to the Committee on Penitentiary and House of Reform.
Mr. Walton moved the following resolution, viz:

Resolved, That the Committee on the Judiciary be required to inquire into the expediency of paying jurors in certain cases.

And the question being taken on the adoption of said resolution, it was decided in the negative.

So said resolution was rejected.

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

By Mr. Lovel, from the Committee on Agriculture and Manufactures—
1. A bill for the benefit of the Carroll County Agricultural Association.

By Mr. Evans, from the Committee on the Judiciary—
2. A bill authorizing a special term of the Muhlenburg county court.

By same—
3. A bill to amend section 7 of chapter 31 of the General Statutes, entitled "Descent, Distribution, Exempt Property, and Adoption."

By Mr. Walton, from a select committee—
4. A bill for the benefit of John W. Gore, clerk Larrue county court.

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

The constitutional provision as to the second reading of said bills being dispensed with,

The 2d was ordered to be printed, and placed in the orders of the day; the 4th was, on motion, committed to the Committee on the Judiciary; and the 1st and 3d were ordered to be engrossed and read a third time.

The constitutional provision 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.

The Senate, according to order, took up for consideration a bill, entitled

A bill in aid of the common schools of this Commonwealth.

Mr. Hale proposed an amendment to said bill.

On motion of Mr. Varnon,

Ordered, That said bill and pending amendment be committed to Committees on Finance and Education, to be considered by them.
jointly, and with instructions to report thereon on Friday next, the 12th inst.

Mr. Jefferson moved the following resolution, viz:

Resolved, That the Auditor of State be, and he is hereby, requested to report the amount of money now in the Treasury to the credit of the Common School Fund, and any other items of importance connected therewith.

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

Mr. Lindsay, from the Committee on Religion and Morals, to whom was referred a bill from the House of Representatives, entitled An act to prohibit the sale of spirituous or vinous or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said corporate limits,

Reported the same without amendment.

On motion of Mr. Vories,

Ordered, That the further consideration of said bill be postponed till the 18th inst.

The Senate took up the joint resolutions, offered by Mr. Evans on yesterday, in relation to Cuba.

On motion of Mr. Clay,

Ordered, That said resolutions be referred to the Committee on Federal Relations.

The yeas and nays being required thereon by Messrs Evans and Clay, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

On motion of Mr. Evans—

1. A bill for the benefit of R. W. Williams, jailer of Christian county.
On motion of Mr. Jefferson—
2. A bill to authorize the Commissioners of the Sinking Fund to redeem and cancel the bonds now held for the benefit of the Agricultural College, and to reinvest the same.

On motion of Mr. Simmons—
3. A bill for the benefit of Sarah Virginia Musselman, and her infant children.

On motion of Mr. Vories—
4. A bill to amend the law in relation to the Agricultural and Mechanical College of Kentucky.

On motion of Mr. Brown—

On motion of Mr. Barker—

On motion of Mr. Hale—
7. A bill for the benefit of Samuel Orr, of Graves county.

On motion of Mr. Berry—
8. A bill to amend section 77, article 1, chapter 2, of the Civil Code of Practice.

On motion of Mr. Hays—

On motion of Mr. Edwards—
10. A bill to amend section 2d, article 22, chapter 28, of the General Statutes.

On motion of Mr. Walton—
11. A bill to provide for paying jurors who serve before inferior courts.

Ordered, That the Committee on Claims prepare and bring in the 1st and 6th; the Committee on Finance the 2d, 3d, and 7th; the Committee on Education the 4th; the Committee on Banks and Insurance the 5th; the Committee on Courts of Justice the 8th; the Committee on Revised Statutes and Codes of Practice the 10th; and the Committee on the Judiciary the 9th and 11th.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined an enrolled resolution, which originated in the Senate, entitled Resolution in relation to apportionment; and had found the same truly enrolled.
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 approval and signature.

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

And then the Senate adjourned.

WEDNESDAY, DECEMBER 10, 1873.

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

1. An act authorizing a sale of a portion of the road of the Centerville and Jacksonville Turnpike Road Company.
2. An act for the benefit of Susan Wall, of Garrard county.
3. An act for the benefit of the administrators of Wm. Simpson, late clerk of the Wayne circuit and county courts.
4. An act relating to the surplus school fund belonging to Logan county.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Internal Improvement; the 2d to the Committee on the Judiciary; the 3d to the Committee on Courts of Justice; and the 4th to the Committee on Education.

Hon. G. A. C. Holt, Senator from the Third District, appeared and took his seat.

The following petition and remonstrance were presented, viz:

By Mr. Evans—

1. The petition of sundry citizens of Muhlenburg county, praying the passage of an act increasing the number of judicial districts in this Commonwealth.
By Mr. Holt—
2. The remonstrance of sundry citizens of Golden Pond, in Trigg county, against the passage of an act incorporating said town.
Which were received, the reading dispensed with, and referred—the 1st to the Committee on Courts of Justice, and the 2d to the Committee on Privileges and Elections.
The hour of eleven o'clock, A. M., having arrived, the Senate, according to order, resolved itself into a Committee of the Whole upon the state of the Commonwealth—
The Speaker pro tem., Mr. Martin, retiring from, and Mr. Holt being called to the Chair, and took up for consideration
The report of the Committee on Privileges and Elections in relation to the memorials of Wm. Cassius Goodloe and Edmund Wooldridge, each claiming the seat as Senator elect from the 27th Senatorial District.
And after a time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Holt, the Chairman of the committee, reported
That the committee had taken up and had under consideration said report, but not having time to complete its consideration on this day, had risen, and asked leave to sit again to-morrow at 11 o'clock, A. M.
Which was granted.
On motion of Mr. Barlow, Mr. Cunningham was added to the Committee on Federal Relations.
Mr. Briggs, from the Committee on Internal Improvement, reported a bill, entitled
A bill to allow the Washington county court to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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.
Leave was given to bring in the following bills, viz:

On motion of Mr. Briggs—
1. A bill for the benefit of Washington county court.

On motion of same—

On motion of Mr. Holt—
3. A bill for the benefit of T. A. Leper.

On motion of Mr. Haggard—
4. A bill requiring the owners of saw-logs to brand their logs before rafting them and floating them to market.

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st; the Committee on Claims the 2d; the Committee on Finance the 3d; and the Committee on Propositions and Grievances the 4th.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled resolutions, which originated in the Senate, of the following titles, viz:

Resolution in relation to printing Journals of the two Houses for the present session;
Resolution calling for report from the Commissioners to revise the Codes of Practice;

And had found the same truly enrolled.

Said 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 approval and signature.

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

Mr. Lindsay, from the Committee on Religion and Morals, to whom was referred a resolution from the House of Representatives, entitled

Resolution providing for the purchase of the Holy Bible, to be placed in the State Library,

Reported the same without amendment.

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

Mr. Darby, from the Committee on Courts of Justice, to whom was referred a bill from the House of Representatives, entitled
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An act for the benefit of the county court of Breckinridge county, Reported the same with amendments. Which were adopted.

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

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

Mr. Barker, from the Committee on Claims, who were directed to prepare and bring in the same, reported a bill, entitled

A bill for the benefit of Arnold S. Hardy, jailer of Marion county. Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of Arnold S. Hardy for two hundred and fifty dollars, to be paid out of any money in the Treasury not appropriated, that being the amount paid by the said Hardy, out of his own means, for the arrest and delivery of two desperate felons, who made their escape from the Marion county jail.

§ 2. This act to take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, D. R. Haggard, A. L. Martin,
Robert A. Briggs, H. S. Hale, Robert Simmons,
Scott Brown, Thos. F. Hargis, G. W. Swoope,
James F. Clay, J. W. Hays, E. W. Turner,
W. W. Culbertson, Geo. B. Hodge, Thos. W. Varnon,
W. A. Cunningham, G. A. C. Holt, W. L. Voris,
E. W. Darby, B. W. S. Huffaker, C. J. Walton,
Walter Evans, T. L. Jefferson,

In the negative—none.

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

And then the Senate adjourned.
THURSDAY, DECEMBER 11, 1873.

Leave was given to bring in the following bills, viz:
On motion of Mr. Hodge—
On motion of Mr. Hargis—
2. A bill to change the time of holding the Lee county and quarterly courts.
On motion of Mr. Swoope—
3. A bill to amend section 5, article 1, chapter 12, of the General Statutes of Kentucky, entitled "An act for the change of venue in civil cases."
On motion of Mr. Simmons—
4. A bill to pay assessors of the Commonwealth for certain services.
On motion of Mr. Frazer—
5. A bill for the benefit of John Grumbly, of Todd county.
On motion of Mr. Cunningham—
6. A bill to amend section 6, article 12, chapter 38, of the General Statutes.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st, 3d, 4th, 5th, and 6th, and the Committee on the Judiciary the 2d.

The Speaker laid before the Senate the following response of the Auditor to the resolution of the Senate, in relation to the amount of money in the School Fund, viz:

STATE OF KENTUCKY,
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT, December 11th, 1873.

HON. A. L. MARTIN, Speaker pro tem. of Senate:

Sir: In response to the resolution of the Senate, adopted on the 9th inst., calling on me for "the amount of money in the Treasury to the credit of the Common School Fund, and any other items of importance connected therewith," I submit the inclosed statement, giving the information asked for.

Availing myself of the request of the Senate to report any other items of information having an important bearing on the finances of our common school system, I draw attention to the fact, that the present reduced amount of money in the Treasury, to the credit of
the Common School Fund, results from the fact that sheriffs are not required, under the law, to pay the public moneys collected by them into the Treasury before the first day of April in each year. It cannot be expected that our school system will work harmoniously or successfully so long as the school money is required to be paid out before it is collected.

The present embarrassed condition of our school finances is attributable alone, in my judgment, to that fact; and until the payment of the school money is adjusted to its collection and payment into the Treasury, there must be confusion and embarrassment.

An examination of the Auditor's report will show that of the $960,144 87 of school money paid into the Treasury for the fiscal year ending the 10th day of October, 1873, $821,034 37 of it had to be collected by sheriffs. So that it will be seen that the much larger portion of the school money to be disbursed for the support of the common schools has to be collected and paid into the Treasury by sheriffs; and it is hardly reasonable to suppose that anything else but confusion and embarrassment will follow so long as the law requires that fund to be paid out before it is paid into the Treasury.

I think I may safely say, that, if the General Assembly will enact such legislation as will secure the collection and payment of the public moneys into the Treasury not later than the first day of January in each year, and make the school money payable on the 10th of January, the 15th of April, and the 1st of July, in each year, as under the old school law, there will in the future be no difficulty in meeting promptly all legitimate demands on the School Fund.

I also respectfully suggest that the 9th section of the first article of the new school law, providing for the distribution of the bonded surplus in the Treasury to the credit of the counties, be repealed, for the following reasons, to-wit:

1st The present condition of the Treasury is such that it cannot be paid without serious embarrassment to the public finances; and secondly, because it will reduce the endowment fund of the common schools over $300,000, without rendering any permanent benefit to the schools in the counties entitled to it.

I have the honor to be,

Very respectfully,

Your obedient servant,

D. HOWARD SMITH, Auditor.

10-s.
SCHOOL FUND.

1873.

October 10. To balance in Treasury _______________ $44,150 32
October 10. To balance in Treasury not transferred 3,924 69
October 31. To receipts from dog tax _______________ 10 88
October 31. To receipts from Scott county _______________ 3,397 70
October 31. By warrants _______________ 29,375 66
November 30. To receipts from Garrard county _______________ 63 35
November 30. To receipts from Campbell county _______________ 76 60
November 30. To receipts from Nicholas county _______________ 44 78
November 30. To receipts from Calloway county _______________ 112 86
November 30. To receipts from dog tax _______________ 448 86
November 30. To receipts from billiard tables _______________ 47,565 81
November 30. By warrants _______________ 31,525 00
November 30. By balance _______________ $47,085 92

$124,991 62

December 1. To balance _______________ $84,088 92
December 10. To receipts from sheriffs _______________ 59,235 28
December 10. By warrants _______________ 930 97
December 10. By balance _______________ 143,364 20

$143,991 62

Attest: D. HOWARD SMITH, Auditor.

Ordered, That said report be printed, and referred to the Committee on Education.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of the officers of the Senate and House of Representatives, for the same amount of pay per diem as paid said officers, respectively, during the last session of this General Assembly.

The rule of the Senate being dispensed with,

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

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, D. R. Haggard, D. H. Lindsay,
John S. Barlow, H. S. Hale, R. B. Lovel,
Robert A. Briggs, Thomas F. Hargis, A. L. Martin,
Scott Brown, J. W. Hays, Robert Simmons,
James F. Clay, Geo. B. Hodge, E. W. Turner,
W. A. Cunningham, G. A. C. Holt, Thos. W. Varnon,
F. W. Darby, B. W. S. Huffaker, W. L. Vories,
Mr. Turner, from the Committee on the Judiciary, to whom was referred Senate bill, entitled
An act for the benefit of John W. Gore, clerk Larue county court, Reported the same without amendment.

On motion of Mr. Walton,
Ordered, That said bill be committed to the Committee on Courts of Justice.

Mr. Hays, from the Committee on the Judiciary, to whom was referred leave to bring in a bill to prevent the giving or accepting of free or discounted passes over railroads or other public thoroughfares, Asked to be discharged from the further consideration thereof.

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Mr. Gatewood, from the Joint Committees of Education and Finance, to whom was referred Senate bill and amendments, entitled
A bill in aid of the common schools of this Commonwealth, Reported the same with an amendment by way of substitute.

Mr. Swoope moved to print said bill, and make the same a special order for Monday next.

And the question being taken thereon, it was decided in the negative.
Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision 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 took up for consideration a bill, entitled
A bill authorizing a special term of the Muhlenburg county court.
Ordered, That said bill be engrossed and read a third time.

The constitutional provision 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 hour of eleven o'clock, A. M., having arrived, the Senate, according to order, resolved itself into a Committee of the Whole upon the state of the Commonwealth—

The Speaker pro tem., Mr. Martin, retiring from, and Mr. Holt assuming the Chair,

And resumed the consideration of the report of the Committee on Privileges and Elections in regard to the memorials of Wm. Cassius Goodloe and Edmund Wooldridge, each claiming the seat as Senator elect from the 27th Senatorial District.

And after a time spent therein, the committee rose, the Speaker resumed the Chair, and Mr. Holt, the Chairman thereof, reported

That the committee had completed the consideration of said report, and reported the following resolution as a substitute for the report of the Committee on Privileges and Elections, viz:

Resolved, That the Chairman of the Committee of the Whole Senate be instructed to ask that the subject of the petitions of W. Cassius Goodloe and Edmund Wooldridge be referred back to the standing committee of the Senate on Privileges and Elections, with instructions to report to the Senate all the evidence hitherto adduced before them, or which may be adduced; to inquire into and report all the facts connected with the election for Senator on the first Monday in August, 1873, in the 27th District; and report the result and state of facts in detail as thus inquired into and ascertained; and also to inquire into and report to the Senate as to qualifications as required by law of the petitioners—as to eligibility to seats in the Senate; such further instructions to said committee to meet from day to day, and report as speedilly as possible, consistent with the proper discharge of the duties devolved upon them.
The question was then taken upon the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs Evans and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, I. L. Hyatt,
John S. Barlow, D. R. Haggard, T. L. Jefferson,
Robert A. Briggs, Thos. F. Hargis, D. H. Lindsay,
Scott Brown, J. W. Hays, R. B. Lovel,
W. A. Cunningham, Geo. B. Hodge, E. W. Turner,

W. W. Frazer,

Those who voted in the negative, were—

W. J. Berry, Walter Evans, G. W. Swoope,
Robert Boyd, H. S. Hale, Thos. W. Varnon,
James F. Clay, B. W. S. Huffaker, C. J. Walton,

F. W. Darby, Robert Simmons,

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

By Mr. Jefferson, from the Committee on Banks and Insurance—

By Mr. Jefferson, from the Committee on Finance—
2. A bill to amend the revenue laws.

By Mr. Evans, from the Committee on the Judiciary—
3. A bill to amend chapter 113 of the General Statutes, entitled "Wills."

By same—

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

The constitutional provision as to the second reading of said bills being dispensed with, the 2d was ordered to be printed, and made the special order of the day for Monday, the 15th inst.; the 3d and 4th were ordered to be printed, and placed in the orders of the day; and the 1st was ordered to be engrossed and read a third time.

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

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

And then the Senate adjourned.
A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof.

That they had passed bills and adopted a resolution of the following titles, viz:

1. An act to add a part of Henry county to the county of Oldham.
2. An act for the benefit of Noah Allen, of Crittenden county.
3. An act for the benefit of Joshua Sharp, of Shelby county.
4. An act to apply to Fayette and Jessamine counties the provisions of an act approved March 5th, 1872, entitled “An act to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads.”
5. An act to renew the charter of the Alexandria and Flagg Spring Turnpike Road Company, in Campbell county.
6. An act to amend the charter of the Bourbon County Agricultural Society, and the laws in relation thereto.
7. An act to abolish the court of common pleas in Union county.
8. An act to increase the jurisdiction of justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties.
9. An act for the benefit of Pike county.
10. An act to repeal an act, entitled “An act to authorize the Pike county court to issue bonds for court-house and other purposes.”
11. Resolution regulating the pay of certain officers of this General Assembly.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 4th to the Committee on Propositions and Grievances; the 2d and 3d to the Committee on Claims; the 5th to the Committee on Internal Improvement;
the 7th and 8th to the Committee on Courts of Justice; the 11th, the resolution, to the Committee on Finance; and the 6th, 9th, and 10th were ordered to be read a third time.

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

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

Mr. McManama, Senator from the 26th District, appeared and took his seat.

Mr. Varnon presented the petition of Richard H. Collins, in relation to the anniversary of the first settlement of Kentucky.

Which was received, the reading dispensed with, and referred to the Committee on Education.

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

By Mr. Barker, from the Committee on Claims—
1. A bill for the benefit of A. J. Cocomougher, late sheriff of Washington county, and his sureties.

By Mr. Cunningham, from the Committee on Courts of Justice—
2. A bill requiring legal advertisements, in Lewis county, to be inserted in the Vanceburg Kentuckian.

By same—
3. A bill to amend section 77, article 1, chapter 2, of the Civil Code of Practice.

By Mr. Turner, from the Committee on Internal Improvement—

By same—
5. A bill to amend an act, entitled "An act to amend the act incorporating the Cabin Creek Turnpike Road Company."

By same—
6. A bill to amend the charter of the Concord and Tollsboro Turnpike Road Company.

By Mr. Clay, from the Committee on the Judiciary—
7. A bill to amend section 6 of chapter 30, General Statutes.

By Mr. Hargis, from the same committee—
8. A bill to change the time of holding the Lee county and quarterly courts.

Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with, the 7th was ordered to be printed, and placed in the orders of the day; the 4th, with a proposed amendment thereto, was made the special order of the day for to-morrow, the 13th inst.; and the 1st, 2d, 3d, 5th, 6th, and 8th were severally ordered to be engrossed and read a third time.

The constitutional provision 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. Cunningham, from the Committee on Courts of Justice, reported a bill, entitled

A bill requiring certain legal advertisements in Greenup county to be published in the Greenup Independent.

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

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all notices of sales of land made by the sheriff of Greenup county under execution, all sales made by commissioners under the judgment of the Greenup circuit court, and all notices of the sittings of the master commissioner of said county, in actions referred to him for the settlement of fiducial accounts, and for the purpose of auditing claims against deceased or insolvent debtors, under the act of 1856, be, and the same are hereby, required to be inserted in the Greenup Independent, in Greenup county.

§ 2. That all notices of sales of personal estate made by the sheriff of said county of Greenup, under execution, when the estate to be sold shall exceed in value the sum of two hundred and fifty dollars, to be fixed by said sheriff, or by appraisement, in the manner required by law in sales of land under execution, be, and the same is hereby, required to be inserted in said Greenup Independent.

§ 3. Notices of the sales of land, under this act, shall be inserted in three successive weekly issues of said newspaper next preceding the day of sale. Notices of the sales of personal property shall be inserted in two successive weekly issues of said newspaper next preceding the day of sale; and all notices of the sittings of the master commissioner shall be inserted in said paper as soon as said commissioner fixes the day of his sittings, and to continue up to the time the same takes place, and as often thereafter as said commissioner may deem proper.

§ 4. The costs of inserting said advertisements shall be collected as part of the costs in the same manner as the other costs shall be collectable; and the charges for said advertising shall not exceed the usual rates charged for similar advertising.
§ 5. Whenever the publication of said Greenup Independent shall cease, then the requirements of this act shall be dispensed with.

§ 6. This act shall take effect and be in force from and after its passage, and shall in no wise affect the general laws now in force requiring sales to be advertised.

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

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

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frszer, D. H. Lindsay,
Robert A. Briggs, Thos. F. Hargis, R. B. Lovel,
Scott Brown, Geo. B. Hedge, A. L. Martin,
W. A. Cunningham, G. A. C. Holt, Robert Simmons,
F. W. Darby, I. L. Hyatt, E. W. Turner,

Those who voted in the negative, were—

John S. Barlow, D. R. Haggard, O. D. McManama,
W. J. Berry, H. S. Hale, G. W. Swoope,
Robert Boyd, J. W. Hays, Thos. W. Varnon,

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

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

On motion of Mr. Haggard—

1. A bill to provide for the government and discipline of the Kentucky Penitentiary, and to repeal all laws and parts of laws inconsistent herewith.

On motion of Mr. Jefferson—

2. A bill to further define the duties of the trustees of the jury fund of Jefferson county.

On motion of Mr. Lovel—

3. A bill to amend the charter of the town of Concord.

On motion of the same—

4. A bill to amend an act, entitled "An act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county," approved March 25, 1873.

11–8.
On motion of same—
5. A bill to amend an act, entitled "An act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the old jail in Lewis county, or building a new jail and jailer's house in said county," approved February 19, 1873.

On motion of Mr. Lindsay—
6. A bill to increase the jurisdiction of judges of the quarterly courts of this Commonwealth

On motion of same—
7. A bill to increase the jurisdiction of magistrates in this Commonwealth.

On motion of Mr. Frazer—
8. A bill for the benefit of K. F. Hargis, of Lee county.

On motion of Mr. Clay—

On motion of Mr. Boyd—
10. A bill to regulate the time of holding courts in the 15th judicial district.

On motion of Mr. Simmons—
11. A bill to change the time of electing constables and justices of the peace.

Ordered, That the Committee on the Penitentiary and House of Reform prepare and bring in the 1st; the Committee on the Judiciary the 2d, 8th, 10th, and 11th; the Committee on Education the 3d; the Committee on Propositions and Grievances the 4th and 5th; the Committee on Courts of Justice the 6th and 7th, and the Committee on Railroads the 9th.

The Speaker announced the following as the committee on the part of the Senate, to act in conjunction with a similar committee on the part of the House of Representatives, to take into consideration the subject of apportionment of the State for Representatives and Senators to the General Assembly, viz: Messrs. Hodge, Vories, Darby, Haggard, Barker, Varnon, Cooper, Hargis, Webb, and Berry.

Mr. Evans presented, and had read for information, a memorial signed by himself, C. J. Walton, W. J. Berry, Robert Boyd, and B. W. S. Huffaker, members of the Republican party, protesting against the action of the Senate in the matter on yesterday in relation to the contest for a seat as Senator from the 27th Senatorial District between Wm. Cassius Goodloe and Ed. Wooldridge.
Mr. Clay moved to lay said memorial and protest on the table.
And the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>Lewis J. Barker</th>
<th>W. W. Frazer</th>
<th>T. L. Jefferson</th>
</tr>
</thead>
<tbody>
<tr>
<td>John S. Barlow</td>
<td>John J. Gatewood</td>
<td>Robert Simmons</td>
</tr>
<tr>
<td>Robert A. Briggs</td>
<td>D. R. Haggard</td>
<td>G. W. Swoope</td>
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<tr>
<td>Scott Brown</td>
<td>Thos. F. Hargis</td>
<td>E. W. Turner</td>
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<tr>
<td>James F. Clay</td>
<td>J. W. Hays</td>
<td>W. L. Vories</td>
</tr>
<tr>
<td>F. W. Darby</td>
<td>Geo. B. Hodge</td>
<td>Ben. J. Webb-20</td>
</tr>
<tr>
<td>P. F. Edwards</td>
<td>I. L. Hyatt</td>
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</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>W. J. Berry</th>
<th>H. S. Hale</th>
<th>R. B. Lovel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Boyd</td>
<td>G. A. C. Holt</td>
<td>A. L. Martin</td>
</tr>
<tr>
<td>W. A. Cunningham</td>
<td>B. W. S. Huffaker</td>
<td>C. J. Walton-11</td>
</tr>
<tr>
<td>Walter Evans</td>
<td>D. H. Lindsay</td>
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</table>

Mr. Darby, from the Committee on Courts of Justice, to whom was referred a bill from the House of Representatives, entitled

An act to increase the jurisdiction of justices of the peace of Logan county,

Reported the same without amendment, and with the expression of opinion from the committee that the bill ought not to pass.

The question was then taken on ordering said bill to be read a third time, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>John S. Barlow</th>
<th>H. S. Hale</th>
<th>R. B. Lovel</th>
</tr>
</thead>
<tbody>
<tr>
<td>W. J. Berry</td>
<td>Thomas F. Hargis</td>
<td>A. L. Martin</td>
</tr>
<tr>
<td>Robert A. Briggs</td>
<td>G. A. C. Holt</td>
<td>Robert Simmons</td>
</tr>
<tr>
<td>Scott Brown</td>
<td>B. W. S. Huffaker</td>
<td>G. W. Swoope</td>
</tr>
<tr>
<td>James F. Clay</td>
<td>I. L. Hyatt</td>
<td>W. L. Vories</td>
</tr>
<tr>
<td>D. R. Haggard</td>
<td>D. H. Lindsay</td>
<td></td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Thos. J. Barker</th>
<th>P. F. Edwards</th>
<th>O. D. McManama</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Boyd</td>
<td>Walter Evans</td>
<td>E. W. Turner</td>
</tr>
<tr>
<td>W. A. Cunningham</td>
<td>John J. Gatewood</td>
<td>C. J. Walton-11</td>
</tr>
<tr>
<td>F. W. Darby</td>
<td>J. W. Hays</td>
<td></td>
</tr>
</tbody>
</table>

Mr. Turner, from the Committee on Internal Improvement, to whom was referred a bill from the House of Representatives, entitled
An act authorizing a sale of a portion of the road of the Centerville and Jacksonville Turnpike Road Company,
Reported the same without amendment.
Ordered, That said bill be read a third time.
The constitutional provision 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. Clay, from the Committee on the Judiciary, to whom was referred the joint resolution in relation to the creation of additional judicial districts, offered by Mr. Cooper,
Reported the same without amendment.
Which was adopted.
Mr. Turner, from the majority of the joint committee of the two Houses, to whom was referred sundry resolutions and leaves upon the subject of taking the sense of the people of this Commonwealth as to the necessity and expediency of calling a convention to amend the State Constitution, reported a bill, entitled
A bill to take the sense of the people of this State as to the propriety of calling a convention to revise the Constitution.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Mr. Walton moved to print said bill, and that it be made the special order for 11 o'clock to-morrow.
And the question being taken thereon, it was decided in the negative.
The yeas and nays being required thereon by Messrs Haggard and Hays, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, James F. Clay, C. J. Walton—5.
Robert Boyd, B. W. S. Huffaker,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, D. R. Haggard, R. B. Lovel,
Robert A. Briggs, H. S. Hale, A. L. Martin,
Scott Brown, Thos. F. Hargis, Robert Simmons,
W. A. Cunningham, J. W. Hays, G. W. Swoope,
F. W. Darby, Geo. B. Hodge, E. W. Turner,
P. F. Edwards, G. A. C. Holt, W. L. Vories,
Mr. Turner then moved that said bill be printed, and made the special order for Monday next, at 11 o'clock, A. M.

Which was adopted.

Mr. Gatewood, from the same joint committee, made a minority report on the subject of calling a convention, which was ordered to be printed, in connection with the bill reported from the majority of same committee, to be considered therewith, which report reads as follows, viz:

The undersigned, members of the Senate and House of Representatives, appointed to inquire into the necessity and expediency of submitting to the good people of the Commonwealth the question of calling a Convention for the purpose of readopting, amending, or changing the Constitution, respectfully represent, that we have had the matter under careful consideration, and beg leave to submit the following minority report, expressive of our views on this most important subject:

We believe that the Constitution has, in the first place, made the Legislature the sole judge as to the necessity or expediency of altering or amending the Constitution, controlled, of course, by the assurance that when the necessity was great, or the danger imminent, that body would reflect the sentiments of its constituency. This construction of the Constitution is warranted by the fact that no other tribunal can decide "when experience shall point out the necessity of amending the Constitution;" and by the fact that the judgment of the Legislature on this subject must be expressed in the form of a law, passed under the sanction of an oath of fealty, not only to the Constitution but to the Commonwealth.

We feel that no members of the General Assembly can or will go further than the undersigned in according to the citizens of the State the opportunity to pass in judgment upon any question affecting their interest, when we can do so with a due regard to our oath of office; but while this is true, we feel that we are representatives of the people of the State, that, as such, we have a duty to perform, and in the discharge of that duty we do not feel that we are withholding from the people the right to decide a question properly belonging to them. We are their representatives, and as such, bound to discharge the trust in the absence of instructions, according to our best judgment, bearing the consequences which flow from an honest
and faithful performance of a duty, not self-imposed, but resting in the supreme law of the State.

Testing our judgment by the constitutional standard, we do not feel warranted in saying that experience has pointed out the necessity of amending our Constitution. On the contrary, we feel that the history of the past, the wants of the day, and the hypotheses or conjectures for the future, all lead to the conclusion that there is no evil of such magnitude as to demand the alteration of the organic law. There has been no manifestation of public sentiment demanding a Convention, either by petitions to this body, county meetings, or through the press of the State, and we can but conclude that, by the passage of the bill reported by the majority of the committee, we would be thrusting the question on the people. We therefore respectfully recommend that no action be taken by this General Assembly looking to the calling of a Constitutional Convention.

JNO. J. GATEWOOD,
Of the Senate.

JO. C. S. BLACKBURN,
H. C. BAKER,
R. P. FINN,
C. H. BLAKEY,
R. P. GRESHAM,
Of the House.

Mr. Haggard, from the Committee on Penitentiary and House of Reform, to whom was referred leave, reported a bill, entitled

A bill to provide for the government and discipline of the Kentucky Penitentiary, and to repeal all laws and parts of laws inconsistent herewith.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and placed in the orders of the day.

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

Whereas, A resolution was adopted by the General Assembly of the Commonwealth of Kentucky, approved 28th March, 1872, directing the Governor to cause an appropriate monument to be erected over the remains of Governor Charles S. Morehead, in the cemetery
near Frankfort, and restricting the cost thereof to twelve hundred dollars; and whereas, the said monument not having yet been erected,

Resolved by the General Assembly of the Commonwealth of Kentucky,

That the restriction upon the Governor in the cost of said monument to twelve hundred dollars, as provided in said resolution, be, and the same is hereby, repealed.

The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with,

The question was then taken on the adoption thereof, and it was decided in the affirmative.

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, D. R. Haggard, A. L. Martin,
Robert Boyd, J. W. Hays, Robt. Simmons,
Robt. A. Briggs, Geo. B. Hodge, E. W. Turner,
Scott Brown, G. A. C. Holt, Thos. W. Varnon,
James F. Clay, B. W. S. Huddaker, W. L. Vories,
W. A. Cunningham, I. L. Hyatt, C. J. Walton,

In the negative—none.

And then the Senate adjourned.

SATURDAY, DECEMBER 13, 1873.

A message was received from the House of Representatives, announcing their concurrence in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to increase the jurisdiction of justices of the peace of Logan county.

That they had passed a bill, which originated in the Senate, entitled
An act to amend chapter 3 of title 18 of the Civil Code of Practice.

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

1. An act for the benefit of Warren county.
2. An act for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith.

Resolution fixing day for the election of certain public officers.

Resolution declaring session of General Assembly should not be extended beyond sixty days.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Courts of Justice, and the 2d to the Committee on Charitable Institutions; the resolutions were placed in the orders of the day.

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

Said message was taken up and read as follows, viz:

\textit{STATE OF KENTUCKY, EXECUTIVE DEPARTMENT.}

\textit{FRANKFORT, December 13th, 1873.}

\textit{Gentlemen of the Senate:}

I nominate for your advice and consent the following named persons as suitable to be commissioned notaries public, viz:

- L. L. Anderson, of Jefferson county.
- W. Jenkins, of Jefferson county.
- Martin M. McNight, of Jefferson county.
- F. B. Wilhoit, of Carter county.
- W. Eatherly, of Simpson county.
- Newcomb F. Thompson, of Nelson county.
- Henry Beeler, of Nelson county.
- John O. Street, of Todd county.
- F. T. D. Wallace, of Lawrence county.
- Leslie W. Neal, of Henderson county.
- Stephen Elliot, of Hardin county.
- Henry D. Rankin, of McCracken county.
- James S. Withers, of Harrison county.

\textit{Resolved, That the Senate advise and consent to said appointments.}

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed sundry enrolled resolutions, and also a bill, which originated in the Senate, of the following titles, viz:
Resolution calling for report from the Commissioners to revise the Codes of Practice.

Resolution in relation to printing Journals of the two Houses for the present session.

Resolution directing the furnishing of stationery to the Clerks of the Senate and House of Representatives.

Resolution in relation to apportionment.

Resolution relating to revising the State Constitution.

An act to regulate the times for holding the Christian quarterly courts.

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

By Mr. Jefferson, from the Committee on Finance—
1. A bill to provide for the redemption of State bonds held for the benefit of the Agricultural College.

By Mr. Hays, from the Committee on the Judiciary—
2. A bill to further regulate the duties of the trustee of the jury fund of Jefferson county.

By Mr. Brown, from the Committee on Public Offices and Buildings—
3. A bill appropriating money for the purpose of completing the unfinished apartments of the buildings known as the Fire-proof Offices in the city of Frankfort.

By Mr. Cunningham, from the Committee on Revised Statutes and Codes of Practice—
4. A bill to amend section 6, article 12, chapter 38, of the General Statutes.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 2d and 3d were ordered to be printed, and were made special orders—the 2d for Tuesday, December 16th, and the 3d for Wednesday, December 17th—and the 1st and 2d were ordered to be engrossed and read a third time.

The constitutional provision 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.

12-s.
Mr. Simmons, from the Committee on Finance, reported a bill, entitled
A bill appropriating money to the Fourth Kentucky Lunatic Asylum.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:
Those who voted in the affirmative, were—
Thos. J. Barker, John J. Gatewood, R. B. Lovel,
John S. Barlow, D. R. Haggard, A. L. Martin,
W. J. Berry, H. S. Hale, Robt. Simmons,
Rohb. A. Briggs, Thos. F. Hargis, G. W. Swoope,
Scott Brown, J. W. Hays, E. W. Turner,
James F. Clay, Geo. B. Hodge, Thos. W. Varnon,
W. A. Cunningham, G. A. C. Holt, W. L. Vories,
F. W. Darby, B. W. S. Huffaker, C. J. Walton,
W. W. Frazer, T. L. Jefferson,
In the negative, Walter Evans—1.
Said bill reads as follows, viz:
WHEREAS, By an act of the General Assembly, entitled “An act concerning the various charitable institutions in this Commonwealth,” the buildings formerly erected and designed as a State House of Reform for Juvenile Delinquents were converted into an asylum for the reception, care, and treatment of that class of lunatics afflicted with chronic mania or epilepsy, under the name of the “Fourth Lunatic Asylum,” and the Governor was directed to cause all the lunatics in the State to be located and provided for in conformity with said act, but no provision was made under which he could draw money from the Treasury for that purpose; and whereas, it appears from the Governor’s message, that, in order to carry out the directions of said act, it was indispensably necessary to make extensive changes and improvements in and upon said buildings, as well as in providing water, supplies, heating apparatus, furniture, &c., to provide for which he borrowed from the Commissioners of the Sinking Fund the sum of fifty thousand dollars, for which he gave his bond as Governor of the State of Kentucky; whereas, it appears from said message
that the contracts made by the Governor for these necessary changes and improvements amount to the sum of sixty thousand four hundred dollars, and that the work has so far progressed as to furnish accommodations for more than one hundred and forty inmates, and is expected to be completed at an early date; and whereas, it is manifest that, unless said loan had been made to the Governor by the Commissioners of the Sinking Fund, said asylum could not have occupied or used as such for nearly or quite two years, and thus left the patients now confined in that institution unprovided for; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said actions and proceedings of the Governor and the Commissioners of the Sinking Fund are approved and confirmed by this General Assembly, and that the said sum of sixty thousand four hundred dollars is hereby appropriated to pay for the work already completed or under contract, and the other necessary expenditures for said asylum; and that the Auditor of Public Accounts is directed to draw his warrant therefor in favor of the Governor of the Commonwealth; and that the same shall be paid out of the Public Treasury: Provided, however, That the aforesaid bond of fifty thousand dollars, given by the Governor to the Commissioners of the Sinking Fund, shall be delivered to him as part of this appropriation; and the Governor is hereby required to make report to the General Assembly, showing how or for what said money has been or shall be expended.

§ 2. That this act shall take effect from its passage.

Mr. Hodge, from the Committee on Railroads, to whom was referred leave, reported a bill, entitled

A bill to incorporate the Henderson and Evansville Short-line Railroad Company.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 yeas and nays being required thereon by Messrs. Vories and Clay, were as follows, viz:

Thos. J. Barker, H. S. Hale, A. L. Martin,
Scott Brown, Thomas F. Hargis, O. D. McManama,
James F. Clay, J. W. Hay, Robert Simmons,
F. W. Darby, Geo. B. Hodge, G. W. Swoope,
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That E. L. Starling, Joseph Adams, David Clark, John H. Barrett, S. B. Vance, Malcolm Yeaman, F. W. Rentlinger, G. I. Beatty, L. C. Dallam, and Wm. S. Johnson, and their successors, be, and they are hereby, created a body-politic and corporate, by the name of “The Henderson and Evansville Short-line Railroad Company,” with all the powers, rights, privileges and franchises incident to such corporations, and which other railroad companies in this State may lawfully have, enjoy, and exercise; and shall have perpetual succession of members by the name and style aforesaid.

§ 2. That the said Henderson and Evansville Short-line Railroad Company is hereby authorized and empowered to construct and operate a railroad, upon such route as the directors hereinafter named may designate, from any point within the city of Henderson, in the State of Kentucky, to a point on the Ohio river, opposite or below the city of Evansville, in the State of Indiana, with all the necessary and usual tracks, turnouts, switches, depots, and other appendages.

§ 3. The said company may acquire and hold in fee-simple, or for a term of years, by gift, purchase, or contract, any real or personal property; and right of way, necessary for the construction, maintenance, and successful operation of said railroad, or its shops, offices, depots, stations, warehouses, machine shops, and other appendages; and if the same cannot be acquired by contract and agreement, then the said company shall have the right to acquire the same by writ of **ad qua duamnum** in the same manner that turnpike, gravel, and plank road companies are authorized by chapter 110 of the General Statutes of Kentucky.

§ 4. The capital stock of said Henderson and Evansville Short-line Railroad Company shall be two hundred and fifty thousand dollars, divided into shares of one hundred dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors, by their by-laws, may direct.

§ 5. The said company is authorized to raise subscriptions of stock or other aid from any State, corporation, municipality, or individual; and it shall be lawful for Henderson county, or any voting precinct thereof, and for the city of Henderson, to subscribe stock in said company in any amount not exceeding the following sums, viz: in case a subscription is made by the whole county, not exceeding $100,000; in case a subscription is made by a separate voting precinct, not exceeding $50,000: Provided, That the precinct which
includes the city of Henderson, may jointly subscribe $150,000 to said capital stock; and in case a subscription is made by the city of Henderson, not exceeding $150,000: And provided further, That in case a subscription is made by the city of Henderson, then no subscription shall be made by the county, except it exclude the city from any part therein, nor by the voting precinct which includes said city, the object being to provide against a double tax on the city of Henderson. But before any such subscription on the part of the county, voting precincts, or city of Henderson, shall be valid or binding, the question of such subscription shall be submitted to the qualified voters of the county, voting precincts, or city, as the case may be, by which the subscription is proposed to be made, at such time, and at an election to be held in such manner, as the county court of Henderson county, in case the subscription is proposed to be made by the county or voting precinct, may by order, or the common council of the city of Henderson, in case the subscription is proposed to be made by the city, may by ordinance, designate and prescribe; and should a majority of the qualified voters of such precinct, city, or county—the number of votes to be ascertained by the last assessor's report preceding the election—vote in favor of making the subscription, it is hereby made the duty of the said county court, in case the subscription is made by the county of Henderson, or a voting precinct thereof, or the said common council, in case the subscription is made by the city of Henderson, to make the subscription in the name of the county, voting precinct, or city of Henderson, as the case may be.

§ 6. Any subscription made by the county, voting precinct, or city of Henderson, as provided for in the next preceding section, may be paid for in bonds of the city, voting precinct, or city, as the case may be; said bonds to be payable to bearer at any time not exceeding thirty years from their date, and bearing any rate of interest not exceeding ten per cent. per annum, payable semi-annually in the city of New York; and in case said subscription is made by the county or voting precinct, it is hereby made the duty of the Henderson county court to cause said bonds to be issued, signed by the judge of said court and the county clerk, and sealed with the seal of the county; and in case the subscription is made by the city of Henderson, it is hereby made the duty of the common council to cause said bonds to be issued, signed by the mayor and clerk of the council, and sealed with the seal of the city; said bonds, when so issued, may be delivered to the company hereby incorporated in payment of the stock so subscribed, and upon such terms, and under such restrictions, as may be agreed upon; but they shall not be so delivered at less than their par value.

§ 7. If said subscription is made by the county of Henderson, or a voting precinct, it shall be the duty of the county court, and if it is made by the city of Henderson, it shall be the duty of the common council, to cause an annual tax to be levied and collected in the county, voting precinct, or city making the subscription, upon the same property, and in the same manner, as is assessed and collected
by the State for general revenue, sufficient to pay the costs of assessing and collecting said tax and the annual interest on said bonds, and the principal thereof, within the time they are made due and payable; and the receipts for such tax, when amounting to $100, shall entitle the holder thereof to one share of the capital stock of said company.

§ 8. The Henderson county court, or the common council of the city of Henderson, may, in their discretion, submit the question of such subscription to the qualified voters of the county, voting precinct, or city of Henderson, in the manner herein provided, within thirty days after being so requested by resolution of the board of directors of said company, which resolution shall specify the amount of the subscription which they desire made, not exceeding the amount heretofore named.

§ 9. The track of said railroad shall be of the gauge of four feet and nine inches; and whereas, the subscription of the city of Henderson to the capital stock of the Evansville, Henderson and Nashville Railroad Company, was made and accepted upon condition, and with the understanding and agreement, that the said city of Henderson should be, and remain for at least twenty years, the only terminus of said Evansville, Henderson and Nashville Railroad, in the county of Henderson; and whereas, it may be that the company hereby incorporated would connect the road constructed by them with said Evansville, Henderson and Nashville Railroad, and operate the same in conjunction therewith, and thus practically impair and defeat the contract and condition under which the said city of Henderson subscribed to the capital stock of said Evansville, Henderson and Nashville Railroad Company; it is therefore declared that the said Henderson and Evansville Short-line Railroad shall forever be and remain of the said gauge of four feet and nine inches; and whereas, there is existing and in force certain contracts and agreements between the city of Henderson and the Evansville, Henderson and Nashville Railroad Company, and the city of Henderson and the St. Louis and Southeastern Railway Company (consolidated), in regard to the tariff upon freight and passengers, the building of machine shops, &c., and repairs of streets within the city of Henderson, and other matters; and whereas, it may be desired by the parties concerned that said contracts and agreements may be changed and modified in some particulars, and their more effectual enforcement provided for in others; now, therefore,

§ 10. Be it further enacted, That it shall be lawful for the said Henderson and Evansville Short-line Railroad Company, the city of Henderson, by its mayor and council, and the Evansville, Henderson and Nashville Railroad Company, or any corporation or company controlling the last named road, to enter into any contract and agreement concerning the running and operation of either of said railroads, the charges on freight to provide against the discrimination on freight for the building of machine shops and other structures in the city of Henderson, and any other matters touching to the interest of said city; and in any such contract, it shall be competent for the parties thereto to agree upon a specified sum, to be paid
by the one to the other as liquidated damages, for the breach of or failure to perform any such contract in any particular; and in any suit for the breach of any such contract, and the recovery of said sum, said damages so agreed upon shall not be construed to be or mean a penalty, but as liquidated damages, and shall be so enforced; and any party to said contract is authorized to institute and maintain in the circuit or other court of similar jurisdiction of any county of this State through which either of said roads may run, any suit or suits which may be necessary to enforce the performance of, or to enjoin the violation of, any of the conditions or provisions of this act, or of such contract as may be entered into as above provided for; and such court shall have power to enforce its judgments by all such orders and processes, and by the infliction of such penalties as may be necessary to make them effectual.

§12. The business and affairs of the said "The Henderson and Evansville Short-line Railroad Company," shall be managed by a board of five directors, who shall be stockholders, and a majority of whom shall be citizens and residents of Henderson county, one of whom, to be chosen by a majority of the number, shall be president. The first board of directors shall consist of E. L. Starling, Joseph Adams, L. C. Dallam, L. B. Vance, and Wm. S. Johnson, who shall continue in office until their successors are duly elected by a majority in interest of the stockholders. All vacancies in the directory, by death, resignation, or otherwise, shall be filled by appointment, made by a majority of the other directors. A majority of said board of directors may adopt by-laws for the regulation and management of the business and affairs of said company. The said board of directors may open books of subscription to the capital stock of said company at such times and places, and on such terms, as they may think proper, until the whole amount of the capital stock is subscribed; and as soon as fifty thousand dollars ($50,000) is subscribed to the capital stock, the said directors may give notice to the several stockholders of the time and place at which an election will be held for the purpose of electing a new board of directors, and transacting other business of the company; the board of directors so elected shall continue in office one year, and until their successors are duly elected. The board of directors of said company may make calls for payment of subscriptions of stock as they deem proper, not
exceeding twenty per cent. for every thirty days, until the whole is paid.

§ 13. The president and directors shall have power to cause such examination and surveys to be made for the routes of said railway as they may deem necessary to the selection by them of the most advantageous lines, courses, routes, and ways for said railroad.

§ 14. The board of directors, or a majority of them, by and with the assent of a majority in interest of the stockholders, shall have power, and are authorized, to issue the bonds of said company to an amount not exceeding one hundred thousand dollars ($100,000), in any denomination, and maturing at any time not exceeding thirty years from their date, of not less than ($100) one hundred dollars, and bearing any rate of interest not exceeding ten per cent., and payable semi-annually, at any point they may designate; and they may pledge and mortgage the road and any other property owned by them, including their franchises, right of way and income, to secure the payment of said interest, and the principal of the bonds when due; and to render said mortgage effectual, they may convey the mortgaged property in trust to such person or persons as they may designate, to be held in trust to be sold for the payment of said interest and principal in default of the payment thereof by the company, the time, manner, and terms of said sale to be agreed upon by said company and trustee or trustees, and specified in the mortgage and deed of trust; and the said bonds, when so issued, may be sold or hypothecated by said company at such price, and upon such terms, as they may deem best; but no bonds or notes shall be issued to circulate as bank notes

§ 15. The president and directors shall, in twelve months after the first election of directors by the stockholders, and once in every year thereafter, make a full report on state of the company and its affairs to a general meeting of the stockholders; and they may annually or semi-annually declare and pay to the stockholders, in proportion to their stock, such dividends as they deem best out of the net profits arising from the business of said company.

§ 16. The said company are authorized to receive such tolls, fares, tariffs, and rates of charge as is allowed to be charged by any railroad company in the State for the transportation of persons and property; and the said company shall pay such tax to the State upon their property as is paid by other railroad companies in this State; but no tax shall be assessed or collected until they shall have commenced to use said road for the general transportation of freight and passengers.

§ 17. That said company may own and use one or more boats and ferry-boats for the transportation of freight and passengers.

§ 18. The said company shall not be allowed any banking privileges, and this act shall go into effect from and after its passage.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That there be appointed a committee of three members on the part
of the Senate and six on the part of the House of Representatives, appointed by the Speakers of the respective Houses, to take into consideration the question of the recess of the Legislature during the Christmas holidays, and that they have the privilege of reporting at any time.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That when the General Assembly adjourns on the 24th inst., it will adjourn to meet on the 26th inst.

Mr. Barker moved to strike out the "24th" and insert the "20th."

The rule of the Senate being dispensed with,

The question was taken on the motion of Mr. Barker to strike out, and it was decided in the negative.

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

Those who voted in the affirmative, were—

John S. Barlow, Walter Evans, G. W. Swoope,
W. J. Berry, A. C. Holt, E. W. Turner,

W. A. Cunningham,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, T. L. Jefferson,
Robert A. Briggs, D. R. Haggard, R. B. Lovel,
Scott Brown, H. S. Hale, O. D. McManama,
James F. Clay, Thos. F. Hargis, Robert Simmons,
F. W. Darby, J. W. Hays, W. L. Vories,
P. F. Edwards, B. W. S. Huffaker, C. J. Walton,

The question was then taken upon the adoption of said resolution, and it was decided in the negative.

Mr. Hodge moved the following resolution, viz:

Resolved, That the Secretary of State be requested to furnish the committee appointed under the joint resolution to apportion the State into Representative and Senatorial Districts with a list of the present Representatives and Senators, and the counties composing said Representative and Senatorial Districts, embracing the wards by districts in the city of Louisville and Covington, and the number of qualified voters composing said districts; also the counties composing the present (ten) districts from which the Representatives shall be selected; and that the Clerk of the Senate have one hundred copies of said statement of the Secretary of State printed for the use of the Senate.

Which was adopted.

13-s.
Leave was given to bring in the following bills, viz:

On motion of Mr. Hodge—
1. A bill to invite immigration into the State of Kentucky.

On motion of Mr. Berry—
2. A bill for the benefit of school district No. 30, in Butler county.

On motion of Mr. Barlow—
3. A bill to increase the jurisdiction of justices of the peace for Barren county.

On motion of Mr. Walton—
4. A bill to provide for registration of marriages, births, and deaths, in this Commonwealth.

Ordered, That the Committee on Immigration and Labor prepare and bring in the 1st; the Committee on Education the 2d; the Committee on Courts of Justice the 3d; and a select committee, consisting of Messrs. Walton, Haggard, Jefferson, and Berry, the 4th.

The Senate took up for consideration a bill, entitled

A bill to incorporate the Hopkinsville Plow Manufacturing Company.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Ira F. Ellis, P. A. Cushman, M. D. Steele, H. G. Abernathy, John N. Mills, E. H. Hopper, James M. Clark, F. J. Brownell, E. A. Starling, J. O. Cushman, William B. Wootton, William D. Summers, Geo. O. Thompson, James A. Campbell, and E. P. Campbell, of Christian county, their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Hopkinsville Plow Manufacturing Company; and by that name and style shall have perpetual succession; to contract and be contracted with; to own property, both real and personal, and to sue and be sued in all courts and places; and to have a common seal, alter and change the same at pleasure; and to engage in the manufacture and sale of plows and other agricultural implements within or without this State; and shall have all other powers needful and necessary for the successful prosecution of the business of the corporation hereby created, and for the exercise and execution of the powers herein granted, and incident to or exercised by any similar corporation in this State.

§ 2. That said corporation herein named may organize said company by the election of a president and board of directors, not exceeding five in number, and also a secretary and treasurer, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when thus organized, the said company shall have power and authority to open subscription books to the capital stock of the said Hopkinsville Plow Manufacturing Company; and may proceed to business whenever
the sum of thirty thousand dollars in reliable subscriptions shall be obtained to the stock of said corporation; and shall have authority
to make all such by-laws, rules and regulations, as may be deemed
necessary and proper, from time to time, for the government, control,
and prosecution of the business of said corporation, not inconsistent
with the Constitution and laws of the United States or of this State.

§ 3. That the president, board of directors, secretary, and treasurer
of said corporation shall be elected annually by the stockholders,
and shall hold their offices for one year, and until their successors are
elected, unless otherwise provided by the by-laws, rules or regula-
tions, of said corporation; and in the election of said officers above
named, each stockholder in said corporation shall be allowed one
vote for each share of stock subscribed for and owned, as shown by
the books of said corporation; the time for the election of said officers
to be fixed for a certain day, annually, and notice thereof shall be
given to each stockholder; and at all meetings of the stockholders
for the election of officers, as herein provided, or for other business
purposes, absent stockholders may vote by proxy, authorized in
writing; and the business and affairs of said corporation shall be
under the supervision and control of the president, board of directors,
secretary, and treasurer, when elected; and the books of said cor-
poration shall be subject to the inspection of any officer or stock-
holder in said corporation at any time during business hours.

§ 4. That the capital stock of said corporation shall not exceed the
sum of five hundred thousand dollars, which shall be divided into
shares of one hundred dollars each, and shall be treated and held as
personal property, and which shall not be assigned or transferred,
except in person or by attorney, upon the books or stock ledger of
said corporation; and correct entries shall be kept in the books or
stock ledger of said corporation of all transfers of stock, giving the
date of such transfer, by whom and to whom transferred; and such
transfer shall not be made, and a new certificate is ... except upon satisfactory evidence by
written affidavit, which shall be kept and filed, showing that such former certificate has been lost or
destroyed, and cannot be produced; and the said corporation shall
have authority to issue and sell its bonds in any amount not exceeding the sum of one hundred thousand dollars, bearing interest
at any rate not exceeding ten per cent. per annum, with interest
coupons attached, and payable semi-annually at such point or place
as may be designated; and said bonds shall be payable in not exceeding twenty years from their date; and said corporation may
mortgage and pledge all of its property, both real and personal, to
secure the payment of said bonds, with the interest thereon.

§ 5. The said corporation shall have the right to lease real estate
necessary for its purposes, and may erect and build upon its own
lands or lots, or upon leased lands or lots, all such buildings, mills,
engines, founderies, machinery and fixtures, and operate the same, as
may be deemed convenient, proper, or necessary for establishing,
conducting, and carrying on its business; and shall have full power
and authority to obtain, by purchase, both real and personal property, and sell, transfer, or convey the same at pleasure; and shall have the right to obtain, by purchase, lease, or otherwise, from persons or corporations owning the same, the right to manufacture, use, and sell patented improvements and inventions for States, counties, districts, or townships, as now applied in the manufacture or improvement of agricultural implements, and sell or dispose of such patent rights to persons or corporations for States, counties, districts, or townships, or to individuals or corporations, upon such terms as may be deemed proper, or lease the right to manufacture, use, or sell the same upon royalty.

§ 6. It shall be lawful for said corporation to require and take from any of its officers, agents, or employees, a bond, with security, stipulating for the faithful performance of all the duties of such officer, agent, or employee of said corporation, and to faithfully account for and pay over to said corporation all such sums and amounts of money as may come into his or their hands belonging to said corporation; and for a violation of any of the stipulations of said bond, action may be maintained thereon in any court having jurisdiction of the amount, and recovery had thereon.

§ 7. The individual and private property of stockholders in said corporation shall not be liable or subject for the payment of corporate debts.

§ 8. That this act shall be signed, acknowledged, and recorded, as required in cases of articles of incorporation, under section third of chapter fifty-six of the General Statutes.

§ 9. This act shall take effect from its passage.

Mr. Turner moved to amend said bill by striking out the seventh section thereof.

And 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. Briggs and Hargis, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, P. F. Edwards, G. W. Swoope,
Robert A. Briggs, D. R. Haggard, E. W. Turner,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, R. B. Lovel,
Robert Boyd, H. S. Hale, A. L. Martin,
Scott Brown, J. W. Hays, Robert Simmons,
James F. Clay, Geo. B. Hodge, W. L. Vories,
F. W. Darby, B. W. S. Huffaker, C. J. Walton,
W. W. Frazer, T. L. Jefferson,

Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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 order, took up for consideration a bill from the House of Representatives, entitled

An act to increase the jurisdiction of justices of the peace of Logan county.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That justices of the peace in the county of Logan shall have jurisdiction concurrent with the quarterly and circuit courts in said county of all actions and proceedings for the recovery of money or personal property, where the matter in controversy does not exceed one hundred dollars in value, exclusive of interest and costs.

§ 2. That on each action or proceeding, where the amount in controversy, exclusive of interest and cost, exceeds fifty dollars, a tax of fifty cents shall be paid by the plaintiff, and taxed as costs, which tax shall be accounted for by the justice as judges of the quarterly courts are now required by law to account for the taxes collected by them.

§ 3. The pleadings may be oral, and without verification; but before the summons is issued, the plaintiff shall file with the justice the account or the written contract, or a short written statement of the facts on which the action is founded.

§ 4. This act shall take effect and be in force from its passage.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title of said bill be as aforesaid.
Mr. Hays, from the Committee on the Judiciary, to whom was
referred a bill from the House of Representatives, entitled
An act for the benefit of Susan Wall, of Garrard county,
Reported the same without amendment.
Ordered, That said bill be placed in the orders of the day.
On motion of Mr. Vories, Mr. Martin was added to the Joint
Committee on Apportionment in lieu of Mr. Cooper.
Mr. Haggard read and laid on the table the following joint reso-
lution, viz:
Resolved by the General Assembly of the Commonwealth of Kentucky,
That when this General Assembly adjourns on Monday, the 22d inst.,
they will adjourn to meet again the 5th day of January, 1873.
The rule of the Senate being dispensed with, said resolution was
taken up, twice read, and adopted.
And then the Senate adjourned.

MONDAY, DECEMBER 15, 1873.

Hon. John G. Carlisle, regular Speaker, appeared and took the
Chair.
A message was received from the House of Representatives, an-
ouncing that they had concurred in a resolution, which originated in
the Senate, entitled
Resolution directing the Auditor of Public Accounts to pay officers
of the Senate and House of Representatives per diem,
With an amendment thereto.
That they had passed a bill, entitled
An act for the benefit of the Law Department of the University of
Louisville.
Which bill was read the first time and ordered to be read a second
time:
The constitutional provision as to the second reading of said bill
being dispensed with,
It was referred to the Committee on the Judiciary, and the proposed amendment to the resolution was placed in the orders of the day.

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 an enrolled resolution, which originated in the House of Representatives, entitled

Resolution directing the furnishing of copies of the General Statutes to State Librarian for specified uses.

The following petitions were presented, viz:

By Mr. Berry—
1. The petition of sundry citizens of Butler county, praying the passage of an act for the benefit of school district No. 30, in said county.

By Mr. Haggard—
2. The petition of the Board of Managers of the Institution for the Education and Training of Feeble-minded Children, praying an appropriation for the benefit of said Institution.

By Mr. Lindsay—
3. The petition of the congregation of the Christian Church at Warsaw, praying an amendment to the charter of the Kentucky University.

By Mr. Brown—
4. The petition of A. W. Dudley, of Frankfort, praying an appropriation for his benefit.

By Mr. Hargis—
5. The petition of the members of the Christian Church at Carlisle, praying an amendment to the charter of the Kentucky University.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Education; the 2d to the Committee on Charitable Institutions; the 3d and 5th to the Committee on the Judiciary, and the 4th to the Committee on Library and Public Buildings and Offices.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That J. Russell Hawkins, late Clerk of the Senate, be allowed the sum of $50 for his services in organizing the Senate at its present session, to be paid out of the Treasury upon the warrant of the Auditor, such allowance having on all such occasions been invariably made.
The rule being suspended, said resolution was taken up, and, on motion, referred to the Committee on Finance.

Mr. Gatewood moved to reconsider the vote by which the Senate had passed a bill, entitled
An act requiring certain legal advertisements in Greenup county to be inserted in the Greenup Independent.
Which motion was simply entered.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:
By Mr. Evans, from the Committee on the Judiciary—
A bill to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5th, 1870, and also to amend chapter 1945 of the acts of 1871, which became a law on the 6th of March, 1871.
By Mr. Walton, from a select committee—
A bill to provide for the registration of marriages, births, and deaths.
Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with,
Ordered, That the last named be printed and placed in the orders of the day, and that the 1st be engrossed and read a third time.
The constitutional provision 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 order, took up for consideration a bill, entitled
A bill to amend the revenue laws.
Said bill reads as follows, viz:
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section eight of article eight, chapter ninety-two, of the General Statutes, be, and the same is hereby, repealed.
§ 2. That the sheriff or collector of revenue shall account for and pay all taxes, and other public moneys for which he is bound, into the Treasury by the first day of January in each year. Upon his failure to do so, he and his sureties shall be liable therefor, and compelled to pay the whole amount of tax due, and six per cent. interest on the same from the first day of June preceding until paid, and costs of suit, and ten per cent. damages in addition.
§ 3. This act shall take effect on the first day of June, 1874.
Mr. Hays moved to amend said bill in section 2, line 5, by inserting the word "said" after the word "the," and before the word "first," and by striking out the words "June preceding," and inserting in lieu thereof the word "January," in same line.

And 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 Hays and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

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<tr>
<th>James F. Clay</th>
<th>W. W. Culbertson</th>
<th>J. W. Hays</th>
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<tr>
<td>W. W. Darby</td>
<td>F. W. Darby</td>
<td>G. A. C. Holt</td>
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<td>W. J. Berry</td>
<td>Walter Evans</td>
<td>I. L. Hyatt</td>
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<td>Robert A. Briggs</td>
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<td>O. D. McManama</td>
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<td>Scott Brown</td>
<td>John J. Gatewood</td>
<td>G. W. Swoope</td>
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<tr>
<td>James F. Clay</td>
<td>H. S. Hale</td>
<td>Thos. W. Varnon</td>
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</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>Robert Boyd</th>
<th>B. W. S. Huffaker</th>
<th>Robert Simmons</th>
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</thead>
<tbody>
<tr>
<td>W. A. Cunningham</td>
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<td>E. W. Turner</td>
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<td>P. F. Edwards</td>
<td>D. H. Lindsay</td>
<td>W. L. Vories</td>
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<td>Thos. F. Hargis</td>
<td>R. B. Lovel</td>
<td>C. J. Walton</td>
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<tr>
<td>Geo. B. Hodge</td>
<td>A. L. Martin</td>
<td>Ben. J. Webb</td>
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Mr. Hale then proposed to amend said bill by adding the following proviso to the 2d section thereof, viz:

Provided, That the provisions of this act shall not apply to any of the counties south of Green river.

And 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 McManama and Evans, were as follows, viz:

Those who voted in the affirmative, were—

<table>
<thead>
<tr>
<th>James F. Clay</th>
<th>H. S. Hale</th>
<th>A. L. Martin</th>
</tr>
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<tbody>
<tr>
<td>F. W. Darby</td>
<td>G. A. C. Holt</td>
<td>G. W. Swoope</td>
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<td>W. W. Frazer</td>
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</tbody>
</table>

Those who voted in the negative, were—

<table>
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<tr>
<th>Thos. J. Barker</th>
<th>Walter Evans</th>
<th>R. B. Lovel</th>
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<tr>
<td>John S. Barlow</td>
<td>John J. Gatewood</td>
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<td>Robert Boyd</td>
<td>Thomas F. Hargis</td>
<td>E. W. Turner</td>
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<td>P. F. Edwards</td>
<td>D. H. Lindsay</td>
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14-8.
Mr. Clay then proposed to amend said bill by striking out the word "January" in the 3d line, and inserting in lieu thereof the word "April."

And 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. Clay and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, James F. Clay, G. A. C. Holt,
W. J. Berry, F. W. Darby, I. L. Hyatt,
Robt. A. Briggs, W. W. Frazer, O. D. McManama,

Those who voted in the negative, were—

Thos. J. Barker, D. R. Haggard, A. L. Martin,
Robert Boyd, Thos. F. Hargis, Robt. Simmons,
W. W. Culbertson, J. W. Hayes, E. W. Turner,
W. A. Cunningham, B. W. S. Huffaker, Thos. W. Varnon,
P. F. Edwards, T. L. Jefferson, W. L. Vories,
Walter Evans, D. H. Lindsay, C. J. Walton,

Ordered, That said bill be read a third time.

Mr. Holt then moved that the further consideration of said bill be postponed until to-morrow.

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

The question was then taken on dispensing with the third reading of said bill, and it was decided in the negative, not having received the required four fifths majority.

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

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
Robert Boyd, D. R. Haggard, Robt. Simmons,
Robt. A. Briggs, Thos. F. Hargis, E. W. Turner,
Scott Brown, J. W. Hayes, Thos. W. Varnon,
W. W. Culbertson, B. W. S. Huffaker, W. L. Vories,
W. A. Cunningham, T. L. Jefferson, C. J. Walton,

Those who voted in the negative, were—

John S. Barlow, W. W. Frazer, A. L. Martin,
James F. Clay, H. S. Hale, O. D. McManama,
On motion of Mr. Evans,
Ordered, That said bill have its third reading to-morrow, at 10½ o'clock.

The Senate, according to order, took up for consideration a bill, entitled

A bill to take the sense of the people of this State as to the propriety of calling a convention to revise the Constitution.

Said bill reads as follows, viz:

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,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriffs and other returning officers, 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 of State for the time being of the names of all citizens entitled to vote for Representatives who have voted for calling a convention.

§ 2. Be it further enacted, That any sheriff or other returning officer failing to perform the 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 indictment by any grand jury in any court having jurisdiction thereof, and also be subject, upon conviction of such failure, to removal from office.

§ 3. Be it further enacted, That it shall be the duty of the Secretary of State to have advertised this act in the columns of one weekly newspaper in every county in this State for two consecutive weeks immediately preceding the election herein, and in one of the daily newspapers of the city of Louisville for thirty days immediately preceding the election: Provided, however, There is no weekly newspaper in any one or more counties of this Commonwealth in which said advertisement can be made, it is made his duty to have posted a printed copy of said bill, in handbill form, at the court-house door of such counties, for at least two consecutive weeks preceding said election.

§ 4. Be it further enacted, That the Public Printer shall, upon a separate leaf or sheet, print ten thousand copies of this act, and deliver them to the Secretary of State, who shall send seventy-five copies of the same to the clerk of the county court 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.

§ 5. Be it further enacted, That it shall be the duty of the clerks or judges conducting the said general election to propound distinctly to each voter the following interrogatory: "Do you vote for calling a convention or not?" And if he answers in the affirmative, his name shall be recorded as having voted for calling a convention.
§ 6. Be it further enacted, That it shall be the duty of the assessors of tax to open a column in their assessors' books, and enroll therein the name of each citizen entitled to vote for Representative for the year 1875; and they shall be governed in all cases, in ascertaining who is entitled to vote, by the laws then in force to prevent illegal voting; and this column, written in a fair and legible hand, shall be transmitted with the assessors' books to the Auditor, who shall make out a copy thereof, and deposit the same in the office of the Secretary of State 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.

§ 7. Be it further enacted, That it shall be the duty of each assessor of tax, who shall be in office in the year 1875, 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 elected for the year 1875, and report the same, with my book made as assessor of tax, before the first day of May, 1875.

§ 8. Be it further enacted, That the assessors 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 assessor, and shall thereof be convicted, shall be subjected to all the pains and penalties of the crime of perjury.

§ 9. Be it further enacted, That the assessor shall write "sworn" opposite the name of each person who may be sworn by him.

§ 10. Be it further enacted, That it shall be the duty of the Public Printer to print five hundred copies of the seventh, eighth, and ninth sections of this act, immediately after its passage, and deliver them to the Secretary of State for the time being, who shall transmit them forthwith to the county clerks, to be delivered by them as soon as possible to the assessors of tax for the year 1875.

Mr. Hays then moved to strike out the enacting clause of said bill.

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

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

Those who voted in the affirmative, were—

Scott Brown,          J. W. Hays,          G. W. Swoope,
D. R. Haggard.

Those who voted in the negative, were—

John S. Barlow,       P. F. Edwards,      T. L. Jefferson,
W. J. Berry,          Walter Evans,        D. H. Lindsay,
Robert Boyd,          John J. Gatewood,    R. B. Lovel,
The question was then taken on ordering said bill to be read a third time, and it was decided in the affirmative.

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

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<th>Yeas</th>
<th>Nays</th>
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<td>Thos. J. Barker, P. F. Edwards,</td>
<td>John S. Barlow, D. R. Haggard,</td>
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<td>F. W. Darby, B. W. S. Huffaker,</td>
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<td>William P. Duvall, I. L. Hyatt,</td>
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Those who voted in the affirmative, were—

| Thos. J. Barker, P. F. Edwards,    | T. L. Jefferson, D. H. Lindsay,   |
| W. J. Berry, Robert Boyd,           | R. B. Lovel, O. D. McManama,     |
| Robert A. Briggs, W. W. Frazer,    | Robert Simmons, E. W. Turner,    |
| James F. Clay, Geo. B. Hodge,      | Thos. W. Varnon, C. J. Walton,   |
| W. W. Culbertson,                   |                                   |
| W. A. Cunningham,                   |                                   |
| F. W. Darby, B. W. S. Huffaker,     |                                   |
| William P. Duvall, I. L. Hyatt,    |                                   |
|                                   |                                    |

Those who voted in the negative, were—

| Scott Brown, J. W. Hays,           |                                   |
| John J. Gatewood, A. L. Martin,    |                                   |

Mr. Hargis moved that the further consideration of said bill be postponed, and have its third reading to-morrow at ten minutes past 10 o'clock, A. M.

Which was adopted.

Mr. Clay moved to take up out of the orders of the day a bill, entitled

A bill to amend section 6 of chapter 30, General Statutes.

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

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

| Thos. J. Barker, W. W. Frazer,     | R. B. Lovel, A. L. Martin,        |
| John S. Barlow, D. R. Haggard,    | Robert Simmons, G. W. Swoope,    |
| W. J. Berry, H. S. Hale,           | E. W. Turner, Thos. W. Varnon,   |
| Robert Boyd, J. W. Hays,           |                                   |
| Robert A. Briggs, G. A. C. Holt,   |                                   |
| James F. Clay, B. W. S. Huffaker,  |                                   |
| W. W. Culbertson,                  |                                   |
|                                   |                                    |

Those who voted in the affirmative, were—

Scott Brown, Geo. B. Hodge, O. D. McManama—4. John J. Gatewood,

Said bill reads as follows, viz:

WHEREAS, Doubts have arisen as to the right of corporations organized under the laws of other States and of the United States to make loans in this State, either of gold or silver coin, or currency, commonly called United States legal tender notes, or notes of solvent banks organized under an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved 3d June, 1864, and amendments thereto. Now, for remedy thereof, § 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all such loans as named in the preamble of this act shall be deemed legal and valid for all purposes, whether made before or after the passage of this act, and such contracts may be enforced by any court of competent jurisdiction according to their tenor: Provided, That no greater rate of interest shall be collected thereon than allowed by law at the making of the same.

§ 2. This act takes effect from its passage.

Mr. Evans proposed to amend said bill by adding the following as an additional section, viz:

That section 6 of chapter 30, entitled "Currency," of the General Statutes, be, and the same is hereby, repealed.

Pending the consideration of which amendment,

Mr. Vories moved that the further consideration of said bill and pending amendment be postponed, and made the special order of the day for Wednesday, the 17th inst.

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

The yeas and nays being taken thereon by Messrs. Vories and Martin, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, D. R. Haggard, O. D. McManama,
W. J. Berry, Thomas F. Hargis, Robert Simmons,
Robert Boyd, J. W. Hays, G. W. Swoope,
Robert A. Briggs, Geo. B. Hodge, E. W. Turner,
James F. Clay, G. A. C. Holt, Thos. W. Varnon,
W. A. Cunningham, I. L. Hyatt, W. L. Vories,
W. W. Frazer, R. B. Lovel,
Those who voted in the negative, were—

P. F. Edwards,  B. W. S. Huffaker,  

The Senate took up for consideration a bill, entitled

A bill to amend chapter 113 of the General Statutes, entitled

"Wills."

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

The constitutional provision as to the third reading of said bill being dispensed with,

Ordered, That the further consideration of said bill be postponed,

and made the special order of the day for the 18th inst.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled

An act to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof;

And enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the county court of Breckinridge county;
An act for the benefit of Harrison Lay, of Breckinridge county;
An act to repeal an act, entitled "An act to regulate and create the office of county treasurer in the counties of Perry and Harlan," approved April 21st, 1873;
Resolution providing for the purchase of the Holy Bible, to be placed in the State Library;
Resolution directing the Auditor to furnish certain statistical information;
Resolution calling on the Auditor for certain information;
And had found the same truly enrolled.

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 approval and signature.

After a short time, Mr. Hyatt reported that the committee had performed that duty.
Leave was given to bring in the following bill, viz:  
On motion of Mr. McManama—  
A bill to create an additional voting precinct and magistrate's district in Grant county.  

Ordered, That the Committee on Courts of Justice prepare and bring in said bill.  
And then the Senate adjourned.

TUESDAY, DECEMBER 16, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled  
An act in aid of the common schools of this Commonwealth.  
Mr. Evans presented the petition of Miss Matilda McAchran, of Shelbyville, praying for some redress of her grievances against the Cumberland and Ohio Railroad Company.  
Which was received, the reading dispensed with, and referred to the Committee on Railroads.  
The Senate, according to order, took up for consideration a bill, entitled  
An act to take the sense of the people of this State as to the propriety of calling a Constitutional Convention.  
Mr. Vories moved that the further consideration of said bill be postponed till to-morrow morning at fifteen minutes past 10 o'clock.  
Mr. Clay moved to amend the motion made by Mr. Vories by postponing the further consideration of the bill till 7 o'clock, P. M., this day.  
And the question being taken thereon, it was decided in the negative.  
The yeas and nays being required thereon by Messrs. McManama and Clay, were as follows, viz:
Those who voted in the affirmative, were—

W. J. Berry, W. W. Culbertson, E. W. Turner,
James F. Clay, B. W. S. Huffaker,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, D. R. Haggard, R. B. Lovel,
Robt. A. Briggs, H. S. Hale, A. L. Martin,
Scott Brown, Thos. F. Hargis, O. D. McManama,
W. A. Cunningham, J. W. Hays, Robt. Simmons,
F. W. Darby, Geo. B. Hodge, G. W. Swoope,
William P. Duvall, G. A. C. Holt, Thos. W. Varnon,
P. F. Edwards, I. L. Hyatt, W. L. Vories,

The question was then taken on the motion made by Mr. Vories, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, T. L. Jefferson,
John S. Barlow, John J. Gatewood, D. H. Lindsay,
Robert A. Briggs, D. R. Haggard, A. L. Martin,
Scott Brown, H. S. Hale, Robert Simmons,
W. A. Cunningham, Thos. F. Hargis, G. W. Swoope,
F. W. Darby, J. W. Hays, Thos. W. Varnon,
Wm. P. Duvall, Geo. B. Hodge, W. L. Vories,

Those who voted in the negative, were—

W. J. Berry, Walter Evans, O. D. McManama,
Robert Boyd, B. W. S. Huffaker, E. W. Turner,
W. W. Culbertson, R. B. Lovel,

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

On motion of Mr. Clay—
1. A bill for the benefit of the St. Louis and Southeastern Railway Company, consolidated.

On motion of Mr. Haggard—
2. A bill to provide for the auditing and payment of military claims in this Commonwealth.

On motion of Mr. Briggs—
3. A bill for the benefit of the Campbellsville and Greensburg Turnpike Road Company.

15-s.
On motion of Mr. Jefferson—
4. A bill to amend the charter of the Beargrass Transportation Company.

On motion of Mr. Clay—
5. A bill to amend the Evansville and Jackson Railroad charter.

Ordered, That the Committee on Railroads prepare and bring in
the 1st and 5th; the Committee on Military Affairs the 2d; the Committee on Internal Improvement the 3d, and the Committee on the Judiciary the 4th.

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

Resolved, That the Auditor be, and he is hereby, requested to furnish the following information, viz: The number of legal voters in each ward in the cities of Louisville, Covington, Bowling Green, Newport, and Lexington; also the number of voters in the counties of Kenton, Jefferson, Fayette, Campbell, and Warren, outside of the cities in each county; he will also furnish the total number of voters in each county and in each Constitutional District, and in each Representative and Senatorial District, as now constituted. The Clerk of the Senate is instructed to have two hundred copies of the Auditor's report printed for the use of the General Assembly when furnished.

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

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed an enrolled bill, which originated in the Senate, entitled

An act to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof.

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

An act to increase the jurisdiction of justices of the peace of Logan county;
An act to amend the charter of the Bourbon County Agricultural Society, and the laws in relation thereto;
An act for the benefit of Pike county;
An act to repeal an act, entitled "An act to authorize the Pike county court to issue bonds for court-house and other purposes;"

And had found the same truly enrolled.
Dec. 17.] JOURNAL OF THE SENATE.

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 approval and signature.

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

And then the Senate adjourned.

WEDNESDAY, DECEMBER 17, 1873.

A message was received from the House of Representatives, announcing their concurrence in a resolution, which originated in the Senate, entitled

Resolution in relation to a recess of this General Assembly.

That they had received official information from the Governor that he had signed and approved enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:

An act to repeal an act, entitled “An act to regulate and create the office of county treasurer in the counties of Perry and Harlan,” approved April 21st, 1873.

An act for the benefit of the county court of Breckinridge county.

Resolution calling on the Auditor for certain information.

Resolution providing for the purchase of the Holy Bible, to be placed in the State Library.

Resolution directing the Auditor to furnish certain statistical information.

The following petitions were presented, viz:

By Mr. Gatewood—

1. The petition of sundry citizens of Butler and Ohio counties, praying the formation of a new county.

By Mr. Hays—

2. The petition of sundry citizens of Meade county, praying an amendment to the General Statutes.
By Mr. Webb—

3. The petition of J. D. O'Leary, praying the passage of an act to secure the wages of laborers in case of the death of the laborer.

By Mr. Hodge—

4. The petition of sundry citizens of Campbell county, praying the passage of an act to increase the jurisdiction of magistrates.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances; the 2d and 3d to the Committee on Revised Statutes and Codes of Practice, and the 4th to the Committee on Courts of Justice.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, 
FRANKFORT, December 17th, 1873.

Gentlemen of the Senate and House of Representatives:

I desire to call your attention to a duty of public piety. I learn that the graves of two of Kentucky's distinguished dead, Governors Christopher Greenup and George Madison, are located in an obscure and neglected spot known as the Old Frankfort Graveyard. Nearly half a century has elapsed since monuments, by order of the Legislature, were erected over their remains. The place, however, has long since ceased to be used as a cemetery; and the graves and monuments, consisting of small blocks of Kentucky river stone, are entirely overgrown with weeds and briars in the midst of a pasture-ground. I recommend that an appropriation be made for the removal of their remains to the State Cemetery, and the erection of suitable monuments over their graves. Should the original inscriptions on their present monuments have been effaced by time, they can be supplied from copies of them, which still exist.

You will pardon me in adding a few words in commemoration of these great and distinguished patriots. Their lives were as useful as they were eventful. They belonged to the heroic age of our country. As companions in arms of the illustrious Washington, they shared gallantly and with honor in the perils, the sufferings, and triumph of that Revolution which secured freedom and independence to the American States. But final victory in this glorious struggle had scarcely sheathed their swords, when they were called upon to draw them again in defense of our Western frontiers.
Led by that bold spirit of adventure which characterized their eventful career, they cast their lot among the hardy pioneers who were laying the foundation of a new Commonwealth in this, the then wilderness land of the far West. Here the military skill, which they had acquired in the campaigns of the Revolution, was employed in repelling the savage foes, whose incursions so long made this fair domain of Kentucky truly "a dark and bloody ground" to its early settlers. But, valuable as was the service thus rendered, it did not fill the measure of their greatness. The wise political institutions which they aided in establishing for the State which their valor had defended, constitute a higher claim upon our gratitude.

How illustrious! how enviable is the career of such a life! Patriot soldiers, they assisted at the birth of a nation; defenders of our frontiers, they aided in delivering Kentucky and the great West from the scourge of Indian barbarities; as wise statesmen, they helped to found and shape the destiny of a great Commonwealth. Heroic in the field, wise in council, distinguished alike by their private and public virtue, they have left to us the inheritance of a noble memory, which we should love to cherish.

I trust that it will be your pleasure to provide for a memorial more worthy of the services of these illustrious citizens, and of the gratitude of a great Commonwealth.

P. H. LESLIE.

Ordered, That said message be printed, and referred to the Committee on Finance.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barker, from the Committee on Claims—
An act for the benefit of Joshua Sharp, of Shelby county.

By same—
An act for the benefit of Noah Allen, of Crittenden county.

By Mr. Gatewood, from the Committee on Courts of Justice—
An act for the benefit of Warren county.

Ordered, That said bills be read a third time.

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

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. Barker, from the Committee on Claims, who were directed to prepare and bring in the same, reported a bill, entitled
A bill for the benefit of R. W. Williams, jailer of Christian county.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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 order, took up for consideration an engrossed bill, entitled
An act to take the sense of the people of this State as to the propriety of calling a convention to revise the Constitution.
After a time spent in the consideration thereof, at fifteen minutes before 2 o'clock, P. M., Mr. Swoope moved that the Senate do now take a recess till half-past 4 o'clock, P. M.
And the question being taken thereon, it was decided in the negative.
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—
Thos. J. Barker, Walter Evans, R. B. Lovel,
W. J. Berry, H. S. Hale, O. D. McManama,
Robert Boyd, Thos. F. Hargis, Robt. Simmons,
Robt. A. Briggs, George B. Hodge, E. W. Turner,
James F. Clay, G. A. C. Holt, Thos. W. Varnon,
W. W. Culberson, B. W. S. Huffaker, C. J. Walton,
F. W. Darby, T. L. Jefferson,

Those who voted in the negative, were—
John S. Barlow, W. W. Frazer, D. H. Lindsay,
Scott Brown, John J. Gatewood, A. L. Martin,
Wm. P. Duvall, D. R. Haggard, G. W. Swoope,

Resolved, That the title of said bill be as aforesaid.
Mr. Holt moved to reconsider the vote by which the Senate had passed said bill.

Mr. Varnon moved to lay said motion on the table.

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

Mr. Varnon moved that a committee of five be appointed to inform the House of Representatives of the passage by the Senate of said bill.

Which was adopted.

Whereupon the Speaker appointed Messrs. Varnon, Barker, McManama, Holt, and Turner, said committee.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, entitled

An act authorizing a sale of a portion of the road of the Centerville and Jacksonville Turnpike Road Company.

And an enrolled bill, which originated in the Senate, entitled

An act in aid of the common schools of this Commonwealth.

And had found the same truly enrolled.

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 approval and signature.

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

On motion of Mr. Brown, leave was given to bring in a bill, entitled

A bill for the benefit of Sanford Goins.

Ordered, That the Committee on Claims prepare and bring in the same.

And then the Senate adjourned.
THURSDAY, DECEMBER 18, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to take the sense of the people of this State as to the propriety of calling a Constitutional Convention.

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

An act to repeal an act, entitled “An act to authorize the Pike county court to issue bonds for court-house and other purposes.”

An act for the benefit of Pike county.

An act to amend the charter of the Bourbon County Agricultural Society, and the laws in relation thereto.

The following petitions were presented, viz:

By Mr. Frazer—

1. The petition of citizens of Allensville, in Todd county, praying the passage of an amendment to the charter of said town, prohibiting the sale of ardent spirits therein.

By Mr. Webb—

2. The petition of John Allen, of Jefferson county, praying the passage of an act for his benefit.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Propositions and Grievances, and the 2d to the Committee on Claims.

The Speaker laid before the Senate the response of the Auditor of Public Accounts to a resolution calling on him to furnish the number of qualified voters in each Constitutional, Senatorial, and Representative District.

Said response reads as follows, viz:

IN SENATE, December 16th, 1873.

Resolved, That the Auditor be, and he is hereby, requested to furnish the following information, to-wit: the number of legal voters in each ward in the cities of Louisville, Covington, Bowling Green, Newport, and Lexington; also the number of voters in the counties of Kenton, Jefferson, Fayette, Campbell, and Warren, outside of the cities in each county. He will also furnish the total number of
votes in each county and in each constitutional district, and in each Representative and Senatorial District, as now constituted.

The Clerk of the Senate is instructed to have two hundred copies of the Auditor's report printed for the use of the General Assembly, when finished.

STATE OF KENTUCKY,
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT, December 18th, 1873.

HON. J. G. CARLISLE, Speaker of Senate:

Sir: In obedience to the request contained in the resolution adopted by the Senate on the 16th inst., I herewith transmit, for the information of that body, statements showing the number of qualified voters in each Constitutional, Senatorial, and Representative District in this State, as shown by the copies of the Assessors' books returned to this department for the present year, 1873, each made out by counties.

It is not possible for me to give the number of qualified voters in the several wards of the cities mentioned in the resolution of the Senate, from the fact that the Assessors' books are not so made out as to enable me to do so. I am, however, able to give the qualified voters of the city of Louisville and the county of Jefferson, each separately, which I herewith report in a separate statement.

I have the honor to be,

Very respectfully,

D. HOWARD SMITH, Auditor.

16-s.
### First District

<table>
<thead>
<tr>
<th>Counties</th>
<th>No. White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fulton</td>
<td>1,100</td>
<td>150</td>
<td>1,250</td>
</tr>
<tr>
<td>Hickman</td>
<td>1,586</td>
<td>411</td>
<td>1,997</td>
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<tr>
<td>Graves</td>
<td>2,666</td>
<td>561</td>
<td>3,227</td>
</tr>
<tr>
<td>Ballard</td>
<td>2,698</td>
<td>365</td>
<td>3,063</td>
</tr>
<tr>
<td>McCracken</td>
<td>2,327</td>
<td>219</td>
<td>2,546</td>
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<tr>
<td>Calloway</td>
<td>2,148</td>
<td>128</td>
<td>2,276</td>
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<tr>
<td>Marshall</td>
<td>1,842</td>
<td>68</td>
<td>1,910</td>
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<tr>
<td>Livingston</td>
<td>1,523</td>
<td>197</td>
<td>1,720</td>
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<tr>
<td>Crittenden</td>
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<td>255</td>
<td>3,620</td>
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<tr>
<td>Union</td>
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<tr>
<td>Hopkins</td>
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<tr>
<td>Caldwell</td>
<td>1,737</td>
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<td>Lyon</td>
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<td>1,421</td>
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<tr>
<td>Trigg</td>
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<td>Webster</td>
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### Second District

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<td>5,461</td>
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<tr>
<td>Muhlenburg</td>
<td>2,345</td>
<td>269</td>
<td>2,614</td>
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<tr>
<td>Henderson</td>
<td>2,909</td>
<td>1,206</td>
<td>4,115</td>
</tr>
<tr>
<td>Daviess</td>
<td>4,483</td>
<td>1,000</td>
<td>5,483</td>
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<tr>
<td>Hancock</td>
<td>1,328</td>
<td>86</td>
<td>1,414</td>
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<tr>
<td>Ohio</td>
<td>3,073</td>
<td>232</td>
<td>3,305</td>
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<td>Breckinridge</td>
<td>2,572</td>
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<td>Meade</td>
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<td>McLean</td>
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<td>Edmonson</td>
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### Third District

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<tbody>
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<td>2,669</td>
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<tr>
<td>Logan</td>
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<td>Simpson</td>
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<td>Warren</td>
<td>4,026</td>
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<td>Allen</td>
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<td>Monroe</td>
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<td>98</td>
<td>1,813</td>
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<tr>
<td>Barren</td>
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<td>685</td>
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<tr>
<td>Hart</td>
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<td>Metcalfe</td>
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### FOURTH DISTRICT

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<td>Green</td>
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<tr>
<td>Taylor</td>
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<tr>
<td></td>
<td></td>
<td>3,650</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>1,814</td>
<td>1,961</td>
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<tr>
<td></td>
<td></td>
<td>2,675</td>
<td>3,012</td>
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<td></td>
<td>1,227</td>
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<td>Russell</td>
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### FIFTH DISTRICT

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<thead>
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<tbody>
<tr>
<td>Hardin</td>
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<td>3,447</td>
<td>3,891</td>
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<tr>
<td>Larue</td>
<td>1</td>
<td>1,426</td>
<td>1,588</td>
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<tr>
<td>Bullitt</td>
<td></td>
<td>1,469</td>
<td>1,657</td>
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<tr>
<td>Spencer</td>
<td></td>
<td>1,013</td>
<td>1,233</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,482</td>
<td>2,695</td>
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<tr>
<td></td>
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<td>2,276</td>
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### JOURNAL OF THE SENATE.

**Representative Districts—Continued.**

**Sixth District.**

<table>
<thead>
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<th>No.</th>
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<td>Garrard</td>
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<td>605</td>
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</tr>
<tr>
<td>Madison</td>
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<td>3,076</td>
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<tr>
<td>Estill</td>
<td>1</td>
<td>1,741</td>
<td>136</td>
<td>1,877</td>
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<tr>
<td>Jackson</td>
<td></td>
<td>912</td>
<td>16</td>
<td>928</td>
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<tr>
<td>Whitley</td>
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<td>2,805</td>
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<tr>
<td>Laurel</td>
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<td>Floyd</td>
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<tr>
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<td>Clay</td>
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<tr>
<td>Owsley</td>
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<td>Shelby</td>
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<td></td>
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**Seventh District.**

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<thead>
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<th>Counties</th>
<th>No.</th>
<th>Not assessed</th>
<th>by Wards</th>
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<td>City of Louisville—</td>
<td>1</td>
<td>Not assessed</td>
<td>by Wards</td>
</tr>
<tr>
<td>1st Ward</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd and 3rd Wards</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4th and 5th Wards</td>
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### EIGHTH DISTRICT

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<tbody>
<tr>
<td>Bourbon</td>
<td>1 1,908</td>
<td>1,336</td>
<td>3,224</td>
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<td>1 3,737</td>
<td>3,716</td>
<td>7,453</td>
</tr>
<tr>
<td>Scott</td>
<td>1 1,924</td>
<td>1,017</td>
<td>2,941</td>
</tr>
<tr>
<td>Owen</td>
<td>1 2,919</td>
<td>228</td>
<td>3,147</td>
</tr>
<tr>
<td>Franklin</td>
<td>1 2,330</td>
<td>722</td>
<td>3,052</td>
</tr>
<tr>
<td>Woodford</td>
<td>1 1,378</td>
<td>1,069</td>
<td>2,447</td>
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<tr>
<td>Jessamine</td>
<td>1 1,281</td>
<td>759</td>
<td>1,740</td>
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### NINTH DISTRICT

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<td>Fleming</td>
<td>1 2,279</td>
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<td>4,483</td>
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<td>Greenup</td>
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<td>2,241</td>
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<td>Clark</td>
<td>1 1,753</td>
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<td>2,705</td>
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<td>Carter</td>
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<td>1,786</td>
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<tr>
<td>Breathitt</td>
<td>1 3,738</td>
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<tr>
<td>Wolfe</td>
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<td>5</td>
<td>727</td>
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<td>533</td>
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<tr>
<td>Morgan</td>
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<td>Magoffin</td>
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<td>Rowan</td>
<td>1 610</td>
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### TENTH DISTRICT

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<td>3,977</td>
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<tr>
<td>Bracken</td>
<td>1 3,725</td>
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<td>3,855</td>
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<tr>
<td>Nicholas</td>
<td>1 1,847</td>
<td>232</td>
<td>2,079</td>
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<td>Robertson</td>
<td>1 1,168</td>
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<td>1,208</td>
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<tr>
<td>Harrison</td>
<td>1 3,015</td>
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<tr>
<td>Pendleton</td>
<td>1 2,849</td>
<td>126</td>
<td>3,065</td>
</tr>
<tr>
<td>Campbell</td>
<td>2 6,301</td>
<td>75</td>
<td>6,376</td>
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<tr>
<td>Grant</td>
<td>1 2,446</td>
<td>111</td>
<td>2,557</td>
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<tr>
<td>Gallatin</td>
<td>1 956</td>
<td>154</td>
<td>1,110</td>
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<tr>
<td>City of Covington—</td>
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<td>265</td>
<td>3,667</td>
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<tr>
<td>1st, 2d, 3d and 6th Wards</td>
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<td>by Wards.</td>
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<td>4th, 5th, and 7th Wards</td>
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The following counties have been made since the last apportionment: Lee, Martin, Menifee, and Elliott.
## CONSTITUTIONAL DISTRICTS.

### FIRST DISTRICT.

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col’d Voters</th>
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<tbody>
<tr>
<td>Fulton</td>
<td>1,100</td>
<td>150</td>
<td>1,250</td>
</tr>
<tr>
<td>Hickman</td>
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<td>1,976</td>
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<td>Ballard</td>
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<td>2,546</td>
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<tr>
<td>McCracken</td>
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<td>776</td>
<td>2,914</td>
</tr>
<tr>
<td>Graves</td>
<td>3,008</td>
<td>305</td>
<td>3,313</td>
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<tr>
<td>Calloway</td>
<td>2,148</td>
<td>128</td>
<td>2,276</td>
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<td>58</td>
<td>1,900</td>
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### SECOND DISTRICT.

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<td>Henderson</td>
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<td>Daviess</td>
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### THIRD DISTRICT.

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<tr>
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### FOURTH DISTRICT

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### FIFTH DISTRICT

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### SIXTH DISTRICT

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### SEVENTH DISTRICT

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<tr>
<td>Trimble</td>
<td>1,291</td>
<td>78</td>
<td>1,369</td>
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<tr>
<td>Carroll</td>
<td>1,400</td>
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<td>1,504</td>
</tr>
<tr>
<td>Henry</td>
<td>2,177</td>
<td>299</td>
<td>2,476</td>
</tr>
<tr>
<td>Shelby</td>
<td>2,411</td>
<td>928</td>
<td>3,339</td>
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### EIGHTH DISTRICT

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<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bourbon</td>
<td>1,908</td>
<td>1,316</td>
<td>3,224</td>
</tr>
<tr>
<td>Fayette</td>
<td>3,737</td>
<td>3,716</td>
<td>7,453</td>
</tr>
<tr>
<td>Scott</td>
<td>1,054</td>
<td>1,017</td>
<td>2,071</td>
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<td>Owen</td>
<td>2,519</td>
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<td>2,747</td>
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<tr>
<td>Franklin</td>
<td>2,320</td>
<td>723</td>
<td>3,053</td>
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<tr>
<td>Woodford</td>
<td>1,378</td>
<td>1,069</td>
<td>2,447</td>
</tr>
<tr>
<td>Jessamine</td>
<td>1,281</td>
<td>759</td>
<td>2,040</td>
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### NINTH DISTRICT

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<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
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<tbody>
<tr>
<td>Clark</td>
<td>1,753</td>
<td>942</td>
<td>2,695</td>
</tr>
<tr>
<td>Rowan</td>
<td>610</td>
<td>12</td>
<td>622</td>
</tr>
<tr>
<td>Bath</td>
<td>2,923</td>
<td>327</td>
<td>3,250</td>
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### TENTH DISTRICT

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<tr>
<td>Gallatin</td>
<td>906</td>
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### JOURNAL OF THE SENATE.

#### SENATORIAL DISTRICTS.

**FIRST DISTRICT.**

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<td>1,619</td>
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**SECOND DISTRICT.**

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<td>58</td>
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**THIRD DISTRICT.**

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<td>2,968</td>
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<td>Caldwell</td>
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<td>128</td>
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<td>Lyon</td>
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**FOURTH DISTRICT.**

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<td>Crittenden</td>
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**FIFTH DISTRICT.**

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<td>Webster</td>
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**SIXTH DISTRICT.**

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<td>Muhlenburg</td>
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<td>260</td>
<td>2,605</td>
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<td></td>
<td><strong>5,645</strong></td>
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### SEVENTH DISTRICT

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<tr>
<td>Daviess</td>
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<tr>
<td>Hancock</td>
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### EIGHTH DISTRICT

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<td>McLean</td>
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### NINTH DISTRICT

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### TENTH DISTRICT

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<thead>
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<td>Meade</td>
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<td>1,804</td>
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<tr>
<td>Bullitt</td>
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### ELEVENTH DISTRICT

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<td>Metcalfe</td>
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### TWELFTH DISTRICT

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### JOURNAL OF THE SENATE.

**Senatorial Districts—Continued.**

#### Thirteenth District.

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#### Fourteenth District.

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<td>2,276</td>
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<td>3,035</td>
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<td>Shelby</td>
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<td>3,339</td>
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#### Fifteenth District.

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<td>638</td>
<td>2,777</td>
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<td>Washington</td>
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<td>410</td>
<td>2,731</td>
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<tr>
<td>Taylor</td>
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#### Sixteenth District.

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#### Seventeenth District.

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<td>3,012</td>
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#### Eighteenth District.

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<td>Lincoln</td>
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<td>Casey</td>
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<td>1,629</td>
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<tr>
<td>Boyle</td>
<td>1,389</td>
<td>723</td>
<td>2,112</td>
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<tr>
<td>Garrard</td>
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<td>6,405</td>
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### NINETEENTH DISTRICT

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<tbody>
<tr>
<td>Hart</td>
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<tr>
<td>Green</td>
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<td>Lmur</td>
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<td>1,603</td>
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<td><strong>Total</strong></td>
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<td><strong>977</strong></td>
<td><strong>6,630</strong></td>
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### TWENTIETH DISTRICT

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<tbody>
<tr>
<td>Franklin</td>
<td>2,330</td>
<td>722</td>
<td>3,052</td>
</tr>
<tr>
<td>Anderson</td>
<td>1,638</td>
<td>199</td>
<td>1,838</td>
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<tr>
<td>Mercer</td>
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<td>616</td>
<td>3,268</td>
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### TWENTY-FIRST DISTRICT

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<td>2,466</td>
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<td>Oldham</td>
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<td>1,466</td>
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<td>Trimble</td>
<td>1,291</td>
<td>78</td>
<td>1,369</td>
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<tr>
<td>Carroll</td>
<td>1,490</td>
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<td>1,594</td>
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<td><strong>Total</strong></td>
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### TWENTY-SECOND DISTRICT

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</thead>
<tbody>
<tr>
<td>Harrison</td>
<td>2,024</td>
<td>569</td>
<td>2,593</td>
</tr>
<tr>
<td>Scott</td>
<td>1,934</td>
<td>1,017</td>
<td>2,951</td>
</tr>
<tr>
<td>Robertson</td>
<td>1,168</td>
<td>40</td>
<td>1,208</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,026</strong></td>
<td><strong>1,623</strong></td>
<td><strong>7,671</strong></td>
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### TWENTY-THIRD DISTRICT

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<th>Col'd Voters</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>Gallatin</td>
<td>968</td>
<td>154</td>
<td>1,112</td>
</tr>
<tr>
<td>Boone</td>
<td>2,338</td>
<td>217</td>
<td>2,555</td>
</tr>
<tr>
<td>Owen</td>
<td>2,919</td>
<td>299</td>
<td>3,218</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,234</strong></td>
<td><strong>590</strong></td>
<td><strong>6,823</strong></td>
</tr>
</tbody>
</table>

### TWENTY-FOURTH DISTRICT

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kenton</td>
<td>8,217</td>
<td>420</td>
<td>8,637</td>
</tr>
</tbody>
</table>

### TWENTY-FIFTH DISTRICT

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campbell</td>
<td>6,301</td>
<td>75</td>
<td>6,376</td>
</tr>
</tbody>
</table>
### JOURNAL OF THE SENATE.

**Senatorial Districts—Continued.**

**T W E N T Y - S I X T H D I S T R I C T.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pendleton</td>
<td>2,849</td>
<td>125</td>
<td>2,975</td>
</tr>
<tr>
<td>Bracken</td>
<td>2,725</td>
<td>130</td>
<td>2,855</td>
</tr>
<tr>
<td>Grant</td>
<td>2,546</td>
<td>111</td>
<td>2,657</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>8,020</strong></td>
<td><strong>387</strong></td>
<td><strong>8,387</strong></td>
</tr>
</tbody>
</table>

**T W E N T Y - S E V E N T H D I S T R I C T.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fayette</td>
<td>3,731</td>
<td>3,716</td>
<td>7,453</td>
</tr>
<tr>
<td>Woodford</td>
<td>1,378</td>
<td>1,069</td>
<td>2,447</td>
</tr>
<tr>
<td>Jessamine</td>
<td>1,281</td>
<td>759</td>
<td>2,040</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>6,396</strong></td>
<td><strong>5,541</strong></td>
<td><strong>11,940</strong></td>
</tr>
</tbody>
</table>

**T W E N T Y - E I G H T H D I S T R I C T.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montgomery</td>
<td>1,290</td>
<td>476</td>
<td>1,766</td>
</tr>
<tr>
<td>Bath</td>
<td>2,023</td>
<td>337</td>
<td>2,360</td>
</tr>
<tr>
<td>Clerk</td>
<td>1,753</td>
<td>942</td>
<td>2,695</td>
</tr>
<tr>
<td>Bourbon</td>
<td>1,998</td>
<td>1,316</td>
<td>3,314</td>
</tr>
<tr>
<td>Menifee</td>
<td>486</td>
<td>7</td>
<td>493</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>7,380</strong></td>
<td><strong>3,668</strong></td>
<td><strong>10,448</strong></td>
</tr>
</tbody>
</table>

**T W E N T Y - N I N T H D I S T R I C T.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Estill</td>
<td>1,741</td>
<td>136</td>
<td>1,877</td>
</tr>
<tr>
<td>Madison</td>
<td>3,076</td>
<td>1,150</td>
<td>4,226</td>
</tr>
<tr>
<td>Jackson</td>
<td>912</td>
<td>16</td>
<td>928</td>
</tr>
<tr>
<td>Powell</td>
<td>480</td>
<td>53</td>
<td>533</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>6,269</strong></td>
<td><strong>1,355</strong></td>
<td><strong>7,624</strong></td>
</tr>
</tbody>
</table>

**T H I R T E E N T H D I S T R I C T.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fleming</td>
<td>2,279</td>
<td>294</td>
<td>2,573</td>
</tr>
<tr>
<td>Rowan</td>
<td>610</td>
<td>12</td>
<td>622</td>
</tr>
<tr>
<td>Nicholas</td>
<td>1,847</td>
<td>232</td>
<td>2,079</td>
</tr>
<tr>
<td>Elliott</td>
<td>876</td>
<td>6</td>
<td>882</td>
</tr>
<tr>
<td>Carter</td>
<td>1,786</td>
<td>20</td>
<td>1,806</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>7,408</strong></td>
<td><strong>474</strong></td>
<td><strong>7,882</strong></td>
</tr>
</tbody>
</table>

**T H I R T Y - F I R S T D I S T R I C T.**

<table>
<thead>
<tr>
<th>Counties</th>
<th>White Voters</th>
<th>Col'd Voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mason</td>
<td>3,331</td>
<td>616</td>
<td>3,947</td>
</tr>
<tr>
<td>Lewis</td>
<td>2,196</td>
<td>45</td>
<td>2,241</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>5,527</strong></td>
<td><strong>691</strong></td>
<td><strong>6,218</strong></td>
</tr>
</tbody>
</table>
### THIRTY-SECOND DISTRICT

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boyd</td>
<td>1,940</td>
<td>91</td>
<td>2,031</td>
</tr>
<tr>
<td>Greenup</td>
<td>2,410</td>
<td>79</td>
<td>2,489</td>
</tr>
<tr>
<td>Lawrence</td>
<td>1,673</td>
<td>29</td>
<td>1,702</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,623</strong></td>
<td><strong>199</strong></td>
<td><strong>6,822</strong></td>
</tr>
</tbody>
</table>

### THIRTY-THIRD DISTRICT

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perry</td>
<td>880</td>
<td>13</td>
<td>893</td>
</tr>
<tr>
<td>Letcher</td>
<td>850</td>
<td>20</td>
<td>870</td>
</tr>
<tr>
<td>Clay</td>
<td>1,664</td>
<td>93</td>
<td>1,757</td>
</tr>
<tr>
<td>Lee</td>
<td>675</td>
<td>29</td>
<td>704</td>
</tr>
<tr>
<td>Harlan</td>
<td>749</td>
<td>14</td>
<td>763</td>
</tr>
<tr>
<td>Floyd</td>
<td>1,530</td>
<td>9</td>
<td>1,539</td>
</tr>
<tr>
<td>Pike</td>
<td>1,822</td>
<td>18</td>
<td>1,840</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7,880</strong></td>
<td><strong>192</strong></td>
<td><strong>8,072</strong></td>
</tr>
</tbody>
</table>

### THIRTY-FOURTH DISTRICT

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Magoffin</td>
<td>814</td>
<td>10</td>
<td>824</td>
</tr>
<tr>
<td>Breathitt</td>
<td>1,058</td>
<td>32</td>
<td>1,090</td>
</tr>
<tr>
<td>Johnson</td>
<td>1,278</td>
<td>20</td>
<td>1,298</td>
</tr>
<tr>
<td>Martin</td>
<td>384</td>
<td>6</td>
<td>390</td>
</tr>
<tr>
<td>Morgan</td>
<td>1,254</td>
<td>6</td>
<td>1,260</td>
</tr>
<tr>
<td>Wolfe</td>
<td>732</td>
<td>5</td>
<td>737</td>
</tr>
<tr>
<td>Owosley</td>
<td>735</td>
<td>5</td>
<td>740</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,225</strong></td>
<td><strong>78</strong></td>
<td><strong>6,303</strong></td>
</tr>
</tbody>
</table>

### THIRTY-FIFTH DISTRICT

<table>
<thead>
<tr>
<th>1st and 2d Wards of Louisville</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jefferson county</td>
<td>17,495</td>
<td>6,155</td>
<td>23,650</td>
</tr>
<tr>
<td>Not assessed by Wards.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### THIRTY-SIXTH DISTRICT

<table>
<thead>
<tr>
<th>3d, 4th, 5th, 6th, and 7th Wards City of Louisville</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not assessed by Wards.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### THIRTY-SEVENTH DISTRICT

<table>
<thead>
<tr>
<th>8th, 9th, 10th, 11th, and 12th Wards city of Louisville</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not assessed by Wards.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
JOURNAL OF THE SENATE.

Senatorial Districts—Continued.

THIRTY-EIGHTH DISTRICT.

<table>
<thead>
<tr>
<th>COUNTIES</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laurel</td>
<td>1,173</td>
<td>38</td>
<td>1,211</td>
</tr>
<tr>
<td>Whitley</td>
<td>1,674</td>
<td>26</td>
<td>1,700</td>
</tr>
<tr>
<td>Knox</td>
<td>1,543</td>
<td>105</td>
<td>1,648</td>
</tr>
<tr>
<td>Rockcastle</td>
<td>1,508</td>
<td>93</td>
<td>1,601</td>
</tr>
<tr>
<td>Bell</td>
<td>782</td>
<td></td>
<td>782</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6,675</strong></td>
<td><strong>262</strong></td>
<td><strong>6,937</strong></td>
</tr>
</tbody>
</table>

LIST OF THE QUALIFIED VOTERS OF JEFFERSON COUNTY, AS SHOWN BY THE ASSESSORS’ BOOKS FOR THE YEAR 1873.

<table>
<thead>
<tr>
<th>COUNTIES</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southern District</td>
<td>1,547</td>
<td>683</td>
<td>2,230</td>
</tr>
<tr>
<td>Northern District</td>
<td>1,442</td>
<td>868</td>
<td>2,310</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,989</strong></td>
<td><strong>1,551</strong></td>
<td><strong>4,540</strong></td>
</tr>
</tbody>
</table>

LIST OF THE QUALIFIED VOTERS OF THE CITY OF LOUISVILLE, AS SHOWN BY THE ASSESSORS’ BOOKS FOR 1873.

<table>
<thead>
<tr>
<th>COUNTIES</th>
<th>White voters</th>
<th>Col'd voters</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastern District</td>
<td>8,101</td>
<td>2,313</td>
<td>10,413</td>
</tr>
<tr>
<td>Western District</td>
<td>6,405</td>
<td>2,292</td>
<td>8,697</td>
</tr>
<tr>
<td>Total</td>
<td>14,506</td>
<td>4,604</td>
<td>19,110</td>
</tr>
</tbody>
</table>

Total white voters in county: 2,989
Total white voters in city: 14,006
Total colored voters in county: 1,551
Total colored voters in city: 4,094
Total white and colored voters in city and county: 23,650

Attest: D. HOWARD SMITH, Auditor.
Which was read, and referred to the Committee on Apportionment.

On motion of Mr. Evans, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill from the Senate, entitled

An act to authorize a special term of the Muhlenburg circuit court.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Evans then moved to reconsider the vote by which the Senate had passed said bill.

Which was adopted.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was dispensed with.

Sundry amendments to said bill were proposed by Mr. Evans.

Which were adopted.

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

The constitutional provision 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. Holt read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of the Chief Clerks, Assistant Clerks, Sergeants-at-Arms, Door-keepers, Enrolling Clerks, and for the benefit of the attaches of the present General Assembly, for their per diem, respectively, as the same may become due: Provided, Such per diem shall not exceed two thirds allowed the officers and attaches of the last session of the General Assembly. This resolution shall take effect from its passage.

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

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, D. H. Lindsay,
John S. Barlow, W. W. Fraser, R. B. Lovel,
W. J. Berry, D. R. Haggard, O. D. McManama,
Robert Boyd, Thos. F. Hargis, Robert Simmons,
Robert A. Briggs, J. W. Hays, G. W. Swoope,
Scott Brown, Geo. B Hodge, E. W. Turner,
James F. Clay, G. A. C. Holt, Thos. W. Varnon,
The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Cunningham, from the Committee on Banks and Insurance—
A bill to amend the charter of the Bank of New Castle.

By Mr. McManaman, from the Committee on Courts of Justice—
A bill to establish an additional voting precinct and magisterial district in Grant county.

By Mr. Hodge, from the Committee on Railroads—
A bill to amend an act, entitled "An act to incorporate the Evansville and Jackson Railroad Company."

By Mr. Lindsay, from the Committee on Religion and Morals—
A bill to incorporate the Christian Church at Warsaw.

By Mr. Hays, from the Committee on the Judiciary—
A bill to amend the penal laws of this Commonwealth.

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

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was ordered to be printed and placed in the orders of the day, and all the others were severally ordered to be engrossed and read a third time.

The constitutional provision 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. Darby, from the Committee on Courts of Justice, to whom was referred a bill from the House of Representatives, entitled
An act for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts,
Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

17-s.
Mr. Clay, 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 Law Department of the University of Louisville,
Reported the same without amendment.
Said bill reads as follows, viz:
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a diploma from the University of Louisville in its Law Department, conferring the degree of Bachelor of Laws, shall entitle the person on whom it is conferred to practice law, and shall have the same effect as a license to practice law in all the courts of this Commonwealth granted in pursuance of sections three and four of chapter five, article one, of the General Statutes.
§ 2. This act shall take effect from its passage.
Ordered, That said bill be read a third time.
The constitutional provision as to the third reading of said bill being dispensed with,
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Swoope and Hays, were as follows, viz:
Those who voted in the affirmative, were—
Thos. J. Barker, John J. Gatewood, T. L. Jefferson,
John S. Barlow, D. R. Haggard, D. H. Lindsay,
W. J. Berry, H. S. Hale, A. L. Martin,
Scott Brown, Thos. F. Hargis, O. D. McManama,
James F. Clay, J. W. Hays, Robert Simmons,
W. A. Cunningham, G. A. C. Holt, E. W. Turner,
P. F. Edwards, B. W. S. Huffaker, C. J. Walton,
Those who voted in the negative, were—
Robert Boyd, William P. Duvall, R. B. Lovel,
W. W. Culbertson, Walter Evans, G. W. Swoope,
Resolved, That the title of said bill be as aforesaid.
Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled
An act to add a part of Henry county to the county of Oldham,
Reported the same without amendment.
Ordered, That said bill be read a third time.
The constitutional provision 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.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend chapter 3 of title 18 of the Civil Code of Practice.

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

On motion of Mr. McManama, leave of absence, indefinitely, was granted Mr. Barker.

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

On motion of Mr. Brown—
1. A bill for the benefit of I. L. Hyatt.

On motion of Mr. Hyatt—
2. A bill to incorporate a municipality in Jefferson county.

On motion of same—
3. A bill to create the Bullitt County Turnpike Corporation.

On motion of Mr. Lovel—
4. A bill to incorporate the Maysville Foundry Company.

On motion of Mr. Hargis—
5. A bill to incorporate the Carlisle Academy.

On motion of Mr. Simmons—
6. A bill to repeal so much of an act, entitled "An act concerning the various charitable institutions of this Commonwealth," approved the 21st of April, 1873, as converts the Institution for the Education and Training of Feeble-minded Children into a Lunatic Asylum for the Insane.

On motion of Mr. Hale—
7. A bill to amend the charter of the city of Mayfield.

On motion of same—
8. A bill to fix and regulate the compensation of the officers and employees of the two Houses of the General Assembly of this Commonwealth.

On motion of same—
9. A bill to authorize the city of Mayfield to subscribe and pay for stock in the Cairo and Tennessee River Railroad Company.

On motion of Mr. Lindsay—
10. A bill to amend the charter of the Westport, Carrollton, and Ghent Railway Company.
On motion of Mr. Webb—
11. A bill for the benefit of John Allen, of the city of Louisville.
On motion of Mr. Haggard—
12. A bill to remove the obstructions, and for the erection of locks and dams and other improvements, on the Big South Fork of Cumberland river and its tributaries.
On motion of Mr. Webb—
13. A bill to amend the charter of the Ohio River Valley Railroad Company.
On motion of Mr. McManama—
14. A bill to regulate the carrying of freight by railroad companies operating in this Commonwealth.

Ordered, That the Committee on Claims prepare and bring in the 1st and 11th; the Committee on the Judiciary the 2d, 5th, 7th, and 9th; the Committee on Internal Improvement the 3d and 12th; the Committee on Agriculture and Manufactures the 4th; the Committee on Charitable Institutions the 6th; the Committee on Finance the 8th, and the Committee on Railroads the 10th, 13th, and 14th.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled
An act to take the sense of the people of this State as to the propriety of calling a convention to revise the Constitution;
And had found the same truly enrolled.
Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same was delivered to the committee to be presented to the Governor for his approval and signature.

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

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

Resolved, That the rules of the Senate be so amended that the name of the Standing Committee in subdivision 19 of section 19 read: "Committee on Revised Statutes, Codes of Practice, and General Statutes."

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Chairman of the Committee on Privileges and Elections in the Senate is hereby authorized to employ a clerk for said committee
to facilitate their investigations in the Goodloe-Wooldridge contested election case: Provided, That the compensation of said clerk shall not exceed — dollars per day. This resolution shall take effect from its passage.

Mr. Swoope moved to amend by filling the blank in the resolution with “three” dollars.

Which motion was rejected.

Mr. Haggard then moved to fill the blank with “five” dollars per day as compensation to the clerk.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer,
Scott Brown, D. R. Haggard,
James F. Clay, Thos. F. Hargis,
W. A. Cunningham, J. W. Hays,
F. W. Darby, Geo. B. Hodge,
Wm. P. Duvall, G. A. C. Holt,
P. F. Edwards, I. L. Hyatt,
Walter Evans, T. L. Jefferson,

D. H. Lindsay,
R. B. Lovel,
A. L. Martin,
Robert Simmons,
E. W. Turner,
Thos. W. Varnon,
W. L. Vories,

Those who voted in the negative, were—

John S. Barlow, W. W. Culbertson,
W. J. Berry, B. W. S. Huffaker,
Robert Boyd, O. D. McManama,

G. W. Swoope,
C. J. Walton—9.

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

The yeas and nays being required thereon by Messrs. Evans and Swoope, were as follows, viz.

Those who voted in the affirmative, were—

Thos. J. Barker, D. R. Haggard,
Scott Brown, H. S. Hale,
James F. Clay, Thos. F. Hargis,
W. A. Cunningham, J. W. Hays,
F. W. Darby, Geo. B. Hodge,
William P. Duvall, G. A. C. Holt,
P. F. Edwards, I. L. Hyatt,
W. W. Frazer, T. L. Jefferson,

D. H. Lindsay,
R. B. Lovel,
A. L. Martin,
Robt. Simmons,
E. W. Turner,
Thos. W. Varnon,
W. L. Vories,

Those who voted in the negative, were—

John S. Barlow, W. W. Culbertson, O. D. McManama,
W. J. Berry, Walter Evans,
Robert Boyd, B. W. S. Huffaker,

G. W. Swoope,
C. J. Walton—9.
Mr. Vories, from the Committee on Finance, reported a bill, entitled
A bill to amend chapter 49 of the General Statutes.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
On motion of Mr. Hargis,
Ordered, That said bill be recommitted to the Committee on Finance.

Mr. Evans, from the Committee on the Judiciary, reported a bill, entitled
A bill for the benefit of K. F. Hargis, of Lee county.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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 yeas and nays being required thereon by Messrs. Walton and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, T. L. Jefferson,
Robert Boyd, John J. Gatewood, R. B. Lovel,
Scott Brown, D. R. Haggard, A. L. Martin,
James F. Clay, H. S. Hale, O. D. McManama,
W. W. Culbertson, J. W. Hays, Robt. Simmons,
W. A. Cunningham, G. A. C. Holt, E. W. Turner,
F. W. Darby, B. W. S. Hufslaker, Thos. W. Varnon,

P. F. Edwards,

Those who voted in the negative, were—

Thos. J. Barker, George B. Hodge, G. W. Swoope,
W. J. Berry, D. H. Lindsay, C. J. Walton—7.
Robt. A. Briggs,

Said bill reads as follows, viz:

§1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That K. F. Hargis, clerk of the county and circuit courts of Lee county, be, and he is hereby, authorized to practice law as an
attorney in any of the counties of this Commonwealth, except the county of Lee.

§ 2. This act shall be in force from and after its passage.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled

An act to prohibit the sale of spirituous, vinous, or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said incorporate limits.

Ordered, That said bill be read a third time.

The constitutional provision 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.

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

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, I. L. Hyatt,
John S. Barlow, Walter Evans, T. L. Jefferson,
Robert Boyd, W. W. Frazer, D. H. Lindsay,
Robert A. Briggs, D. R. Haggard, A. L. Martin,
Scott Brown, H. S. Hale, O. D. McManama,
James F. Clay, Thomas F. Hargis, Robert Simmons,
W. W. Culbertson, J. W. Hays, W. L. Vories,
William P. Duvall, B. W. S. Huffaker,

Those who voted in the negative, were—

W. J. Berry, R. B. Lovel, E. W. Turner,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, or the mixture of either, within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said incorporate limits.

§ 2. Any person violating the provisions of this act shall, upon conviction thereof, be fined in a sum not less than fifty nor more than one hundred dollars for each violation of this act.

§ 3. This act to take effect from and after its passage.

The Senate took up for consideration a bill from the House of Representatives, entitled

An act for the benefit of Susan Wall, of Garrard county.

Ordered, That said bill be read a third time.

The question was then taken on dispensing with the third reading of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Hargis and Briggs, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, A. L. Martin,
John S. Barlow, W. W. Frazer, O. D. McManama,
W. J. Berry, H. S. Hale, Robert Simmons,
Robert Boyd, J. W. Hays, E. W. Turner,
W. W. Culbertson, G. A. C Holt, Thos. W. Varnon,
W. A. Cunningham, I. L. Hyatt, W. L. Vol'ies,
P. W. Darby, T. L. Jefferson, C. J. Walton,
P. F. Edwards, R. B. Lovel,

Those who voted in the negative, were—

Robert A. Briggs, Thomas F. Hargis, B. W. S. Huffaker—5.
D. R. Haggard, Geo. B. Hodge,

The constitutional provision 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.

Said bill reads as follows, viz:

Whereas, It is represented to the General Assembly of the Commonwealth of Kentucky that Wilson Logan, a free man of color, died domiciled in Garrard county, Kentucky, on the ___ day of August, eighteen hundred and seventy-three, unmarried, leaving a daughter, Susan Wall, begotten and born in slavery, whom he always recognized as his child before and since the abolition of slavery; now, therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the said Susan Wall be, and she is hereby, legitimated, made capable of inheriting the estate of her father, the said Wilson Logan, in the same manner, and to the same extent, as if she had been born to him in lawful wedlock.

§ 2. This act shall take effect and be in force from its passage.

And then the Senate adjourned.
FRIDAY, DECEMBER 19, 1873.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act for the benefit of Arnold S. Hardy, jailer of Marion county.

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

1. An act providing, in case of the death of a circuit, chancery, or common pleas judge, during a term of his court, for the holding of the same, and signing orders by his successor.

2. An act for the benefit of Lewis F. Marshall, sheriff of Ballard county, and his sureties.

3. An act providing that the failure of the sheriff of McCracken county to execute bond for collection of the revenue shall not forfeit his office of sheriff.

4. An act to abolish the office of county treasurer of Pendleton county.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be read a third time.

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

Re-aded, That said bills do pass, and that the titles thereof be as aforesaid.

The yeas and nays being required on the passage of the third bill by Messrs. Swoope and Jefferson, were as follows, viz:

Those who voted in the affirmative, were—

Robert A. Briggs, W. W. Frazer, O. D. McManama,
Scott Brown, D. R. Haggard, Robert Simmons,
W. W. Culbertson, H. S. Hale, E. W. Turner,
F. W. Darby, G. A. C. Holt, Thos. W. Varnon,
P. F. Edwards, I. L. Hyatt, W. L. Vories,

18-s.
Those who voted in the negative, were—

John S. Barlow, J. W. Hays, G. W. Swoope,
Wm. P. Duvall, R. B. Lovel,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section one of article eight, chapter ninety-two, of the General Statutes, be so amended that a failure or refusal of the sheriff of McCracken county to execute bond, with surety, as is now required by law, for the collection of the revenue, shall not forfeit his office of sheriff of said county; but he shall not collect the revenue without giving the bond now required by law.

§ 2. This act shall be in force until the first day of January, 1875, and no longer.

§ 3. This act shall take effect from its passage.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed an enrolled bill, which originated in the Senate, entitled

An act to take the sense of the people of this State as to the propriety of calling a convention to revise the Constitution.

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

On motion of Mr. Evans—
1. A bill to provide for increasing the Common School Fund, and for its ratable distribution among all the children of the State, without regard to race or color.

On motion of Mr. Frazer—
2. A bill to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.

On motion of Mr. Culbertson—
3. A bill to establish a common school for the benefit of colored people of Ashland.

On motion of Mr. Hays—
4. A bill to amend chapter 75 of the General Statutes, entitled "Master Commissioner and Receiver."

On motion of Mr. Cunningham—
5. A bill to incorporate the Mt. Sterling Coal and Mountain Railroad Company.

On motion of Mr. Walton—
6. A bill to provide a system of common school education for the colored children of this Commonwealth.
On motion of Mr. Haggard—
7. A bill to tax the colored people, and such white people as are 
willing to be taxed, in this State, for the education of the colored 
children thereof.

Ordered, That the Committee on Education prepare and bring in 
the 1st, 3d, 6th, and 7th; the Committee on the Judiciary the 2d and 
4th, and the Committee on Railroads the 5th.

Mr. Hyatt, from the Committee on Enrollments, reported that the 
committee had examined enrolled bills, which originated in the House 
of Representatives, of the following titles, viz:
- An act for the benefit of Noah Allen, of Crittenden county;
- An act for the benefit of Joshua Sharp, of Shelby county;
- An act providing, in case of the death of a circuit, chancery, or 
  common pleas judge, during a term of his court, for the holding 
  of the same, and signing orders by his successor;
- And enrolled bills and a resolution, which originated in the Senate, 
of the following titles, viz:
  - An act to amend chapter 3 of title 18 of the Civil Code of Prac-
    tice;
  - An act for the benefit of Arnold S. Hardy, jailer of Marion county;
  - Resolution in relation to a recess of the General Assembly;
  - And had found the same truly enrolled.

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 pre-
sented to the Governor for his approval and signature.

After a short time, Mr. Hyatt reported that the committee had per-
formed that duty.

Leave of absence, indefinitely, was granted Messrs. Berry, Gate-
wood, Huffaker, Boyd, and McManama.

The following bills were reported from the several committees 
directed to prepare and bring in the same, viz:
- By Mr. Briggs, from the Committee on Claims—
  1. A bill for the benefit of John Allen, of the city of Louisville.
- By Mr. Hodge, from the Committee on Railroads—
  2. A bill to regulate the transportation of freights over railroads in 
     this Commonwealth.
- By same—
  3. A bill for the benefit of the St. Louis and Southeastern Railway 
     Company.
By same—

4. A bill to amend an act, entitled "An act to incorporate the Ohio River Valley Railroad Company."

By Mr. Hays, from the Committee on the Judiciary—

5. A bill to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.

By Mr. Haggard, from the Committee on Propositions and Grievances—

6. A bill requiring the owners of saw-logs to brand them before starting them to market.

By same—

7. A bill for the payment of traveling expenses of certain pauper children in this Commonwealth.

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

The constitutional provision as to the second reading of said bills being dispensed with—the 2d bill was ordered to be printed and placed in the orders of the day; the 4th bill was made the special order for January 12th; the 6th bill, with an amendment offered by Mr. Holt, was postponed and made the special order for January the 9th.

Ordered, That the 1st, 3d, 5th, and 7th bills be engrossed and read a third time.

The constitutional provision 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.

The yeas and nays being required on the passage of the 7th bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, R. B. Lovel,
Robt. A. Briggs, D. R. Haggard, O. D. McManama,
Scott Brown, H. S. Hale, Robert Simmons,
W. W. Culbertson, Thos. F. Hargis, G. W. Swoope,
W. A. Cunningham, J. W. Hays, E. W. Turner,
E. W. Darby, G. A. C. Holt, Thos. W. Varnon,
William P. Duvall, L. L. Hyatt, W. L. Vories,

Walter Evans,

In the negative—none.
Said bill reads as follows, viz:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky, The Superintendents of Deaf and Dumb Asylum, the Blind Asylum, and the Asylum for the Education of the Feeble-minded Children, shall pay the same traveling expenses to and from said institutions as are now paid for pauper lunatics per mile that are sent to either of the Lunatic Asylums in this Commonwealth.*

§ 2. *This act shall take effect from its passage.*

Mr. Lindsay, from the Committee on Education, to whom was referred a bill from the House of Representatives, entitled

An act relating to the surplus school fund belonging to Logan county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

The Senate took up for consideration a bill, entitled

An act to amend the revenue laws.

Ordered, That said bill be recommitted to the Committee on Finance.

The Senate took up the motion to reconsider the vote by which a bill was passed, entitled

An act requiring certain legal advertisements in Greenup county to be inserted in the Greenup Independent.

On motion of Mr. Vories,

Ordered, That the further consideration of said motion be postponed until the 12th of January next.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That at the next general election in this State for Representatives, the sheriffs and other election officers shall open a poll, and shall be required to propound the question to each voter who shall vote for Representative to the General Assembly, whether or not they are in favor of the General Assembly passing an act to prevent, by law, the manufacture and sale of ardent spirits in this Commonwealth; and said sheriffs shall report to the Secretary of State the result of said vote; and if a majority of the votes cast in the State shall be in favor of the inhibition of the manufacture and sale of ardent spirits in this Commonwealth, the Governor shall so declare in his annual message to the General Assembly that shall first meet after said vote shall be so taken.
Ordered, That said resolution be printed, and made the special order for the 12th of January next.

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

WHEREAS, The General Assembly of the Commonwealth of Kentucky adopted a resolution, which was approved 24th April, 1873, directing the Governor to have the remains of Gen. Carey H. Fry and Col. Theodore O’Hara and Adjutant George N. Cardwell brought to and deposited in State military lot at Frankfort, and their graves marked with appropriate stones, but made no provision for the payment of the expenses and costs thereof, on account of which the Governor has failed to carry out the instructions of said resolution; be it therefore now

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor proceed to execute the provisions of said resolution, and make his draft upon the Auditor of Public Accounts for the costs and expenses thereof, who is hereby directed to draw his warrant therefor, payable out of the Public Treasury.

The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with,

Ordered, That said resolution be referred to the Committee on Finance.

On motion of Mr. Haggard,

Ordered, That Mr. Lindsay be added to the Committee on Penitentiary and House of Reform.

The Senate took up out of the orders of the day a bill, entitled

A bill to provide for the government and discipline of the Kentucky Penitentiary, and to repeal all laws or parts of laws inconsistent herewith.

Ordered, That said bill be recommitted to the Committee on Penitentiary and House of Reform.

The Senate took up for consideration the amendments proposed by the House of Representatives to a resolution, which originated in the Senate, entitled

Resolution directing the Auditor of Public Accounts to pay the officers of the Senate and House of Representatives per diem.

The first amendment to said resolution reads as follows, viz:

Provided, That the sum to be drawn under this resolution by the Door-keeper, Sergeant-at-Arms, and Enrolling Clerk of the Senate, shall not exceed five dollars per day.

Mr. Walton moved to amend said amendment by striking out the word “Sergeant-at-Arms.”

Which was adopted.
Mr. Holt moved to amend said amendment by striking out the word "Door-keeper."

And 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. Haggard and Briggs, were as follows, viz:

Those who voted in the affirmative, were—

William P. Duvall, G. A. C. Holt, E. W. Turner,
Walter Evans, I. L. Hyatt, W. L. Vories,
Thomas F. Hargis,

Those who voted in the negative, were—

John S. Barlow, H. S. Hale, O. D. McManama,
Robert A. Briggs, J. W. Hays, Robert Simmons,
W. W. Culbertson, T. L. Jefferson, G. W. Swoope,
W. A. Cunningham, D. H. Lindsay, Thos. W. Varnon,
D. R. Haggard,

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

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

Those who voted in the affirmative, were—

John S. Barlow, P. F. Edwards, O. D. McManama,
Robt. A. Briggs, H. S. Hale, Robert Simmons,
Scott Brown, J. W. Hays, G. W. Swoope,
W. W. Culbertson, D. H. Lindsay, Thos. W. Varnon,
W. A. Cunningham, R. B. Lovel, C. J. Walton—16.
F. W. Darby,

Those who voted in the negative, were—

Wm. P. Duvall, G. A. C. Holt, E. W. Turner,
W. W. Frazer, I. L. Hyatt, W. L. Vories,
Thos. F. Hargis, A. L. Martin,

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

Said amendment reads as follows, viz:

Insert the word "employees" after the word "House of Representatives," in the 5th line.

The question was then taken on concurring in the third amendment, and it was decided in the negative.

Said amendment reads as follows, viz:

Provided further, That the compensation of the Pages of the two Houses shall not exceed two dollars per day.
The yeas and nays being required thereon by Messrs. McManama and Haggard, were as follows, viz:

Those who voted in the affirmative, were—
W. W. Culbertson,

Those who voted in the negative, were—
John S. Barlow, D. R. Haggard, R. B. Lovel,
Scott Brown, H. S. Hale, A. L. Martin,
W. A. Cunningham, Thomas F. Hargis, O. D. McManama,
F. W. Darby, G. A. C. Holt, Robert Simmons,
Wm. P. Duvall, I. L. Hyatt, E. W. Turner,
P. F. Edwards, T. L. Jefferson, Thos. W. Varnon,

Mr. Evans moved that the Committee on Federal Relations be instructed to report by the 9th day of January, 1874, on a resolution, entitled

Resolution thanking the President and Secretary of State of the United States for the satisfactory manner of the settlement of the difficulty growing out of the seizure of the Virginius by the Spanish authorities.

Mr. Hays moved to amend said motion by inserting the “20th” instead of the “9th” day of January, 1874.

Mr. Vories moved to amend by postponing till the 28th of February, 1874.

Mr. McManama moved to lay said motion and pending amendments on the table.

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

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

Those who voted in the affirmative, were—
John S. Barlow, H. S. Hale, O. D. McManama,
Robert A. Briggs, Thos. F. Hargis, G. W. Swoope,
Scott Brown, Geo. B. Hodge, E. W. Turner,
F. W. Darby, I. L. Hyatt, Thos. W. Varnon,

Those who voted in the negative, were—
W. W. Culbertson, W. W. Frazer, T. L. Jefferson,
W. A. Cunningham, D. R. Haggard, Robert Simmons,
P. F. Edwards, J. W. Hays, C. J. Walton,

The Senate took up for consideration the resolution proposed by Mr. Turner on yesterday.
Said resolution reads as follows, viz:

Resolved, That the rules of the Senate be so amended that the name of the Standing Committee in subdivision 19 of section 13 read: "Committee on Revised Statutes, Codes of Practice, and General Statutes."

Which was adopted.

Mr. Culbertson moved the following resolution, viz:

Resolved, That it is the sense of this House that the session of this General Assembly should not be extended beyond sixty days.

Mr. Hale moved to postpone the further consideration of said resolution till the 15th of January next.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Hays proposed to amend said resolution by adding the following, viz:

Provided, That the legitimate business of the Commonwealth does not require a longer session.

Mr. Swoope then moved to lay said resolution and pending amendment on the table.

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Robert A. Briggs, G. A. C. Holt, E. W. Turner,
W. W. Culbertson, T. L. Jefferson, W. L. Vories,
F. W. Darby, D. H. Lindsay, C. J. Walton,
J. W. Hays, Robt. Simmons,

Mr. Jefferson, from the Committee on Finance, to whom had been recommitted a bill, entitled

A bill to amend chapter 49 of the General Statutes,

Reported an amendment as a substitute for the same.

Said substitute reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the compensation allowed officers for conveying convicts to the penitentiary by the fifth section of chapter forty-nine of the General Statutes, they shall be allowed twelve and one half cents per mile for going to, and the same amount for returning, as compensation for their personal services; and there shall be allowed the guards, for same services, six cents per mile for going, and the same amount for returning.

§ 2. This act shall be in force and effect from its passage.

Which was adopted.

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

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

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

The yeas and nays being required thereon, in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, R. B. Lovel,
Robert A. Briggs, D. R. Haggard, O. D. McManama,
Scott Brown, Thos. F. Hargis, Robert Simmons,
W. W. Culbertson, J. W. Hays, G. W. Swoope,
W. A. Cunningham, Geo. B. Hodge, E. W. Turner,
F. W. Darby, G. A. C. Holt, Thos. W. Varnon,
William P. Duvall, I. L. Hyatt, W. L. Vories,
P. F. Edwards, T. L. Jefferson, C. J. Walton,
Walter Evans, D. H. Lindsay, Ben. J. Webb—27.

In the negative—none.

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

The Senate took up for consideration bills of the following titles, viz:

A bill to amend section 6 of chapter 30, General Statutes.
A bill to provide for the registration of marriages, births, and deaths.

Ordered, That the further consideration of said bills be postponed, and that the 1st be made the special order of the day for the 7th day of January, 1874, and the 2d be made the special order of the day for the 10th day of January, 1874.

And then the Senate adjourned.

SATURDAY, DECEMBER 20, 1873.

A message was received from the House of Representatives, announcing that they had disagreed to a bill, which originated in the Senate, entitled

An act to amend section 7 of chapter 31 of the General Statutes, entitled "Descent, Distribution, Exempt Property, and Adoption."

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

An act authorizing a sale of a portion of the road of the Centerville and Jacksonville Turnpike Road Company.

An act in aid of the common schools of this Commonwealth.

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

1. An act for the benefit of Union county.

2. An act to repeal sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled "An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein."

3. An act for the benefit of Simon Humphrey, late sheriff of Nelson county, and sureties.


5. An act for the benefit of C. G. Ragan, late sheriff of Montgomery county, and sureties.

6. An act for the benefit of F. K. Beaven, sheriff of Marion county, and sureties.
7. An act to amend an act, entitled "An act to incorporate the Columbia and Burksville Turnpike Road Company."


9. An act to amend an act, entitled "An act to incorporate Millersburg Academy, Barren county."

10. An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court.

11. An act for the benefit of the common schools of Trigg and Ballard counties.

12. An act to authorize the sheriff of Grayson county to hold an election for district officers in Sand Spring district, in Grayson county.

13. An act to repeal an act empowering the county court of Mercer county to make subscription to capital stock in turnpike roads in said county.

14. An act to repeal an act to authorize the board of trustees of the town of Lebanon to issue bonds, and provide for the payment of the same.

15. An act to amend an act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, so as to make the provisions thereof apply to the clerk of the Carter county court.

16. An act to authorize the county court of Lawrence county to fix and establish the width of public roads in said county.

17. An act for the benefit of the clerks of the several courts of this Commonwealth.

18. An act to amend an act, entitled "An act for the benefit of keepers of licensed stud horses, jacks, and bulls."

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 12th, 15th, and 18th were referred to the Committee on Revised Statutes and Codes of Practice; the 2d to the Committee on Religion and Morals; the 3d, 4th, 5th, 6th and 10th to the Committee on Finance; the 7th, 8th, 13th, and 16th to the Committee on Internal Improvement; the 11th to the Committee on Education; the 14th and 17th to the Committee on the Judiciary; and the 9th bill was ordered to be read a third time.
The constitutional provision as to the third reading of said ninth bill being dispensed with,

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

Leave of absence, indefinitely, was granted Messrs. Hale and Walton.

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

An act to amend chapter 3 of title 18 of the Civil Code of Practice.
An act for the benefit of Arnold S. Hardy, jailer of Marion county.
Resolution in relation to a recess of the General Assembly.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT.

FRANKFORT, December 19th, 1873.

Gentlemen of the Senate:

I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:

William G. McCready, of Jefferson county.
Aaron Kohn, of Jefferson county.
Michael Curtayne, of Jefferson county.
W. L. Porter, of Barren county.
Charles Pennybaker, of Hickman county.
Garrett S. Wall, of Mason county.
G. L. Isbell, of Russell county.
John F. Lewis, of Campbell county.

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

Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice, reported a bill, entitled

A bill to amend article one of chapter fifty-nine of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1870, and March 8, 1870, and further regulate the inspection and gauging burning fluids.
Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed and placed in the orders of the day.

Mr. Lindsay, from the Committee on Religion and Morals, to whom was referred leaves, reported the following bills, viz:

A bill for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon County.

A bill for the benefit of the Bourbon African Cemetery Company.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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.

On motion of Mr. Haggard,

The Speaker appointed a committee, consisting of Messrs. Haggard and Barlow, to withdraw from the House of Representatives the announcement of their disagreement to a bill from the House of Representatives, entitled

An act for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts.

Said bill being returned to the Senate,

Mr. Haggard moved to reconsider the vote by which said bill was rejected.

Which motion was simply entered.

And said bill was placed in the orders of the day.

Leave of absence, indefinitely, was granted Mr. Turner, Doorkeeper of the Senate.

Mr. Frazer, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to authorize a special term of the Muhlenburg circuit court;

An act to amend the charter of the Bank of New Castle;
Also bills, which originated in the House of Representatives, of the following titles, viz:

An act to prohibit the sale of spirituous, vinous, or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said incorporated limits;

An act for the benefit of Susan Wall, of Garrard county;

An act to add a part of Henry county to the county of Oldham;

An act for the benefit of Warren county;

An act for the benefit of the Law Department of the University of Louisville;

An act for the benefit of Lewis F. Marshall, sheriff of Ballard county, and his sureties;

An act providing that the failure of the sheriff of McCracken county to execute bond for collection of the revenue shall not forfeit his office of sheriff;

An act to abolish the office of county treasurer of Pendleton county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

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

On motion of Mr. Swoope—
1. A bill to amend section 349 of article 2d of title 9 of the Civil Code of Practice.

On motion of Mr. Cunningham—
2. A bill for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon County.

On motion of same—
3. A bill for the benefit of the Bourbon African Cemetery Company.

Ordered, That the Committee on Revised Statutes and Codes of Practice prepare and bring in the 1st, and the Committee on Religion and Morals the 2d and 3d.

And then the Senate adjourned.
MONDAY, DECEMBER 22, 1873.

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

An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5th, 1870, and also to amend chapter 1945 of the acts of 1871, which became a law 6th of March, 1871.

An act to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.

That they had concurred in the amendment proposed by the Senate to the first amendment proposed by the House of Representatives to a resolution, which originated in the Senate, entitled

Resolution directing the Auditor of Public Accounts to pay the officers of the Senate and House of Representatives per diem,

And had receded from their third amendment proposed to said resolution.

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

An act for the benefit of Lewis F. Marshall, sheriff of Ballard county, and sureties.

An act for the benefit of the Law Department of the University of Louisville.

An act to abolish the office of county treasurer of Pendleton county.

An act to prohibit the sale of spirituous or vinous or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of said incorporate limits.

An act for the benefit of Susan Wall, of Garrard county.

An act to add a part of Henry county to the county of Oldham.

An act for the benefit of Warren county.

An act to amend an act, entitled "An act to incorporate the Millersburg Academy, Barren county."

An act for the benefit of Noah Allen, of Crittenden county.
An act providing, in case of the death of a circuit, chancery, or common pleas judge, during a term of his court, for the holding of the same, and signing orders by his successor.

An act for the benefit of Joshua Sharp, of Shelby county.

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

An act to amend an act, entitled "An act to incorporate the Cynthiana and Millersburg Turnpike Road Company."

An act to amend an act, entitled "An act to incorporate the Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company."

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

The constitutional provision as to the second reading of said bills being dispensed with,

They were both referred to the Committee on Internal Improvement.

Mr. Jefferson, from the Committee on Finance, to whom was referred a resolution from the House of Representatives, entitled Resolution fixing compensation of Sergeant-at-Arms, Door-keeper, and Enrolling Clerk,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Frazer, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act for the benefit of the Carroll County Agricultural Association;

An act to allow the Washington county court to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road;

An act for the benefit of A. J. Cocanougher, late sheriff of Washington county, and his sureties;

An act to amend an act, entitled "An act to amend the act incorporating the Cabin Creek Turnpike Road Company," approved March 29, 1873;

An act to amend the charter of the Concord and Tollsboro Turnpike Road Company;

An act to change the time of holding the Lee county and quarterly courts;

20-8.
An act appropriating money to the Fourth Kentucky Lunatic Asylum;
An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5, 1870, and also to amend chapter 1945 of the acts of 1871, which became a law 6th of March, 1871;
An act to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company;
Resolution directing the Auditor of Public Accounts to pay the officers of the Senate and House of Representatives per diem;
Also bills, which originated in the House of Representatives, of the following titles, viz:
An act relating to the surplus school fund belonging to Logan county;
An act to amend an act, entitled "An act to incorporate Millersburg Academy, Barren county;"
And had found the same truly enrolled.
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 approval and signature.
After a short time, Mr. Frazéer reported that the committee had performed that duty.
A message was received from the Governor, announcing that he had signed and approved sundry enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:
An act for the benefit of the Carroll County Agricultural Association.
An act to allow the Washington county court to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road.
An act for the benefit of A. J. Cocanougher, late sheriff of Washington county, and his sureties.
An act to amend the charter of the Concord and Tollsboro Turnpike Company.
An act to change the time of holding the Lee county and quarterly courts.
An act to amend the charter of the Bank of New Castle.
An act appropriating money to the Fourth Kentucky Lunatic Asylum.
An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5th, 1870, and also to amend chapter 1945 of the acts of 1871, which became a law 6th of March, 1871.

An act to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.

Resolution directing the Auditor of Public Accounts to pay the officers of the Senate and House of Representatives per diem.

A message was received from the House of Representatives by Mr. Scales, announcing that they were ready to adjourn, in pursuance of the joint resolution for a recess, until the 5th of January, 1874.

On motion, Mr. Cunningham was appointed a committee to inform the House of Representatives that the Senate were ready to adjourn, in pursuance of the joint resolution providing for a recess, until the 5th of January, 1874.

Mr. Cunningham having reported that he had performed the duty assigned him,

The Speaker declared the Senate adjourned until the 5th day of January, 1874.
MONDAY, JANUARY 5, 1874.

In pursuance of adjournment, the Senate met at the State Capitol this day, and was called to order by the Hon. John G. Carlisle, Lieutenant Governor and Speaker of the body. And the Clerk having called the roll, the following Senators were present and answered to their names, viz:

John S. Barlow, D. R. Haggard, O. D. McManama,
Scott Brown, J. W. Hays, Robt. Simmons,
John E. Cooper, George B. Hodge, E. W. Turner,
Wm. P. Duvall, D. H. Lindsay,

It having been ascertained that there was not a quorum present, on motion, the Senate adjourned to meet on to-morrow at 10 o'clock, A. M.

TUESDAY, JANUARY 6, 1874.

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

1. An act to change the boundary line between the counties of Jefferson and Oldham.

2. An act to amend the town charter of Harrodsburg, Mercer county.

3. An act to authorize the county court of Livingston county to levy an additional poll and ad valorem tax for bridge and road purposes.

4. An act for the benefit of the litigants in the Fayette Circuit Court.

Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Propositions and Grievances; the 2d to the Committee on the Judiciary; the 3d to the Committee on Internal Improvement; the 4th bill was ordered to be read a third time.

The constitutional provision as to the third reading of said fourth bill being dispensed with,

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

The following petitions were presented, viz:

By Mr. Hargis—
1. The petition of the congregation of the Disciples of Christ, usually denominated Christians, of Stony Creek Church, Nicholas county, praying amendments to the charter of the Kentucky University.

By Mr. Turner—
2. Similar petitions from the congregations worshiping at Bethel Church, Union Church, and Flat Woods Church, in Madison county.

By Mr. Evans—
3. A petition of a similar character from the congregation worshiping at Liberty Church, Christian county.

By same—

By Mr. Barlow—
5. The petition of Harvey Barlow, praying compensation for taking care of Robt. Barlow, a pauper lunatic.

By Mr. Hodge—
6. The petition of sundry citizens of Campbell county, praying an increase of the jurisdiction of justices of the peace in said county.

Which were received, the reading dispensed with, and referred—the 1st, 2d, 3d, and 6th to the Committee on the Judiciary; the 4th to the Committee on Religion and Morals, and the 5th to the Committee on Claims.

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

By Mr. Simmons, from the Committee on Charitable Institutions—
A bill to amend the charter of the Methodist Episcopal Church, South, Widows and Orphans' Home.
By Mr. Evans, from the Committee on the Judiciary—
A bill for the benefit of Christian county.

By Mr. Jefferson, from the Committee on Banks and Insurance—
A bill to amend the charter of the Central Savings Bank of the city of Louisville.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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. Jefferson moved the following resolution, viz:

Resolved, That the Committee on Penitentiary and House of Reform be, and are hereby, instructed to report a resolution, on or before 10th inst., fixing the amount of rent to be charged annually for the State Penitentiary, in the event of a continuance of the present mode of conducting the same.

Which was adopted.

Mr. Haggard moved the following resolution, viz:

Resolved, That the Committee on the Penitentiary and House of Reform be, and they are hereby, directed to visit the city of Louisville and Anchorage, to examine the almshouse at Louisville and the farm at Anchorage, to enable said committee to decide whether it is better to purchase or erect a building for the care, protection, and reformation of the juvenile delinquents in this Commonwealth.

Which was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Quarter-Master General is hereby directed to cause to be fired a national salute on the 8th day of January, 1874; also on the 22d day of February, 1874, in commemoration of the battle of New Orleans and the birth-day of George Washington.

Resolved, That the Auditor be directed to draw his warrant on the Treasurer for the cost of the same.

The rule of the Senate being dispensed with,

The question was then taken upon the adoption of said resolution, and it was decided in the affirmative.

On motion, Mr. Vories was excused from service on the Committee on Apportionment, and thereupon Mr. Gatewood was appointed in his stead.
Leave was given to bring in the following bills, viz:

On motion of Mr. Jefferson—
1. A bill to amend the charter of the Methodist Episcopal Church, South, Widows and Orphans' Home.

On motion of Mr. Webb—
2. A bill to amend the charter of the Central Savings Bank of the city of Louisville.

On motion of Mr. Hodge—
3. A bill to amend the law of evidence.

On motion of same—

On motion of Mr. Simmons—
5. A bill to amend chapter 15, title 10, Civil Code of Practice.

On motion of same—
6. A bill to repeal section 14, chapter 75, General Statutes.

On motion of Mr. Hargis—
7. A bill authorizing the county court of Nicholas county to erect a toll-gate on the Carlisle and Jackstown Turnpike Road, upper route.

On motion of Mr. Cunningham—
8. A bill to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad."

On motion of same—
9. A bill to amend an act, approved October 1, 1861, entitled "An act in regard to imbeciles, their persons and estates."

On motion of Mr. Cooper—
10. A bill for the benefit of W. S. Adams, of Magoffin county.

On motion of Mr. Vories—
11. A bill to incorporate the Eminence, Six-mile, and Sulphur Turnpike Road Company.

On motion of Mr. Evans—

On motion of same—

On motion of same—
On motion of same—
15. A bill to prohibit the sale of spirituous, vinous, or malt liquors within two miles of the town of Pembroke, in Christian county.

On motion of Mr. Hyatt—
16. A bill to organize the Mt. Vernon Coal and Lumber Company.

On motion of Mr. Clay—
17. A bill to provide for the punishment of railway employees for causing injury to, or death of any person or persons, or injury or destruction to property.

On motion of Mr. Varnon—
18. A bill for the benefit of Walter G. Saunders, sheriff of Lincoln county.

On motion of same—
19. A bill to make uniform the rate of taxation on the incorporated banks of this Commonwealth.

On motion of same—
20. A bill for the benefit of Deaf and Dumb Asylum at Danville.

On motion of same—
21. A bill for the benefit of Mary Blain and Georgia Ann Hays.

On motion of Mr. Cooper—
22. A bill to re-enact and continue in force an act, entitled "An act for the benefit of A. W. Nickell, late sheriff of Johnson county, and his sureties," approved February 3d, 1871.

Ordered, That the Committee on Charitable Institutions prepare and bring in the 1st and 20th; the Committee on Banks and Insurance the 2d, 14th, and 19th; the Committee on the Judiciary the 3d, 7th, 13th, and 21st; the Committee on Finance the 4th, 18th, and 22d; the Committee on Revised Statutes and Codes of Practice the 5th, 6th, and 9th; the Committee on Railroads the 8th and 17th; the Committee on Military Affairs the 10th; the Committee on Internal Improvement the 11th and 16th; the Committee on Claims the 12th, and the Committee on Religion and Morals the 15th.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, January 6th, 1874.

Gentlemen of the Senate:
I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:
A. H. Frizell, Carter county.
J. H. Huber, Jefferson county.
Resolved, That the Senate advise and consent to said appointments.

On motion of Mr. Turner, Messrs. Turner, Evans, and Frazer were appointed a committee, to act in conjunction with a similar committee from the House of Representatives, to wait upon and withdraw from the Governor their concurrence in the passage of a bill, which originated in the House of Representatives, entitled

An act relating to the surplus school fund belonging to Logan county.

A message was received from the House of Representatives by Mr. Williams, announcing that they had appointed a committee, to act in conjunction with the committee from the Senate, to withdraw from the Governor a bill, which originated in the House of Representatives, entitled

An act relating to the surplus school fund belonging to Logan county.

After a short time, Mr. Turner, from said joint committee, reported that the committee had performed the duty assigned them, and returned said bill to the Senate, and the same was placed in the orders of the day.

And then the Senate adjourned.

21–s.
A message was received from the House of Representatives, announcing that they had passed a bill, which originated in the Senate, entitled

An act to amend section 77, article 1, chapter 2, of the Civil Code of Practice.

And that they had passed a bill, entitled

An act to amend the charter of the town of Sharpsburg, in Bath county, approved January 9, 1852.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the Committee on the Judiciary.

The following petitions and remonstrances were presented, viz:

By Mr. Vorley—
1. The remonstrance of the Board of Curators of the Kentucky University, protesting against any interference with the charter of said Institution.

By same—
2. The petition of the Christian Church at Hendrensville, Henry county, in relation to the present charter of the Kentucky University, asking amendments thereto.

By Mr. Culbertson—
3. The petition of the members of the bar of Boyd county, praying the establishment of a chancery court in the counties of Boyd, Carter, Floyd, Greenup, Johnson, Lawrence, and Pike.

By Mr. Hays—
4. The remonstrance of sundry citizens of Butler, Ohio, and Muhlenburg counties, against the formation of a new county out of parts of said counties.

By Mr. Frazer—
5. The petition of sundry citizens of Lewisburg, Logan county, in relation to the sale of ardent spirits.
By Mr. Speaker Carlisle—

6. The petition of Wm. B. Whiting, Commodore United States Navy, in relation to the passage of a law establishing scholastic instruction in the navy.

The reading of which was dispensed with, and they were severally referred—the 1st and 2d to the Committee on the Judiciary; the 3d to the Committee on Courts of Justice; the 4th to the Committee on Propositions and Grievances; the 5th to the Committee on Religion and Morals, and the 6th to the Committee on Federal Relations.

On motion, Mr. Turner was added to the Committee on Penitentiary and House of Reform.

On motion, Messrs. Hodge and Clay were added to the Committee on Immigration and Labor.

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

By Mr. Simmons, from the Committee on Charitable Institutions—

1. A bill to repeal so much of the act, entitled "An act concerning the various charitable institutions in this Commonwealth," passed and approved April 21, 1873, as converts the Institution for the Education and Training of Feebleminded Children into an Asylum for the Insane.

By same—

2. A bill to amend the charter of the city of Covington.

By Mr. Turner, from the Committee on Internal Improvement—


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

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

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

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

Mr. Barlow, by unanimous consent of the Senate, reported a bill, entitled

A bill to amend chapter 85 of the General Statutes, title "Penitentiary."
Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and referred to the Committee on Penitentiary and House of Reform.

Mr. Jefferson, from the Committee on Finance, to whom had been referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of Simon Humphrey, late sheriff of Nelson county, and his sureties;
An act for the benefit of F. K. Beaven, sheriff of Warren county, and securities;
An act for the benefit of C. G. Ragan, late sheriff of Montgomery county, and securities;

Reported the same without amendment.

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

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

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

Mr. Vories, from the Committee on Finance, to whom had been referred a bill from the House of Representatives, entitled

An act for the benefit of W. H. Hamilton,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to issue his warrant on the Treasurer to W. H. Hamilton, late sheriff of Larue county, payable out of any money in the Treasury not otherwise appropriated, for the sum of $627 32, being the amount of damages, &c., paid by said Hamilton into the Treasury for failure to pay the revenue due from the county of Larue for the years 1871 and 1872.

§ 2. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, D. H. Lindsay,
John S. Barlow, D. R. Haggard, O. D. McManama,
Of said bill a committee was appointed, of which Mr. Cooper was chairman:

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

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

On motion of Mr. Cooper—
1. A bill to change the time of the Lee county quarterly courts.
2. A bill to increase the salary of W. J. Steele, clerk in the Auditor's office.
3. A bill to furnish another clerk in the Land Office of this Commonwealth.
5. A bill to amend the charter of the Russellville Banking and Warehouse Company.
6. A bill to amend section 1, article 3, chapter 63, of General Statutes.
7. A bill to amend section 2, article 6, chapter 15, of the General Statutes.
8. A bill for the benefit of the jailer of Spencer county.
10. A bill to create and establish a criminal court in the 11th judicial district.
11. A bill to amend the charter of Williamstown, in Grant county.
On motion of Mr. Cunningham—

12. A bill to create and establish a court of common pleas for the counties of Fayette, Bourbon, and Scott.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st, 10th, and 12th; the Committee on Propositions and Grievances the 2d and 3d; the Committee on Finance the 4th; the Committee on Banks and Insurance the 5th; the Committee on Revised Statutes and Codes of Practice and General Statutes the 6th, 7th, and 9th; the Committee on Claims the 8th; and a select committee, consisting of Messrs. Martin, Clay, and Varnon, the 11th.

Mr. Hyatt, from the 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 litigants in the Fayette Circuit Court; And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same was delivered to the committee to be presented to the Governor for his approval and signature.

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

Mr. Evans moved to reconsider the vote by which the resolution offered by Mr. Jefferson, on yesterday, was adopted, in relation to fixing rent of penitentiary.

Which motion was simply entered.

Mr. Vories, from the Committee on Finance, to whom was referred the resolution for the benefit of J. Russell Hawkins, late Clerk of the Senate,

Reported the same without amendment.

Mr. Hays moved to strike out "fifty dollars" in the resolution.

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

Mr. Cooper moved to fill the blank with "twenty-five dollars."

Mr. Vories moved to fill the blank with "forty dollars."

Mr. Clay moved to amend as follows, viz:

Resolved, That Dr. J. Russell Hawkins, as Clerk of the Senate, was a good, faithful, and efficient officer, and is entitled to the thanks of the people of the State for his eminent services.

Mr. Briggs moved to lay the resolution and amendments on the table.
And the question being taken thereon, it was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. A. Cunningham, B. W. S. Hufsker,
John S. Barlow, D. R. Haggard, D. H. Lindsay,
Robert A. Briggs, H. S. Hale, R. B. Love,
W. W. Culbertson, Geo. B. Hodge,

Those who voted in the negative, were—

Scott Brown, Jesse C. Gilbert, Robert Simmons,
John E. Cooper, J. W. Hays, E. W. Turner,
F. W. Darby, G. A. C. Holt, Thos. W. Vernon,
Wm. P. Duvall, I. L. Hyatt, W. L. Vories.
W. W. Frazer, O. D. McManama,

Mr. Haggard moved to amend the resolution by presenting Dr. Hawkins, late Clerk of the Senate, with a “cane,” not to exceed in cost twenty-five dollars.

Mr. Clay moved to strike out all after the word “Auditor” in the original resolution.

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

Pending the consideration of said resolution, the hour of 12 o’clock arrived for the consideration of the orders of the day.

Mr. Vories moved to dispense with the rule of the Senate, in order to complete the consideration of said resolution.

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

And said resolution was placed in the orders of the day.

The Senate then took up the special order, entitled
An act to amend section 6 of chapter 30, General Statutes.

Mr. Evans, by consent of the Senate, withdrew his amendment.

Mr. Hargis moved to amend said bill by way of substitute as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 6, chapter 30, of General Statutes, be amended by striking out after the word “shall” the words “loan money,” and strike out the word “interest” where it occurs in said section.

2. This act shall take effect from and after its passage.
Mr. Jefferson moved to amend said bill by way of substitute as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That sections six and seven of chapter thirty of the General Statutes, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Mr. Darby moved to amend as follows, viz:

Amend preamble of bill by inserting after the word "laws," in second line thereof, the following words, viz: "of this State or," and strike out the word "and" where same occurs in said line, and insert in lieu thereof the word "or."

Mr. Turner moved the following as an additional section, viz:

That all money or currency loaned in this State, under the provisions of this act, shall be assessed and taxed as other like property owned by or assessed against citizens of this State.

Mr. Gilbert moved to recommit the bill and amendments to the Committee on the Judiciary.

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

Mr. McManama then moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The question was then taken on the amendment of Mr. Jefferson, and it was decided in the negative.

The question was then taken on the amendment of Mr. Turner, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, O. D. McManama,
John S. Barlow, Jesse C. Gilbert, E. W. Turner,
Scott Brown, H. S. Hale, Thos. W. Varnon,
Wm P. Duvall,

Those who voted in the negative, were—

Robert A. Briggs, D. R. Haggard, T. L. Jefferson,
James F. Clay, Thos. F. Hargis, D. H. Lindsay,
W. W. Culbertson, J. W. Hays, R. B. Lovel,
W. A. Cunningham, George B. Hodge, Robert Simmons,
F. W. Darby, B. W. S. Huffaker, C. J. Walton,

The question was then taken on the amendment of Mr. Darby, and it was decided in the affirmative.
The question was then taken on the amendment of Mr. Hargis, and it was decided in the negative.

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

The constitutional provision 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 yeas and nays being required thereon by Messrs. Cooper and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, T. L. Jefferson,
Robert A. Briggs, D. R. Haggard, D. H. Lindsay,
Scott Brown, H. S. Hale, R. B. Lovey,
James F. Clay, J. W. Hays, O. D. McManama,
W. W. Culbertson, Geo. B. Hodge, Robt. Simmons,
W. A. Cunningham, B. W. S. Huffaker, C. J. Walton,

Walter Evans,

Those who voted in the negative, were—

John S. Barlow, W. W. Frazer, E. W. Turner,
John E. Cooper, Thos. F. Hargis, Thos. W. Varnon,

Said bill, as amended, reads as follows, viz:

WHEREAS, Doubts have arisen as to the right of corporations organized under the laws of this State or other States, or of the United States to make loans in this State, either of gold or silver coin, or currency, commonly called United States legal tender notes, or notes of solvent banks organized under an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved 3d June, 1864, and amendments thereto. Now, for remedy thereof,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all such loans as named in the preamble of this act shall be deemed legal and valid for all purposes, whether made before or after the passage of this act, and such contracts may be enforced by any court of competent jurisdiction according to their tenor: Provided, That no greater rate of interest shall be collected thereon than allowed by law at the making of the same.

§ 2. This act takes effect from its passage.

And then the Senate adjourned.
THURSDAY, JANUARY 8, 1874.

A message was received from the House of Representatives, announcing that they had adopted a resolution, entitled
Resolution concerning the aid of the Federal Government to the Geological State Survey.
Which was referred to the Committee on Internal Improvement.
That they had passed a bill, entitled
An act to amend the charter of the city of Newport, in Campbell county.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be read a third time.
The constitutional provision 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. Culbertson presented the petition of sundry citizens of Boyd county, praying the passage of a prohibitory liquor law for said county.
Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.
On motion of Mr. Walton, leave of absence, indefinitely, was granted Messrs. Berry and Boyd.
A message in writing was received from the Governor by Mr. Craddock, Secretary of State.
Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, { FRANKFORT, JANUARY 8TH, 1874 }

Gentlemen of the Senate:
I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:
Samuel Landrum, Fulton county.
W. H. Weeks, Hickman county.
W. W. Jenkins, Jefferson county.
Aaron Kohn, Jefferson county.
Michael Curtayne, Jefferson county.
Resolved, That the Senate advise and consent to said appointments.

Mr. Frazer, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the Senate, entitled

An act to amend section 77, article 1, chapter 2, of the Civil Code of Practice,

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same was delivered to the committee to be presented to the Governor for his approval and signature.

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

Mr. Simmons, from the Committee on Finance, reported a bill, entitled

A bill to provide a porter for the Auditor's and Treasurer's offices.

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

Said bill was read a second time as follows, viz.:  

WHEREAS, The compilers of the General Statutes omitted to incorporate in said Statutes the law providing for a porter for the Auditor's and Treasurer's offices; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be authorized to employ a porter for the Auditor's and Treasurer's offices, at a compensation not to exceed fifteen dollars per month for each office, payable monthly from the first day of December, eighteen hundred and seventy-three.

§ 2. This act shall be in force and effect from its passage.

Mr. Hargis moved to amend said bill as follows, viz:

Amend by adding after the words "Treasurer's office," in the 4th line of 1st section, "and office of Superintendent of Public Instruction."

Which amendment was adopted.

Mr. Vories moved to amend said bill by inserting the words "Register of the Land office" after the word "Treasurer's," in the 3d line of the 1st section.
And the question being taken thereon, it was decided in the negative.

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker,  W. W. Frazer,  Robert Simmons,
Scott Brown,  Thos. F. Hargis,  Thos. W. Varnon,
Wm. P. Duvall,

Those who voted in the negative, were—

John S. Barlow,  Walter Evans,  R. B. Lovel,
Robert A. Briggs,  H. S. Hale,  O. D. McManama,
W. W. Culbertson,  J. W. Hays,  W. L. Vories,

So said bill was rejected.

Mr. Simmons, from the Committee on Finance, to whom had been referred a bill from the House of Representatives, entitled

An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Simmons, from the same committee, reported a bill, entitled

A bill to extend and re-enact an act, entitled "An act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills."

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled "An act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills," be, and the same, and every part thereof, as amended and approved March 21st, 1871, is hereby re-enacted
JAN. 8, 1874.

[The text is a transcription of a legislative session, including a bill introduced, read, and voted on. The bill is entitled "A bill to establish a Board of Immigration." The vote on the bill is recorded, as are the yeas and nays. The resolution on reinterment of remains is also transcribed, discussing the need for a monument over the graves of Christopher Greenup and George Madison.]

and extended, and shall be in full force as the law of the land for two years from and after the first day of April, 1874.

§ 2. This act shall take effect from its passage.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, A. L. Martin,
John S. Barlow, Jesse C. Gilbert, Robt. Simmon, G. W. Swoope,
Robert A. Briggs, H. S. Hale, Thos. W. Varnon, W. L. Vorles,
Scott Brown, Thos. F. Hargis, C. J. Walton,
James F. Clay, G. A. C. Holt,
John E. Cooper, B. W. S. Huffaker,

Those who voted in the negative, were—

W. A. Cunningham, R. B. Lovel,

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

Mr. Gilbert, from the Committee on Immigration and Labor, reported a bill, entitled

A bill to establish a Board of Immigration.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and placed in the orders of the day.

Mr. Jefferson, from the Committee on Finance, reported a resolution, entitled

Resolution directing the reinterment of the remains of Christopher Greenup and George Madison, and the erection of a monument over their graves.

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

Whereas, The remains of two of the early and most distinguished Governors of this Commonwealth, Christopher Greenup and George Madison, now lie in an obscure and neglected spot in the Old Frankfort Cemetery, with scarce a single mark to designate the resting place of these distinguished and honored dead; and whereas, also, it is not only right and proper, but the bounden duty of all civilized and Christian people, to cherish the memory and perpetuate the
names of all those who have exhibited in their lives the most exalted patriotism and heroic virtues; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor be, and he is hereby, requested and authorized to have the remains of Christopher Greenup and George Madison removed from where they now lie, and cause them to be reinterred in that portion of the Frankfort Cemetery belonging to the State, and have an appropriate monument erected over their graves; and the Auditor, at the request and in favor of the Governor, is authorized and directed to draw his warrant on the Treasurer to an amount sufficient to pay for the same. This resolution shall take effect from and after its adoption.

The question was then taken upon the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

- Thos. J. Barker,
- John S. Barlow,
- Robert A. Briggs,
- Scott Brown,
- James P. Clay,
- John E. Cooper,
- W. A. Cunningham,
- F. W. Darby,
- Wm. P. Duvall,
- W. W. Frazer,
- Jesse C. Gilbert,
- Thos. F. Hargis,
- J. W. Hayes,
- B. W. S. Huffaker,
- T. L. Jefferson,
- R. B. Lovel.

Those who voted in the negative, were—

- W. W. Culbertson,
- G. A. C. Holt.

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

A message was received from the House of Representatives, announcing that they had concurred in a resolution, which originated in the Senate, entitled

Resolution directing the firing of a national salute on the 8th day of January and 22d of February, 1874,

With an amendment thereto.

Said proposed amendment reads as follows, viz:

Resolved, That the Sergeant-at-Arms be required to hoist the national flag over the Capitol dome, simultaneous with the firing of the national salute in January, 1874; and that he be required to hoist said flag at 9½ o’clock, A. M., each day this General Assembly remains in session.

Resolved, That the Auditor be directed to draw his warrant on the Treasurer for the purchase of the flag.

Mr. Evans moved to postpone the further consideration of said resolution and proposed amendment till Monday next.
And the question being taken thereon, it was decided in the negative.

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

Those who voted in the affirmative, were—

W. A. Cunningham, J. W. Hays,

Those who voted in the negative, were—

Thos. J. Barker, William P. Duvall, T. L. Jefferson,
John S. Barlow, W. W. Frazer, R. B. Lovel,
Robert A. Briggs, Jesse C. Gilbert, O. D. McManama,
Scott Brown, H. S. Hale, Robert Simmons,
James F. Clay, Thos. F. Hargis, Thos. W. Varnon,
John E. Cooper, G. A. C. Holt, C. J. Walton,

Mr. Clay then moved the previous question.

And the question being taken, “Shall the main question be now put?” it was decided in the affirmative.

The question was then taken on concurring in the amendment proposed by the House of Representatives, and it was decided in the negative.

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

Those who voted in the affirmative, were—

James F. Clay, Walter Evans, Thos. W. Varnon,
W. W. Culbertson, B. W. S. Huffaker, C. J. Walton,

Those who voted in the negative, were—

Thos. J. Barker, Wm. P. Duvall, G. A. C. Holt,
John S. Barlow, W. W. Frazer, R. B. Lovel,
Robert A. Briggs, Jesse C. Gilbert, O. D. McManama,
Scott Brown, H. S. Hale, Robert Simmons,
John E. Cooper, Thomas F. Hargis, G. W. Swoope,

And then the Senate adjourned.
The Hon. John G. Carlisle, presiding officer of the Senate, being absent,

On motion of Mr. Hodge, Mr. Thos. W. Varnon was unanimously chosen Speaker pro tem. of the Senate.

A message was received from the House of Representatives, announcing that they had disagreed to a bill, which originated in the Senate, entitled

An act for the benefit of R. W. Williams, jailer of Christian county.

That they had passed a bill, which originated in the Senate, entitled

An act for the benefit of John Allen, of the city of Louisville.

That they had passed bills of the following titles, viz:
1. An act allowing the netting of fish in Sinking creek, in Breckinridge county.
2. An act for the benefit of the town marshal of New Liberty, county of Owen.
3. An act for the benefit of George Carter, committee for J. B. Salter, a lunatic of Lawrence county.
4. An act providing for the payment of money to Eliza A. Taylor, of Owen county.
5. An act for the benefit of David Wheeler, of Clinton county.
7. An act for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Propositions and Grievances; the 2d to the Committee on the Judiciary; the 3d, 4th, 5th, 6th, and 7th to the Committee on Claims, and the 8th was ordered to be read a third time.
The constitutional provision as to the third reading of said bill being dispensed with,

Resolv'd, That said bill do pass, and that the title thereof be as aforesaid.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were:


In the negative—none.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be, and he is hereby, directed to issue his warrant on the Treasurer in favor of John H. Bush, of Hardin county, for Columbus Slater, a pauper lunatic of said county, for the sum of $305 94, for keeping and providing for said lunatic from the 3d day of April, 1872, to 14th October, 1873.

§ 2. This act to take effect from its passage.

The following petitions and remonstrance were presented, viz:

By Mr. Jefferson—
1. A remonstrance of citizens of Lexington and Fayette county, against any interference with the present charter of the Kentucky University.

By Mr. Barker—
2. The petition of the Christian Church at Bloomfield, Nelson county, in relation to the Kentucky University.

By Mr. Walton—
3. The petition of sundry citizens of Hart county, in relation to the sale of ardent spirits in said county.

By Mr. Evans—
4. The petition of sundry citizens of Muhlenburg county, protesting against the formation of a proposed new county.
By Mr. Culbertson—
5. The petition of sundry citizens of Ashland and vicinity, praying the passage of a law prohibiting the sale of liquors.

By Mr. Cooper—
6. The petition of Andrew Howard, praying to be allowed to build a mill-dam across Lick creek, in Magoffin county.

Which were received, the reading dispensed with, and referred—the 1st and 2d to the Committee on the Judiciary; the 3d and 5th to the Committee on Religion and Morals; the 4th to the Committee on Propositions and Grievances, and the 6th to the Committee on Internal Improvement.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE OFFICE, FRANKFORT, January 9th, 1874.

Gentlemen of the Senate and House of Representatives:

I herewith respectfully transmit to you a memorial addressed to the Governor and General Assembly of the Commonwealth of Kentucky, by a committee representing the Blue Grass Temperance Convention and the Grand Lodge of Good Templars, submitting the draft of a law for regulating the license and sale of intoxicating drinks and liquors, with the signatures of over one hundred and forty-seven thousand citizens, praying for its passage.

Whilst I do not feel prepared to recommend the enactment of the accompanying bill into a law, with its precise terms and provisions as proposed by the petitioners, I heartily concur with them as to the necessity of a more stringent legislation on the subject. I am gratified that our attention has been so impressively called to it, and to know that so large a number of our most respectable fellow-citizens have earnestly enlisted in the cause of a moral reform, the successful accomplishment of which cannot fail to signalize promote the virtue, health, and happiness of the people. It cannot be doubted that the State, in its guardianship of the public morals and the exercise of its sovereign police power, is fully competent to regulate, restrict, or entirely forbid the citizen the pursuit of any trade or avocation which tends to produce disorder, debauchery, vice, or crime. It seems equally clear to me, that, when an evil notoriously hurtful to the best interests of society exists, and the remedy for it, in whole or in part, is lodged exclusively in the hands of the Legislature, the exercise of its power in the case becomes an imper-
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The petitioners, believing that their humane and laudable efforts for the suppression of this vice are constantly thwarted and rendered almost hopeless by the too great license and impunity granted by law to the traffic in intoxicating liquors, ask for the enactment of a statute which shall impose upon the vender a greater responsibility, and afford a more efficient protection against the arts and allurements by which, in the hands of the unscrupulous trafficker, youth is corrupted and families made to mourn.

I refer the whole subject to your earnest and careful deliberation, in the confident hope that you will devise suitable measures to meet the
prayer of the petition—measures so wise and just as to command the approval of all good men, and the enforcement of which will be secured by the hearty support of a courageous public sentiment.

P. H. LESLIE.

MEMORIAL.

To his Excellency the Governor, and the General Assembly of the Commonwealth of Kentucky:

We, your memorialists, appointed by the Blue Grass Temperance Convention, which met at Paris in August, and the Grand Lodge of Good Templars, which met in the city of Henderson in October, to obtain signatures to a petition for a law regulating the license and sale of intoxicating drinks and liquors in this Commonwealth, beg leave to submit herewith the result of our labors, the draft of such a law as we desire, and the signatures of many thousands of bona fide citizens of the Commonwealth, praying for its passage.

Conscious that the principal, if not only, argument that can or will be used by the opponents of our measure, is, that it conflicts with the rights of individuals, and conflicts with the provisions of the State Constitution, in that it affixes conditions and penalties to an occupation legalized by license, we beg you to indulge us in presenting authorities to prove that such an argument is without foundation in law, reason, and morals.

Such a law as we pray for is in successful operation in the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin. In each of those States test cases have been adjudicated upon by their several Supreme Courts, and in every instance the law has been fully vindicated and its constitutionality affirmed. We quote from a recent decision of the Supreme Court of Wisconsin. This was a test case made up by the Liquor Dealers' Association of Milwaukee, for the purpose of trying the constitutionality of the law. In rendering the decision of the Court, the Chief Justice said:

"The power to prohibit the sale of liquor is clearly vested in the Legislature. Having that power, it has of necessity the right, where it authorizes the sale of liquor, to require that the person authorized to sell shall procure a license. This license is not held by the vendor as a matter of right, but at the mere grace or pleasure of the power granting it; it is held by him not as a right but as a favor, which, like all other favors, must be received upon such terms and conditions, and
“subject to such burdens and inconveniences, as the donor thinks proper
to impose and the donee elects to accept.”

The Court thus met a familiar objection to restrictions upon licensed occupations:

“It is assumed that the law legalizes or sanctions, in an unqualified
sense, the act of sale by the party who has complied with the formal
requirements prescribed, and obtained a license in the manner pro-
vided for by it, and then it is argued that the Legislature has no power
to inflict penalties or mule the party in damages for the performance
of a lawful act. The difficulty with this proposition is, as will be seen
from the course of reasoning thus adopted (if such reasoning be cor-
rect), that it assumes that to be an absolutely lawful act, which is so
conditionally, or with qualifications only, expressly so made by the very
terms of the law which authorizes the sale. It enters into and be-
comes a part of the license or authority to sell, and the individual ac-
cepting the same, bestowed ex mero mortu by the Legislature, takes it
subject to the burdens thus lawfully imposed. The terms and condi-
tions annexed by law and qualifying the authority inhere in and run
with the license, and bind and restrain the license. He consents to
them by accepting the license.”

This will be readily admitted by any intelligent lawyer to be a correct
interpretation of the meaning and spirit of the law of license. The
Legislature merely tolerates the sale of intoxicating liquor, and can at-
ch any conditions to the act of license sound policy and a due regard
for the public morals and welfare may dictate. But we have other and
higher authority than any Supreme Court of any State, to quote in sup-
port of our position that the Legislature possesses full and indisputable
power and authority to enact the law we herewith present.

In January, 1847, the license causes of Thurlow vs. Massachusetts,
Fletcher vs. Rhode Island, and Pierce vs. New Hampshire, came up be-
fore the Supreme Court of the United States. The decision covered
two points, the extent to which licenses might be conceded, and the right
to prohibit unlicensed sale. Chief Justice Taney, in delivering judg-
ment, said:

“Although a State is bound to receive and permit the sale, by an im-
porter, of any article of merchandise which Congress authorizes to be
imported, it is not bound to furnish a market for it, nor to abstain from
"the passage of any law which it may deem necessary or advisable to "guard the health or morals of its citizens, although such law may dis- "courage importation, or diminish the profits of the importer, or lessen "the revenue of the government. And if any State deem the retail and "internal traffic in ardent spirits injurious to citizens, and calculated to "produce idleness, vice, or debauchery, I see nothing in the Constitution "of the United States to prevent it from regulating and restraining the "traffic, or from prohibiting it altogether if it thinks proper." (5 How- ard's Reports, 573.)

Mr. Justice McLean concurred in the foregoing, and said:

"If the article be injurious to the health or the morals of the commu- "nity, a State may, in the exercise of that great and comprehensive police "power which lies at the foundation of its prosperity, prohibit the sale "of it. The acknowledged police power of a State extends often to the "destruction of property. A nuisance may be abated. Everything preju- "dicial to the health or morals of a city may be removed." (5 Howard's Reports, 592.)

We could quote Mr. Justice Daniel and Mr. Justice Grier in the same strain and spirit, but do not deem it necessary. We think we have pro- duced sufficient authority to establish our point. We leave the law and the prayer of the people in your hands, praying that you may be guided in your action thereon by wisdom and the sole desire to benefit your fellow-men, your particular constituency, and advance the interests, prosperity, and public and domestic peace and happiness of our glorious old Commonwealth.

We have the honor to subscribe ourselves your humble servants,

WALLACE GRUELLE,
GEO. W. BAIN,
NEWCOMB F. THOMPSON,
GREEN CLAY SMITH,

Committee.

TO THE PEOPLE OF KENTUCKY.

The following act is respectfully submitted to you for your signature, requesting the next Legislature to make it a law. It needs no argument to convince you of the necessity of a stringent law to properly regulate this most fearful of all traffics; to make the manufacturers and vendors
responsible for their acts, and protect every citizen in his life, liberty, and property. Sign your name and get all you can to join with you. Here is the act:

AN ACT to regulate the sale of Vinous or Malt Liquors in the State of Kentucky.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be unlawful for any person or persons, by himself or agent, to sell, barter, or give away, for any purpose of gain, to any person whomsoever, any intoxicating liquors to be drank in, upon, or about the building or premises where the liquor is sold, bartered, or given away, or in any room, building, or premises adjoining to or connected with the place where the liquor is sold, bartered, or given away, for the purpose of gain, until such person or persons shall have obtained a permit therefor from the Judge of the County Court of the county where he resides, as hereinafter provided.

§ 2. Any person desiring a permit to sell intoxicating liquors to be drank on the premises, shall file in the office of the County Clerk of the proper county, not less than twenty days before the first day of the term of any regular session of the County Court of such county, a petition, in writing, stating therein the building or number, street or ward, or precinct, wherein the permission is asked to be granted, praying for such permit and certifying that the applicant is a resident voter of such county, and a citizen of the State of Kentucky, and that he is a proper person to have and receive such permit, which petition shall be signed by the applicant, and also by a majority of the legal voters resident in the ward, if it be in a city or town, if in an incorporated town or precinct, where the applicant proposes to sell intoxicating liquors. Such petition shall be kept on file by the County Clerk until the next ensuing regular session of the County Court, when it shall be presented to the court for their action. The court shall examine such petition, and if satisfied that the same is in proper form, and that it has been signed as heretofore required, shall direct a permit to be issued under the hand and seal of said County Clerk, and delivered to the person named in such permit, upon his complying with the provisions of this act, and paying the costs of filing and recording said petition, and costs of issuing said permit.

§ 3. Before the granting of a permit by the County Court, the applicant shall cause to be executed and properly acknowledged before an officer authorized to take an acknowledgment of deeds, a bond payable to the State of Kentucky, in the sum of three thousand dollars, with good freehold security thereon of not less than two persons, to be ap-
proved by the County Court, and conditioned for the payment of any and all fines and penalties and forfeitures incurred by reason of the violation of any of the provisions of this act; and conditioned further, that the principal and securities therein named shall be jointly and severally liable, and shall pay to any person or persons any and all damages which shall, in any manner, be suffered by or inflicted upon any such person or persons, either in person or property, or means of support, by reason of any sale or sales of intoxicating liquors to any person, by the person receiving such permit, or by any of his agents or employees. Separate suits may be brought on said bond by the person or persons injured, but the aggregate amount recovered thereon shall not exceed the said sum of $3,000; and in case the amount of said bond shall be exhausted by recovering thereon, a new bond in the same penalty, and with like sureties, shall be filed within ten days, and in default thereof, said permit shall be deemed to be revoked. Such bond, after its approval by the County Court, shall be filed in the office of the Clerk of the County Court, and shall be recorded by such Clerk forthwith in a book prepared for that purpose, and shall there remain for the use of the State of Kentucky, and for the use of any person or persons suffering as hereinbefore set forth. Such bond may be sued and recovered upon in any court having civil jurisdiction in the county, except justices' courts, by or for the use of any person or persons, or their legal representatives, who may be injured or damaged by reason of any sale or sales of intoxicating liquors by the person receiving this permit, or by any of his agents or employees. The record of the bond, or a copy thereof, duly certified by such Clerk, shall be admissible in evidence in any suit on such bond, and shall have the same force and effect as the original bond would have if offered in evidence.

§ 4. The whole number of votes cast for candidates for Congress at the last preceding Congressional election in the precinct, and the whole number of votes for Councilman or Trustee in any ward or town at the last preceding municipal election in any city or town in which the applicant for permit desires to sell said intoxicating liquors, shall be deemed to be the whole number of legal voters of such ward, district, or precinct. A majority of the names of those who so voted shall be signed to the petition of such applicant. And it is further provided, that any person not a legal voter in said ward, district, or precinct, who shall sign said petition, or any person who signs the name of any person other than himself, without the permission previously obtained of said person
§ 5. No permit, as herein provided for, shall be granted for a longer or shorter time than one year. It shall be the duty of the Clerk of the County Court to furnish the persons to whom such permit is granted a copy of the order of the County Court granting the permit, which copy shall show, in conspicuous letters, the date of the commencement of such permit and of its expiration. And it is further provided, that such copy of the order of the County Court, certified by the Clerk thereof, shall be hung up in a conspicuous place in the room where such liquor is sold, where the same may, at all times, be seen and read by any person desiring to do so. Should any person holding a permit be convicted of a violation of any of the provisions of this act, such conviction shall work forfeiture on his permit, and he shall be ineligible to obtain another permit for five (5) years thereafter.

§ 6. It shall be unlawful for any person, by himself or agent, to sell, barter, or give intoxicating liquor to any minor, or to persons intoxicated, or to persons who are in the habit of getting intoxicated.

§ 7. All places where intoxicating liquor is sold in violation of this act, shall be taken, held, and declared to be common nuisances; all rooms, taverns, eating-houses, bazaars, restaurants, drug stores, groceries, coffee-houses, cellars, or other places of public resort where intoxicating liquors are sold in violation of this act, shall be shut up and abated as public nuisances upon conviction of the keeper thereof, who shall be punished as hereinafter provided.

§ 8. Any person or persons who shall, by the sale of intoxicating liquor, with or without permit, cause the intoxication, in whole or in part, of any other person, shall be liable for and be compelled to pay a reasonable compensation to any person who may take charge and provide for such intoxicated person for every day he or she is cared for, which sum may be recovered in any action of debt before any court having competent jurisdiction.

§ 9. It shall be unlawful for any person to get intoxicated; any person found in a state of intoxication shall, upon conviction thereof, be fined in the sum of five dollars; any person convicted of intoxication shall be required, upon the trial, to designate the person or persons from whom the liquor, in whole or part, was obtained. In default of so designating such person, he or she shall, in addition to the fine above mentioned, as a part of his or her punishment for the offense, be imprisoned in the
county jail not less than one day nor more than ten days, at the discretion of the court.

§ 10. A permit granted under this act shall not authorize the person so receiving it to sell intoxicating liquors on Sunday, nor upon the day of any State, county, or municipal election, in the county, town, or city where the same may be held, nor upon Christmas day, nor upon the Fourth of July, nor upon any Thanksgiving day, nor upon any public holidays, nor between nine o'clock, P. M.; and six o'clock, A. M.; and any and all sales made on any such day, or after nine o'clock on any evening, are hereby declared to be unlawful, and, upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars for each and every sale made in violation of this section.

§ 11. The bartering or giving away of intoxicating liquors, or other shift or device to evade the provisions of this act, by any person or persons keeping liquors for sale, or by his agent or employee at the place where the same are kept for sale, shall be deemed and held to be an unlawful selling or giving away for the purpose of gain within the provisions of this act.

§ 12. In addition to the remedy and right of action provided for in section 8 of this act, every husband, wife, child, parent, guardian, employer, or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, shall have the right of action in his own or her name, severally or jointly, against any person or persons who shall, by selling, bartering, or giving away intoxicating liquors, have caused the intoxication, in whole or in part, of such person; and any person or persons owning, renting, leasing, or permitting the occupation of any building or premises, and having knowledge that intoxicating liquor is to be sold therein, or, having leased the same for other purposes, shall knowingly permit therein the sale of intoxicating liquor, or who having been informed that intoxicating liquor is sold therein, that has caused, in whole or part, the intoxication of any person, who shall not, immediately after being so informed, take legal steps, in good faith, to dispossess said tenant or lessee, shall be liable, jointly, with the person selling, bartering, or giving away intoxicating liquors as aforesaid to any person or persons injured, for all damages, and for exemplary damages: Provided, however, That execution on any such judgment shall first be levied on the property of the person selling, bartering, or giving away such liquor. And in the event of a failure
or insufficiency of such property to satisfy the judgment thereof, then
of the property of the other defendants. A married woman shall have
the same right to bring suit and control the same, and the amount re-
covered, as a feme sole. And all damages recovered by a minor under
this act shall be paid, either to such minor or to his or her parent, guar-
dian, or next friend, as the court shall direct. The unlawful sale or giving
away of intoxicating liquor shall work a forfeiture of all rights of the
lessee or tenant, under any lease or contract of rent, upon the premises
where such unlawful sale, bartering, or giving away shall take place.
All suits for damages under this act may be by any appropriate action,
in any of the courts of this State having competent jurisdiction. All
judgments recovered under the provisions of this act may be enforced
without any relief, &c.

§ 13. In all cases where husband, wife, parent or child, or guardian,
shall have a right of action, as provided in section 12 of this act, and
shall fail or refuse to prosecute the same, and in all cases where such in-
toxicated person has neither husband, wife, parent, child, nor guardian,
the Presiding Justice of the County Court where such intoxicated person
resides shall have a right of action, as provided in said section 12; and
it is hereby made the duty of such officers to prosecute all such actions
in the name of such county. All money collected upon such judg-
ments, after deducting therefrom all costs and charges against such coun-
ty, occasioned thereby, shall be paid by the Presiding Justice of County
Court into the treasury of the county, for the benefit of the school fund
of said county, providing that the name of any husband, wife, parent,
child, or guardian, upon proper petition therefor before final judgment,
may be substituted for the name of the precinct; but such persons so
substituted shall have no power to dismiss such action, or compromise
the same in any manner, except by permission of the Court.

§ 14. For every violation of the provisions of the first and sixth sec-
tions of this act, the person so offending shall forfeit and pay a fine of
not less than ten dollars nor more than fifty dollars, or be imprisoned in
the jail of the county not less than ten nor more than thirty days. For
every violation of the provisions of the seventh section of this act, any
person convicted as the keeper of any of the places therein declared to
be nuisances, shall forfeit and pay a fine of not less than twenty nor
more than fifty dollars, and such place or places so kept by such person
so convicted shall be shut up and abated as a common nuisance, by
the order of the court before which such conviction may be had, as a
further punishment, and such order shall be a part of the judgment of conviction.

§ 15. For the payment of all fines, costs, and damages assessed or adjudged against any person or persons in consequence of the sale of intoxicating liquors, as provided for in section 12 of this act, the real estate and personal property of such person or persons, of every kind, shall be liable, and such fines, costs, and damages shall be a lien upon such real estate until paid.

§ 16. The penalty and provisions mentioned in the fourteenth section of this act may be enforced by indictment in any court of record having criminal jurisdiction; and all pecuniary fines or penalties provided for in any of the sections of this act (except the eighth and twelfth), may be enforced or prosecuted for before any Justice of the Peace of the proper county, in an action of debt, in the name of the State of Kentucky, as plaintiff, and in case of conviction, the offender shall stand committed to the jail of the county until the judgment and costs are fully paid, and the magistrate or court in which the conviction is had shall issue a writ of capias ad satisfaciendum therefor. Justices of the Peace shall have jurisdiction of all actions arising under the eighth and twelfth sections of this act, when the amount in controversy does not exceed two hundred dollars, such actions to be prosecuted in the name of the party injured or entitled to the debt or damages provided for in said eighth and twelfth sections.

§ 17. It shall be unlawful for any person to buy for or furnish to any person who is at the time intoxicated, or in the habit of getting intoxicated, or to buy for or furnish to any minor, to be drank by such minor, any intoxicating liquor. Any person or persons violating this section shall be fined not less than five dollars nor more than fifty dollars for each offense.

§ 18. In all prosecutions under this act, by indictment or otherwise, it shall not be necessary to state the kind of liquor sold, or to describe the place where sold, and it shall not be necessary to state the name of the person to whom sold. In all cases, the person or persons to whom intoxicating liquors shall be sold in violation of this act, shall be competent witnesses to prove such facts, or any other tending thereto.

§ 19. The following form of complaint shall be sufficient in criminal proceedings before Justices of the Peace, Police Judges or Mayors, under this act, when applicable, but may be varied to suit the nature of the case, namely: State of Kentucky, county, ss: Before me, A. B. (a
Justice of the Peace of said county, (or Police Judge or Mayor of, etc., as the case may be), personally came C. D., who, being duly sworn according to law, deposeth and saith that on or about the day of in the year at the county aforesaid; E. F. did sell intoxicating liquors to be drank in the place where sold (or to G. H., a minor, etc., or to a person intoxicated, or in the habit of getting intoxicated, as the case may be), where intoxicating liquors are sold in violation of law, and further saith not. Signed C. D. Sworn to and subscribed before me, this day of A. D.

§ 20. All laws and parts of laws conflicting with this act, or with any of the provisions of this act, be, and the same are hereby, repealed; but nothing in this act shall be so construed as to prohibit the Common Councils of cities and the Boards of Trustees of incorporated towns from demanding and enforcing a fee for permit from all keepers of coffee-houses, saloons, or other places where intoxicating liquor is sold and drank, within the limits of their respective corporations.

§ 21. It is hereby declared that an emergency exists for the immediate taking effect of this act; it shall therefore be in force from and after its passage, except in so far as relates to those who hold a license under the existing laws of the State; this act shall apply to such as now hold license immediately after the expiration thereof.
JOURNAL OF THE SENATE.

[Jan. 9.

J B Morris
A D Pence
Wm Shockley
Lonz Hall
Pias Whelan
Henry Whelan
N F McGill
Mrs W E Chambliss
Mrs. R. E. Chambliss
Hunter Jones
A Mobley
M A Phelps
Mrs Elizabeth Harris
C L Barnes
Samuel Ross
F N Mason
Martha Mason
Lizzie Mason
Eugenia Mason
Mrs A Sweets
Elizabeth Kelly
Louisiana Maynard
Francie Hardy
Mary Hardy
Norah Coomes
Thos Newman
Alma Samuels
Flora Cartmell
Sexanna Samuels
W T Spalding
Leo Rosenham
Wm Russell
J F Russell
Edward Russell
A R. Russell
Wm B Carothers
Will Wilson
W W George jr
Jno D Wickliffe
U I Kemp
Mathew Dupin
Lizzie Wigginton
Myra B Cox
Lilla Henderson.
Annie Heady
James A Higdon
Louie Taylor
Jolin Sapan

Robert Sally
Miss Maggie Mullins
Martha Sallie Linton
Zach Taylor
Jno Beatley
Thos Williams
Thos Bennett
W D Langley
Rossalin Vanzandt
Sue Gray
E M Green
E A Green
Mattie Keller
Robt Church
M E Church
Dalisa Murphy
C Green
R S Eastin
J M Watkins
R P Eastin
Nellie Eastin
Hester Watkins
E C Riden
W H Rusk
J D Langley
S C Weller
B L Duncan
Geo Burdit
J D Shaecority
Wm Graham
D. Bean
Ed. Beam
John Graham
Joseph Courntey
H Hatsmiller
J E Spargo
H W Logan
H Sartain
T Shiver
M McClafflin
B Boyle
E Addison
C Addison
J. Spargo
Frank Boyle
Mandy Bollyinker
Maria R Marks
Lou Ortkiese

Mag O'Neil
M M Deitz
E B Russell
W L Muir
T L Downard
J G Fisher
S S Jenkins
B K Lewis
J T Davis M D
A Buchanan
T E Read
A C Shean
J W Fletcher M D
S T Brown
E W Read
B K Brashears
Jas W Taylor
Joseph O'Loughlin
B F W Goss M D
H Brown
James E Long
J W Landsale
H O Wilcox
W W Cluffin
W T Burch
T B Lewis
M MacQuiby
S B Sheets
S A Walker
R W Read
J E Geoghegan
A G Ditto
J W Ditto
Lydia M Shaptaugh
M V Powell
Jennie Tyler
Nannie Duncan
Lizzie Duncan
Mary Lizzie Moreman
M P Cosby
C Vernon Cosby
T O Cosby
Sallie T Williams
Hagde Cooke
Vernon Merrifield
Jennie Brown
Julia Merrifield
Belle McGee
David T Phelps
A W Chambliss
Julia Chambliss
Hattie Lowber
Katie Irady
Emilie Roy
Emma Crawford
Annie Robertson
Alfa Ray
W E Chambliss
Mrs W D Roy
Rebecca Chambliss
S B Vanzandt
W D Langly
Mrs Annie Rodgers
A T Green
S B Conaway
Thos R Craighead
J J Gilleland
L B Green
A J Ball
C H Woods
Sidney Eastin
A Stiner
H A Hope
A McLaughlin
Jno Stewart
G Rankin
G Clinger
Wm Gorbitt
N L Eastin
W H Gray
Frank Murphy
Thos Sartain
M Coxon
Jos Stewart
M A Coxon
A Coxon
Jno Coxon
J H Cheaney
Wm Hensley
David Clinger
M Eastin
T H McKinley
E W Fray
C Clay

Harriet Weller
Maggie Graham
Venie Crume
Florie Crume
Pat Crume
Bettie Crume
Gildred Crume
Alma Duncan
Daniel Murphy
Thomas Baylance
S Kinder
John McOune
Wm Kellar
David Eastin
M F Eastin
Jas Pruden
J M Pruden
M Spangler
D B Cox
D B Weller
R S Peak
J B Marks
Wm K Marks
S Cotton
W H Dodson
John G. Scifres
J T Cox
John T Reid
I Marks
L B Dickerson
F F Gee
P Gaetley
B W Wilson
T F Humphrey
J B Marshall
M P Marshall
A B Potevil
B T Crume
J Drake
John T Ortksiie
Sam Beam
Joe E Marks
G Kindsicks
Wm Beam
G W Beam
Tena Carothers
Rebecca Carothers
C N Aull
Mary V Irvine
Samuel H Smith
John L Irvine
Sam B Irvine
Geo M D Stoner
Harriet Fowler
Julia A Fowler
Albert Fowler
Bettie Miller
Martha A Hefley
Caroline C Miller
Catharine Miller
Juliet McKinsey
Grace Peak
T A Peak
R H McQuown
Sallie McQuown
Mollie E Maghee
D A Irvine
B A Dickerson
M A Shehan
Cella Punner
Mary E Arnold
J F Arnold
C S Arnold
G W. Kurtz
John Shoptaugh
Nancy Shoptaugh
Chrsena Durbin
Lulie S Harts
F M Lutes
Samuel Clark
Mary Ann Clark
George V Clark
Bettie Clark
Martha E Overall
M E Hibbs
Mollie Davis
Rachel Davis
Amanda C Males
Thomas J Davis
A C Hibbs
James A Davis

And one hundred and forty-odd thousand more.
Ordered, That said message be referred to the Committee on Religion and Morals, and that the Public Printer print 4,000 copies of said message, and have them enveloped and stamped, for the use of this General Assembly.

Mr. Holt moved the following resolution, viz:

WHEREAS, The Hon. Willis B. Machen, late United Senator from this State, is now on a temporary visit to this Capitol; therefore, be it

Resolved by the Senate of the Commonwealth of Kentucky, That he be tendered a seat in this Senate Chamber during his sojourn here; and that a copy of this resolution be delivered to him by the Clerk of the Senate.

Which was adopted.

Mr. Hays, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled

An act to repeal an act to authorize the board of trustees of the town of Lebanon to issue bonds, and provide for the payment of the same,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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. Gilbert, from the same committee, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of the clerks of the several courts of this Commonwealth,

Reported the same without amendment.

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

The constitutional provision 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.

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

By Mr. Hays, from the Committee on the Judiciary—

1. A bill to amend the General Statutes, chapter 75, entitled "Master Commissioner, Receiver, and other Commissioners in Equity."

By same—

2. A bill to amend the law of evidence.
By Mr. McManama, from the Committee on Courts of Justice—
3. A bill, entitled "An act to change the time of holding the Lee county and quarterly courts."
Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 3d were ordered to be engrossed and read a third time, and the 2d was ordered to be printed, and made the special order for Monday next, at 11 o'clock.

The constitutional provision 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.

Leave was given to bring in the following bills, viz:
On motion of Mr. Huffaker—
1. A bill to amend chapter 102 of the General Statutes, title "Small-pox."
On motion of Mr. Clay—
On motion of Mr. Jefferson—
3. A bill to authorize the issue of State bonds for the purpose of building a new State Capitol and other public buildings.
On motion of same—
4. A bill for the benefit of the incorporated banks of Kentucky.
On motion of Mr. Walton—
5. A bill to charter the town of Rowlett's Station, in Hart county.
On motion of Mr. Evans—
6. A bill to amend the charter of the Hecla Coal and Mining Company.
On motion of same—
7. A bill to incorporate the Hecla Transportation Company.
On motion of Mr. Culbertson—
8. A bill to regulate the rate of interest.
On motion of Mr. Vories—
9. A bill to amend the charter of the Kentucky River Navigation Company.
On motion of Mr. Barker—
10. A bill for the benefit of Benj. H. Thomas, authorizing him to erect a mill-dam across Old Salt Lick.

24-s.
On motion of Mr. Darby—


Ordered, That the Committee on Revised Statutes and Codes of Practice and General Statutes prepare and bring in the 1st and 2d; the Committee on Finance the 3d and 4th; the Committee on Banks and Insurance the 4th; the Committee on Religion and Morals the 5th; the Committee on Propositions and Grievances the 6th; the Committee on Railroads the 7th; the Committee on Internal Improvement the 9th and 10th, and the Committee on Courts of Justice the 11th.

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

An act for the benefit of Simon Humphrey, late sheriff of Nelson county, and his sureties;
An act for the benefit of W. H. Hamilton;
An act for the benefit of C. G. Ragan, late sheriff of Montgomery county, and securities;
An act for the benefit of F. K. Beaven, sheriff of Marion county, and securities;
An act to amend the charter of the city of Newport, in Campbell county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

The Senate, according to order, took up for consideration bills of the following titles, viz:

1. A bill appropriating money for the purpose of completing the unfinished apartments of the building known as the Fire-proof Offices in the city of Frankfort.
2. A bill requiring the owners of saw-logs to brand them before starting them to market.
3. A bill to amend an act, entitled "An act to incorporate the Ohio River Valley Railroad Company."
Ordered, That the further consideration of the first named bill be postponed and made the special order of the day for to-morrow; that the 2d be made the special order of the day for Monday next, the 12th inst., at 11 o'clock, A. M., and that the 3d be placed in the orders of the day.

The Senate took up for consideration a bill, entitled

A bill to amend the penal laws of this Commonwealth.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if the Governor of this Commonwealth shall be satisfied, from the affidavits of one or more reliable persons, that any of the offenses enumerated in sections one, two, three, and four of an act, entitled "An act to amend chapter twenty-eight of the Revised Statutes, title 'Crimes and Punishments,'" approved April 11th, 1873, have been committed in any portion of this Commonwealth, within five years next preceding the filing of such affidavit or affidavits in his office, or that there are reasonable grounds to believe that said offenses, or any of them, have been committed, and that the guilty party or parties, or any of them, have not been arrested, examined, or tried therefor according to law, and that there has been no bona fide effort upon the part of the proper local civil officers to arrest and examine such offenders and bring them to trial, he shall have power to appoint a commissioner, who, after being commissioned and sworn, shall proceed to the county, district, or neighborhood where such offense or offenses are alleged to have been committed, and hold an examining court, touching such alleged offenses, and for securing the arrest and safe-keeping, for trial, of any person or persons charged with such offense.

§ 2. Said commissioner may issue subpœnas for witnesses supposed to have knowledge of any of said offenses, to appear before him, enforce their attendance by attachment, and compel them to testify, in case of refusal, by fine and imprisonment for contempt, as in similar cases upon inquisitions by a grand jury. He shall have the same power to recognize witnesses to appear and testify before the circuit court, or to appear on any succeeding day, and testify before him, as examining courts have by law. He may issue warrants for the arrest of such persons as he may have reasonable grounds to believe have been guilty of any of the offenses aforesaid, and cause them to be brought before him, and held for examination—in conducting which he shall have and exercise all the powers conferred by law upon examining courts, and shall be governed by the same rules and regulations. After hearing the evidence, if satisfied that there are reasonable grounds to believe that the parties under examination, or either or any of them, are guilty of any of the offenses aforesaid, he shall commit such person or persons to jail, or hold them to bail in any reasonable and proper sum, to await an indictment and trial in the circuit court of the county in which the offense was committed.
§ 3. Said commissioner shall reduce to writing the substance of all the testimony given before him in each case, with the names of the witnesses who testify, and lodge the same, together with a record of the orders and proceedings had by and before him, and all bail bonds or other recognizances taken by him, with the circuit court of the county in which the offense was committed, which statement of testimony and record of proceedings shall be laid before the grand jury at the next succeeding term of the circuit court.

§ 4. If, in any examination conducted before the said commissioner, it shall be disclosed that persons not before him have been guilty of any of the offenses aforesaid, but are absent from the State, or are secreting themselves, or evading the service of process, and process cannot be served on them, in such case it shall be the duty of the commissioner to reduce to writing the evidence tending to prove the guilt of such persons, and lay the same before the Governor of this Commonwealth, who shall, if he deem it proper, offer a reward for the arrest and delivery of such persons to the proper authorities of the county in which the alleged offense was committed.

§ 5. When it shall be deemed necessary for the protection of said commissioner, while engaged in the discharge of his duties, or to secure the execution of his warrants, process, or orders, the Governor may appoint and commission a guard of select, prudent men, who shall be sworn faithfully to perform the duties required of them, and who, and each of whom, shall have and exercise the same powers and functions, with regard to the arrest and detention of persons charged with crime, and the summoning and arrest of witnesses upon proper process, as are by law conferred upon the sheriff or other peace officer; and in addition to the guard as provided for in this section, the said commissioner shall have the power, if, in his judgment, the same is necessary, to summon the posse comitatus, as the sheriff may now do by law, to aid in the arrest and detention of persons charged with crime. The same penalties shall be inflicted against any person failing or refusing to obey such summons, as are by law imposed for refusing to obey a similar order from the sheriff.

§ 6. For his services, the said commissioner shall receive the sum of ten dollars, and the said selected men each the sum of three dollars for each day actually employed under the provisions of this act.

§ 7. The said commissioner shall certify, under his oath of office, the number of days actually employed by him in the discharge of the duties specified in this act, and the names of each and every guard on service under him, and the number of days served by each; upon which, after the same has been approved by the Governor, the Auditor shall issue his warrant for the compensation, as provided in the next preceding section of this act.

§ 8. This act shall be in force from its passage.

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

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,
Mr. Simmons moved that the further consideration of said bill be postponed and made the special order of the day for Wednesday next, the 14th inst., at 11 o'clock.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, William P. Duvall, O. D. McManama,
John S. Barlow, W. W. Frazer, Robt. Simmons,
Robert A. Briggs, Jesse C. Gilbert, G. W. Swoope,
Scott Brown, Thos. F. Hargis, Thos. W. Varnon,
James F. Clay, J. W. Hays, W. L. Vories,
F. W. Darby, A. L. Martin,

Those who voted in the negative, were—

W. W. Culbertson, H. S. Hale, B. W. S. Huffaker,
W. A. Cunningham, Geo. B. Hodge, R. B. Lovel,

Mr. Evans, from the Committee on the Judiciary, to whom was referred leave to bring in a bill, entitled

A bill to change the time of electing justices of the peace and constables in this Commonwealth,

Asked to be discharged from the further consideration of the same.

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

Mr. Hays, from the Committee on the Judiciary, reported a bill, entitled

A bill to change the time of electing justices of the peace and constables in this Commonwealth,

Without any expression of opinion.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Hale moved an amendment to said bill.

Mr. Swoope moved that said bill and pending amendment be printed, and made the special order of the day for Tuesday next, the 13th inst., at 11 o'clock, A. M.

Which was adopted.
The Senate took up for consideration a resolution, which originated in the House of Representatives, which reads as follows, viz:

_Resolved by the General Assembly of the Commonwealth of Kentucky, that the two Houses of this General Assembly shall, on Thursday, January 15th, 1874, at 10 o'clock, A. M., proceed to elect a State Librarian and a Keeper of the Penitentiary._

Mr. Evans moved to amend said resolution by striking therefrom the words "Keeper of the Penitentiary."

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

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

Those who voted in the affirmative, were—


William P. Duvall,

Those who voted in the negative, were—


W. W. Frazer,

Mr. Darby then moved to postpone the further consideration of said resolution till Tuesday next, the 13th inst.

Mr. Clay moved to amend said resolution by striking out the "15th" and inserting the "27th" of January.

Mr. Martin called for a division of the question.

The question was then taken on striking out the 15th of January, and it was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Mr. Martin then 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. Clay and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

John E. Cooper,        G. A. C. Holt,             W. L. Vories,
Wm. P. Duval,           R. B. Lovel,

Mr. Martin then 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. Clay and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

John E. Cooper,        G. A. C. Holt,             W. L. Vories,
Wm. P. Duval,           R. B. Lovel,

Mr. Martin then 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. Clay and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

John E. Cooper,        G. A. C. Holt,             W. L. Vories,
Wm. P. Duval,           R. B. Lovel,

Mr. Martin then 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. Clay and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,         Jesse C. Gilbert,        R. B. Lovel,
John S. Barlow,          Thos. F. Hargis,         A. L. Martin,
Robert A. Briggs,        J. W. Hays,              O. D. McManama,
Scott Brown,             Gen. B. Hodge,           Robt. Simmons,
John E. Cooper,          G. A. C. Holt,           Thos. W. Varnon,
W. W. Frazer,

Those who voted in the negative, were—

James F. Clay,           Walter Evans,             C. J. Walton,
F. W. Darby,             G. W. Swoope,

The question was then put, "Shall the further consideration of said resolution be postponed till Tuesday next, the 13th inst?"

Mr. Martin here raised the point of order, that the question should be first taken on concurring in the resolution.

Which point of order the Speaker decided not well taken.

Whereupon Mr. Martin appealed from the decision of the Chair, which is as follows, viz:

Upon the previous question having been moved and sustained by the Senate, and there being no amendments pending, and the Senator from Caldwell having moved to postpone a further consideration of the resolution, the Senator from Floyd raised the question of order that the question before the Senate was upon the adoption—first, of amendments, and then the resolution; and the question of order having been decided by the Speaker as "not well taken," from that decision the Senator from Floyd appeals to the Senate.

A. L. MARTIN.

The question was then taken, "Shall the decision of the Chair stand as the judgment of the Senate?" and it was decided in the negative.

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

Those who voted in the affirmative, were—

Robert A. Briggs,        Walter Evans,             T. L. Jefferson,
James F. Clay,           W. W. Frazer,             Robert Simmons,
W. W. Culbertson,        Jesse C. Gilbert,         G. W. Swoope—11.
F. W. Darby,             B. W. S. Huffaker,
Those who voted in the negative, were—

Thos. J. Barker, Thos. F. Hargis, A. L. Martin,
John S. Barlow, J. W. Hays, O. D. McManama,
Scott Brown, Geo. B. Hodge, W. L. Vories,
John E. Cooper, G. A. C. Holt, C. J. Walton,
Wm. P. Duvall,

The Chair not having been sustained in its decision, the question was then put, "Shall the resolution be concurred in?" and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
John S. Barlow, Thos. F. Hargis, A. L. Martin,
Robert A. Briggs, J. W. Hays, O. D. McManama,
Scott Brown, Geo. B. Hodge, Robert Simmons,
John E. Cooper, G. A. C. Holt, W. L. Vories,
Wm. P. Duvall,

Those who voted in the negative, were—

James F. Clay, Walter Evans, G. W. Swoope,
W. A. Cunningham, Jesse C. Gilbert, Thos. W. Varnon,

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

And then the Senate adjourned.
SATURDAY, JANUARY 10, 1874.

The following petitions and remonstrances were presented, viz:

By Mr. Clay—
1. The remonstrance of sundry citizens of Ohio and Muhlenburg counties, against the formation of a new county out of parts of Ohio, Muhlenburg, and Butler.

By Mr. Gilbert—
2. The remonstrance of sundry citizens of McCracken county, against any further taxes for paying railroad bonds already issued and not due.

By Mr. Barker—
3. The petition of the Christian Church at Taylorsville, in relation to changes proposed in the charter of Kentucky University.

By Mr. Hays—
4. The remonstrance of sundry citizens of Butler county, against the formation of a new county out of parts of said county and the counties of Ohio and Muhlenburg.

By Mr. Frazer—
5. The remonstrance of sundry citizens of Allensville, Todd county, against the repeal of their town charter.

By same—
6. The petition of sundry citizens of Allensville, praying a charter incorporating the Allensville High School, and prohibiting the sale of intoxicating liquors within two miles of said Institution.

By Mr. Martin—
7. The remonstrance of sundry citizens of Clay county, against the passage of an act declaring Laurel creek a navigable stream.

By Mr. Haggard—
8. The petition of Samuel Worley, of Butler county, praying compensation for keeping Solomon and Nancy Painter, pauper idiots.

Which were received, the reading dispensed with, and referred—the 1st, 4th, 5th, 6th, and 7th to the Committee on Propositions and Grievances; the 2d to a select committee, consisting of Messrs. Gilbert, Hale, and Clay; the 3d to the Committee on the Judiciary; and the 8th to the Committee on Claims.
Mr. Varnon, Speaker pro tem., laid before the Senate the Report of the Trustees of the American Printing House for the Blind.

Ordered, That said report be printed and referred to the Committee on Charitable Institutions.

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

By Mr. Lovel, from the Committee on Education—
1. A bill to amend the charter of the town of Concord, in Lewis county.

By Mr. Turner, from the Committee on Internal Improvement—
2. A bill to create the Bullitt County Turnpike Corporation.

By Mr. Lovel, from the Committee on Propositions and Grievances—
3. A bill to amend an act incorporating the Hecla Coal and Mining Company, approved 22d March, 1873.

By Mr. Hays, by consent—
4 A bill to provide for the government and discipline of the Kentucky Penitentiary, and to repeal all laws and parts of laws inconsistent herewith.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the 4th bill be printed, and referred to the Committee on Penitentiary and House of Reform; the 1st, 2d, and 3d bills were severally ordered to be engrossed and read a third time.

The constitutional provision 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.

The yeas and nays being required on the passage of the third bill by Messrs. Swoope and Clay, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
Scott Brown, H. S. Hale, R. B. Lovel,
James F. Clay, J. W. Hays, A. L. Martin,
W. W. Culbertson, G. A. C. Holt, Robert Simmons,
W. A. Cunningham, B. W. S. Huffaker, Thos. W. Varnon,
F. W. Darby, I. L. Hyatt, C. J. Walton,

Walter Evans,
Those who voted in the negative, were—

Robt. A. Briggs, G. W. Swoope,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled “An act to incorporate the Hecla Coal and Mining Company,” and approved March 22d, 1873, be, and the same is hereby, amended as follows: That from and after the passage of this act, all the stock, assets, and property of the Hecla Coal and Mining Company, shall be liable for the debts, contracts, and liabilities of said company; but the property of individual stockholders, except all their interest of every kind in the company, shall not be so liable for the corporate debts, contracts, and liabilities of said company.

§ 2. That this act shall take effect from and after its passage, but shall not affect the debts, contracts, and liabilities of said company, or of stockholders in said company, contracted or incurred before the passage of this act.

Mr. Duvall, from the Committee on Agriculture and Manufactures, to whom was referred leave, reported a bill, entitled

A bill to provide for paying for tobacco hogsheads in the warehouses of this Commonwealth,

Without an expression of opinion.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

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

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

So said bill was rejected.

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

Those who voted in the affirmative, were—

Robert A. Briggs, H. S. Hale, B. W. S. Hufskaker, B. W. S. Huffaker,
W. W. Frazer,

Those who voted in the negative, were—

Thos. J. Barker, Walter Evans, A. L. Martin,
John S. Barlow, Jesse C. Gilbert, Robert Simmons,
Scott Brown, D. R. Haggard, G. W. Swoope,
James F. Clay, G. A. C. Holt, E. W. Turner,
W. W. Culbertson,  I. L. Hyatt,  Thos. W. Varnon,
W. A. Cunningham,  T. L. Jefferson,  W. L. Vories,
P. F. Edwards,  R. B. Lovel,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of
Kentucky, That the purchasers of tobacco at any of the tobacco ware­
houses of this Commonwealth shall be, and they are hereby, re­
quired to pay the sum of three dollars for the cask of each hog­
head of tobacco they may buy at said warehouses, to be paid to the owner
or owners of said tobacco.

§ 2. This act to take effect from its passage.

Bills from the House of Representatives, of the following titles,
were reported from the several committees to whom they had been
referred, viz:

By Mr. Turner, from the Committee on Internal Improvement—
An act to renew the charter of the Alexandria and Flagg Spring
Turnpike Road Company, in Campbell county.

By same—
An act to amend an act, entitled “An act to incorporate the
Cynthiana and Millersburg Turnpike Road Company.”

By Mr. Haggard, from the Committee on Propositions and Griev­
ances—
An act to apply to Fayette and Jessamine counties the pro­
visions of an act approved March 5th, 1872, entitled “An act to
authorize the county courts of Nicholas and Bourbon counties to
compel persons to keep stock off of public roads.”

By Mr. Clay, from the Committee on the Judiciary—
An act to amend the charter of the town of Sharpsburg, in Bath
county, approved January 9, 1852.

Reported the same without amendment.

Ordered, That said bills be read a third time.

The constitutional provision 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 message was received from the House of Representatives by
Messrs. Wright, Clay, and Jenkins, asking to withdraw from the Sen­
ate their disagreement to a bill from the Senate, entitled
An act for the benefit of R. W. Williams, jailer of Christian county.
Which leave was granted, and said bill delivered to the committee.

The Senate, according to order, took up for consideration a bill, entitled

A bill appropriating money for the purpose of completing the unfinished apartments of the building known as the Fire-proof Offices in the city of Frankfort.

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

The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

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<thead>
<tr>
<th>Thos. J. Barker</th>
<th>W. W. Frazer</th>
<th>G. W. Swoope</th>
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<tbody>
<tr>
<td>Scott Brown</td>
<td>Geo. B. Hodge</td>
<td>E. W. Turner</td>
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<tr>
<td>Jas. F. Clay</td>
<td>I. L. Hyatt</td>
<td>Thos. W. Varnon</td>
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<td>John E. Cooper</td>
<td>D. H. Lindsay</td>
<td>W. L. Vories</td>
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<td>W. A. Cunningham</td>
<td>A. L. Martin</td>
<td>C. J. Walton</td>
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<td>Wm. P. Duvall</td>
<td>O. D. McManama</td>
<td>Ben. J. Webb</td>
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<tr>
<td>P. F. Edwards</td>
<td>Robt. Simmons</td>
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</table>

Those who voted in the negative, were—

<table>
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<tr>
<th>John S. Barlow</th>
<th>Jesse C. Gilbert</th>
<th>G. A. C. Holt</th>
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<tr>
<td>W. W. Culbertson</td>
<td>D. R. Haggard</td>
<td>B. W. S. Huffaker</td>
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<tr>
<td>F. W. Darby</td>
<td>H. S. Hale</td>
<td>T. L. Jefferson</td>
</tr>
<tr>
<td>Walter Evans</td>
<td>J. W. Hays</td>
<td>R. B. Lovel</td>
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Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a sum of money, not exceeding fifty thousand dollars, be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to be paid in current funds, for the purpose of completing all of the unfinished apartments in the building known as the Fire-proof Offices in the city of Frankfort.

§ 2. The sum of money hereby appropriated, or so much thereof as shall be required to accomplish the objects herein contemplated, shall be expended by the Governor and two commissioners, to be appointed by the Governor and confirmed by the Senate, who shall make such contracts, or cause such work to be done, as shall be necessary to complete all of the unfinished apartments in said building; and the Governor shall have power and authority to fill any vacancy which may occur in said commission.

§ 3. That all certificates for work done under the provisions of this act, presented to the Auditor for his warrant upon the Treasurer, shall be signed by the Governor.

§ 4. That this act to take effect from its passage.
Leave was given to bring in the following bills, viz:

On motion of Mr. Simmons—
1. A bill concerning the State Lunatic Asylums and persons of unsound mind.

On motion of same—
2. A bill to make special appropriations of money for the First Kentucky Lunatic Asylum.

On motion of Mr. Hays—
3. A bill to amend the laws on the subject of the government and discipline of the penitentiary.

On motion of Mr. Frazer—
4. A bill to legalize certain acts of the deputy clerk of the Logan county court.

On motion of same—
5. A bill to amend an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company."

Ordered, That the Committee on Charitable Institutions prepare and bring in the 1st and 2d; the Committee on Penitentiary and House of Reform the 3d, and the Committee on the Judiciary the 4th and 5th.

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

An act to authorize the board of trustees of the town of Lebanon to issue bonds, and provide for the payment of the same;

An act for the benefit of the clerks of the several courts of this Commonwealth;

An act for the benefit of John H. Bush, of Hardin county;

And an enrolled bill, which originated in the Senate, entitled
An act for the benefit of John Allen, of the city of Louisville;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Hyatt reported that the committee had performed that duty.
A message in writing was received from the Governor by Mr. Craddock, Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, 
FRANKFORT, January 10th, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:

Reuben Gudgell, Bath county.
John B. Cochran, Jefferson county.
Charles Franke, Jefferson county.
David R. Murray, Hancock county.
Fletcher S. Rowland, Nelson county.
Thomas P. Young, Boyle county.

P. H. LESLIE.

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

Mr. Haggard moved that a committee be appointed to ask the consent of the House of Representatives to withdraw the announcement of their concurrence in a joint resolution, which originated in the House of Representatives, entitled

Resolution fixing a time for the election of certain public officers.

Mr. Martin moved to lay said motion on the table.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Culbertson, T. L. Jefferson,
John S. Barlow, Wm. P. Duvall, R. B. Lovel,
Robert A. Briggs, J. W. Hays, A. L. Martin,

Those who voted in the negative, were—

James F. Clay, H. S. Hale, Robt. Simmons,
W. A. Cunningham, G. A. C. Holt, G. W. Swoope,
F. W. Darby, B. W. S. Huffaker, Thos. W. Varnon,
P. F. Edwards, I. L. Hyatt, W. L. Vories,
Walter Evans, D. H. Lindsay, C. J. Walton,

D. R. Haggard,

Pending the further consideration of the motion made by Mr. Haggard, the hour of 12 o'clock, M., having arrived, the further action thereon was cut off by the orders of the day.
The Senate, according to order, took up for consideration a bill, entitled
A bill to provide for the registration of marriages, births, and deaths.

Ordered, That the further consideration thereof be postponed and made the special order of the day for Monday, the 12th inst., at 12 o'clock, M.

The Senate took up for consideration a bill, entitled
A bill to establish a Board of Immigration.

Ordered, That the further consideration of said bill be postponed and made the special order of the day for Monday, the 12th inst., at half-past 11 o'clock, A. M.

The Senate took up for consideration a bill from the House of Representatives, entitled
An act to change the boundary line between the counties of Jefferson and Oldham.

Ordered, That said bill be read a third time.

The constitutional provision 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.

On motion, a message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled
An act relating to the surplus school fund belonging to Logan county,

Which was granted, and the bill handed in at the Clerk's desk.
Mr. Turner then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was rejected.
And then the Senate adjourned.
MONDAY, JANUARY 12, 1874.

The following petitions and remonstrance were presented, viz:

By Mr. Darby—
1. The petition of sundry citizens of Caldwell county, praying legislation looking to the payment of the entire debt of the State, and a reduction of the salaries of circuit judges.

By Mr. Culbertson—
2. The petition of the Greenup county bar, praying an act creating a new chancery court.

By Mr. Berry—
3. The petition of sundry citizens of Butler county, praying a change in the time of holding the quarterly court of said county.

By same—
4. The remonstrance of sundry citizens of Butler county, against the formation of a new county out of parts of Butler, Ohio, Muhlenburg, and Logan counties.

By same—
5. The petition of sundry citizens of Hamilton, Ohio county, praying the passage of an act of incorporation for said town.

By Mr. Jefferson—
6. The petition of Hon. George R. McKee, praying compensation for services rendered the State in prosecuting war debt against the General Government.

Which were received, the reading dispensed with, and referred—the 1st and 3d to the Committee on Courts of Justice; the 2d to the Committee on the Judiciary; the 4th and 5th to the Committee on Propositions and Grievances, and the 6th to the Committee on Finance.

On motion of Mr. Frazer, leave of absence, indefinitely, was granted Mr. Hargis.

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

On motion of Mr. Briggs—
1. A bill for the benefit of L. R. Thurman, of Washington county.

On motion of Mr. Gilbert—
2. A bill to amend chapter 95 of the General Statutes.

26-s.
On motion of same—

3. A bill to amend section 6, article 2, chapter 69, of the General Statutes.

On motion of same—

4. A bill to amend article 3, chapter 14, of the General Statutes.

On motion of same—

5. A bill authorizing the proper authorities in each town and city of this Commonwealth to submit to a vote of the citizens of such town or city the question whether any spirituous or other intoxicating liquors, except for sacramental or medicinal purposes, shall be sold in such town or city.

On motion of Mr. Turner—

6. A bill to appropriate money to remove obstacles in Rockcastle river.

On motion of Mr. Cooper—

7. A bill to declare Licking river a navigable stream from Licking Station up to the mouth of Trace Fork, on said river.

On motion of same—

8. A bill to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company."

On motion of Mr. Darby—

9. A bill to provide for liens in certain cases.

On motion of Mr. Berry—

10. A bill to amend the charter of the town of Hartford.

On motion of Mr. Walton—

11. A bill to amend chapter 41, article 1, line 33, of the General Statutes.

On motion of same—

12. A bill to change the time of holding the Hart quarterly court.

On motion of same—


Ordered, That the Committee on Claims prepare and bring in the 1st; the Committee on Finance the 2d; the Committee on the Judiciary the 3d and 10th; the Committee on Immigration and Labor the 4th; the Committee on Religion and Morals the 5th; the Committee on Internal Improvement the 6th and 7th; the Committee on Railroads the 8th, and the Committee on Courts of Justice the 9th, 11th, 12th, and 13th.
Mr. Berry, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to apply to Fayette and Jessamine counties the provisions of an act approved March 5th, 1872, entitled "An act to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads;"

An act to renew the charter of the Alexandria and Flagg Spring Turnpike Road Company, in Campbell county;

An act to amend an act, entitled "An act to incorporate the Cynthiana and Millersburg Turnpike Road Company;"

An act to change the boundary line between the counties of Jefferson and Oldham;

An act to amend the charter of the town of Sharpsburg, in Bath county, approved January 9, 1852;

Resolution fixing a day for the election of certain public officers;

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 approval and signature.

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

Mr. Lovel, from the Committee on Education, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of the common schools of Trigg and Ballard counties,

Reported the same without amendment.

Mr. McManama moved to commit said bill to the Committee on the Judiciary.

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

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Robert A. Briggs, D. R. Haggard, R. B. Lovel,
John E. Cooper, H. S. Hale, A. L. Martin,
W. W. Culbertson, J. W. Hays, Robt. Simmons,
F. W. Darby, G. A. C. Holt, Thos. W. Varnon,
W. W. Frazer, B. W. S. Huffaker, C. J. Walton,

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

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

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

Those who voted in the affirmative, were—

Robert A. Briggs, Jesse C. Gilbert, R. B. Lovel,
John E. Cooper, H. S. Hale, A. L. Martin,
W. W. Culbertson, G. A. C. Holt, Robert Simmons,
W. W. Frazer, D. H. Lindsay,

Those who voted in the negative, were—

John S. Barlow, Walter Evans, O. D. McManama,
W. J. Berry, D. R. Haggard, E. W. Turner,
Scott Brown, J. W. Hays, W. L. Vories,
James F. Clay, George B. Hodge, C. J. Walton,

So said bill was rejected.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the surplus school fund belonging to the counties of Trigg and Ballard shall be drawn out of the Treasury upon the order of the county court of said counties, respectively, at its February or March term, 1874, a majority of the justices being present and concurring.

§ 2. That the commissioners of common schools for said counties shall distribute this fund for the purpose and in the manner now prescribed by law, unless the said county court shall deem it of more advantage to the interest of common schools in said county to put the same out at interest; and in that event, the said court shall direct the commissioner of common schools in said county to loan out the same, taking bond, with good surety, payable to himself or successor in office, and bearing interest at a rate not less than eight or more than ten per cent. per annum, which interest shall be distributed by him as other school funds in his hands are by law directed.

§ 3. If said school fund, or any part thereof, shall be loaned by said commissioner, and before the amount loaned shall pass from his
hands, he shall report said bond to county judge for his approval or rejection.

§ 4. It shall be the duty of said commissioner of common schools for said counties to make an annual statement to the county court of the condition and amount of said funds so long as any part thereof shall remain in his hands.

§ 5. That this act to take effect from and after its passage.

Mr. Evans moved to reconsider the vote by which said bill was rejected.

Which motion was simply entered.

The Senate, according to order, took up for consideration a bill, entitled

A bill to incorporate the Licking River Navigation Company.

Mr. McManama moved to amend by adding to the sixth section the following, viz:

Provided, however, That said corporation shall not receive or collect any tolls on said river, at any of the locks or dams on said river, until such lock or locks, dam or dams, are completed.

Which amendment was adopted.

Mr. Walton moved to amend said bill as follows, viz:

Insert in third section, second line, after the word “and,” and before the word “dam,” the following: “Said company shall be required to construct a fish-gate in each dam so built by it.”

Which amendment was adopted.

Mr. Haggard moved to strike out “Kentucky” in section six, line eleven.

Which was adopted.

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

The constitutional provision 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. Martin, from the Committee on Banks and Insurance, reported a bill, entitled

A bill to incorporate the Farmers’ Bank of Longview.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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. Turner, from the Committee on Internal Improvement, to whom had been referred a bill from the House of Representatives, entitled

An act to authorize the county court of Livingston county to levy an additional poll and ad valorem tax for bridge and road purposes,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

The Senate, according to order, took up for consideration a bill, entitled

A bill to establish a Board of Immigration.

Said bill reads as follows, viz.:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor, the Superintendent of Public Instruction, and three other persons, to be appointed by the Governor, by and with the advice and consent of the Senate, be, and they are hereby, constituted a Board of Immigration, with power and authority to do whatever, in their discretion, may be deemed necessary to encourage immigration to this State; the cost of which shall not exceed the sum specified in section four of this act.

§ 2. The said Board shall appoint a Superintendent of Immigration, who shall be and remain a citizen of this State, and receive an annual salary of one thousand eight hundred dollars, and hold his office for the term of two years, unless sooner removed by the Board. It shall be the duty of the Superintendent, under the direction of the Board, to publish, or cause to be published, in such language or languages as they may direct, articles treating on and describing the developed and undeveloped agricultural, mineral, and other resources of the State of Kentucky; and the facilities for navigation, railroad connections, commerce, and manufacturing, and to distribute them in such localities and in such manner as they may deem best, in order to induce and bring honest, industrious, and desirable immigrants to this State.

§ 3. The Board of Immigration shall meet in Frankfort on the first Mondays in January and July, and at such other times and places as may be designated by the Governor; and the said Board shall have power to appoint a committee in any county within this State to ob-
tained and furnish to them lists of lands for sale, with such other local statistics and advantages as may be deemed useful and proper, to encourage immigration to such county. The Board may appoint a treasurer and secretary and prescribe their duties, and may fill all vacancies. The Board is furthermore authorized and empowered to open books and invite and solicit contributions and endowments of money from corporations, manufacturers, companies, merchants, miners, and all other persons who are or may be benefited by the flow of immigration, which money, so contributed, shall be under the control of the Board, and expended by them in such manner as they may deem proper for the interests of immigration.

§ 4. For the purpose of carrying out the objects of this act, there is hereby appropriated, out of any money in the Treasury not otherwise expended, the sum of seven thousand five hundred dollars, to be expended under the direction of the Board and the written order of the Governor, for the purpose of paying the salary of the Superintendent and the expenses of printing, postage, and distribution, which sum shall be in full of all appropriations under this act.

§ 5. Said Board shall make full report to the next meeting of the General Assembly.

§ 6. This act shall take effect from its passage.

Mr. Webb moved the following amendment as a substitute for said bill, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established in the city of Louisville a Bureau of Immigration for the State of Kentucky.

§ 2. That the Governor shall nominate, and, by and with the advice of the Senate, appoint a suitable person to take charge of and administer the affairs of said Bureau, who shall be styled the "Commissioner of Immigration," and shall hold his office for two years, and until his successor is duly appointed and qualified. The first appointment of the Commissioner shall be made within thirty days after the passage of this act.

§ 3. That the said Commissioner, before he enters upon the discharge of the duties of his office, shall take an oath or make affirmation, before any officer of the State having authority to administer oaths, to the effect that he will faithfully and impartially, to the best of his ability, perform all the duties required of him by this act. He shall also covenant with and to the Commonwealth of Kentucky, with two or more sufficient sureties, to be approved by the Governor, who is ex-officio authorized to take said covenant on behalf of the State, to the effect that he will honestly and faithfully apply and account for whatever moneys which shall come into his possession or under his control as Commissioner of Immigration for the State of Kentucky, as required by this act; and that he will, in all respects, to the best of his ability, discharge all the duties of his office. The said Commissioner shall reside in Louisville, and keep his office at some central and convenient place in said city, and shall strictly devote the whole of his time and energies to the duties of his office, and in the promotion of the objects of this act. No person shall be
eligible as Commissioner or Agent who holds or discharges any office or agency under the State of Kentucky, United States, or any city, county, or corporation, or any department thereof, except militia officers of Kentucky. He shall collect as fully as practicable statistics of the agricultural, mineral, manufacturing, and other resources of the State; and he shall also prepare maps, pamphlets, circulars, and publications adapted to general circulation in Europe or elsewhere, through the public prints, daily or weekly, of the largest circulation, or otherwise, in as many languages as he may deem advisable, containing such information concerning the geography of the State, its climate and resources, as he may deem necessary or proper to be known and understood by all classes of the people who may immigrate or remove to and settle or invest in this State. He shall report to the Governor of this Commonwealth, on the first days of July and January in each year, a full account of his administration of the affairs of said Bureau, including the itemized accounts of all the expenses connected therewith; and the Governor is required to lay said reports before the General Assembly at the commencement, as near as may be, of each session thereof. The Commissioner shall have authority, and it shall be his duty, to make rules and regulations for the government of the clerk and agent hereinafter provided for, connected with or in the service of said Bureau, and give all necessary instructions to said officers, whether employed at home or abroad:

**Provided,** Said rules, regulations, and instructions shall be first submitted to and approved by the Governor. He shall by circulars, sent by mail or otherwise to the clerks of the county courts of the respective counties of this State, give all needful information of the mode and manner by which the citizens of this State may avail themselves of the benefits arising from immigration secured through the agency of this Bureau. He shall have power and authority to designate one or more depots in this State at which immigrants may be received, and to make the necessary arrangements to take care of them until employment is procured. Said Commissioner shall distribute such immigrants as may arrive with all possible and proper regard to their wants and wishes, so far as he is able to do so, equally and equitably among the various sections of the State where immigrants are desired; and he is authorized, if he deem it advisable, to co-operate with and furnish publications to any society, organization, or association, for the accomplishment of the purposes of this act.

§ 4. The said Commissioner shall keep an intelligent memorandum, in a well-bound book, of all applications for immigrants, the number desired, proposed wages and terms of employment; also, of all proposals for the sale or lease of property to immigrants, with a brief description of its location, value, kind of soil, terms of sale, and of such other matters pertaining thereto as may be of value to the immigrant; but no application shall be received except it be made by a citizen of this State, and accompanied by a certificate under the seal of the county court clerk of his or her residence, that he or she is a person of honesty and good character, and pecuniarily responsible for his or her contracts; and he shall, when he deems
the same necessary, forward said application to the agent, with instructions to supply such demands as soon as practicable.

§ 5. Immigrants coming to this State shall be exempt from taxation, either State, county, or municipal, for the period of five years after their arrival. This exemption shall be limited to a maximum of taxation upon one hundred acres of land, and the implements and stock to cultivate the same; and to those who are not engaged in agriculture, their personal or real property to the maximum value of $5,000 shall be likewise exempt for the same period. Said immigrants shall also be exempt from military or militia service for three years. The Commissioner shall keep a record of the time of arrival and the names of all immigrants, their avowed destination, and such other facts as will enable the immigrant to avail himself of the benefits of this section; and such record, or a certified copy thereof, shall be competent evidence in the courts of this Commonwealth.

§ 6. That the Commissioner shall not, nor shall any clerk, agent, or officer connected with or in the service of said Bureau, have power to pledge the credit of this State to any person or persons or corporation, in any manner whatsoever, for any sum of money beyond what shall be by the General Assembly appropriated to the use of said Bureau; nor shall it be lawful for said Commissioner to expend more money in conducting the affairs of said Bureau than is specifically appropriated by this act.

§ 7. That the said Commissioner shall be entitled to receive for his services an annual salary of $3,000, payable quarterly out of the Treasury.

§ 8. The printing necessary for said Bureau shall be done where the Commissioner can have the same properly done at the cheapest rate; but the expense thereof shall come out of the sum specified in section eighteen of this act.

§ 9. That the Commissioner is authorized to appoint, with the consent of the Governor, a clerk, who must be a well educated and competent man, and whose duty it shall be to assist the Commissioner in all his labors.

§ 10. That the Commissioner is authorized to appoint, with the consent of the Governor, an agent, who shall reside in New York or other seacoast city, as the Commissioner and Governor may designate, and whose duty it shall be to call the attention of emigrants from Europe, as well as capitalists, manufacturers, and other classes of this country and elsewhere, through publications in newspapers, daily or weekly, of the largest circulation, in the English and German or other languages, in this country and in Europe, or otherwise, to the great natural resources and advantages of Kentucky; to furnish all necessary and valuable information to persons likely to emigrate or remove to, settle, or invest in this State; to induce honest and industrious persons to come to this State; to receive from shipboard immigrants destined for this State, and to forward them to such points as may be designated, prevent their diversion to other States, and to obtain the most favorable terms from railway companies for their conveyance, both as to cheapness of fare and speedy transit; and he
shall see that such stipulations are at all times carried out in good faith, and such other duties connected with the objects of this act as said Commissioner may prescribe.

§ 11. That the said clerk and agent, respectively, shall be required to take an oath or make affirmation, and enter into a covenant with the Commonwealth of Kentucky, with two or more sufficient sureties to be approved by the Governor, to the same effect as is required by this act of the said Commissioner.

§ 12. That the said clerk and agent shall be commissioned by the Governor, under the great seal of this Commonwealth, and may be removed at any time by the said Commissioner, by and with the consent of the Governor, and others appointed in their place; and any vacancy, whether caused by death, resignation, or removal, shall be filled by the appointment of the Commissioner, with the consent of the Governor.

§ 13. If the Commissioner should be unable to speak with fluency and write with accuracy the German language, the clerk shall be a native of Germany, having a thorough knowledge of the English language.

§ 14. The clerk shall be entitled to receive an annual salary of twelve hundred dollars, to be paid quarterly out of the Treasury.

§ 15. The agent assigned to the city of New York, or other city on the seaboard, must be able to speak, read, and write fluently and correctly both the English and German languages.

§ 16. The agent shall be entitled to receive an annual salary of three thousand dollars, to be paid quarterly out of the Treasury.

§ 17. The Governor shall appoint the Commissioner or fill any vacancy in the office of Commissioner during the recess of the Senate, which appointment shall expire at the end of the next session of the Senate.

§ 18. That the sum of twelve thousand eight hundred dollars, in addition to the sums aforesaid, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to the use of said Bureau, to be drawn by the said Commissioner, with the written indorsement of the Governor and Secretary of State, from time to time, as may be needed to carry out the objects and purposes of this act, upon warrants issued by the Auditor of Public Accounts.

§ 19. This act shall take effect from its passage.

Mr. Hodge then moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

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

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

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,
The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, R. B. Lovel,
W. J. Berry, W. W. Frazer, A. L. Martin,
Robt. A. Briggs, Jesse C. Gilbert, O. D. McManama,
Scott Brown, D. R. Haggard, Robt. Simmons,
Jas. F. Clay, J. W. Hays, G. W. Swoope,
John E. Cooper, Geo. B. Hodge, E. W. Turner,
W. W. Cubertson, B. W. S. Huffaker, Thos. W. Varnon,
F. W. Darby, I. L. Hyatt, C. J. Walton,
Wm. P. Duvall, T. L. Jefferson, Ben. J. Webb—29,
P. F. Edwards, D. H. Lindsay,

Those who voted in the negative, were—

John J. Gatewood,

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

Mr. Martin then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Cooper moved to lay said motion on the table.

Which was adopted.

The Senate, according to order, took up for consideration a bill, entitled

A bill to provide for the registration of marriages, births, and deaths.

Ordered, That the further consideration of said bill be postponed and made the special order of the day for to-morrow.

The Senate, according to order, took up for consideration a bill, entitled

A bill to regulate the transportation of freights over railroads in this Commonwealth.

Ordered, That the further consideration of said bill be postponed and made the special order of the day for to-morrow, at half-past 10 o'clock, A. M.

And then the Senate adjourned.
TUESDAY, JANUARY 13, 1874.

A message was received from the House of Representatives, announcing that they had concurred in a resolution, which originated in the Senate, entitled

Resolution in relation to the creation of additional judicial districts.

That they had disagreed to a bill, which originated in the Senate, entitled

An act for the benefit of K. F. Hargis, of Lee county.

And had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of R. W. Williams, jailer of Christian county.

An act to incorporate the Christian Church at Warsaw.

That they had receded from the first branch of their amendment to the resolution, entitled

Resolution directing the firing of a national salute on the 8th day of January and 22d of February, 1874,

And adhere to the second branch of said resolution as to firing the salute on the 22d of February.

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

1. An act repealing an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county," approved March 29th, 1873.
2. An act for the benefit of Lexington Lodge, No. 1, of Ancient York Masons.
3. An act to extend to the farmers of Fayette county the lien provided in an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31st, 1871.
5. An act to amend section 4, article 3, chapter 27, of the General Statutes, so as to exclude McCracken county from the provisions thereof.
6. An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Harlan," approved February 7th, 1870.
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7. An act to prohibit the sale of intoxicating liquors in the town of Osceola.

8. An act to repeal an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county.”

9. An act to repeal an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren.”

10. An act for the benefit of G. W. Taylor, sheriff of Hancock county.

11. An act for the benefit of T. D. Grundy, sheriff of McCracken county, and his sureties.

12. An act for the benefit of Thos. E. Moore, sheriff of Bourbon county.

13. An act for the benefit of H. C. Malone, late sheriff of Shelby county, and securities.

14. An act legalizing an order made by the court of claims in Crittenden county.

15. An act to repeal an act declaring Wolf River a navigable stream.


18. An act for the benefit of Franklin Female College, in Simpson county.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were severally referred—the 1st, 6th, 7th, 8th, and 9th to the Committee on Religion and Morals; the 3d and 4th to the Committee on the Judiciary; the 5th to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 10th, 11th, 12th, and 13th to the Committee on Finance; the 14th to the Committee on Courts of Justice; the 15th, 16th, and 17th to the Committee on Propositions and Grievances; the 18th to the Committee on Education, and the 2d was placed in the orders of the day.

The following petitions and remonstrances were presented, viz.:

By Mr. Briggs—

1. The petition of sundry citizens of the town of Willisburg, praying the passage of an act for the better protection of medical practitioners.
By Mr. Turner—
2. The petition of sundry citizens of Madison county, praying the passage of certain amendments to the charter of the Kentucky University.

By Mr. Hays—
3. The petition of sundry citizens of Meade county, praying an act of incorporation for the town of Garnettsville, in said county.

By Mr. Culbertson—
4. The petition of sundry citizens of Coalton, praying the passage of a prohibitory liquor law.

By Mr. Darby—
5. The remonstrance of sundry citizens of Caldwell county, against annual sessions of the Legislature, &c,

By Mr. Hyatt—
6. The petition of sundry citizens of Jefferson county, praying the passage of a registration law.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 2d and 3d to the Committee on the Judiciary; the 4th to the Committee on Religion and Morals; the 5th to the Committee on Immigration and Labor, and the 6th to a select committee.

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

On motion of Mr. Clay—
1. A bill to amend an act, entitled "An act to organize and establish a system of public schools in the city of Henderson."

On motion of same—
2. A bill to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson."

On motion of Mr. Varnon—
3. A bill for the benefit of Meredith Hardin, of Garrard county.

On motion of Mr. Evans—
4. A bill to amend the law in relation to sales of personal property when the title remains in the vendor until payment of the purchase money.

On motion of Mr. Darby—
5. A bill to amend section 5, article 18, chapter 41, of the General Statutes.

On motion of Mr. Hyatt—
6. A bill for the benefit of turnpike roads in this Commonwealth.
Ordered, That the Committee on Education prepare and bring in the 1st; the Committee on the Judiciary the 2d, 3d, and 4th; the Committee on Courts of Justice the 5th, and the Committee on Internal Improvement the 6th.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in the Congress of the United States be, and they are hereby, instructed, and our Representatives requested, to urge, and, if possible, secure a repeal of the act of Congress known as the bankrupt law, and all acts amending the same.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker,  D. R. Haggard,  R. B. Lovel,
John S. Barlow,  H. S. Hale,  A. L. Martin,
Robert Boyd,    J. W. Hays,    O. D. McManama,
F. W. Darby,    G. A. C. Holt,  G. W. Swoope,
P. F. Edwards,  B. W. S. Huffaker,  E. W. Turner,
Jesse C. Gilbert,  T. L. Jefferson,

Those who voted in the negative, were—

Robert A Briggs,  W. W. Frazer,  Thos. W. Varnon,
James F. Clay,   D. H. Lindsay,  W. L. Vories—7.
W. W. Culbertson,

On motion of Mr. Martin, leave of absence, indefinitely, was granted Mr. Cooper.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined an enrolled bill, which originated in the House of Representatives, entitled

An act to authorize the county court of Livingston county to levy an additional poll and ad valorem tax for bridge and road purposes,

And had found the same truly enrolled.

Said bill having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same was delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Hyatt reported that the committee had performed that duty.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Turner, from the Committee on Charitable Institutions—
1. A bill to amend the law concerning the State Lunatic Asylums and persons of unsound mind.

By Mr. McManama, from the Committee on Courts of Justice—
2. A bill to amend an act, entitled "An act to incorporate the town of Dulaney," which became a law February 3d, 1873.

By Mr. Darby, from the same committee—
3. A bill to change the time of holding the Butler quarterly court.

By Mr. Hays, from the Committee on the Judiciary—

By same—
5. A bill to amend an act, entitled "An act to amend the charter of the town of Hartford."

By same—
6. A bill for the benefit of Mary Blain and Georgia Ann Hays.

By same—
7. A bill to amend an act, entitled "An act for the benefit of the personal representatives of Robert Foster, deceased."

By Mr. Gilbert, from the same committee—

By Mr. Turner, from the same committee—

By Mr. Lovel, from the Committee on Propositions and Grievances—
10. A bill to amend an act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the old jail in Lewis county, or building a new jail and jailer's house in said county, approved 19th February, 1873.

By Mr. Lindsay, from the Committee on Religion and Morals—
11. A bill to prevent the selling or giving of spirituous, vinous, or malt liquors within two miles of the academy of E. J. Murphy, in Pembroke, Christian county.

By Mr. Gilbert, from a select committee—
12. A bill to amend the charter of the Kentucky Land Company.
By Mr. Haggard, from the Committee on Propositions and Grievances—

13. A bill to increase the salary of W. J. Steele, clerk in the Auditor's office.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed and made the special order for the 16th of January.

Ordered, That the 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, and 13th bills be engrossed and read a third time.

The constitutional provision 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.

The yeas and nays being required on the passage of the 13th bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, Walter Evans, R. B. Lovel,
W. J. Berry, W. W. Frazer, A. L. Martin,
Robt. A. Briggs, D. R. Haggard, Robert Simmons,
James F. Clay, J. W. Hays, E. W. Turner,
W. W. Culbertson, I. L. Hyatt, Thos. W. Varnon,
William P. Duvall, T. L. Jefferson, W. L. Vories,

Those who voted in the negative, were—

Robert Boyd, H. S. Hale, G. W. Swoope,
Jesse C. Gilbert, B. W. S. Huffaker,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in addition to the amount now allowed by law to the Auditor of Public Accounts for clerk hire, there is hereby appropriated the sum of $100 per annum for the purpose of increasing the salary of W. J. Steele, clerk in the Auditor's office.

§ 2. This act shall take effect from its passage.

Mr. Gilbert, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of the town marshal of New Liberty, county of Owen,

Reported the same with an amendment.

Which was adopted.

28-s.
Ordered, That said bill, as amended, be read a third time.

The constitutional provision 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. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled

An act allowing the netting of fish in Sinking creek, in Breckinridge county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

The Senate, according to order, took up for consideration a bill, entitled

A bill to change the time of electing justices of the peace and constables in this Commonwealth.

Mr. Simmons moved an amendment.

Ordered, That said bill and amendment be recommitted to the Committee on the Judiciary.

The Senate, according to order, took up for consideration a bill, entitled

A bill to provide for the registration of marriages, births, and deaths.

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

The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of all clergymen or other persons who shall hereafter celebrate or perform the marriage ceremony within this Commonwealth, to keep a registry of all marriages celebrated by them, showing the names, ages, residence, and place of birth of the persons married, whether they were single or widowed, and the time of the marriage.

§ 2. It shall be the duty of all physicians, surgeons, and midwives, to keep a registry of all births and deaths at which they have professionally attended, showing, in cases of birth, the time and place of birth, name of the father, and maiden name of the mother, and their residence, sex, and color of the child, together with its name, if it shall receive one, and whether it was born alive or dead; and showing, in cases of death, the time, place, and cause of death, the name, age, sex, color, and condition (whether single, married, or widowed), name and surname of parents, occupation, residence, and place of birth of the deceased: Provided further, That when two or more physicians, surgeons, or midwives may have attended professionally at any birth or death, that physician, surgeon, or midwife who is oldest in attendance shall make the registry.

§ 3. It shall be the duty of the clergymen, physicians, &c., above named, to deposit in the county clerk's office of the county in which such births, &c., occur, on or before the 10th day of January, in every year, the said registry, or a copy thereof, embracing the period of one year, ending on the 31st day of December last preceding the time of deposit; and the clerk shall deliver copies of the same to the assessor.

§ 4. It shall be the duty of the assessors, while making their lists of taxable property, to ascertain and record in a list separate from the list of taxable property, all the births, marriages, and deaths which shall have occurred within their respective counties in the twelve months ending on the 31st day of December last preceding the time of assessment, with all the items of time, place, &c., herein directed to be inserted in the registers above named; and they shall make strict inquiry of all heads of families, and shall use the registers of clergymen, &c., above named; in order to obtain correctly the information herein required. They shall return said lists of births, &c., with the registers of clergymen, &c., aforesaid, to the clerks of the county courts at the same time they return their lists of taxable property; and the clerks shall copy said lists of births, &c., and transmit the copies to the Auditor of Public Accounts with the lists of taxable property. The clerks shall be paid at the same rates they are paid for copying the lists of taxable property. The assessor shall be allowed two cents for each birth, marriage, or death recorded, as herein directed, to be paid in the same manner as for making the lists of taxable property: Provided, That it shall be lawful for any assessor to record, separately, the time, place, &c., of any birth, marriage, or death which may have occurred prior to the time which the list then being made em-
braces, or which may have occurred within this Commonwealth; for every entry so made, the party causing it to be done shall pay to the assessor five cents.

§ 5. It shall be the duty of the Auditor to make, from all the lists of births, marriages, and deaths so transmitted to him, tabular statements, showing, in condensed form, the information herein required to be preserved, keeping the statistics of each county separate; and to cause five hundred copies of the same to be printed, in pamphlet form, on or before the 1st day of January in every year; to transmit not more than five nor less than two copies to each county court clerk's office in this Commonwealth, one of which shall be forever carefully kept in such office, and the remainder distributed for the use of the citizens of their respective counties.

He shall cause to be printed suitable blanks for the use of assessors, clergymen, physicians, &c., with separate columns for each of the items of information herein required, and send a sufficient number of said blanks to the clerks of each county court for distribution. He shall annex to said blanks such instructions as he may deem necessary to secure the faithful execution of this act.

§ 6. To enable the assessors to obtain full and correct information touching the facts herein required to be ascertained, they shall have full power to swear and interrogate any person in their respective counties for that purpose; and it shall be the duty of all such persons, when thereto required by the assessor, with or without oath, to give him fully and truly all the information he or she may possess touching any of said facts.

§ 7. The several county court clerks shall forever carefully preserve the lists of births, &c., and the registries of clergymen, &c., herein required to be returned to them, for the use of the public.

§ 8. The said lists of births, marriages, and deaths returned to the clerks of the county courts by the assessors, as also the original tabular record herein required to be made and kept by the Auditor, or a duly certified copy of any birth, marriage, or death from either of them, given and certified by the keeper of such records, shall hereafter be admitted and received in all courts in this Commonwealth as prima facie evidence of any such birth, marriage, or death therein recorded or so certified.

§ 9. Any person failing to discharge and perform any of the acts or duties herein imposed and required to be done, shall, for every such failure, be fined in a sum not less than five nor more than twenty dollars, to be recovered by warrant before a justice of the peace or by presentment by the grand jury.

§ 10. This act to take effect from its passage.

Mr. Simmons, from the Committee on Charitable Institutions, to whom was referred the Report of the American Printing House for the Blind, reported the following resolution, viz:

Resolved, That the Public Printer be directed to print five hundred copies of the Report of the American Printing House for the Blind for the use of the General Assembly.

Which was adopted.

The Senate took up for consideration a bill, entitled

A bill to amend the law of evidence.

On motion of Mr. Hays,

Ordered, That said bill be made the special order for to-morrow, at 11 o'clock, A. M.
The Senate then took up for consideration a bill, entitled
A bill to amend chapter 113 of the General Statutes, entitled
"Wills."

Ordered, That said bill be recommitted to the Committee on the
Judiciary.

The Senate then took up for consideration the motion to reconsider
the vote by which they rejected a bill from the House of Representa­
tives, entitled
An act for the benefit of the administrators of William Simpson,
late clerk of the Wayne circuit and county courts.

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

Ordered, That said bill be read a third time.

The constitutional provision 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.

The Senate then took up a resolution from the House of Repre­
sentatives, entitled

Resolution declaring session of General Assembly should not be
extended beyond sixty days.

The question was then taken upon the adoption of said resolution,
and it was decided in the negative.

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

Those who voted in the affirmative, were—

W. J. Berry,  Walter Evans,  E. W. Turner,
Robert Boyd,  H. S. Hale,  Thos. W. Varnon,
Robert A. Briggs,  G. A. C. Holt,  W. L. Vories,
W. W. Culbertson,  B. W. S. Huffaker,  C. J. Walton,

Those who voted in the negative, were—

John S. Barlow,  Jesse C. Gilbert,  D. H. Lindsay,
James F. Clay,  D. R. Haggard,  R. B. Lovel,
Wm. P. Duvall,  J. W. Hays,  A. L. Martin,
P. F. Edwards,  Geo. B. Hodge,  O. D. McManama,

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That it is the sense of this General Assembly that this session should
not be extended beyond the constitutional limit of sixty days.
The Senate then took up for consideration a bill, entitled
A bill to amend an act to incorporate the Ohio River Valley Railroad Company."
Ordered, That said bill be recommitted to the Committee on Railroads.
And then the Senate adjourned.

WEDNESDAY, JANUARY 14, 1874.

The Speaker pro tem., Hon. Thos. W. Varnon, being absent,
On motion of Mr. Jefferson, the Hon. Jas. W. Hays was unanimously elected Speaker pro tem.
A message was received from the House of Representatives, announcing that they had disagreed to a resolution, which originated in the Senate, entitled
Resolution for the benefit of the Senate Committee on Privileges and Elections.
That they had concurred in a resolution, which originated in the Senate, entitled
Resolution directing the reinterment of the remains of Christopher Greenup and George Madison, and the erection of a monument over their graves.
And had passed bills, which originated in the Senate, of the following titles, viz:
An act for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon County.
An act incorporating the Bank of J. & J. A. Witherspoon, of Lawrenceburg.
An act to amend the charter of the Central Savings Bank of the city of Louisville.
With amendments to the last two named bills.
The amendment to the last named bill was taken up and concurred in.
That they had passed bills of the following titles, viz:

1. An act for the benefit of school district No. 27, in Hancock county.
2. An act to incorporate the Collins' school district, in Henderson county.
3. An act to authorize the president and directors of the Nelson County Agricultural Association to borrow money.
4. An act for the preservation and protection of game and fish in Bourbon county.
5. An act to amend an act for the benefit of the Bourbon County Agricultural Society, approved February 12, 1849.
6. An act for the benefit of C. S. Mergell, of Louisville.
7. An act to fix the time of holding the Garrard circuit court, and to amend section 5, article 5, chapter 28, of the General Statutes.
8. An act to amend an act, entitled "An act to incorporate the town of Grayson, in Carter county."
9. An act authorizing the county court of Washington county to increase the county levy.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the Committee on Education; the 3d and 6th to the Committee on Finance; the 4th and 5th to the Committee on Agriculture and Manufactures; the 7th and 9th to the Committee on Revised Statutes and Codes of Practice and General Statutes, and the 8th to the Committee on Propositions and Grievances.

The following petitions and memorial were presented, viz:

By Mr. Hargis—
1. The petition of the Christian Church at Bethel, in Bath county, in relation to Kentucky University.
2. The petition of sundry citizens of Carlisle, praying an act incorporating the Kentucky Normal School.
3. The petition of citizens of Grayson, Carter county, praying an extension of their corporate limits.

By Mr. Turner—
4. The petition of the Christian Church at Millersburg, county of Bourbon, in relation to the Kentucky University.
By Mr. Darby—
5. The petition of J. M. Terr and wife, praying the passage of an act in relation to recognizing a certain tract of land purchased by them from R. H. Poor, in Christian county.

By Mr. Berry—
6. The petition of sundry citizens of Rockport, Ohio county, praying the passage of an act authorizing a "lock-up."

By same—

By same—
8. The petition of sundry citizens of Ohio county, praying the removal of obstructions on Rough creek, in said county, by the erection of a lock and dam.

By Mr. Vories—
9. The petition of A. W. Darling and others, of Carrollton, asking protection to the owners of ferries at Carrollton, Carroll county.

By same—
10. The memorial of the Council of Blue Grass Granges, in relation to the Kentucky Penitentiary and election of a Keeper.

Which were received, the reading dispensed with, and referred—the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 9th to the Committee on Courts of Justice; the 8th to the Committee on Internal Improvement, and the 10th to the Committee on Penitentiary and House of Reform.

Leave was given to bring in the following bills, viz:
On motion of Mr. Martin—
1. A bill for the benefit of James Root and others, sureties of Wiley J. Cook, late sheriff of Clay county.

On motion of Mr. Huffaker—
2. A bill to increase the jurisdiction of justices of the peace for Wayne and Pulaski counties.

On motion of Mr. Hyatt—
3. A bill concerning the Penitentiary, and the duties of the Keeper and Lessee thereof.

On motion of Mr. Frazer—
4. A bill to amend and reduce into one all laws in relation to the Institution for the Education and Training of Feeble-minded Children.
On motion of Mr. Vories—

On motion of Mr. Gatewood—
6. A bill to incorporate the Scottsville Deposit Bank.

Ordered, That the Committee on Revised Statutes and Codes of Practice and General Statutes prepare and bring in the 1st; the Committee on the Judiciary the 2d; the Committee on Penitentiary and House of Reform the 3d; the Committee on Charitable Institutions the 4th; the Committee on Finance the 5th, and the Committee on Banks and Insurance the 6th.

Mr. Berry, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:
An act for the benefit of R. W. Williams, jailer of Christian county;
An act to incorporate the Christian Church at Warsaw;
Resolution in relation to the creation of additional judicial districts;
And had found the same truly enrolled.

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 approval and signature.

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

Mr. Clay, from the Committee on Privileges and Elections, to whom was recommitted the memorials of Wm. Cassius Goodloe and Ed. Woolridge, claiming each to have been elected Senator from the 27th Senatorial District, made the following report, viz:

Your committee, in obedience to the resolution adopted by the Senate on the 11th December, 1873, relative to the election held on the first Monday of August, 1873, in the 27th Senatorial District, after a long, tedious, and, they trust, a careful examination of all the matters connected with said election, submit the following report:

By order of the committee, the poll-books of the several precincts of the county of Fayette were brought before them, and from an examination of them it appeared that the vote for State Senator in said election was as follows:

29-8.
In connection with these poll-books, the committee examined Allie G. Hunt, who was Clerk of the County Court of said county at the time of the election, and ex-officio one of the board for examining the poll-books of said county, who testified that the poll-books of all the precincts above named were thrown out and not counted by him and Benj. F. Graves, the Presiding Judge of said county, who was also a member of said board, except that of Worsham's precinct, on account of the informality of the certificate of the officers of the several precincts at said election. That certificate is as follows:

[copy.]

"STATE OF KENTUCKY, FAYETTE COUNTY,not:
  "We, the undersigned, officers of the election held at ----, on the 4th day of August, 1873, do hereby certify that the following is a true and correct statement of the vote taken for the respective officers, as follows, to-wit:
  "Democratic Ticket: for State Treasurer, ----; for State Senator, ----; for Representative of Fayette county, ----. Republican Ticket: for State Treasurer, ----; for State Senator, ----; for Representative for Fayette county, ----. Witness our signatures, this 4th day of August, 1873.

"----, Judge.  
"----, Judge.  
"----, Sheriff.  
"----, Clerk."

Except that of "Dog Fennel" precinct, which, after the word statement in the above certificate, the word "all" is inserted, and after the words to-wit these words are inserted: "and that is the book used for recording said vote;" which latter book Mr. Hunt says they would not have excluded from the count if they had not overlooked said interlineations.
The committee had no hesitancy in deciding that the action of Mr. Graves and Mr. Hunt was unwarranted, and the result was that 5,358 votes out of a poll of 5,872 were improperly excluded.

Having decided that the vote of Fayette county, as shown by all the poll-books, should be counted, they proceeded to examine the poll-books of the county of Jessamine, which were also before the committee, from them it appeared that the vote at the several precincts in that county was as follows:

<table>
<thead>
<tr>
<th>Precinct</th>
<th>Goodloe</th>
<th>Wooldridge</th>
</tr>
</thead>
<tbody>
<tr>
<td>At West Nicholasville prec. 1</td>
<td>227</td>
<td>197</td>
</tr>
<tr>
<td>At East Nicholasville prec. 2</td>
<td>206</td>
<td>208</td>
</tr>
<tr>
<td>At Marble Creek prec. 3</td>
<td>61</td>
<td>122</td>
</tr>
<tr>
<td>At Little Hickman prec. 4</td>
<td>103</td>
<td>106</td>
</tr>
<tr>
<td>At Lee Hickman prec. 5</td>
<td>93</td>
<td>161</td>
</tr>
<tr>
<td>At Keene Hickman prec. 6</td>
<td>206</td>
<td>177</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,076</strong></td>
<td><strong>1,051</strong></td>
</tr>
</tbody>
</table>

Not deeming it necessary to examine the poll-books of Woodford county, they received in evidence the certificate of the Examining Board of that county, which was admitted by all parties to be a correct statement of said books, which is as follows:

"We, Wm. W. George, Presiding Judge of the Woodford County Court, L. H. Parrish, Sheriff of Woodford county, and Sam. S. Darneal, Clerk of the Woodford County Court, duly authorized to compile the poll-books for the county of Woodford, do certify that at an election held in said county on the 4th day of August, 1873, for the office of State Senator, at the several places provided by law for holding elections in said county, upon due comparison and addition, the vote stood thus: At Precinct No. 1, Edmund Wooldridge received 242 votes; Wm. Cassius Goodloe received 218 votes. At Precinct No. 2, Edmund Wooldridge received 118 votes; Wm. Cassius Goodloe received 64 votes. At Precinct No. 3, Edmund Wooldridge received 287 votes; Wm. Cassius Goodloe received 217 votes. At Precinct No. 4, Edmund Wooldridge received 117 votes; Wm. Cassius Goodloe received 123 votes. At Precinct No. 5, Edmund Wooldridge received 223 votes; Wm. Cassius Goodloe received 65 votes. At Precinct No. 6, Edmund Wooldridge received 317 votes; Wm. Cassius Goodloe received 355 votes; making the total vote in said county stand thus:

"For Edmund Wooldridge, 1,302 votes."
"For Wm. Cassius Goodloe, 1,051 votes."

"Given under our hands this 7th day of August, 1873."
"Wm. W. George, P. J. W. C. C."
"L. H. Parrish, S. W. C."
"Samuel S. Darneal, C. W. C. C."

"A copy—Attest:
Samuel S. Darneal, Clerk."

Your committee further report, that they have endeavored to give the fullest opportunity for the examination of all the witnesses that could be found, heard of, or produced, who knew anything material to the issue; and having heard the testimony of some 125 witnesses, have concluded
that the following is a fair statement of the vote between Messrs. Goodloe and Wooldridge in the election aforesaid. From the poll-books, as they stood at the close of the election, it appears that they showed the vote to be as follows:

<table>
<thead>
<tr>
<th>County</th>
<th>Goodloe</th>
<th>Wooldridge</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jessamine</td>
<td>1,076</td>
<td>1,053</td>
</tr>
<tr>
<td>Fayette</td>
<td>3,063</td>
<td>2,809</td>
</tr>
<tr>
<td>Woodford</td>
<td>1,045</td>
<td>1,302</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>5,184</td>
<td>5,164</td>
</tr>
</tbody>
</table>

Showing a majority in favor of William C. Goodloe of twenty (20) votes.

From our investigation into the question of illegal votes, and mistakes by the officers in recording the votes cast, &c., we have arrived at a conclusion in reference to illegal votes polled, which will be shown by the following statement. The committee are gratified to announce, in respect to that statement, that they were entirely unanimous as to each part of it, as to every vote and voter mentioned.

From the list of those voting for Goodloe we have stricken the following names, each of whom were proved to our satisfaction not to have been legally entitled to vote.

*Richard Brandon,* who voted at Millville precinct, in Woodford county, was not legally entitled to vote, because he had, in 1867, been convicted of grand larceny in Trigg county. He served out his term in the Penitentiary, and was never pardoned.

*Harrison Handy,* who voted at the same precinct, was not a legal voter, for the same reason.

*George Reed,* who voted at Nicholasville precinct, No. 1, in Jessamine county, was not a legal voter, because not twenty-one years old at the time of the election.

*Samuel Hite, jr.,* and *Jeff Colonge,* who voted at the same precinct, were not legal voters, because each, when he voted, was not twenty-one years old.

*Robert Beverly,* who voted at Mortonville, in Woodford county, *Ben Smith,* who voted at Midway, in said county, and *John Duncan,* and — *Hilliard or Healdreth,* who voted at the same place, were neither of them legal voters, because they resided in precincts different to that in which they voted.

*Allen Johnson,* whose vote is recorded on the Versailles precinct poll-book as having voted for Goodloe, was clearly proved to have voted for Wooldridge, and because the proof was clear on the point, your committee felt justified in striking this vote from Goodloe, and adding it to Wooldridge.

This will leave the actual legal vote cast for W. C. Goodloe, in said election, five thousand one hundred and seventy-four (5,174).
After a like patient investigation, the committee are of the unanimous opinion that the following persons, who voted for said Wooldridge in said election, were not legally entitled to vote in said election:

Walter Tisdale, who voted at Spencer's coal-yard, in Lexington, did not live in said precinct, but in another precinct in said city, as the proof clearly shows.

Dominick Bradley, and Dennis Foley and Michael Foley, who, at the time they voted at Cropper's precinct, in Lexington, swore that they lived at Timothy Anglin's, were allowed to vote in Lexington; but it was clearly shown to the committee that said Anglin's farm was in the Athens precinct, and that he voted there. Dominick Bradley was identified, to the entire satisfaction of the committee, as Daniel Bradley, who drove a milk-wagon for said Anglin, and Dennis Foley was as clearly indentified as Daniel Foley, who resided with and labored for said Anglin.

Elijah Garter and Nathan Spillman, who voted—the first at Spencer's coal-yard, and the second at Karsner's—were each illegal voter because convicted of grand larceny and robbery, respectively, and, under said convictions, served their respective terms in the Penitentiary, and were never pardoned.

R. H. Barnes, H. W. Chiles, and Jas. Crawford, were students in the Agricultural College of Kentucky University at the date of said election. Crawford came from Tennessee in March, 1873; Chiles came from Mississippi in February, 1873; and Barnes, who was only 19 years old, came from Arkansas in September, 1872. These three young gentlemen were not citizens of Kentucky previous to the dates aforesaid, and only entered said College for the temporary purpose of acquiring an education. They each voted at said election, in the fourth ward of Lexington, for Wooldridge, and for the reasons given above, we unhesitatingly decided that they were not legally entitled to vote at said election.

Jos. M. Geary, who voted for Wooldridge at Speyer's precinct, in Lexington, was clearly proved to have been at the time a non-resident of Kentucky, and not to have been, for several years, a citizen of said State.

John Logan or Loggan, who voted at Tingle's (No. 8) precinct, in Lexington, was clearly shown to have been an unnaturalized Irishman, who had not been in the United States for over (5) five months, and was not a citizen. There was no difficulty in deciding his vote to have been illegal.

Charles F. Craig, who voted at Worsham's precinct, in Lexington, was proved not to have resided in that precinct the required length of time to entitle him to vote, and his vote was decided wrongfully counted for Wooldridge.

Charles Tipton, who voted at Sandersville, was proved not to have been a legal voter at said election, because he had not resided in this State the length of time required by law.
Wm. Sly, an unnaturalized Swede, and C. C. Connelly, an unnaturalized Irishman, who voted at Lee precinct, in Jessamine county, for Wooldridge, were shown not to have been entitled to vote, because, at the election, they were not citizens of the United States nor of this State.

Ezra Short, who voted at Marble Creek precinct, in Jessamine county, for Wooldridge, was proved not to have been legally entitled to vote at said election, because he had not resided in that precinct the sixty days before the election required by law.

Barnet Achols, or Achols Barnett, who voted at Nicholasville, was shown not to have been a resident of that precinct at the time, but to have resided in the Lee precinct, was also decided by the committee not to have been entitled to vote in said election.

The following named persons, all of whom voted at said election for Wooldridge, in Lexington, mostly at Cropper's and Williams' precincts and the Court-house, were clearly not legally entitled to vote, because they had been convicted of the infamous crime of dealing faro in Lexington, Kentucky. None of them have ever been pardoned, and all of said persons were convicted prior to said election; and by statute were, on conviction, deprived of the right to hold office or to vote, and were made infamous. Their names are as follows, viz.: H. W. Beach, Pat Gilroy, Allen Atchison, F. Key Morgan, Romney Mann, Wm. Owens, Lyman Shepherd, Ed. Long, Thos. Adams, John B. Payne, and Clem. S. Payne.

Allen Johnson's vote should be counted for Wooldridge for reasons above given.

Andrew Williams was allowed to vote for Goodloe at the Marble Creek precinct, in Jessamine county, but, some time after he had voted, and had left the polls, the judges and officers of the election, in his absence, and without his consent, on statements made by third persons, erased from the poll-book the record of the vote of said Williams. This, your committee think, was wholly unwarranted, and ought not to be tolerated; and, inasmuch as no proof whatever has been produced, showing that said Williams was not entitled to vote, your committee think his vote ought to be counted for Goodloe as though no erasure had taken place. A practice so unwarranted, and so liable to lead to pernicious consequences, ought not to be tolerated. If Williams voted illegally (of which there was no proof), the law points out other methods of correcting the evil and securing redress than that pursued.

RECAPITULATION.

The result to which we have arrived on this branch of the duty assigned us may be summed up as follows:
W. C. Goodloe received, as above stated, and as appears from the poll-books—5,184 votes. Of these there were illegal, as above—9. That of Allen Johnson, incorrectly recorded—10.

Leaving a balance of legal votes on poll-books 5,174 To this we add the vote of Williams 1 Making the actual total vote for Goodloe 5,175 votes.

Edmund Wooldridge received, as above stated, and as appears from the poll-books—5,164 votes. Of these there were illegal votes, as above—28.

Balance of legal votes 5,136 To this we add the vote of Allen Johnson 1 Making the actual total vote for Wooldridge 5,137 votes.

Showing that at said election, in August, 1873, for Senator for the 27th district, William C. Goodloe, of Fayette, received a majority of thirty-eight (38) of the legal votes cast.

Pursuant to a clear conviction that every doubt ought to be solved in favor of the right to vote, and of the action of the officers of the election, we have concluded that the following persons, who voted for the respective candidates at said election, were legally entitled to do so, as decided by the judges of election, although evidence has been introduced, largely of a hearsay character, in many instances, with a view of showing that such persons were not legal voters, viz: Those who voted for Goodloe as follows: Jas. Mack, Henry Day, Hamilton Lunsford, Isaac Davis, Blind Dave Stevens, Charles Johnson, Anderson Johnson, Dave Johnson, Jordan McCarty, John Toliver, W. H. Horine, Tom. Livingston, and David Adams, and others.


As to all the above named persons, the evidence adduced failed to satisfy us of the illegality of the votes. We may attest also the gratifying unanimity of the committee on all questions as to these voters.

Your committee would further report, that it was in proof before them that the election was not held in precinct No. 2, of Nicholasville, at the house designated by the order of the County Court; but the proof clearly established that the physician's office, the place designated by the Court, had been burned after the order was made, and a private residence had been erected on the spot. The election was held in a building some two hundred yards distant, and the committee presumed, in the absence of proof, that the change was properly made, and decided not to interfere
with the vote polled at that precinct on that account; especially so, as the evidence conduces to show that no person lost a vote by reason of such change.

It was urged that the committee should throw out the vote at the Keene precinct, in Jessamine county, from the fact that the election was not held at the usual voting place in that village. The proof was that the order of the County Court designated the village of Keene as the place to hold the election, but did not designate any particular point in said village. The committee thought the law was complied with, and decided that the election was legally held.

RIOT.

Evidence was adduced before the committee in regard to a riot on the day of the election at the voting place in the East Nicholasville precinct, Jessamine county. Your committee was of the opinion that the same originated in a quarrel had by one Dozier, a white man, with a negro at the polls; and that said riot was not "founded on system, or upon premeditation," but that it was "a casual array, or an accidental disturbance, without any intention of overawing or intimidating the electors;" and the committee more readily arrived at this conclusion from the fact that it was of short duration, and, at the instance of prominent citizens of the town of Nicholasville, was subjected to easy control. During the riot the election was adjourned, by proclamation, to another house in the precinct; and so soon as the riot had ceased, the officers, after proclaiming the fact, returned to the original place of voting, and, after receiving the votes of several persons, closed the polls according to law; and although there is some evidence, in the nature of hearsay, that seven or eight qualified electors were intimidated from voting by reason of said riot, there was no evidence of a positive character that such was the case.

CHANGE OF CLERK.

The testimony showed that the clerk of the election at the Court-house precinct, in the city of Lexington, was changed while the election was being held; but the proof shows, further, that he was slow with his pen, complained of being unwell, and, on these accounts, at his own request, was relieved, and another substituted in his place. The committee failed to see anything wrong in this.

Bribery.

A large number of witnesses were summoned to testify before the committee on the question of bribery, which grew out of reports in the Mortonville district, of Woodford county, to the effect that William C. Goodloe had promised to procure the dismissal of certain indictments pending in
the United States District Court, against certain citizens of that precinct, in the event they voted for him, and used their influence to secure his election. It is but just to Mr. Goodloe that the committee should say that there was no evidence whatever connecting him with any such transaction; nor, indeed, was there any proof that such inducements or promises had been held out by any one for him of the character mentioned.

QUALIFICATIONS OF THE CANDIDATES.

The Constitution of the State provides that "No person shall be a Senator who, at the time of his election, is not a citizen of the United States, has not attained the age of thirty years, and who has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen." A copy of a power of attorney, dated 11th day of January, 1868, signed by Edmund Wooldridge, containing these words, "Know all men that I, Edmund Wooldridge, of New Orleans, Louisiana, have appointed," &c. The copy of a record on file in the Woodford Circuit Court, from the Seventh District Court, Parish of Louisiana, wherein Edmund Wooldridge was plaintiff, and Jeremiah Wilson defendant, filed in June, 1869, contains these words: "The petition of Edmund Wooldridge, residing in this city" (New Orleans). A copy of a deed from the Woodford County Court Clerk's office, bearing date 28th day of February, 1872, and signed by Edmund Wooldridge, among other things, has this recital: "Between Edmund Wooldridge and Bettie Moss, his wife, of New Orleans, Louisiana," &c, &c. Col. Wooldridge was examined by the committee, and testified that he has regarded Woodford county as his home since 1861, and "has never voted in the city of New Orleans during that time, or claimed it as his residence. The committee thought it but just to him that his statement should be given a place in the report, and did not deem it necessary to express an opinion on the point raised by the proof.

EVIL PRACTICES AT THE POLLS.

The proof shows very many evil practices indulged in at the polls, which deserve the condemnation of every good citizen, and which, if the laws on the subject were properly executed, would meet with severe punishment; but they are indulged in by all parties, and are of such a character as not to invalidate an election otherwise legally held.

THE TESTIMONY.

The testimony adduced before the committee was reduced to writing at the time by Mr. D. D. Sublett, the very efficient Sergeant-at-Arms of the Senate, in the absence of a clerk, and is presented with this report.
committee trust that the Senate will suitably reward Mr. Sublett for the extra services rendered by him.

It is proper to say that each and every decision made by the committee on the points involved has been concurred in without a dissenting vote. Every facility has been given the parties to procure the attendance of witnesses, and the most liberal range, consistent with system and law, extended to them in this examination and investigation of all matters in anywise affecting the election.

The result of all the facts is, that W. C. Goodloe received a majority of 38 of the legal votes cast at said election for Senator in the 27th Senatorial District, and is, therefore, entitled to be sworn in as said Senator.

J. F. CLAY, Ch'n,
THOS. W. VARNON,
G. A. C. HOLT,
R. SIMMONS,
WALTER EVANS.

The question was then taken upon the adoption of said report, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


In the negative—none.

Mr. Evans then moved that Mr. Goodloe be sworn in as Senator from the 27th Senatorial District.

Mr. Goodloe appeared and took the oath prescribed by the Constitution, and repaired to his seat.

On motion of Mr. Gatewood,

Ordered, That 500 copies of the report in the Goodloe-Wooldridge election contest be printed for the use of the Senate.

The following bills were reported from the several committees directed to prepare and bring in the same, viz: 
By Mr. Haggard, from the Committee on Claims—
1. A bill for the benefit of Robert Barlow, colored pauper idiot of Hart county.

By Mr. Lindsay, from the same committee—

By Mr. McManama, from the Committee on Courts of Justice—
3. A bill to change the time of holding the Hart county quarterly court.

By same—
4. A bill for the benefit of the judge of the Hart county quarterly court.

By same—
5. A bill to amend section 19, chapter 42, of the General Statutes.

By Mr. Frazer, from the Committee on Banks and Insurance—
6. A bill to amend the charter of the Russellville Banking and Warehouse Company.

By Mr. Clay, from the Committee on the Judiciary—
7. A bill to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 11, 1867, and the several acts amendatory thereto.

By Mr. Hargis, from the same committee—
8. A bill to incorporate a police municipality in Jefferson county.

By same—
9. A bill to incorporate the town of Garnettsville, in Meade county.

By Mr. Barker, from the Committee on Claims—
10. A bill for the benefit of Samuel K. Baird, assessor of Spencer county.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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.

The yeas and nays being required on the passage of the 10th bill in pursuance of a provision of the Constitution, were as follows, viz:
Those who voted in the affirmative, were—

Thos. J. Barker,  John J. Gatewood,  D. H. Lindsay,
John S. Barlow,  D. R. Haggard,  R. B. Lovel,
W. J. Berry,  H. S. Hale,  A. L. Martin,
Robt. A. Briggs,  Thos. F. Hargis,  O. D. McManama,
W. W. Culbertson,  J. W. Hays,  E. W. Turner,
F. W. Darby,  Geo. B. Hodge,  Thos. W. Varnon,
Wm. P. Duvall,  G. A. C. Holt,  W. L. Vories,
P. F. Edwards,  B. W. S. Huffaker,  C. J. Walton,

In the negative—none.

Said bill reads as follows, viz:

WHEREAS, Samuel K. Baird, of Spencer county, in the discharge of his duties as such, in the year 1873, failed to administer the oath as required by law to certain persons, because said persons were non-residents, and absent from the county, but made a correct list of all the taxable property of such persons; and whereas, said assessor failed to return a list of such persons, for which reasons the Auditor adjudged that said assessor was not entitled to draw the amount awarded him by the order of the Spencer county court; now, in order to enable the Auditor to make payment to said assessor for his services for the year 1873, therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Samuel K. Baird, for the sum of two hundred and seventy-seven dollars and eighty-seven cents ($277 87), to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act take effect from and after its passage.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. McManama, from the Committee on Courts of Justice—
An act to abolish the court of common pleas in Union county.

By same—
An act legalizing an order made by the court of claims in Crittenden county.

By Mr. Gatewood, from the Committee on Education—
An act for the benefit of Franklin Female College, in Simpson county.

Reported the same without amendment.

Ordered, That said bills be read a third time.

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

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. Vories, from the Committee on Penitentiary and House of Reform, reported a bill, entitled

A bill to amend chapter 85 of the General Statutes, title "Penitentiary."

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

Said bill was read a second time as follows, viz:  

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Penitentiary house and cells therein as now erected, and as may be hereafter enlarged or altered, shall be appropriated to the purpose of confining such persons as have or shall be sentenced to confinement therein; but the males and females shall be kept separate and apart from each other.

§ 2. To prevent the introduction of contagious disorders into the Penitentiary, every person who is sentenced to hard labor therein shall be washed and cleansed at the discretion of the Prison Physician, and lodged and kept separately, until it shall be certified by the Prison Physician that he is fit to be received among the other prisoners. The Keeper of the Prison shall require each convict, at the discretion of the Prison Physician, to take a bath once a week, or oftener if necessary.

§ 3. Convicts shall, during their confinement, be clothed in coarse materials, comfortable and suited to the seasons of the year, uniform in make and color, so as to distinguish them from citizens. They shall be well fed three times each day, except from first of December to first of March, and twice each day during that time, on plain, common, and healthy diet, including coffee once each day, and vegetables at the discretion of the Prison Physician. So far as their health, age, and sex will allow, they shall be kept at hard labor as many hours each day (except Sundays) as the seasons will permit, allowing forty minutes rest for each meal; but not exceeding eight hours in November, December, and January, nine hours in February and October, and ten hours the residue of the year.

§ 4. No person, except the Keeper, his deputies and servants, Inspector, and Physicians to the Prison, the Governor and members of the Legislature, shall, without the permission of the Governor or Keeper, enter the walls of the Penitentiary, or converse with any convict. The doors of the lodging rooms and cells shall be locked and all light therein extinguished at or before nine o'clock every night.

§ 5. The Keeper shall establish rules and regulations for the government of the convicts, which shall be approved by the Governor, but must not be inconsistent with the law; and one plainly printed copy thereof shall be posted up and kept in each cell and each office of the Prison. In case of disobedience of any convict in performing his duty, or in case of a violation of such rules, the Keeper may inflict, at his discretion, not exceeding ten stripes on the offender, or confine him in a cell not exceeding forty-eight hours for each offense.

§ 6. The walls of the cells and apartments of the Penitentiary house shall be whitewashed with lime and water quarterly. The floors of the cells shall be washed monthly, and as much oftener as the Prison Physician may direct.

§ 7. The Governor shall appoint not exceeding two physicians, who shall be skilled in the profession, to serve as Physicians to the Prison. The Keeper shall furnish them an office for their use in the buildings of
the Prison. One of them shall be the Resident Physician, and the other the Attending Physician of the Institution. The Resident Physician shall live at, or within one half mile of the Institution, and shall give his constant presence at the Prison; shall attend and minister to the sick, give direction to their diet, nursing, and care generally; he shall pass among and examine the convicts every day, and take notice of any failing health in each. If he shall become satisfied that the particular kind of work at which a convict may be engaged is breaking down or destroying his health, he shall notify the Keeper thereof, and suggest a labor that will be less injurious to his health, and the Keeper shall immediately change his services accordingly. He shall also examine and determine when, in humanity, a convict is a fit subject for the Prison Hospital, and order accordingly that either he be put back to work or placed in the Hospital. He shall carefully examine all the shops, cells, houses, privies, dining-rooms, prison yards, cook-rooms, and grounds every day, and give the Keeper such directions as that cleanliness in all the departments shall be secured, and every reasonable precaution observed to prevent sickness. He shall inspect the clothing and diet of the prisoners, as well as also their places of lodging, beds, and bed-clothing, and give notice to the Keeper of such changes in either as he may deem necessary for better securing their health. The Attending Physician shall visit the Prison once every day, and, with the Resident Physician, see and examine every prisoner, all the cells, beds and bedding, all the shops, houses, privies, and prison yards and grounds, and render such counsel and aid to the Resident Physician, for the good of the Institution, as he may deem best; and he shall make such other visits, and render such other service to the Prison, as the Governor or Keeper may direct.

§ 8. When a prisoner has served in the Penitentiary twelve months, and is thereafter discharged, the Keeper shall give him a good suit of clothes suited to the season of the year, including shoes and hat, and one dollar for each twenty miles to the place of conviction by usual route of travel.

§ 9. Persons convicted under the laws of the United States may, when sentenced thereto, be confined in the Penitentiary of this Commonwealth, and the Keeper thereof is required to receive and receipt for such convicts, and when so received, they shall be subject to the same rules and regulations as State convicts; but such convicts shall be received on the terms and conditions proposed by the joint resolution of the Congress of the United States, approved September 23d, 1789. The Keeper may demand and receive, from the proper authorities of the United States, compensation, semi annually, for keeping and supporting such prisoners.

§ 10. The Governor shall, by and with the consent and advice of the Senate, appoint and commission one discreet person as Inspector of the Penitentiary, whose duty it shall be, after being sworn and executing bond as hereinafter provided, to have an office in the Prison buildings, which shall be furnished him by the Keeper. He shall give his constant attention and presence at the Prison; pass about among the prisoners; see and examine their treatment while at work; while preparing for and taking their meals; returning to labor and to their cells. He shall inspect the hospital, cells, and cell-houses, privies, shops, Prison yards and grounds generally, every day, and give notice to the Keeper of every violation of Prison rules; he shall observe, either in Prison guards or servants; and he shall also notify the Keeper of any want of cleanliness or disorder he shall find in any of the Prison departments. He shall take especial notice of how and what precautions are used to guard against escape and injury to
the property of the State. He shall report, in writing, at the end of every month, to the Governor, fully upon all the duties assigned him by this act, and of the police regulations, discipline, and conduct of the institution; and he shall make such other reports as the Governor may require. He shall hold his office two years, unless sooner removed by the Governor.

§ 11. No prisoner shall be punished for disobedience or violation of Prison rules except by the Keeper himself or by another under his express directions, nor shall such punishment be inflicted at all except in the presence of the Inspector or one of the Prison Physicians; and if any one shall wantonly strike, beat, or maltreat, in any way, a prisoner in said Penitentiary, except in the presence of one of said officers and in pursuance to authority from the Keeper as aforesaid, he or they so offending shall be subject to indictment therefor, and, upon conviction, shall be fined in any sum not less than one hundred dollars.

§ 12. If any person shall convey or cause to be conveyed into the Penitentiary any instrument, tool, weapon, or other thing adapted to or useful to aid any convict in making his escape therefrom, with intent to facilitate such escape; and any person who, by any means, aids any convict in his endeavor to escape, whether such escape be effected or attempted or not; and any person who shall forcibly or fraudulently rescue, or attempt to rescue, any convict held in custody under a conviction to imprisonment in the Penitentiary, shall be punished by imprisonment therein not less than one nor more than ten years, and shall be fined five hundred dollars.

§ 13. If the Keeper or any officer, or other person in the Penitentiary, shall voluntarily suffer any convict confined therein to escape, or in any way consents to or aids in such escape, he shall be punished by imprisonment in the Penitentiary for not less than one nor more than ten years, and shall be fined one thousand dollars.

§ 14. No spirituous liquors shall be used or drank in the Penitentiary, or in any of the buildings connected therewith, except only such as may be prescribed as a medicine by one or both of the Prison Physicians or Hospital Steward. If any one shall give or convey to, or cause to be conveyed to, or carry into, or cause to be brought into, any convict while he is a prisoner in the Penitentiary, any spirituous liquors, in violation of this section, he shall be subject to indictment and fined not less than one hundred dollars; and if any person shall drink, or give to another to be drank, any spirituous liquors, in any of the offices, rooms, buildings, or on the prison ground, in violation of this section, he shall be subject to indictment therefor and fined not less than fifty dollars, and if the offender be an officer or employee of said Institution, he shall be fined not less than one hundred dollars.

§ 15. Tobacco shall be furnished to and used by the convicts in such quantities as the Keeper, under the advice of the Prison Physician, may deem proper; but no smoking of tobacco in the Prison is allowed under any pretext whatever.

16. The Governor shall appoint a Chaplain for said Institution, whose duty it shall be to instruct, teach, and preach the Gospel to the convicts, minister to the sick, console the dying, and encourage reformation as far as practicable.

§ 17. The Inspector and Physicians shall each be regularly sworn, before they enter upon the duties of their office, that they will faithfully and truly execute their respective duties assigned them by this act; and the Inspector shall also give bond, with good security, to be approved by the Governor, in the sum of ten thousand dollars, conditioned for the faithful execution of his office, and for a violation recovery bond shall be had in any court having jurisdiction thereof. The bond shall be filed in the Secretary's office. The Prison Physicians shall make, monthly, full reports to
the Governor of all matters pertaining to the Prison required by him; they shall hold their offices for two years, unless sooner removed by the Governor, as shall also the Chaplain.

§ 18. The Inspector, Physicians, and Chaplain shall each swear that they are not interested, directly or indirectly, with the Keeper, or in any contract or manufactory existing or in progress in the Prison, and that they will not become so interested during their continuance in office. The Inspector shall receive an annual salary of eighteen hundred dollars; the Resident Physician an annual salary of fifteen hundred dollars; the Attending Physician an annual salary of seven hundred and fifty dollars, and the Chaplain an annual salary of eight hundred dollars, each payable monthly; and the same shall be paid by the Keeper of the Penitentiary, who shall receive a credit therefor upon his contract for lease of the Institution.

§ 19. The tenth, eleventh, and twentieth sections of chapter eighty-five of the General Statutes, title Penitentiary, are hereby repealed. The fifth section of said chapter is hereby so amended as that the Keeper of the Penitentiary shall be required to pay, instead of eight thousand dollars,

§ 20. The section twelve of said chapter is so amended as that its provisions shall apply to and include the Inspector and Physicians named in this act; and all parts of said chapter in conflict with the provisions of this act are hereby repealed.

§ 21. The Keeper shall, at his own expense, furnish the necessary guards.

§ 22. This act shall take effect from and after March 1st, 1875.

Mr. Haggard proposed to amend said bill by adding thereto the following as an additional section, viz:

The manufacture of bagging and rope shall be positively inhibited in the Penitentiary of this Commonwealth after the first day of March, 1875.

And 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. Haggard and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, John J. Gatewood, B. W. S. Huffaker,
Robert Boyd, Jesse C. Gilbert, T. L. Jefferson,
James F. Clay, D. R. Haggard, D. H. Lindsay,
Walter Evans, G. A. C. Holt,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, Robert Simmons,
John S. Barlow, Thos. F. Hargis, E. W. Turner,
Robert A. Briggs, J. W. Hays, Thos. W. Varnon,
Scott Brown, I. L. Hyatt, W. L. Vories,
W. W. Culbertson, R. B. Lovel, C. J. Walton,
Wm. P. Duvall, A. L. Martin, Ben. J. Webb—20,
P. F. Edwards, O. D. McManama,
Mr. Clay moved to amend said bill by adding the following as an additional section, viz:

That if the General Assembly shall, at any time during the term for which the Keeper of the Penitentiary may be elected at the present term of the General Assembly, deem it necessary to adopt the warden system, then the said Keeper shall yield possession of said Penitentiary to the State, be relieved from all the duties and responsibilities as such Keeper up to the time of delivering possession, and in no event shall he be entitled to any claim against the State for damages, or otherwise, by reason of such change being made.

Mr. Darby moved to amend the amendment proposed by Mr. Clay by adding thereto the following, viz:

And the Keeper shall hold his lease of the Penitentiary, subject to the right of the General Assembly to modify or change the management of same, or to partially or entirely abolish the working of hemp therein.

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

Mr. Vories then moved to amend the amendment proposed by Mr. Clay by adding thereto the following, viz:

And the Commonwealth shall compensate the Lessee for any loss to him sustained by such change, to be adjudged by the Commissioners of the Sinking Fund.

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

The question was then taken on the adoption of the amendment proposed by Mr. Clay, and it was decided in the negative.

Those who voted in the affirmative, were—

W. J. Berry, John J. Gatewood, B. W. S. Huffaker,
James F. Clay, Jesse C. Gilbert, D. H. Lindsay,
W. W. Culbertson, D. R. Haggard, G. W. Swoope,
Walter Evans, G. A. C. Holt,

Those who voted in the negative, were—

Thos. J. Barker, Thos. F. Hargis, O. D. McManama,
John S. Barlow, J. W. Hays, Robert Simmons,
Robt. A. Briggs, I. L. Hyatt, E. W. Turner,
Scott Brown, T. L. Jefferson, Thos. W. Varnon,
William P. Duvall, R. B. Lovel, W. L. Vories,
Mr. Gilbert then proposed to amend said bill as follows, viz:

Amend section 7, line 12, by inserting after the word "accordingly" the following: "If, in his opinion, any particular kind of work or manufacturing shall be detrimental to and destructive of the health of the convicts, he shall notify the Keeper thereof, and no such work or manufacturing shall thereafter be carried on within the Penitentiary"

And 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. Gilbert and Swoope, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Haggard then moved to amend said bill by filling the blank in section 19, line 4, by inserting therein the words "sixteen thousand dollars."

Mr. Vories moved to amend by filling said blank with the words "twelve thousand dollars."

The question was first taken on the amendment proposed by Mr. Haggard, to fill the blank with sixteen thousand dollars, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Thos. J. Barker,  Thos. F. Hargis,  Robert Simmons,  
John S. Barlow,  J. W. Hays,  E. W. Turner,  
Robert A. Briggs,  I. L. Hyatt,  Thos. W. Varnon,  
Scott Brown,  A. L. Martin,  W. L. Vories,  

Mr. McManama then moved the previous question.

And the question being taken, “Shall the main question be now put?” it was decided in the negative.

Mr. Haggard then proposed to amend said bill by inserting the following as a substitute therefor, viz.:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That this act, for the government and discipline of the Kentucky Penitentiary, shall take effect ; and all other laws or parts of laws inconsistent with the provisions of this act be, and the same are hereby, repealed.

§ 2. There shall be appointed by the Governor of Kentucky three Directors of the Penitentiary, one of whom shall hold his office for two years, and two of whom shall hold their offices for four years, from and after their appointment as aforesaid, and till their respective successors shall be appointed and qualified. After the first appointment of Directors, as aforesaid, as the term of office of any Director shall expire, his successor shall be appointed in like manner for the term of four years, and until his successor shall be appointed and qualified. Whenever any vacancy shall occur in the office of Director by death, resignation, or otherwise, the Governor shall appoint a person to fill such vacancy. But no person shall be eligible to the office of Director who is a contractor in the Penitentiary, or who is interested, either directly or indirectly, in any branch of business carried on in said Institution; and if any Director shall become interested during his term of office, such interest shall vacate his office, and a successor may be immediately appointed.

§ 3. Before any Director shall enter upon the duties of his office, he shall take and subscribe an oath or affirmation to support the Constitution of the United States and the Constitution of Kentucky, and to faithfully and diligently discharge the duties of said office, according to law. Said Directors shall receive, as a compensation for the services required of them, the sum of two hundred and fifty dollars ($250) per annum, payable in equal quarterly payments, to be paid out of the State Treasury, on the order of the Auditor of State. At the first meeting of said Board of Directors under this act, they shall choose one of their number President of their Board, and he shall hold his office of President and Director for two years; and after the expiration of the time for which he was so elected, the Board of Directors shall again elect one of their number as President, and biennially thereafter.

§ 4. The Governor shall appoint a Warden, who shall hold his office for the term of four years, unless sooner removed by the Governor for cause, which cause shall be entered upon the journal of the Institution. The Warden shall receive, as compensation for his services, such yearly salary, not exceeding sixteen hundred dollars ($1,600), and the use of the house, garden, and stable belonging to the State, and connected to the Prison, as to the Directors may appear reasonable, to be paid quarterly out of the State Treasury, on the order of a majority of the Directors. The Warden
shall take and subscribe an oath or affirmation to support the Constitution of the United States and of Kentucky, and that he will faithfully and impartially discharge the duties of his office; and he shall give bond to the State of Kentucky, in the sum of thirty thousand dollars, with at least five sureties, who shall be freeholders within this State, and not contractors within the State Prison, to be approved by the Directors, conditioned for the faithful performance of the several duties which may be required of him by law, which bond said Directors shall deposit in the office of the Treasurer of State, in the care of said Treasurer.

§ 5. The Warden, by and with the advice of the Directors, shall have the power to appoint a Deputy Warden, Clerk, and such number of Assistant Keepers as the Directors may deem necessary; all of whom shall be men of good moral character, and shall take and subscribe an oath or affirmation to support the Constitution of the United States and State of Kentucky, and faithfully to discharge their respective duties; and such Deputy Warden and Clerk shall give bond to the State of Kentucky, in the sum of ten thousand dollars each, with such freeholders (not contractors in said Prison) as the Directors may approve, which bond shall be conditioned for the faithful performance of their respective duties, and shall be deposited with the Treasurer of State. All the said officers shall be subject to such by-laws and rules as may be prescribed by the Directors for the government of the Prison. The Directors shall appoint a Physician, who shall reside near the Penitentiary, and whose duty it shall be to attend to all cases of sickness among the convicts, visit the Prison at least once each day, and have a general sanitary oversight of the Prison, and to report to the Directors as often as they may require it, concerning the health and condition of the prisoners.

§ 6. The Physician shall receive, as an annual compensation for his services, a sum not exceeding fifteen hundred dollars ($1,500), to be fixed by the board of directors. The clerk shall receive an annual compensation for his services not exceeding one thousand dollars ($1,000), to be fixed by the directors. The deputy warden shall receive an annual compensation for his services not exceeding seven hundred and fifty dollars ($750), to be fixed by the directors. The moral instructor, hereinafter provided for, shall receive an annual compensation for his services not exceeding five hundred dollars, to be fixed by the directors. If any person so employed shall receive any compensation or reward of any description, from any contractor, to promote the interest or advantage of such contractor, or shall make use of any property of any description belonging to the Penitentiary, for their own private purposes, unless the same shall have been first paid for, or charged on the regular books in the office of the institution, at a price agreed upon with the warden and directors, such person shall be deemed guilty of misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and be imprisoned in the county jail not exceeding sixty days, and shall be discharged from office. If any officer or employee procure the escape of any convict, connive at, or aid or assist in the escape or attempt at escape of any convict from the Penitentiary, whether such convict escape or not, he shall, upon conviction thereof, be confined at hard labor in the Penitentiary for any time not less than one or more than three years. The term of service and imprisonment of every convict shall commence from the day of his conviction and sentence.

§ 7. It shall be the duty of the wardens and directors to appoint a moral instructor, who shall hold his office during the pleasure of the directors. The moral instructor shall be competent to teach the rudiments
of an English education, and shall reside near the Penitentiary, and devote his whole time and ability to the interests of the convicts confined therein; and shall, in addition to his other duties and services, teach such of the convicts as the warden may send to him for that purpose, the art of reading, writing, arithmetic, and geography, at such hours as may be found most conducive to the interest of the institution. He shall also superintend the mental and moral improvement of the convicts, instruct them once every Sabbath, visit them when sick, have charge of the library, and superintend the distribution and use of the books, and adopt such other means for the reformation of the convicts as he, the warden, and directors, may deem expedient.

§ 8. It shall be the duty of the clerk to keep a fair, regular, and systematic account with the State, crediting the same with all moneys drawn out of the Treasury for the use of the prison, and with all moneys received from the sale of manufactured articles, and charging the same with all moneys paid out on account of the institution. He shall also keep a regular account with all contractors within the prison, and of all purchases made by the Warden for the use of the Institution, and of the amount of sales of the manufactured and other articles; and also of the name, age, and general description of each prisoner, and the crime for which he has been convicted, and every circumstance connected with his or her case, which may be deemed of importance by the Directors, and to keep all such other accounts as the Directors may require or direct.

§ 9. The Directors shall, in turn, every two weeks, and in company every two months, attend at the State Prison, inspect the Warden's accounts, the different apartments of the Prison, and the condition of the prisoners. They shall annually, in the month of December, submit to the Governor a report of the progress and condition of the Prison, together with suggestions as to the improvements which may to them seem necessary. It shall be their duty to hear and examine into any complaints of any of the prisoners, and to give the Warden such counsel and instruction as they may deem proper. It shall also be their duty to repair to the Prison in any emergency, when called upon by the Warden, and to render him such aid and support as they may think needful.

§ 10. The convicts may be levied in any number, not exceeding one hundred in any one contract, in such manner as the Directors in their judgment may consider to be most conducive to the interests of the State. All contracts for working convicts shall be given to the highest and most responsible bidder. The Directors shall cause such notice to be given by publication of the time and place of letting to hire said convicts, as they may deem most beneficial to the State. All contractors shall be required to give security to the State for the faithful performance of their contracts, in such amount as the directors, in their judgment, may think proper. In allotting convicts whose labor may be thus contracted for, the Warden shall do it in such manner as he shall consider will give the convicts such knowledge of such mechanical arts as will be most conducive to his interest after his discharge.

§ 11. It shall be the duty of the Directors and Warden so to make all contracts as to permit the convicts to have a certain amount of labor allotted to them each day for a day's work, and the time gained, after the performance of the task, may be occupied in labor for the contractor at the same rate the contractor pays the State for the same work, or at such rate as the Warden and contractor may agree upon. If any convict, who shall have made over-work, shall, for any cause, be unable to make full work on any other day, or days, no deduction shall be made from his
over work earnings on that account. The money so earned shall be collected by the Warden for the convict in like manner as the money due the Institution from the contractors, with the exception of the allowance of any credit; and the Warden shall permit the convict to send the amount so earned to his family, or near relatives, or retain it in the office of the Institution for the use of the convict during his confinement, or when his term expires. An accurate account of all such moneys received, from whom, the time when, the amount received, and to whom payable, shall be kept by the Clerk, under the direction of the Warden, in a book provided for that purpose; and the Warden shall account for the amount of all moneys so received in the same manner that he does for other funds of the Institution.

§ 12. It shall be the duty of the Warden, so far as it is practicable, in all contracts for the labor of convicts, to classify the convicts according to their age, disposition, and moral character. Every convict who cannot read and write shall be sent to the school room at such times, other than working hours, as the Directors and Warden may see fit, and the Moral Instructor shall instruct them in those branches, and any other branches he may think best. It shall be the duty of the Directors to make provision, at the earliest practicable period, for lighting the cells in said prison.

§ 13. The Warden shall attend to the purchasing of all articles for the Institution: provisions, medicines, materials for buildings or repairs—said materials to be manufactured in the Penitentiary—and he shall, have charge of the whole operations of the Institution, and shall be its executive officer. But no contract or purchase shall be made wherein any of the Directors or officers of the Institution are interested.

§ 14. All moneys due the Institution shall be paid to the Warden, who shall pay over the same to the Treasurer of State at the close of each quarter of the year, and such moneys shall be certified into the Treasury as other moneys are. A full and detailed statement of all such moneys received and paid over to the Treasurer of State shall be made out by the Warden at the close of each quarter of the year, and deposited with the Auditor of State. All accounts for claims against the Penitentiary for salaries, provisions, medicines, repairs, buildings, fuel, &c., shall be drawn on the order of the Warden, countersigned by at least one of the directors, and presented to the Auditor of State, who shall examine and adjust the same, and if found correct, shall issue his warrant, payable at the State Treasury, for the sum which shall be found due, specifying in each bill the date of its issue, the name of the person to whom payable, and the appropriation from which it is to be paid.

§ 15. It shall be the duty of the Warden to provide each convict with a clean straw, shuck, or moss mattress, an iron bedstead, and sufficient covering at all times to protect him from the inclemency of the seasons, and also with garments of a coarse material suited to, and sufficient for, the season. He shall furnish to each prisoner a sufficient amount of coarse and wholesome food, giving to each adult person not less than three quarters of a pound of clear beef, pork, or other meat, each day, with a sufficiency of vegetables and bread, with such alteration in the kind and manner of the preparation of food as in the opinion of the Physician shall be most conducive to the health of the prisoners. All convicts shall, so far as may be consistent with their age, sex, and ability, be kept at hard labor, in such manner as the Warden shall deem most advantageous to the State, not inconsistent with this act, and under such rules and regulations as the directors may, from time to time, prescribe. The pris-
oners shall, at all times, be kept as much as possible separate, and with as little intercourse with each other as the nature of their employment will permit.

§ 16. It shall be lawful for the Warden to use such kinds of punishment for the violation of the rules of the Prison as, in his judgment, in each particular case, be best adapted to accomplish the purposes of such punishment: Provided, That such punishment shall not be extreme or unusual in its character. It shall be the duty of all officers of the Penitentiary to demean themselves in as kind, humane, and forbearing manner towards the prisoners, as is consistent with the enforcement of a strict discipline and submission of the prisoners. One or more guards shall patrol said prison at least twice in every hour during the night, and until the return of the hour of labor in the succeeding morning.

Rules for the government and discipline of the Prison shall be enacted by the Directors and Warden, which shall be printed and posted up in each cell of the Prison, and otherwise published, so that each prisoner shall know them; and the Warden and his Assistants shall be responsible for the observance and enforcement of such rules and regulations. All the officers shall hold their respective offices until their successors shall have been appointed and qualified.

§ 17. Every convict who shall have served six months, or more, when discharged, shall be furnished with five dollars in money. Every article of value which any convict may have in his possession when delivered into the custody of the Warden, shall be carefully preserved by the Warden, and again delivered to such criminal when discharged. No vinous, fermented, or spirituous liquors, except where prescribed by the Physician, shall be introduced, or bartered, or sold to any of the convicts; and any person offending against the provisions of this section shall forfeit and pay a sum not exceeding fifty dollars, to be recovered in any action of debt, at the suit of the Warden, before any court of competent jurisdiction, to be applied to the use of the Institution; and if such offender is an officer of the Penitentiary, his office shall be vacated, and a successor immediately appointed. In all prosecutions in behalf of the State Prison the style shall be, "The Commonwealth of Kentucky against C D for the benefit of the State Prison."

§ 18. The Physician shall have charge of the infirmary, and whenever any convict shall be considered by the Attending Physician so unwell as to require removal from work, such convict shall be placed in the infirmary, there to remain until the Physician shall report to the Warden that such convict is in a condition to be removed from said infirmary, when the Warden shall order such convict back to his or her former labor.

§ 19. The Auditor of State shall keep a regular account with the Warden, charging him with all money paid on account of the Institution, and crediting him with all money paid into the Treasury, on production of the Treasurer's receipt for said payments. It shall be the duty of the Auditor to make out an abstract of all such accounts up to the 1st day of January annually, and report the same to the Governor, to be by him laid before the General Assembly, at the next session thereof. The books of the Clerk and Warden shall be open at all times for the inspection of the Directors of the Prison, and copies of any portion of said books, certified under the hand and seal of either of the Directors, shall be good evidence in a suit against the Clerk or Warden, or their securities.

§ 20. If a convict shall deport him or herself, committing no outbreak, or violating none of the rules of the Institution, and so as to merit the confidence of the managers, and by such good conduct shall escape corpo-
real punishment, he or she shall receive in money ten dollars upon the expiration of their term of confinement; and for each of the years of their confinement that they shall, by such good conduct, escape corporeal punishment, there shall be deducted, for every such year, twenty days out of the time for which they were confined.

§ 21. There shall be charged ten cents for each and every visitor to the Institution, except members of the General Assembly and public officers of the Commonwealth, and this money shall be set apart for the purchase of books for the Prison Library. These disbursements to be made by the joint consent and judgment of the Warden, Directors, and Moral Instructor.

§ 22. There shall be no feeding swine, or other animals, stabling horses, or butchering animals within the walls of the Prison.

§ 23. No prisoner shall be received by the Warden until a complete certificate of conviction, regularly made out by the clerk of the court where the prisoner was tried and convicted, be presented to him, signed by the clerk of said court, which certificate shall set forth the crime for which he or she shall have been convicted.

§ 24. No convict shall, at any time, be employed outside the Prison only in procuring materials, provisions, &c., for the immediate use of the Prison; but they are not to be used for any such purpose by a contractor, or in any way for his benefit.

§ 25. Be it further enacted, That a schedule of all the raw materials and other property which may fall to the State, on a final settlement with the present Lessee, shall be set apart and be handed over to the said Directors and Warden as a fund for the more efficient and profitable management of the Penitentiary. This property and materials shall be only such as are suited to the use of the Prison, and shall be valued by three Commissioners, to be appointed by the Governor, who shall take and subscribe an oath or affirmation that they will fairly and impartially value said property and materials at a fair wholesale cash value, and that they will pass upon no article but such as shall be found suited to the use of the Penitentiary. The Directors and Warden, so soon as they shall enter upon the discharge of their duties, shall take and subscribe an oath or affirmation that they will fairly and impartially value said property and materials at a fair wholesale cash value, and that they will pass upon no article but such as shall be found suited to the use of the Penitentiary. The Directors and Warden, so soon as they shall enter upon the discharge of their duties, shall take and subscribe an oath or affirmation that they will fairly and impartially value said property and materials at a fair wholesale cash value, and that they will pass upon no article but such as shall be found suited to the use of the Penitentiary. The Directors and Warden, so soon as they shall enter upon the discharge of their duties, shall take and subscribe an oath or affirmation that they will fairly and impartially value said property and materials at a fair wholesale cash value, and that they will pass upon no article but such as shall be found suited to the use of the Penitentiary. The Directors and Warden, so soon as they shall enter upon the discharge of their duties, shall take and subscribe an oath or affirmation that they will fairly and impartially value said property and materials at a fair wholesale cash value, and that they will pass upon no article but such as shall be found suited to the use of the Penitentiary.

§ 26. The manufacture of hemp is positively prohibited in this Institution.

And 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. Haggard and Hays, were as follows, viz:

Those who voted in the affirmative, were—

James F. Clay, 
F. W. Darby, 
Walter Evans, 
John J. Gatewood, 
Jesse C. Gilbert, 
D. R. Haggard, 
G. A. C. Holt,

Those who voted in the negative, were—

Thos. J. Barker, 
John S. Barlow, 
W. J. Berry, 
P. F. Edwards, 
W. W. Frazer, 
Thos. F. Hargis, 
B. W. S. Huffaker, 
D. H. Lindsay, 
G. W. Swoope—10. 
A. L. Martin, 
Robert Simmons, 
E. W. Turner,
Mr. Vories then proposed to amend said bill by striking out section 25, and inserting the following in lieu thereof, viz:

§ 25. This act shall take effect from and after its passage, except so much thereof as applies to the rental of the Penitentiary, which shall not take effect till after the 1st day of March, 1875.

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

Mr. Barker then moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the affirmative.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

| Thos. J. Barker, | W. W. Frazer, | R. B. Lovel, |
| Robert Boyd, | John J. Gatewood, | A. L. Martin, |
| Robert A. Briggs, | Jesse C. Gilbert, | O. D. McManama, |
| Scott Brown, | D. R. Haggard, | Robt. Simmons, |
| James F. Clay, | Thos. F. Hargis, | G. W. Swoope, |
| W. W. Culbertson, | J. W. Hays, | E. W. Turner, |
| F. W. Darby, | G. A. C. Holt, | Thos. W. Varnon, |
| William P. Duvall, | B. W. S. Huffaker, | W. L. Vories, |
| P. F. Edwards, | I. L. Hyatt, | C. J. Walton, |

In the negative—none.

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

Mr. Hargis then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Turner moved to lay said motion on the table.

Which was adopted.

The Senate, according to order, took up for consideration a bill, entitled

32-s.
A bill to regulate the transportation of freights over railroads in this Commonwealth.

Mr. McManama proposed an amendment to said bill.
Which was adopted.

Mr. Vories proposed an amendment to said bill.
Which was rejected.

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

The constitutional provision 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. McManama, from the Committee on Courts of Justice, to whom was referred a bill from the House of Representatives, entitled

An act to increase the jurisdiction of justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties,
Reported the same, with the expression of opinion that said bill ought not to pass.

Sundry amendments were proposed to said bill.
Pending the consideration of which,
On motion of Mr. Martin,

Ordered, That said bill and pending amendments be recommitted to the Committee on Courts of Justice.

Mr. Walton, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of George Carter, committee for J. B. Salter, a lunatic of Lawrence county.
Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer in favor of George Carter, committee for J. B. Salter, a lunatic of Lawrence county, for the sum of two hundred dollars, being the amount due said Carter as aforesaid up to and including the 22d day of November, 1873.

§ 2. This act to take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:
Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, T. L. Jefferson,
John S. Barlow, Jesse C. Gilbert, D. H. Lindsay,
W. J. Berry, W. C. Goodloe, R. B. Lovel,
Robert Boyd, D. R. Haggard, A. L. Martin,
Robt. A. Briggs, H. S. Hale, O. D. McManama,
W W. Culbertson, Thos. F. Hargis, Robt. Simmons,
F. W. Darby, J. W. Hays, E. W. Turner,
Wm. P. Duvall, Geo. B. Hodge, Thos. W. Varnon,
P. F. Edwards, G. A. C. Holt, W. L. Vories,
Walter Evans, B. W. S. Huffaker, C. J. Walton,

In the negative—none.

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

Mr. Darby, from the Committee on Courts of Justice, to whom was referred leave to bring in a bill, entitled

A bill to increase the jurisdiction of the justices of the peace in Wayne and Pulaski counties,

Asked to be discharged from the further consideration of the same.

Which was granted.

And then the Senate adjourned.

THURSDAY, JANUARY 15, 1874.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the city of Newport, in Campbell county:

An act to amend section 77, article 1, chapter 2, of the Civil Code of Practice.

An act for the benefit of John Allen, of the city of Louisville.

The following petitions were presented, viz:

By Mr. Simmons—

1. The petition of sundry citizens of Kenton county, asking re-
moval of a toll-gate on the Covington and Independence Turnpike Road.

By Mr. Haggard—

2. The petition of sundry citizens of Creelsboro, Russell county, praying the passage of an act to prohibit the sale of spirituous liquors.

By Mr. Hale—

3. The petition of sundry citizens of Moscow, in Hickman county, praying an act submitting a vote to the town, in relation to the sale of spirituous liquors.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on the Judiciary, and the 2d and 3d to the Committee on Religion and Morals.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon County;
An act to amend the charter of the Central Savings Bank of the city of Louisville;
Resolution directing the reinterment of the remains of Christopher Greenup and George Madison, and the erection of a monument over their graves;
Also a bill, which originated in the House of Representatives, entitled
An act allowing the netting of fish in Sinking creek, in Breckinridge county,
And had found the same truly enrolled.

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 approval and signature.

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

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

On motion of Mr. Lindsay—
1. A bill authorizing the Gallatin county court to borrow money.

On motion of Mr. Boyd—
2. A bill for the benefit of Hezekiah McKeehan, committee of Isaac McKeehan, pauper lunatic of Whitley county.
On motion of same—
3. A bill for the benefit of John H. Carrier, late jailer of Laurel county.

On motion of Mr. Evans—
4. A bill to amend the charter of the town of Earlington.

On motion of same—
5. A bill to incorporate the town of St. Charles, in Hopkins county.

On motion of Mr. Edwards—

On motion of Mr. Huffaker—
7. A bill to incorporate the Inter-Cumberland Road Company, in Pulaski and Whitley counties.

On motion of Mr. Frazer—
8. A bill for the benefit of Samuel P. Brandenburg, sheriff of Lee county.

On motion of Mr. Walton—
9. A bill to amend the revenue laws of this Commonwealth.

On motion of same—
10. A bill to amend the charter of the Caverna Deposit Bank, in Hart county.

On motion of same—
11. A bill to change the Hart and Barren county lines, so as to include the residence of B. Mills Parrish in Hart county.

On motion of Mr. Jefferson—
12. A bill to amend and repeal in part an act, entitled "An act to incorporate the Chestnut Street Presbyterian Church, of Louisville."

On motion of Mr. Webb—
13. A bill to amend the charter of Louisville.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st; the Committee on Finance the 2d, 3d, 8th, and 9th; the Committee on Propositions and Grievances the 4th, 5th, and 11th; the Committee on Revised Statutes and Codes of Practice the 6th; the Committee on Internal Improvement the 7th; the Committee on Banks and Insurance the 10th and 13th, and the Committee on Religion and Morals the 12th.

The Speaker appointed Messrs. Edwards, Jefferson, and Martin the committee on the part of the Senate, to take into consideration the matter directed in the resolution, entitled
Resolution in relation to the creation of additional judicial districts.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Committee on Charitable Institutions of the Senate and House are instructed to visit the various charitable institutions in this State, and make report upon their condition. Provided, Not more than two of the Senate and three of the House committee shall visit any one institution.

Mr. Hodge moved the following resolution, viz:

Resolved, That the Attorney General be requested to make examination and inform the Senate, in writing, when the various lottery schemes under which revenue is derived in this State expire by the terms of their legislative grant.

Which was adopted.

Mr. Varnon moved the following resolution, viz:

Resolved, That the Public Printer be directed to print four hundred copies of the Report of the Superintendent of the Deaf and Dumb Asylum at Danville, for the use of the Asylum.

Mr. Vories, from the Committee on Penitentiary and House of Reform, to whom was referred the memorial of the Council of Blue Grass Granges,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Clay moved to reconsider the vote by which the Senate passed, on yesterday, a bill, entitled

A bill to amend an act, entitled “An act to amend and reduce into one the several acts concerning the city of Henderson,” approved February 11, 1867, and the several acts amendatory thereto.

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

Mr. Clay then moved to reconsider the vote by which said bill was ordered to be read a third time.

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

On motion of Mr. Clay,

Ordered, That said bill be recommitted to the Committee on the Judiciary.

The Speaker laid before the Senate the response of Hon. Richard A. Buckner and Hon. Joshua F. Bullitt, Commissioners to Revise the Codes of Practice, in response to a resolution, viz:
To the General Assembly of the Commonwealth of Kentucky:

In response to your resolution requesting us to report what we had done with reference to the revision of the Civil and Criminal Codes of Practice, we report as follows:

From the time of our appointment as Commissioners until the last session of the Legislature, we labored diligently upon said revision, but were unable to complete it. After the report of the Commissioners to Revise the Statutes was made and acted upon by the Legislature, we in great measure suspended our work until we could obtain copies of the General Statutes, so that our report might be made to harmonize with their provisions as far as practicable. These copies were not in our hands until the month of November, 1873, and since that time we have been unable to complete such a report as we believed our duty required of us, or as was satisfactory to ourselves. We expect to be able to complete the report during the present year. You have failed to authorize us to cause our work to be printed, and we feel unwilling to do so without your authority. We would suggest the passage of an act authorizing us to submit our report to the Judges of the Court of Appeals, and if it should be approved by them, to have printed in bill form a number of copies of it sufficient for the use of the Legislature and for distribution among the members of the bar of the State, in order that we may elicit their criticism and obtain their aid in perfecting the work before finally reporting it.

RICH D. A. BUCKNER,
JOS. F. BULLITT.

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

By Mr. Briggs, from the Committee on Internal Improvement—
1. A bill to declare Licking river a navigable stream from the Licking Station to the mouth of Trace Fork, in Magoffin county.

By Mr. Gilbert, from a select committee—

By Mr. Darby, from the Committee on Courts of Justice—
3. A bill for the benefit of Gallatin county.

By Mr. Holt, from the Committee on Finance—
4. A bill in relation to the Auditor and sheriffs of this Commonwealth.

By Mr. Jefferson, from the same committee—
5. A bill to provide means for the erection of public buildings for State purposes, for the purchase of grounds therefor, and for the permanent location of the Seat of Government.

By Mr. Hargis, from the Committee on the Judiciary—
6. A bill to incorporate the Carlisle Academy.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 4th and 5th were ordered to be printed, and
made special orders, the 4th for Monday, 19th inst., and the 5th for Wednesday, 21st inst.

Ordered, That the 1st, 2d, 3d, and 6th bills be engrossed and read a third time.

The constitutional provision 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.

Bills from the House of Representatives, of the following titles, were reported, without amendment, from the several committees to whom they had been referred, viz:

By Mr. Briggs, from the Committee on Internal Improvement—
An act to repeal an act empowering the county court of Mercer county to make subscription to capital stock in turnpike roads in said county.

By Mr. Lindsay, from the Committee on Claims—
An act providing for the payment of money to Eliza A. Taylor, of Owen county.

By Mr. Haggard, from the same committee—
An act for the benefit of David Wheeler, of Clinton county.

Ordered, That said bills be read a third time.

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

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

Mr. Clay, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled
An act to amend the town charter of Harrodsburg, Mercer county, Reported the same without amendment.

Ordered, That said bill be made the special order for to-morrow, 16th inst.

Mr. Turner, from the Committee on Internal Improvement, to whom had been referred a bill from the House of Representatives, entitled
An act to authorize the county court of Lawrence county to fix and establish the width of public roads in said county, Reported the same with an amendment thereto.

Which was adopted

Ordered, That said bill, as amended, be read a third time.
The constitutional provision 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.

The Senate took up for consideration the joint order of the day, being the election of State Librarian and Keeper of the Kentucky Penitentiary.

After an interchange of messages between the two Houses, in relation to their readiness to proceed to the execution of said joint order,

The Speaker announced that nominations for the office of State Librarian were now in order.

Whereupon, Mr. Barlow nominated Gen. Geo. B. Crittenden, of the city of Frankfort, as a suitable person to fill said office.

Mr. Boyd nominated Daniel Murphy, of Garrard county, for said office.

Mr. Hale nominated O. W. Grimes, of Graves county, for said office.

Mr. Brown nominated Jas. M. Crockett, of the city of Frankfort, for said office.

Mr. Barker nominated Jno. E. Kirtley, of the city of Frankfort, for said office.

Mr. Clay nominated J. M. McDougal, of Larue county, for said office.

Messrs. Frazer, Edwards, and Barlow were appointed a committee to inform the House of Representatives of the names of the gentlemen who had been placed in nomination for the office of State Librarian.

A message was received from the House of Representatives, announcing that the same gentlemen, and also Mr. Merideth Martin, of Barren county, had been placed in nomination for said office.

The Senate then proceeded to take a ballot, which stood thus, viz:

Those who voted for Mr. Murphy, were—

W. J. Berry, Walter Evans, B. W. S. Huffaker,
W. W. Culbertson,

Those who voted for Mr. Crittenden, were—

John S. Barlow, Geo. B. Hodge, E. W. Turner,
Robert A. Briggs, I. L. Hyatt, Thos. W. Varnon,
Thos. F. Hargis, Robert Simmons,
Those who voted for Mr. Grimes, were—
F. W. Darby, H. S. Hale, R. B. Lovel,

Those who voted for Mr. Crockett, were—

Those who voted for Mr. Kirtley, were—
Thos. J. Barker, John J. Gatewood, D. H. Lindsay,

Those who voted for Mr. McDougal, were—

Messrs. Jefferson, Evans, and Hale were appointed a committee, to
act in conjunction with a similar committee appointed on the part of
the House of Representatives, to compare the joint vote of the two
Houses for the office of State Librarian.

After a short time, the committee reported that the joint vote of
the two Houses stood thus, viz:

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<tbody>
<tr>
<td>Mr. Crittenden</td>
<td>32</td>
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<td>Mr. McDougal</td>
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<td>Mr. Murphy</td>
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<td>Mr. Grimes</td>
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<td>Mr. Crockett</td>
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<td>Mr. Kirtley</td>
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<td>Mr. Martin</td>
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Total, 132 votes.

Necessary to a choice, 67 votes.

The Speaker then announced that no one having received a ma-
majority of all the votes cast, the Senate would proceed to take a second
vote for the office of State Librarian.

After an interchange of messages between the two Houses, by
which it was ascertained that all of the aforementioned gentlemen
were still in nomination in each House for the office of State Libra-
rian, the Senate proceeded to take a second ballot, which stood thus, viz:

Those who voted for Mr. Murphy, were—
W. J. Berry, W. W. Culbertson, W. C. Goodloe,

Those who voted for Mr. Crittenden, were—
John S. Barlow, George B. Hodge, E. W. Turner,
Robt. A. Briggs, I. L. Hyatt, Thos. W. Varnon,
Thos. F. Hargis, Robert Simmons,
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Those who voted for Mr. Grimes, were—

Jesse C. Gilbert, G. A. C. Holt,

Those who voted for Mr. Crockett, were—


Those who voted for Mr. Kirtley, were—

W. W. Frazer, D. H. Lindsay,

Those who voted for Mr. McDougal, were—

J. W. Hayes,

Those who voted for Mr. Martin, were—


Messrs. Jefferson, Evans and Hale, were again appointed a committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to compare the joint vote of the two Houses, and report the same to the Senate.

After a short time, the committee reported that the joint vote of the two Houses, on the second ballot, stood thus, viz:

For Mr. Murphy, 18 votes.
For Mr. Crittenden, 37 "
For Mr. Grimes, 20 "
For Mr. Crockett, 17 "
For Mr. Kirtley, 19 "
For Mr. McDougal, 15 "
For Mr. Martin, 4 "

Total, 130 "

Necessary to a choice, 66 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would proceed to take a third ballot.

After an interchange of messages between the two Houses, the Senate proceeded to take a third ballot, which stood thus, viz:

Those who voted for Mr. Murphy, were—

W. J. Berry, W. W. Culbertson, W. C. Goodloe,

Those who voted for Mr. Crittenden, were—

John S. Barlow, Geo. B. Hodge, E. W. Turner,
Robert A. Briggs, J. L. Hyatt, Thos. W. Varnon,
Thos. F. Hargis, Robert Simmons,
Those who voted for Mr. Grimes, were—
Jesse C. Gilbert, G. A. C. Holt,
Those who voted for Mr. Crockett, were—
Those who voted for Mr. Kirtley, were—
Thos. J. Barker, D. H. Lindsay, O. D. McManama,
John J. Gatewood,
Those who voted for Mr. McDougal, were—
For Mr. Martin—D. R. Haggard—1.
Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee on the part of the House of Representatives, to compare the joint vote of the two houses on the third ballot for the office of State Librarian, and report the same to the Senate.
After a short time, the committee reported that the joint vote of the two houses, on the third ballot, stood thus, viz:

For Mr. Murphy, - 15 votes
For Mr. Crittenden, - 36 "
For Mr. Grimes, - 21 "
For Mr. Crockett, - 17 "
For Mr. Kirtley, - 20 "
For Mr. McDougal, - 16 "
For Mr. Martin, - 7 "
Total, - 132 "

Necessary to a choice, 67 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would now proceed to take a fourth ballot.

Mr. Gilbert then moved the following resolution, viz:

Resolved, That it is the request of the Senate that after the next ballot for Librarian the name of the candidate receiving the smallest vote, after a comparison of the joint ballot, should be withdrawn.

Which was adopted.

After an interchange of messages between the two Houses, the Senate proceeded to take a fourth ballot, which stood thus, viz:

Those who voted for Mr. Murphy, were—
W. J. Berry, W. W. Culbertson, W. C. Goodloe,
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Those who voted for Mr. Crittenden, were—

John S. Barlow, I. L. Hyatt, E. W. Turner,
William P. Duvall, T. L. Jefferson, Thos. W. Varnen,
George B. Hodge,

Those who voted for Mr. Grimes, were—

Jesse C. Gilbert, G. A. C. Holt,

Those who voted for Mr. Crockett, were—

P. F. Edwards,

Those who voted for Mr. Kirtley, were—

Thos. J. Barker, D. R. Haggard, A. L. Martin,
W. W. Frazer, D. H. Lindsay, W. L. Vories—7.
John J. Gatewood,

Those who voted for Mr. McDougal, were—

James F. Clay,

Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to compare the joint vote of the two Houses, on the fourth ballot, for the office of State Librarian.

After a short time, the committee reported that the joint vote of the two houses, on the fourth ballot, stood thus, viz:

For Mr. Murphy,— 20 votes.
For Mr. Crittenden,— 33 "
For Mr. Grimes,— 22 "
For Mr. Crockett,— 22 "
For Mr. Kirtley,— 20 "
For Mr. McDougal,— 17 "

Total,— 134 "

Necessary to a choice, 68 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would now proceed to take a fifth ballot.

After an interchange of messages between the two Houses, by which it was ascertained that the nomination of Mr. McDougal had been withdrawn in each House, the Senate proceeded to take a fifth ballot, which stood thus, viz:
Those who voted for Mr. Murphy, were—

W. J. Berry, Walter Evans, B. W. S. Huffaker,
W. W. Culbertson,

Those who voted for Mr. Crittenden, were—

John S. Barlow, Geo. B. Hodge, Robert Simmons,
Robert A. Briggs, I. L. Hyatt, E. W. Turner,
Wm. P. Duvall, T. L. Jefferson, Thos. W. Varnon,
J. W. Hays,

Those who voted for Mr. Grimes, were—

James F. Clay, Jesse C. Gilbert, G. A. C. Holt,

Those who voted for Mr. Crockett, were—


Those who voted for Mr. Kirtley, were—

Thos. J. Barker, D. R. Haggard, A. L. Martin,
W. W. Frazer, D. H. Lindsay, W. L. Vories—7.
John J. Gatewood,

Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee on the part of the House of Representatives, to compare the joint vote of the two Houses, on the fifth ballot, for the office of State Librarian, and report the same to the Senate.

After a short time, the committee reported that the joint vote of the two Houses, on the fifth ballot, stood thus, viz:

For Mr. Murphy, — — — — — — — — — 25 votes.
For Mr. Crittenden, — — — — — — — — — 39 "
For Mr. Grimes, — — — — — — — — — 25 "
For Mr. Crockett, — — — — — — — — — 20 "
For Mr. Kirtley, — — — — — — — — — 21 "

Total, — — — — — — — — — 130 "

Necessary to a choice, 66 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would now proceed to take a sixth ballot.

After an interchange of messages between the two Houses, by which it was ascertained that the name of Mr. Crockett had been withdrawn in each House, the Senate proceeded to take a sixth ballot, which stood thus, viz:
Those who voted for Mr. Murphy, were—

W. J. Berry, Walter Evans, B. W. S. Huffaker, 

Those who voted for Mr. Crittenden, were—

John S. Barlow, I. L. Hyatt, E. W. Turner, 
Wm. P. Duvall, T. L. Jefferson, Thos. W. Varnon, 

Those who voted for Mr. Grimes, were—

Jas. F. Clay, H. S. Hale, R. B. Love, 
F. W. Darby, J. W. Hays, O. D. McManama, 

Those who voted for Mr. Kirtley, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay, 
Robt. A. Briggs, John J. Gatewood, A. L. Martin, 

Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee on the part of the House of Representatives, to compare the joint vote of the two Houses, on the sixth ballot, for the office of State Librarian.

After a short time, the committee reported that the joint vote of the two Houses, on the sixth ballot, stood thus, viz:

For Mr. Murphy, 24 votes.
For Mr. Crittenden, 39 votes.
For Mr. Grimes, 28 votes.
For Mr. Kirtley, 13 votes.

Total, 133 votes.

Necessary to a choice, 67 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would now proceed to take a seventh ballot.

After an interchange of messages between the two Houses, the Senate proceeded to take a seventh ballot, which stood thus, viz:

Those who voted for Mr. Murphy, were—

W. J. Berry, Walter Evans, B. W. S. Huffaker, 

Those who voted for Mr. Crittenden, were—

John S. Barlow, J. W. Hays, Robt. Simmons, 
Scott Brown, George B. Hodge, E. W. Turner,
William P. Duvall,  I. L. Hyatt,  Thos. W. Varnon,

Those who voted for Mr. Grimes, were—
Robert A. Briggs,  P. F. Edwards,  G. A. C. Holt,
James F. Clay,  Jesse C. Gilbert,  R. B. Loovel,

Those who voted for Mr. Kirtley, were—
Thos. J. Barker,  D. R. Haggard,  O. D. McManama,
W. W. Frazer,  D. H. Lindsay,  W. L. Vories—8.
John J. Gatewood,  A. L. Martin,

Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to compare the joint vote of the two Houses on the seventh ballot, and report the same to the Senate.

After a short time, the committee reported that the joint vote of the two Houses, on the seventh ballot, stood thus, viz:
For Mr. Murphy, - - - - - - - - - - - - - - - - - - - - 19 votes.
For Mr. Crittenden, - - - - - - - - - - - - - - - - - - - 48 "
For Mr. Grimes, - - - - - - - - - - - - - - - - - - - 39 "
For Mr. Kirtley, - - - - - - - - - - - - - - - - - - - 29 "

Total, - - - - - - - - - - - - - - - - - - - - - - - - - 135 "

Necessary to a choice, 68 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would now proceed to take an eighth ballot.

After an interchange of messages between the two Houses, by which it was ascertained that the name of Mr. Kirtley had been withdrawn in each House, the Senate proceeded to take an eighth ballot, which stood thus, viz:

Those who voted for Mr. Murphy, were—
W. J. Berry,  Walter Evans,  B. W. S. Huffaker,
W. W. Culbertson,

Those who voted for Mr. Crittenden, were—
Thos. J. Barker,  Thomas F. Hargis,  O. D. McManama,
John S. Barlow,  J. W. Hays,  Robert Simmons,
Robert A. Briggs,  Geo. B Hodge,  E. W. Turner,
Scott Brown,  I. L. Hyatt,  Thos. W. Varnon,
Wm. P. Duvall,
Those who voted for Mr. Grimes, were—

F. W. Darby, D. R. Haggard, R. B. Lovel,
P. F. Edwards, H. S. Hale, A. L. Martin,
W. W. Frazer, G. A. C. Holt, G. W. Swoope,

Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to compare the joint vote of the two Houses, on the eighth ballot, for the office of State Librarian, and report the same to the Senate.

After a short time, the committee reported that the joint vote of the two Houses, on the eighth ballot, stood thus, viz:

For Mr. Murphy, - - - - - - - 21 votes.
For Mr. Crittenden, - - - - - 54 "
For Mr. Grimes, - - - - - 57 "

Total, - - - - - - - 132 "

Necessary to a choice, 67 votes.

The Speaker then announced that no one having received a majority of all the votes cast, the Senate would proceed to take a ninth ballot.

Mr. Goodloe then moved that the Senate do now adjourn.

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

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

Those who voted in the affirmative, were—

John S. Barlow, Wm. P. Duvall, Geo. B. Hodge,
Robert Boyd, Walter Evans, B. W. S. Huffaker,

Those who voted in the negative, were—

Thos. J. Barker, Jesse C. Gilbert, A. L. Martin,
W. J. Berry, D. R. Haggard, O. D. McManama,
Robert A. Briggs, H. S. Hale, Robt. Simmons,
Scott Brown, Thomas F. Hargis, G. W. Swoope,
James F. Clay, J. W. Hays, E. W. Turner,
F. W. Darby, I. L. Hyatt, Thos. W. Varnon,
P. F. Edwards, T. L. Jefferson, W. L. Vories,
John J. Gatewood, R. B. Lovel,

34-s.
After an interchange of messages between the two Houses, by which it was ascertained that the nomination of Gen. Crittenden had been withdrawn in each House, the Senate proceeded to take a ninth ballot for the office of State Librarian, which stood thus, viz:

Those who voted for Mr. Murphy, were—

Robert Boyd,  Walter Evans,  B. W. S. Huffaker,

Those who voted for Mr. Grimes, were—

Thos. J. Barker,  Jesse C. Gilbert,  R. B. Lovel,
John S. Barlow,  D. R. Haggard,  A. L. Martin,
Robt. A. Briggs,  H. S. Hale,  O. D. McManama,
Scott Brown,  Thos. P. Hargis,  Robt. Simons,
Jas. F. Clay,  J. W. Hays,  G. W. Swoope,
F. W. Darby,  Geo. B. Hodge,  E. W. Turner,
Wm. P. Duvall,  G. A. C. Holt,  Thos. W. Varnon,
P. F. Edwards,  I. L. Hyatt,  W. L. Vories,
W. W. Frazer,  T. L. Jefferson,  Ben. J. Webb—29,
John J. Gatewood,  D. H. Lindsay,

Messrs. Jefferson, Evans, and Hale were appointed a committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to compare the joint vote of the two Houses, on the ninth ballot, for the office of State Librarian, and report the same to the Senate.

After a short time, the committee reported that the joint vote of the two Houses, on the ninth ballot, stood thus, viz:

For Mr. Grimes, - - - - - - - - - - - 99 votes.
For Mr. Murphy, - - - - - - - - - - - 24 "

Total, - - - - - - - - - - - - 123 "

Necessary to a choice, 62 votes.

The Speaker then announced that Mr. O. W. Grimes, of Graves county, having received a majority of all the votes cast, was declared duly elected State Librarian for two years from this date.

The Speaker then announced that nominations for the office of Keeper of the Kentucky Penitentiary were now in order.

Whereupon, Mr. Brown nominated J. W. South, of Franklin county, as a suitable person to fill said office.

Mr. Gilbert nominated H. B. Lyon, of Lyon county, for said office.

Mr. Boyd nominated Daugherty White, of Clay county, for said office.

Messrs. Turner, Martin, and Lovel were appointed a committee to inform the House of Representatives of the names of those gentle-
men who had been placed in nomination in the Senate for the office of Keeper of the Kentucky Penitentiary.

A message was received from the House of Representatives, announcing that the same gentlemen had been placed in nomination in the House of Representatives for the same office.

The Senate then proceeded to take a ballot, which stood thus, viz:

Those who voted for Mr. South, were—

Thos. J. Barker, Thos. F. Hargis, O. D. McManama,
John S. Barlow, J. W. Hays, Robert Simmons,
Robert A. Briggs, Geo. B. Hodge, G. W. Swoope,
Scott Brown, I. L. Hyatt, E. W. Turner,
Wm. P. Duvall, T. L. Jefferson, Thos. W. Varnon,
P. F. Edwards, R. B. Lovel, W. L. Vories,
John J. Gatewood.

Those who voted for Mr. Lyon, were—

James F. Clay, Jesse C. Gilbert, H. S. Hale,

Those who voted for Mr. White, were—

W. J. Berry, Walter Evans, B. W. S. Huffaker,
W. W. Culbertson,

Messrs. Holt, Simmons, and Boyd were appointed a committee, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to compare the joint vote of the two Houses for the office of Keeper of the Penitentiary.

After a short time, the committee reported that the joint vote of the two Houses stood thus, viz:

For Mr. South, — — — — — — 74 votes.
For Mr. Lyon, — — — — — — 20 "
For Mr. White, — — — — — — 24 "
For Mr. Steele, — — — — — — 6 "
For Mr. Samuel, — — — — — — 3 "

Total, — — — — — — 127 "

Necessary to a choice, 64 votes.

The Speaker then announced that Mr. J. W. South, of Franklin county, having received a majority of all the votes cast, was declared duly elected Keeper of the Kentucky Penitentiary for four years from the first day of March, 1875.

And then the Senate adjourned.
FRIDAY, JANUARY 16, 1874.

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 a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to repeal an act to authorize the board of trustees of the town of Lebanon to issue bonds, and make provision for the payment of the same.

An act for the benefit of Simon Humphrey, late sheriff of Nelson county, and his sureties.

An act for the benefit of F. K. Beaven, sheriff of Marion county, and securities.

An act for the benefit of the litigants in the Fayette circuit court.

An act for the benefit of W. H. Hamilton.

An act to change the boundary line between the counties of Jefferson and Oldham.

An act to apply to Fayette and Jessamine counties the provisions of an act approved March 5th, 1872, entitled "An act to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads."

An act for the benefit of John H. Bush, of Hardin county.

An act to amend the charter of the town of Sharpsburg, in Bath county, approved January 9, 1852.

An act for the benefit of Harrison Lay, of Breckinridge county.

An act to increase the jurisdiction of justices of the peace of Logan county.

An act for the benefit of the clerks of the several courts of this Commonwealth.

An act providing that the failure of the sheriff of McCracken county to execute bond for collection of the revenue shall not forfeit his office of sheriff.

An act to amend an act, entitled "An act to incorporate the Cynthiana and Millersburg Turnpike Road Company."

An act to renew the charter of the Alexandria and Flagg Spring Turnpike Road Company, in Campbell county.
An act to authorize the county court of Livingston county to levy an additional poll and ad valorem tax for bridge and road purposes.

An act for the benefit of C. G. Ragan, late sheriff of Montgomery county, and securities.

Resolution fixing a day for the election of certain public officers. That they had passed bills of the following titles, viz:
1. An act for the benefit of the estate of T. Jack Conn, late clerk of the Jefferson county court.
2. An act for the benefit of Clinton county.
3. An act to authorize the trustees of Albany, in Clinton county, to sell certain streets in said town.
4. An act for the benefit of L. D. Padgett, of Pulaski county.
5. An act to authorize the presiding judge of the Bath county court to sue for the taxes due or which may become due said county.
6. An act to repeal an act, entitled “An act declaring certain portions of Round Stone creek, in Rockcastle county, a navigable stream,” approved April 24th, 1873.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st and 5th to the Committee on Courts of Justice; the 2d, 3d, 6th, and 7th to the Committee on Propositions and Grievances, and the 4th to the Committee on Claims.

The following petitions and remonstrance were presented, viz:
By Mr. Barlow—
1. The petition of Salem Church, in Barren county, in relation to amending the charter of the Kentucky University.

By Mr. Hargis—
2. The petition of sundry citizens and Good Templars of Nicholas county, praying the passage of a prohibitory liquor law.

By Mr. Berry—
4. The remonstrance of sundry citizens of Butler county, against the formation of a new county out of parts of Butler and other counties.
Which were received, the reading dispensed with, and referred—the 1st to the Committee on the Judiciary; the 2d to the Committee on Religion and Morals, and the 3d to the Committee on Propositions and Grievances.

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

On motion of Mr. Hyatt—
1. A bill for the benefit of the Bank of America.

On motion of Mr. Haggard,
2. A bill for the benefit of the sheriff of Cumberland county.

On motion of Mr. Swoope—
3. A bill for the benefit of Colsten Crabtree, of Daviess county.

On motion of Mr. Vories—
4. A bill to repeal an act to amend the charter of the Bank of New Castle.

On motion of Mr. Culbertson—
5. A bill for the benefit of John H. Eastham, late sheriff of Boyd county.

On motion of Mr. Barlow—
6. A bill to repeal an act, entitled "An act to charter the Barren County Bank."

On motion of same—
7. A bill to increase the capital stock of the Deposit Bank of Glasgow.

On motion of Mr. Barker—
8. A bill to repeal the ten per cent. conventional rate of interest, and renew the six per cent. rate of interest.

On motion of Mr. Clay—

On motion of Mr. Brown—
10. A bill to provide the Capitol buildings with suitable lightning rods.

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st, 4th, 6th, and 7th; the Committee on Claims the 2d and 5th; the Committee on Finance the 3d; the Committee on Revised Statutes and Codes of Practice and General Statutes the 8th; the Committee on the Judiciary the 9th, and the Committee on Library and Public Offices and Buildings the 10th.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:
An act for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts;
An act to abolish the court of common pleas in Union county;
An act for the benefit of George Carter, committee for J. B. Salter, a lunatic of Lawrence county;
An act legalizing an order made by the court of claims in Crittenden county;
An act for the benefit of Franklin Female College, in Simpson county;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.
After a short time, Mr. Hyatt reported that the committee had performed that duty.
Mr. Jefferson, from the Committee on Finance, reported a bill, entitled
A bill for the benefit of George P. Gillum, sheriff of Logan county.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.
Said bill was read a third time as follows, viz:

WHEREAS, On account of his failure to pay into the Treasury the whole amount of the revenue of eighteen hundred and seventy-two, to the date by the first day of April, eighteen hundred and seventy-three, there was assessed upon George P. Gillum, sheriff of Logan county, five per centum damages, amounting to four hundred and forty-eight dollars and twenty-four cents, which amount he paid into the Treasury; and whereas, at the August term, eighteen hundred and seventy-three, of the Franklin circuit court the further sum of four hundred and twenty dollars and eighty-one cents was adjudged against him and securities for the twenty per cent. damages imposed by law on the balance owing by him, said Gillum, which is still due and unpaid; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of George P. Gillum, sheriff of Logan county, for the sum of four hundred and forty-eight dollars and twenty-four cents, the amount of five per cent. damages charged against him on account of the revenue of eighteen hundred and seventy-two, which he failed to pay by the first of April, eighteen hundred and seventy-three. Provided, That said Gillum shall first satisfy the Auditor, by the sworn statements of himself and deputies, made in open court, that said five per
The resolution on the bill is as follows:

## Section 1

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established a court of justice in and for the Eleventh Judicial District, in this Commonwealth, which shall be known as the Criminal Court for the Eleventh Judicial District; to be a court of record, held by a single judge, who shall have the same qualifications and receive the same salary as the circuit judges of this Commonwealth, which shall be paid him from the State Treasury, in like manner. He shall be a conservator of the peace, and have and exercise all the powers of a circuit judge in criminal and penal cases, issuing and receiving the returns, and hearing writs of habeas corpus; be commissioned and sworn as circuit judges are, and be subject to impeachment and removal in like manner and for like causes.

## Section 2

The judge shall be elected at the August election, eighteen hundred and seventy-four, and continue in office six years. Vacancies shall be filled in the office of said judge as is provided for circuit courts, and the same practice and fees, as far as applicable, shall prevail in said court as in circuit courts; and said court shall have a seal bearing its name and the arms of the Commonwealth.
§ 3. The sheriffs, jailers, coroners, and other ministerial officers of said district shall perform all the duties, in all cases and proceedings in said court, which would otherwise devolve upon them in the circuit court, and they shall be entitled to the same fees therefor; and they and their sureties shall be responsible, on their office bonds, for their acts in said court. The clerks of the circuit courts in the several counties in said district shall perform all the clerical duties of said court, and shall style themselves the clerks of the criminal court for the county in which each of them may be circuit court clerk; and shall be allowed the same fees as they are entitled to for similar services in the circuit court, and shall be held responsible for the faithful discharge of their duties herein. Immediately after the first day of August, eighteen hundred and seventy-four, said clerks shall, without fee, transfer all criminal and penal causes from the docket of the circuit court to the docket of the criminal, in each county, which causes shall thereafter be disposed of in said criminal court, and said circuit court shall no longer have cognizance of any criminal or penal causes, or plea of the Commonwealth, in said district.

§ 4. The said criminal court shall have all the jurisdiction in criminal and penal causes and proceedings which the circuit court have, and which may be conferred upon said courts, and it shall take the place of the circuit courts in the counties of said district in such jurisdiction; and it shall also have concurrent jurisdiction with the circuit court in inquests of lunacy and idiocy, and exclusive of the circuit court in allowing claims connected with the business of said criminal court.

§ 5. The regular terms of said criminal court shall be held as follows, namely:

In the county of Franklin, in Frankfort, commencing on the first Mondays in March, September, and December, to continue twelve juridical days each.

In the county of Trimble, at Bedford, on the third Mondays in March and September, to continue twelve juridical days each.

In the county of Henry, at New Castle, on the third Mondays in April and October, to continue twelve juridical days each.

In the county of Boone, at Burlington, on the first Mondays in April and October, to continue twelve juridical days each.

In the county of Owen, at Owenton, on the fourth Mondays in January and first Mondays in July, to continue twelve juridical days each.

In the county of Grant, at Williamstown, on the first Mondays in May and November, to continue twelve juridical days each.

In the county of Carroll, at Carrollton, on the third Mondays in May and November, continuing twelve juridical days each.

In Gallatin county, at Warsaw, on the first Mondays in June and third Mondays in December, continuing twelve juridical days each.

§ 6. The said court shall extend any of its terms, if the business shall require it, by making an order to that effect on the record at a regular term while in session: Provided, said extension may not interfere with the regular terms in another county; and the court or judge may appoint special terms for any business of the court in the same manner that circuit courts or judges may appoint special terms of such courts. The said criminal court shall have full power to make all proper rules and regulations to facilitate its business, not inconsistent with the Constitution and laws of the State, and its judgments and final orders shall be subject to
appeals in like manner as those of circuit courts; and it shall have full power to attach for and punish contempts of its authority. The Commonwealth's Attorney for said district shall attend each term of said court and represent the Commonwealth and discharge all the duties and be entitled to the same compensation as now provided by law for attending circuit courts.

§ 7. In the selection and summoning jurors in the trials by jury, and payment of jurors in said court, the same shall be governed by the laws at the date applicable to circuit courts. The circuit courts in said district, at the term in each county next preceding the time that this act takes effect, shall cause jurors to be selected in the manner required by law for the first term of the criminal court in such county; and make all bail bonds and recognizances, taken at such term of the circuit court, returnable for the appearance of the party bound to appear at such first term of the criminal court; and all magistrates and examining courts in each county shall, after this act takes effect, make all bail and peace bonds and recognizances returnable to the criminal court for such county.

§ 8. Special judges for said criminal court may be elected for the same causes, and in the same manner, as in the circuit courts, and the provisions of the law in relation to record books, presses, seals, stationery, and other expenses in circuit courts, shall be applicable to this court.

§ 9. All reports and returns required to be made to the circuit court by circuit court clerks, county court clerks, county court judges, police judges, justices of the peace, sheriffs, marshals, constables, and all civil officers, and other persons having fines and forfeitures or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court, and all the powers and duties of the circuit court respecting the same are hereby transferred exclusively to the criminal court.

§ 10. Nothing herein shall be so construed as to take from the circuit court the power to make provision for the payment of the jurors of the circuit court.

§ 11. The judge of the circuit court in the Eleventh Judicial District may hold the criminal court in the counties aforesaid, or preside for the trial of any action pending therein, if the judge of the criminal court be absent or cannot preside from any cause. In case neither the regular judge nor circuit judge is present, or, if present, cannot properly preside, an election of a special judge may be held in the manner prescribed by law for the election of a special judge in the circuit courts; and the law in relation to compensation of a special judge in the circuit court shall apply to the case of a special judge in this court. The criminal judge may also preside in the circuit court as judge or chancellor, whenever the regular circuit judge is absent or cannot preside.

§ 12. All laws within the purview of this act, and inconsistent herewith, are repealed, after this act goes into effect, which shall be on the first Monday in August next, and continue in force six years.

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

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

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz: 
Those who voted in the affirmative, were—

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<td>P. F. Edwards</td>
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<td>C. J. Walton</td>
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Those who voted in the negative, were—

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<td>Robert Boyd</td>
<td>R. B. Lovel</td>
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Resolved, That the title of said bill be as aforesaid.

The Senate took up for consideration the joint resolution proposed by Mr. Simmons, on yesterday, which reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Committee on Charitable Institutions of the Senate and House of Representatives are instructed to visit the various charitable institutions in this State, and make report upon their condition. Provided, Not more than two members of the Senate and three of the House committee shall visit any one institution.

Mr. Walton moved to amend said resolution by striking out the word “two,” and inserting in lieu thereof the word “one,” and by striking out the word “three,” and inserting in lieu thereof the word “two.”

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

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

Those who voted in the affirmative, were—

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<tr>
<td>John J. Gatewood</td>
<td>I. L. Hyatt</td>
<td>W. L. Vories</td>
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Those who voted in the negative, were—

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<td>Thos. J. Barker</td>
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<td>Scott Brown</td>
<td>G. A. C. Holt</td>
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<td>James F. Clay</td>
<td>B. W. S. Huffaker</td>
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So said resolution was rejected.
The Senate, according to order, took up for consideration a House bill, entitled
An act to amend the town charter of Harrodsburg, Mercer county.
Ordered, That said bill be read a third time.
Said bill was read a third time as follows, viz:
[For bill—see Acts present session.]
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Boyd and Walton, were as follows, viz:

Those who voted in the affirmative, were—
Thos. J. Barker, John J. Gatewood, O. D. McManama,
John S. Barlow, D. R. Haggard, Robt. Simmons,
Scott Brown, H. S. Hale, E. W. Turner,
James F. Clay, Thos. F. Hargis, Thos. W. Varnon,
W. W. Frazer, I. L. Hyatt,

Those who voted in the negative, were—
W. J. Berry, Walter Evans, D. H. Lindsay,
Robert Boyd, Jesse C. Gilbert, R. B. Lovel,
W. W. Culbertson, George R. Hodge, G. W. Swoope,
P. F. Edwards, T. L. Jefferson,

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

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Jefferson, from the Committee on Finance—
An act for the benefit of H. C. Malone, late sheriff of Shelby county, and securities.

By same—
An act for the benefit of Thos. D. Grundy, sheriff of McCracken county, and his sureties.

By same—
An act for the benefit of G. W. Taylor, sheriff of Hancock county.

By Mr. Haggard, from the Committee on Claims—
An act for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county.

By Mr. Turner, from the Committee on Internal Improvement—
An act for the benefit of E. H. Hobson and J. J. Durham.

With amendments to the first four bills.
Which were adopted.
Ordered, That said bills, the first four as amended, be read a third time.

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

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

Mr. Duvall, from the Committee on Internal Improvement, to whom had been referred a resolution from the House of Representatives, entitled

Resolution concerning the aid of the Federal Government to the Geological State Survey,

Reported the same without amendment.

Which was taken up, twice read, and concurred in.

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

By Mr. Simmons, from the Committee on Finance—
1. A bill for the benefit of Sarah Virginia Musselman and her infant children.

By Mr. Duvall, from the Committee on Internal Improvement—
2. A bill to incorporate the Eminence, Six Mile, and Sulphur Turnpike Road Company.

By Mr. Lovel, from the Committee on Propositions and Grievances—
3. A bill to amend an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county.

By Mr. Hodge, from the Committee on Railroads—

By Mr. Gatewood, from the Committee on Education—
5. A bill to provide a system of common schools for the education of the colored children of this Commonwealth.

By Mr. Jefferson, from the Committee on Finance—

By Mr. Frazer, from the Committee on Banks and Insurance—
By Mr. Darby, from the Committee on Courts of Justice—
8. A bill to amend subsection five of section one, article eighteen, chapter forty-one, General Statutes.

By Mr. Haggard, from the Committee on Claims—
9. A bill for the benefit of the sheriff of Cumberland county.

By Mr. Gatewood, from the Committee on Education—
10. A bill to establish a common school for the benefit of colored people of Ashland, Kentucky.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 5th was ordered to be printed, and made the special order for 22d January next; the 8th was recommitted to the Committee on Courts of Justice; the 10th was postponed until tomorrow, and the 1st, 2d, 3d, 4th, 6th, 7th, and 8th were ordered to be engrossed and read a third time.

The constitutional provision 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. Gatewood, from the Committee on Education, to whom was referred leave to bring in a bill, entitled

A bill to increase the Common School Fund, and to provide for its ratable distribution among all the children of the State, without regard to race or color,

Asked to be discharged from the further consideration of the same. On motion, the further consideration of said subject was postponed until Thursday next, January 22d.

Mr. Hodge, from the Committee on Railroads, to whom was recommitted a bill, entitled

A bill to amend an act, entitled "An act to incorporate the Ohio River Valley Railroad Company,”

Reported the same without amendment.

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

The constitutional provision 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. Jefferson, from the Committee on Finance, to whom was referred a bill from the House of Representatives, entitled
An act for the benefit of Thos. E. Moore, sheriff of Bourbon county,
Reported the same with an amendment.
Which was adopted
Ordered, That said bill, as amended, be read a third time.
The constitutional provision 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.
The yeas and nays being required on the passage of said bill in pursuance of a provision of the Constitution, were as follows, viz:
Those who voted in the affirmative, were—

In the negative—R. B. Lovel—1.

Said bill reads as follows, viz:

WHEREAS, It appearing, by the certificate of the Auditor, that Thomas E. Moore, sheriff of Bourbon county, paid damages to the State Treasury on revenue for the years 1871 and 1872, $853.52; and that said sheriff returned no negro or colored list delinquent for said years of 1871 and 1872; and that his accounts as sheriff for said years have been fully settled; therefore,
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of Thomas E. Moore, sheriff of Bourbon county, for the sum of $853.52, amount of damages paid by him as sheriff of Bourbon county into the Treasury for the years 1871 and 1872.
§ 2. This act shall take effect from its passage.

Mr. Huffaker, from the Committee on Religion and Morals, to whom was referred a bill from the House of Representatives, entitled
An act to repeal sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled “An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein,”
Reported the same without amendment.
Ordered, That said bill be read a third time.

The constitutional provision 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.

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

Those who voted in the affirmative, were—

Thos. J. Barker, Wm. P. Duvall, B. W. S. Huffaker,
John S. Barlow, W. W. Frazer, I. L. Hyatt,
W. J. Berry, John J. Gatewood, T. L. Jefferson,
Robert Boyd, Jesse C. Gilbert, D. H. Lindsay,
Robert A. Briggs, D. R. Haggard, R. B. Lovel,
Scott Brown, H. S. Hale, Robert Simmons,
James F. Clay, J. W. Hays, E. W. Turner,
W. W. Culbertson, Geo. B. Hodge, Thos. W. Varnon,

Those who voted in the negative, were—


[For bill—see Acts present session.]

And then the Senate adjourned.

SATURDAY, JANUARY 17, 1874.

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

An act to repeal an act empowering the county court of Mercer county to make subscription to capital stock in turnpike roads in said county;

An act providing for the payment of money to Eliza A. Taylor, of Owen county;

An act for the benefit of David Wheeler, of Clinton county;

And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

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

Said message was taken up and read as follows, viz:

**STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, JANUARY 17TH, 1874.**

Gentlemen of the Senate:

I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:

Bryan H. Allen, of Jefferson county.
Lyman L. Parks, of Jefferson county.
J. W. Gregory, of Union county.
Charles A. Waller, of Hopkins county.
John T. Middleton, of Shelby county.
D. L. Thornton, of Woodford county.
Robert Kinnaird, of Garrard county.
E. S. Miller, of Kenton county.
L. Landrum, of Fulton county.
John Cowen, of Boyle county.
J. H. Johns, of Pendleton county.
M. V. Edwards, of Hart county.

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

The following petitions and affidavit were presented, viz:

By Mr. Hale—
1. The petition of the Christian Church of Knob Creek, in Graves county, in relation to amendments proposed to the Kentucky University.

By Mr. Martin—
2. The affidavit of G. W. Baker, county attorney of Clay county, praying the institution of articles of impeachment against H. F. Finley, Commonwealth's Attorney in the 15th judicial district.

By Mr. Frazer—
3. The petition of the Christian Church at Daysville, Todd county, in relation to amendments to Kentucky University charter.

By Mr. Gatewood—
4. The petition of sundry citizens of Allen and Monroe counties, 36-s.
praying the passage of a law authorizing M. Duke to build a dam across Barren river for mill purposes.

By Mr. Jefferson—

5. The petition of the Masonic Widows and Orphans' Home and Infirmary, in relation to their interest in the property in the city of Lexington known as the Grand Hall of the Grand Lodge of Kentucky.

Which were received, the reading dispensed with, and referred—
the 1st, 2d, 3d, and 5th to the Committee on the Judiciary, and the 4th to the Committee on Propositions and Grievances.

Mr. Turner moved the following resolution, viz:

WHEREAS, The Grand Lodge of the Independent Order of Odd Fellows of the State of Kentucky will hold its next annual session in the city of Frankfort, in the month of September, 1874; therefore,

Resolved, That the use of the Senate Chamber and committee-rooms be tendered to the said Grand Lodge, upon its assembling as above.

Which was adopted.

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

On motion of Mr. Evans—
1. A bill to amend the charter of the St. Bernard Coal Company.

On motion of Mr. Gilbert—
2. A bill for the benefit of the sureties of J. C. Calhoon, late sheriff of McCracken county.

On motion of Mr. Culbertson—
3. A bill for the regulation of responsibility of innkeepers.

On motion of same—

On motion of same—
5. A bill for the benefit of the road system of the counties of Boyd, Greenup, Carter, and Lawrence.

On motion of Mr. Vories,

6. A bill to amend the revenue laws of this Commonwealth.

On motion of Mr. Hargis—
7. A bill to prohibit the sale of ardent spirits in district number seven (justices' district), in Carter county.

Ordered, That the Committee on Finance prepare and bring in the 1st and 6th; the Committee on the Judiciary the 2d and 7th; the Committee on Courts of Justice the 3d and 5th, and the Committee on Claims the 4th.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:
By Mr. Hargis, from the Committee on Banks and Insurance—
1. A bill to repeal an act to charter the Barren County Bank.

By same—
2. A bill to amend the charter, and the amendments thereto, of the Deposit Bank of Glasgow.

By Mr. Jefferson, from the same committee—
3. A bill to amend the charter of the Caverna Deposit Bank, in Hart county.

By Mr. Simmons, from the Committee on Charitable Institutions—
4. A bill making special appropriations for the First Kentucky Lunatic Asylum.

By Mr. Turner, from the same committee—
5. A bill to re-establish the Institution for the Education and Training of Feeble-minded Children.

By Mr. Briggs, from the Committee on Claims—
6. A bill for the benefit of L. R. Thurman.

By Mr. Jefferson, from the Committee on Finance—
7. A bill to provide for a January term of the Franklin circuit court.

By Mr. Holt, from the Committee on Finance—
8. A bill as to sheriffs.

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
9. A bill to amend section 14, chapter 75, General Statutes.

By Mr. Barker, from the same committee—
10. A bill to amend section two, article six, chapter 15, General Statutes.

By Mr. Lindsay, from the Committee on Religion and Morals—
11. A bill to amend and repeal in part an act, entitled “An act to incorporate the Chestnut Street Presbyterian Church of Louisville,” approved February 25th, 1848.

By Mr. Darby, from the Committee on Courts of Justice—
12. A bill to amend the charter of the town of Rockport, in Ohio county.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 2d, 3d, 5th, 7th, 8th, 9th, 11th, and 12th were ordered to be engrossed and read a third time; the 4th was
passed over until Monday, and the 5th was ordered to be printed, and made the special order for Tuesday, 20th inst.

The constitutional provision 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.

The yeas and nays being required on the passage of the sixth bill by Messrs. Swoope and Walton, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, I. L. Hyatt,
John S. Barlow, John J. Gatewood, T. L. Jefferson,
Robert Boyd, D. R. Haggard, R. B. Lovel,
Robert A. Briggs, H. S. Hale, A. L. Martin,
Scott Brown, Thos. F. Hargis, O. D. McManama,
W. W. Culbertson, J. W. Hays, Robert Simmons,
F. W. Darby, G. A. C. Holt, E. W. Turner,

Those who voted in the negative, were—

W. J. Berry, D. H. Lindsay, C. J. Walton—5.
Jesse C. Gilbert, G. W. Swoope,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant upon the Treasurer in favor of L. H. Thurman for the sum of ($52 32) fifty-two dollars and thirty-two cents, it being the sum allowed him for acting Commonwealth's Attorney at the Anderson circuit court, June term, June 9, 1871, and at the Taylor circuit court, October term, October 17, 1871.

§ 2. This act shall take effect from its passage.

Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred leave, reported a bill, entitled

A bill to repeal article 2, chapter 102, of the General Statutes, so far as the same applies to the counties of Wayne and Pulaski.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Boyd moved to amend said bill by applying its provisions to the counties of Bell, Knox, Whitley, Jackson, Laurel, and Rockcastle.

Which amendment was adopted.

Mr. Holt moved to amend the bill by striking out of the first section, as amended, "so far as the same applies to the counties of
Mr. Holt asked for a division of the question.

The question was then taken on striking out, and it was decided in the negative.

Mr. Barlow then moved to amend said bill by including within its provisions the counties of Barren, Monroe, and Metcalfe.

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

Mr. Briggs moved to reconsider the vote by which the amendment offered by Mr. Barlow was rejected, and it was decided in the affirmative.

Mr. Holt then moved to amend the bill by applying the provisions thereof to the counties of Barren, Monroe, Metcalfe, Trigg, Calloway, Livingston, Lyon, Hickman, Fulton, Graves, Ballard, Marshall, McCracken, Caldwell, Hopkins, Crittenden, Daviess, Hancock, Magoffin, Nicholas, Fleming, Carter, Rowan, Floyd, Pike, Letcher, Clay, Johnson, Harlan, Perry, Ohio, McLean, Butler, Union, Henderson, Webster, Oldham, Henry, Carroll, Trimble, Logan, Todd, Simpson, Washington, Nelson, Shelby, Spencer, Estill, Powell, Cumberland, Clinton, Russell, Adair, and Allen.

The question was then taken upon the amendment of Mr. Holt, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

W. W. Culbertson.

Mr. McManama then moved to lay the bill and amendment on the table, and it was decided in the negative.

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

Wayne, Pulaski, Bell, Knox, Whitley, Jackson, Laurel, and Rockcastle.
Those who voted in the affirmative, were—

W. W. Culbertson, J. W. Hays, O. D. McManama,
P. F. Edwards, L. L. Hyatt, Robt. Simmons,
Jesse C. Gilbert, R. B. Lovel.

Those who voted in the negative, were—

Thos. J. Barker, F. W. Darby, B. W. S. Huffaker,
John S. Barlow, Walter Evans, D. H. Lindsay,
W. J. Berry, John J. Gatewood, A. L. Martin,
Robert Boyd, D. R. Haggard, G. W. Swoope,
Robert A. Briggs, H. S. Hale, E. W. Turner,

Mr. Vories then moved to amend the bill by including within its provisions all the counties in the State, except the counties of Jefferson, Hart, and Graves.

Mr. Evans then moved the previous question.

And the question being taken, “Shall the main question be now put?” it was decided in the affirmative.

The question was then taken upon the amendment proposed by Mr. Vories, and it was decided in the negative.

The question was then taken upon ordering said bill, as amended, to be engrossed and read a third time, and it was decided in the affirmative.

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That article two (2), of chapter one hundred and two (102), of the General Statutes, be, and the same is hereby, repealed, so far as the same applies to the counties of Wayne, Pulaski, Barren, Monroe, Metcalfe, Trigg, Calloway, Livingston, Lyon, Hickman, Fulton, Graves, Marshall, McCracken, Ballard, Caldwell, Hopkins, Cravatden, Daviess, Hancock, Magoffin, Nelson, Spencer, Shelby, Nicholas, Carter, Fleming, Rowan, Floyd, Pike, Letcher, Clay, Johnson, Harlan, Whitley, Bell, Knox, Laurel, Rockcastle, Jackson, Perry, Ohio, Butler, McLean, Henderson, Union, Webster, Oldham, Henry, Carroll, Trimble, Todd, Logan, Simpson, Washington, Estill, Powell, Cumberland, Clinton, Adair, Russell, and Allen.

§ 2. This act shall take effect from its passage.

Resolved, That said bill do pass, and that the title thereof be amended to read as follows, viz:

An act to repeal article 2, chapter 102, of the General Statutes, so far as the same applies to Wayne, Pulaski, and other counties are concerned.

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

Thos. J. Barker, W. W. Culbertson, B. W. S. Huffaker,
John S. Barlow, F. W. Darby, A. L. Martin,
W. J. Berry, W. W. Frazer, G. W. Swoope,
Robert Boyd, John J. Gatewood, E. W. Turner,
Robert A. Briggs, Jesse C. Gilbert, Thos. W. Varnon,
Scott Brown, D. R. Haggard, W. L. Vories,

Those who voted in the negative, were—

P. F. Edwards, J. W. Hays, D. H. Lindsay,
Walter Evans, G. A. C. Holt, O. D. McManama,

Mr. Jefferson, from the Committee on Finance, to whom was referred leave, reported a bill, entitled

A bill to amend article eight of the revenue and taxation laws of this Commonwealth.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Hargis moved to amend the bill by striking out "1st November, 1st January, and 1st March," and insert "1st January of each year" in lieu thereof.

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

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

Those who voted in the affirmative, were—

Robert Boyd, R. B. Lovel, Thos. W. Varnon,
P. F. Edwards, A. L. Martin, C. J. Walton—8,
Thos. F. Hargis, E. W. Turner,

Those who voted in the negative, were—

Thos. J. Barker, William P. Duvall, B. W. S. Huffaker,
John S. Barlow, W. W. Frazer, I. L. Hyatt,
W. J. Berry, John J. Gatewood, T. L. Jefferson,
Robert A. Briggs, Jesse C. Gilbert, O. D. McManama,
Scott Brown, D. R. Haggard, Robt. Simmons,
James F. Clay, H. S. Hale, G. W. Swoope,

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

The constitutional provision 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 yeas and nays being required thereon by Messrs. Hargis and Berry, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, T. L. Jefferson,
John S. Barlow, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
Robert Boyd, D. R. Haggard, A. L. Martin,
Scott Brown, H. S. Hale, O. D. McManama,
W. W. Colbertson, J. W. Hays, Robert Simmons,
F. W. Darby, G. A. C. Holt, E. W. Turner,
Wm. P. Duvall, B. W. S. Huffaker, Thos. W. Varnon,
P. F. Edwards, L. L. Hylatt, W. L. Vorlick—27.

Those who voted in the negative, were—

James F. Clay, Thomas F. Hargis, C. J. Walton—5,
Jesse C. Gilbert, G. W Swoope,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 8, article 8, chapter 92, of the General Statutes, be, and the same is hereby, repealed.

§ 2. That from and after the — day of June, 1874, the sheriff or collector of the State revenue, in each county of this State, shall account for and pay into the Treasury all taxes for which he is bound, in three installments—one third to be paid on or before the first day of November in each year, one third by the first day of January thereafter, and the remainder by the first day of March thereafter; and upon his failure to pay said installments, or either of them, as herein provided, he and his sureties shall be liable for interest, at the rate of ten per cent. per annum, on said installments, or any balance on either of them, and for ten per cent. damages; and for a failure to pay the same as herein directed, he and his sureties shall be proceeded against for either installment or any balance thereof, without notice, at the first term of the Franklin circuit court after such installment is due; as now provided by law for a failure to pay the same into the Treasury.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect and be in force on and after the first day of June, 1874.

Mr. Boyd, from the Committee on Finance, to whom was referred leave, reported a bill, entitled

A bill for the benefit of Hezekiah McKeen, of Whitley county. Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.
JAN. 17.]

The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, B. W. S. Huffaker, R. J. Jefferson,
John S. Barlow, John J. Gatewood, R. B. Lovel, A. L. Martin,
W. J. Berry, Jesse C. Gilbert, O. D. McManama, Robert Simmons,
Robert Boyd, D. R. Haggard, Walter Evans, W. W. Culbertson,
Robert A. Briggs, H. S. Hale, Scott Brown, P. F. Ed ward s,
Scott Brown, H. S. Hale, W. W. Darby, W. W. Culbertson,
W. W. Culbertson, H. S. Hale, G. A. C. Holt, W. P. Duvall,
Wm. P. Duvall, G. A. C. Holt, F. W. Darby, P. F. Edwards,
P. F. Edwards,

In the negative—G. W. Swoope—1.

Said bill reads as follows, viz:

WHEREAS, Hezekiah McKeehan, of Whitley county, was appointed by the General Assembly of the Commonwealth of Kentucky, the Auditor of Public Accounts draw his warrant upon the Treasurer in favor of Hezekiah McKeehan for two hundred dollars, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Simmons, from the Committee on Charitable Institutions—
1. An act for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith.

By Mr. Haggard, from the Committee on Claims—

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
3. An act for the benefit of Union county.

37-s.
By Mr. Boyd, from the Committee on Finance—
4. An act to authorize the president and directors of the Nelson County Agricultural Association to borrow money.

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
5. An act to authorize the sheriff of Grayson county to hold an election for district officers in Sand Spring district, in Grayson county.

By Mr. Turner, from the same committee—
6. An act to fix the time of holding the Garrard circuit court, and to amend section 5, article 5, chapter 28, of the General Statutes.

By same—
7. An act authorizing the county court of Washington county to increase the county levy.

By Mr. Lindsay, from the Committee on Religion and Morals—
8. An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Harlan," approved February 7th, 1870.

Ordered, That said bills be read a third time.

The constitutional provision 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.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act incorporating the Bank of J. & J. A. Witherspoon, of Lawrenceburg.

Which was concurred in.

The Senate then took up for consideration the unfinished order of yesterday, entitled

A bill to establish a common school for the benefit of colored people of Ashland, Kentucky.

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

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

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

And then the Senate adjourned.
MONDAY, JANUARY 19, 1874.

The following petitions were presented, viz:

By Mr. Berry—
The petition of sundry citizens of Spottsville, in Henderson county, praying a repeal of the prohibitory liquor law in said county.

By Mr. Holt—
The petition of, and proceedings of, a public meeting at Murray, Calloway county, submitting the question as to manufacture and sale of alcoholic liquors to a vote of any county, city, town, or district, and to allow a majority to govern therein.

Which were received, the reading dispensed with, and referred to the Committee on Religion and Morals.

On motion of Mr. Swoope, leave of absence, indefinitely, was granted Mr. Webb.

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

On motion of Mr. Gilbert—
1. A bill to tax all unfinished railroads from and after January, 1875, at the same rate per mile, for the distance completed, that other roads are taxed.

On motion of Mr. Swoope—
2. A bill making it a felony to sell or dispose of or deliver, to authorize to be sold or disposed of, any personal property on which there is a mortgage of record or valid lien for rent.

On motion of Mr. Gatewood—
3. A bill to amend an act, entitled "An act for the protection of counties, cities, &c., subscribing stock in railroads, turnpikes, and other improvements," approved 9th April, 1873.

On motion of same—

On motion of Mr. Culbertson—
5. A bill to establish a system of public schools in the town of Ashland.

On motion of Mr. Hale—
6. A bill to increase the jurisdiction of the quarterly courts in the counties of Hickman, Fulton, and Graves.
On motion of Mr. Walton—
7. A bill to amend an act to incorporate the town of Horse Cave, approved March 15, 1869.

On motion of Mr. Varnon—
8. A bill to amend chapter 71, General Statutes, so as to extend the time in which actions may be brought against railroads for injuries to persons.

On motion of same—
9. A bill to repeal three of the five cents on each one hundred dollars' worth of taxable property which now goes into the Sinking Fund.

On motion of Mr. Haggard,
10. A bill to amend chapter 47 in general laws—gaming.

On motion of Mr. Holt—

On motion of Mr. Barker—
12. A bill to amend the exemption laws of this State.

On motion of same—
13. A bill to regulate the official advertising of sales by master commissioners, &c., in the county of Spencer.

On motion of Mr. Vories—

Ordered, That the Committee on the Judiciary prepare and bring in the 1st, 2d, 3d, 6th, 10th, and 12th; the Committee on Propositions and Grievances the 4th and 7th; the Committee on Education the 5th and 11th; the Committee on Revised Statutes and Codes of Practice and General Statutes the 8th; the Committee on the Sinking Fund the 9th, and the Committee on Courts of Justice the 13th and 14th.

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

An act to repeal sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled "An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein;"

An act for the benefit of E. H. Hobson and J. J. Durham;
An act to amend the town charter of Harrodsburg, Mercer county;
And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Rep-
representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

The Senate took up for consideration a bill, the unfinished order of Saturday, entitled

A bill making special appropriations for the First Kentucky Lunatic Asylum.

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

The constitutional provision 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 yeas and nays being required on the passage of said bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
John S. Barlow, John J. Gatewood, A. L. Martin,
W. J. Berry, Jesse C. Gilbert, O. D. McManama,
Robert Boyd, W. C. Goodloe, Robert Simmons,
Scott Brown, D. R. Haggard, E. W. Turner,
James F. Clay, Thos. F. Hargis, Thos. W. Varnon,
W. W. Culbertson, J. W. Hays, W. L. Vories,
F. W. Darby, B. W. S. Huffaker, C. J. Walton,

Those who voted in the negative, were—

Robert A. Briggs, G. W. Swoope—2.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be, and he is hereby, directed, on the application of the Board of Commissioners of the First Kentucky Lunatic Asylum, to draw his warrants on the Treasurer of the State in favor of the Treasurer of said Asylum for the several sums of ten thousand dollars, to build a reservoir and otherwise increase the water supply; of two thousand five hundred dollars to enlarge the laundry accommodations; of one thousand dollars to extend and improve the water-closets; and of five hundred dollars to purchase fire-extinguishers. But it shall be the duty of said board to apply for each of said warrants only when the money shall be needed to pay for the object for which it is appropriated; and it shall be the duty of the Treasurer of the Asylum, when the expenditure in each case shall be completed, to file with the Auditor a statement of the amount so expended, together with vouchers for the payments, and if any surplus shall be left, to refund the same to the Treasury.

§ 2. This act shall take effect from its passage.
Bills from the House of Representatives, of the following titles, were reported, without amendment, by the several committees to whom they had been referred, viz:

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
An act to amend an act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, so as to make the provisions thereof apply to the clerk of the Carter county court.

By Mr. McMamana, from the Committee on Courts of Justice—
An act for the benefit of the estate of T. Jack Conn, late clerk of the Jefferson county court.

By same—
An act to authorize the presiding judge of the Scott county court to sue for the taxes due or which may become due said county.

By Mr. Gatewood, from the Committee on Education—
An act for the benefit of school district No. 27, in Hancock county.

By Mr. Haggard, from the Committee on Propositions and Grievances—

By same—
An act for the benefit of George Boone and Robt. Wimpsett.

By Mr. Darby, from the Committee on Religion and Morals—
An act to prohibit the sale of intoxicating liquors in the town of Osceola.

Ordered, That said bills be read a third time.

The constitutional provision 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.

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

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
1. A bill for the benefit of the Deaf and Dumb Asylum at Danville.
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By Mr. Gatewood, from the Committee on Education—

By Mr. Boyd, from the Committee on Finance—
3. A bill for the benefit of John H. Carrier, late jailer of Laurel county.

By Mr. Hargis, from the Committee on the Judiciary—
4. A bill to incorporate the Kentucky Normal School at Carlisle.

By Mr. Holt, from the Committee on Military Affairs—
5. A bill to provide for auditing and paying of military claims.

By Mr. Haggard, from the Committee on Claims—
6. A bill for the benefit of the jailer of Spencer county.

By same, from the Committee on Propositions and Grievances—
7. A bill to incorporate the town of St. Charles, in Hopkins county.

By same—
8. A bill to amend the charter of the town of Earlington.

By Mr. Gatewood, from the Committee on Education—
9. A bill to define and fix the boundaries of Murray common school district, and to re-enact an act, entitled "An act for the benefit of the Murray Male and Female Institute," approved March 17, 1870.

By Mr. Jefferson, from the Committee on Banks and Insurance—
10. A bill to amend the charter of the German Bank.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 2d, 3d, 4th, 6th, 7th, 8th, 9th, and 10th were ordered to be engrossed and read a third time; the 5th was ordered to be printed, and placed in the orders of the day.

The constitutional provision 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.

The yeas and nays being required on the passage of the third bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, Walter Evans, B. W. S. Hufferker,
Robert Boyd, W. W. Frazer, T. L. Jefferson,
Robert A. Briggs, John J. Gatewood, R. B. Lovel,
Scott Brown, W. C. Goodloe, A. L. Martin,
WHEREAS, It appears to the satisfaction of this General Assembly that Esom Bowling, charged with murder, and Washington Nun, charged with grand larceny, were confined in the Laurel county jail; and, without any negligence on the part of John H. Carrier, then jailer, effected their escape from said jail, the jail being a good jail; and whereas, said Carrier, fearing that said prisoners could not be again arrested and a conviction had unless a reward was then offered, offered a reward of two hundred and twenty-five dollars, which secured the arrest and delivery of said prisoners to the said jailer; and they were afterwards convicted on said charge and sent to the State Penitentiary, and the said Carrier paid the reward aforesaid; for remedy whereof,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of John H. Carrier for two hundred and twenty-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Mr. Gatewood, from the Committee on Courts of Justice, to whom was recommitted a bill, entitled

A bill to amend subsection five of section one, article eighteen, chapter forty-one, General Statutes,
Reported the same without amendment.

Mr. Briggs moved to postpone the further consideration of said bill till 21st January, and print the same.

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

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

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

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, E. W. Turner,
F. W. Darby, D. R. Haggard, W. L. Vories,
John J. Gatewood, Robert Simmons,
Those who voted in the negative, were—

John S. Barlow, Wm. P. Duvall, G. A. C. Holt, 
W. J. Berry, Walter Evans, B. W. S. Huffaker, 
Robert Boyd, W. W. Frazer, T. L. Jefferson, 
Robert A. Briggs, W. C. Goodloe, R. B. Lovel, 
W. W. Culbertson, J. W. Hays,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That subsection 5 of section 1 of article 18, chapter 41, of General Statutes, be, and same is hereby, amended by adding to same the following proviso, viz: "Provided, The court of claims of any county may make such allowances as it may deem proper to the clerks of the county courts and sheriffs for any ex-officio or other services rendered or to be rendered by him, same to be paid out of county levy."

§ 2. This act shall be in force from its passage.

On motion of Mr. Edwards,
Ordered, That Mr. Turner be added to the committee on the expediency of creating additional judicial districts.

The Senate then took up for consideration a bill, entitled
A bill requiring the owners of saw-logs to brand them before starting them to market.

Mr. Holt moved to amend said bill by adding the following as an additional section, viz:

§ 3. Any person who shall unmoor, cut, or turn loose any raft or log tied or attached to the bank of the stream, without the consent of the owner thereof, shall be fined not less than five nor more than twenty-five dollars, upon conviction before any justice of the peace or court of record of this Commonwealth.

Which was adopted.

Mr. Swoope moved to amend the bill by excepting Panther creek, a tributary of Green river, from the provisions of said bill.

Which was adopted.

Mr. Edwards moved to amend as follows, viz:

So as to require all parties owning and running saw-logs, having a brand or mark for the same, to have said mark or brand recorded in the office of the county court clerk in the county in which said logs are cut, sawed, and rafted.

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

Mr. Edwards moved to amend by excluding Green river from the provisions of the bill.

Mr. Hargis moved to add Licking river to Mr. Edwards' amendment.

38-s.
The question was then taken on Mr. Hargis' amendment to Mr. Edwards' amendment, and it was decided in the negative.

The question was then taken on the amendment of Mr. Edwards, exempting Green river, and it was decided in the negative.

Mr. Darby moved to amend the bill by inserting before the words "fifty dollars" the words "not less than twenty nor more than."

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

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

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

The question was then taken on the passage of said bill, as amended, and it was decided in the negative.

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

Those who voted in the affirmative, were—

W. J. Berry, W. C. Goodloe, R. B. Lovel,
Robert Boyd, D. R. Haggard, Robt. Simmons,
W. W. Culbertson, G. A. C. Holt, W. L. Vories,
Walter Evans, T. L. Jeffersone,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, Jesse C. Gilbert, O. D. McManama,
Scott Brown, H. S. Hale, G. W. Swoope,
James F. Clay, Thos. F. Hargis, E. W. Turner,
P. F. Edwards,

Said bill, as amended, reads as follows, viz.:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That owners or shippers of saw-logs, before they start them on water to market, shall be required to brand or mark them; and upon failure to do so shall be fined in the sum of fifty dollars, to be recovered on an indictment by a grand jury. This act shall be given in charge to the grand jury by the circuit judges of this Commonwealth.

§ 2. That any person who shall knowingly deface or cut out, or otherwise remove the brand or mark from any such saw-logs, or cut, mark, or brand upon the same for the purpose of deceiving or defrauding the owner, shall be fined in a like sum of fifty dollars, and recoverable in the same manner as defined in section one of this act.

§ 3. Any person who shall unmoor, cut, or turn loose any raft or log tied or attached to the bank of the stream, without the consent of the owner thereof, shall be fined not less than five nor more than twenty-five
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dollars, upon conviction before any justice of the peace or court of record of this Commonwealth.

§ 4. This law shall take effect in six months after its adoption.

The Senate took up for consideration a bill, entitled

A bill in relation to the Auditor and sheriffs of this Commonwealth. 

Ordered, That the further consideration thereof be postponed indefinitely.

So said bill was rejected.

Mr. McManama, from the Committee on Courts of Justice, to whom was referred leave to bring in a bill, entitled

A bill to increase the jurisdiction of quarterly courts in this Commonwealth,

Asked to be discharged from the further consideration of the same.

Which was granted.

The Senate then took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, entitled An act requiring certain legal advertisements in Greenup county to be inserted in the Greenup Independent.

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Culbertson, R. B. Lovel,

Those who voted in the negative, were—

W. J. Berry, John J. Gatewood, A. L. Martin,
Robt. A. Briggs, Jesse C. Gilbert, O. D. McManama,
Scott Brown, W. C. Goodloe, Roht. Simmons,
Jas. F. Clay, D. R. Haggard, G. W. Swoope,
F. W. Darby, J. W. Hays, E. W. Turner,
Wm. P. Duvall, G. A. C. Holt, Thos. W. Varon,
Walter Evans, T. L. Jefferson,

So said bill was rejected.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all notices of sales of land made by the sheriff of Greenup county under execution, all sales made by commissioners under the judgment of the Greenup circuit court, and all notices of the sittings of the Master Commissioner of said county in actions referred to him for the
settlement of fiduciary accounts, and for the purpose of auditing claims against deceased or insolvent debtors, under the act of eighteen hundred and fifty-six, be, and the same are hereby, required to be inserted in the Greenup Independent, in Greenup county.

§ 2. That all notices of sales of personal estate made by the sheriff of said county of Greenup under execution, when the estate to be sold shall exceed in value the sum of two hundred and fifty dollars, to be fixed by said sheriff or by appraisement in the manner required by law in sales of land under execution, be, and the same is hereby, required to be inserted in said Greenup Independent.

§ 3. Notices of the sales of land under this act shall be inserted in three successive weekly issues of said newspaper next preceding the day of sale; notices of the sales of personal property shall be inserted in two successive weekly issues of said newspaper next preceding the day of sale; and all notices of the sittings of the Master Commissioner shall be inserted in said paper as soon as said commissioner fixes the day of his sittings, and to continue up to the time the same takes place, and as often thereafter as said commissioner may deem proper.

§ 4. The costs of inserting said advertisements shall be collected as part of the costs in the same manner as the other costs shall be collectable, and the charges for said advertising shall not exceed the usual rates charged for similar advertising.

§ 5. Whenever the publication of said Greenup Independent shall cease, then the requirements of this act shall be dispensed with.

§ 6. This act shall take effect and be in force from and after its passage, and shall in no wise affect the general laws now in force requiring sales to be advertised.

The Senate then took up for consideration a bill, entitled

A bill to amend article one of chapter fifty-nine of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1870, and March 8, 1870, and further regulate the inspection and gauging burning fluids.

Sundry amendments were proposed to said bill.

Which were adopted.

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

The constitutional provision 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 took up for consideration a bill, entitled

A bill to amend the law concerning the State Lunatic Asylums and persons of unsound mind.

Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

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<td>F. W. Darby</td>
<td>J. W. Hays</td>
<td>W. L. Vories</td>
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<td>William P. Duvall</td>
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Those who voted in the negative, were—

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<th>Name</th>
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<tr>
<td>G. W. Swoope</td>
<td>C. J. Walton</td>
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Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That no patients, except those who are paupers, according to the provisions of section 5, article 2, chapter 53, of the General Statutes, and of any amendments which may be made thereto, or who have been or may be sent to the Asylum by order of the court upon an acquittal of crime on the ground of insanity, shall be received or retained in either of the Lunatic Asylums of this State, unless six months' board be always paid in advance, and board for the residue of the time they may remain in the Asylum be secured by the obligation of one or more sufficient residents of this State; and the courts or officers shall make their orders for the commitment of all patients (with the above exceptions) to the Asylums, conditioned upon such prepayment being made and security given.

§ 2. No married person of unsound mind shall be held a pauper under the provisions of the aforesaid section of the General Statutes, unless it shall be found upon the inquest, in addition to the other facts required, that such person's husband or wife (as the case may be), if living, has not sufficient estate to support the person of unsound mind, besides supporting others who may be dependent on such husband or wife; and the court or officer holding the inquest shall require the jury to return a finding on this subject.

§ 3. Where patients, who have been or may be supported in either of the Asylums, have or shall acquire estate which can be subjected to debt, the Board of Commissioners of such Asylum is authorized and directed, in every such case, to sue for, in the name of the Asylum, and recover the amount of such patient's board, at the rate of two hundred dollars ($200) a year, or so much thereof as such estate will suffice to pay, for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceeding to subject their estates respectively to the payment thereof; and when the husband or parent of any such patient, who has been or may be supported in either Asylum, shall have estate sufficient for the support of such patient, in addition to the support of any others who may be dependent on such husband or
The Senate took up for consideration a bill, entitled

A bill to amend the penal laws of this Commonwealth.

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

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if the Governor of this Commonwealth shall be satisfied, from the affidavits of one or more reliable persons, that any of the offenses enumerated in sections one, two, three, and four of an act, entitled "An act to amend chapter twenty-eight of the Revised Statutes, title 'Crimes and Punishments,'" approved April 11th, 1873, have been committed in any portion of this Commonwealth, within five years next preceding the filing of such affidavit or affidavits in his office, or that there are reasonable grounds to believe that said offenses, or any of them, have been committed, and that the guilty party or parties, or any of them, have not been arrested, examined, or tried therefor according to law, and that there has been no bona fide effort upon the part of the proper local civil officers to arrest and examine such offenders and bring them to trial, he shall have power to appoint a commissioner, who, after being commissioned and sworn, shall proceed to the county, district, or neighborhood where such offense or offenses are alleged to have been committed, and hold an examining court, touching such alleged offenses, and for securing the
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arrest and safe-keeping, for trial, of any person or persons charged with such offense.

§ 2. Said commissioner may issue subpoenas for witnesses supposed to have knowledge of any of said offenses, to appear before him, enforce their attendance by attachment, and compel them to testify, in case of refusal, by fine and imprisonment for contempt, as in similar cases upon inquisitions by a grand jury. He shall have the same power to recognize witnesses to appear and testify before the circuit court, or to appear on any succeeding day, and testify before him, as examining courts have by law. He may issue warrants for the arrest of such persons as he may have reasonable grounds to believe have been guilty of any of the offenses aforesaid, and cause them to be brought before him, and held for examination—in conducting which he shall have and exercise all the powers conferred by law upon examining courts, and shall be governed by the same rules and regulations. After hearing the evidence, if satisfied that there are reasonable grounds to believe that the parties under examination, or either or any of them, are guilty of any of the offenses aforesaid, he shall commit such person or persons to jail, or hold them to bail in any reasonable and proper sum, to await an indictment and trial in the circuit court of the county in which the offense was committed.

§ 3. Said commissioner shall reduce to writing the substance of all the testimony given before him in each case, with the names of the witnesses who testify, and lodge the same, together with the record of proceedings had, in the circuit court of the county in which the offense was committed, which statement of testimony and record of proceedings shall be laid before the grand jury at the next succeeding term of the circuit court.

§ 4. If, in any examination conducted before the said commissioner, it shall be disclosed that persons, not before him, have been guilty of any of the offenses aforesaid, but are absent from the State, or are secreting themselves, or evading the service of process, and process cannot be served on them, in such case it shall be the duty of the commissioner to reduce to writing the evidence tending to prove the guilt of such persons, and lay the same before the Governor of this Commonwealth, who shall, if he deem it proper, offer a reward for the arrest and delivery of such persons to the proper authorities of the county in which the alleged offense was committed.

§ 5. When it shall be deemed necessary for the protection of said commissioner, while engaged in the discharge of his duties, or to secure the execution of his warrants, process, or orders, the Governor may appoint and commission a guard of select, prudent men, who shall be sworn faithfully to perform the duties required of them, and who, and each of whom, shall have and exercise the same powers and functions, with regard to the arrest and detention of persons charged with crime, and the summoning and arrest of witnesses upon proper process, as are by law conferred upon the sheriff or other peace officer; and in addition to the guard as provided for in this section, the said commissioner shall have the power, if, in his judgment, the same is necessary, to summon the passus comitatus, as the
sheriff may now do by law, to aid in the arrest and detention of persons charged with crime. The same penalties shall be inflicted against any person failing or refusing to obey such summons, as are by law imposed for refusing to obey a similar order from the sheriff.

§ 6. For his services, the said commissioner shall receive the sum of ten dollars, and the said selected men each the sum of three dollars for each day actually employed under the provisions of this act.

§ 7. The said commissioner shall certify, under his oath of office, the number of days actually employed by him in the discharge of the duties specified in this act, and the names of each and every guard on service under him, and the number of days served by each; upon which, after the same has been approved by the Governor, the Auditor shall issue his warrant for the compensation, as provided in the next preceding section of this act.

§ 8. This act shall be in force from its passage.

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

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

Those who voted in the affirmative, were—

W. W. Culbertson, W. C Goodloe, T. L. Jefferson,
Walter Evans,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, B. W. S. Huffaker,
John S. Barlow, John J. Gatewood, A. L. Martin,
Robert A. Briggs, Jesse C. Gilbert, O. D. McManama,
Scott Brown, Thos. F. Hargis, Robert Simmons,
James F. Clay, J. W. Hays, G. W. Swoope
Wm. P. Duvall,

So said bill was rejected.

The Senate then took up for consideration a bill, entitled

A bill to amend section 6, article 12, chapter 38, of the General Statutes.

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section 6, article 12, chapter 38, of the General Statutes, be repealed, and the following enacted in lieu thereof: The right of redemption herein provided for shall be liable to sale under execution. The land shall, in such case, still be subject to redemption by the defendant from both purchasers until the end of the year from the first sale; and the right of redemption shall still be liable to sale under execution, and the land shall still be subject to redemption by the defendant from all the former purchasers until the end of the year from the first sale; and said right of redemption shall still be liable to sale under execution from time
to time; and shall be subject to redemption by the defendant until the end of the year from the first sale; but no sale of the right of redemption, except the first one, shall be made after ten months from the first sale of the land, and said right of redemption shall not be sold more than twice under any execution issued on the same judgment. Any purchaser of the right of redemption may, before the end of a year from the first sale, pay the prior purchaser or purchasers his or their money and interest, as stated in this article, and shall be entitled to the land, unless redeemed by the defendant in the execution.

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

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

Those who voted in the affirmative, were—


Walter Evans.

Those who voted in the negative, were—


Wm. P. Duvall,

So said bill was rejected.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had refused to order to be engrossed and read a third time a bill, entitled

A bill to provide a porter for the Auditor's and Treasurer's offices.

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

Mr. McManama proposed to amend said bill so as also to provide a porter for the Attorney General's office and the Insurance Bureau.

And 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. McManama and Swoope, were as follows, viz:

In the affirmative—none.

Those who voted in the negative, were—

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

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

The question was then taken on the passage of said bill, and it was decided in the negative, not having received the majority required by the Constitution.

The yea's and nay's being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Scott Brown, W. C. Goodloe, R. B. Lovel,
W. W. Culbertson, D. R. Haggard, A. L. Martin,
Wm. P. Duvall, Thos. F. Hargis, Robert Simmons,
Walter Evans, J. W. Hays, E. W. Turner,
John J. Gatewood;

Those who voted in the negative, were—

Thos. J. Barker, F. W. Darby, B. W. S. Huffaker,
John S. Barlow, P. F. Edwards, O. D. McManama,
W. J. Berry, Jesse C. Gilbert, G. W. Swoope,
Robert A. Briggs, H. S. Hale, W. L. Vories,

So said bill was again rejected.

Said bill reads as follows, viz:

WHEREAS, The compilers of the General Statutes omitted to incorporate in said Statutes the law providing for a porter for the Auditor's and Treasurer's offices; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be authorized to employ a porter for the Auditor's and Treasurer's offices, at a compensation not to exceed fifteen dollars per month for each office, payable monthly from the first day of December, 1873.

§ 2. This act shall be in force and effect from its passage.

And then the Senate adjourned.
TUESDAY, JANUARY 20, 1874.

Hon. John G. Carlisle, regular Speaker, appeared, after a temporary absence, and assumed the Chair.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that the Governor had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of R. W. Williams, jailer of Christian county.

An act to incorporate the Christian Church at Warsaw.

An act to amend the charter of the Central Savings Bank of the city of Louisville.

An act for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon County.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE OFFICE,
FRANKPORT, JANUARY 20TH, 1874.

Gentlemen of the Senate and House of Representatives:

I desire respectfully, but earnestly, to call your attention to the condition of the State's interest in the turnpike roads of the Commonwealth. I have already, in my annual messages, twice laid this matter before the Legislature. But fearing that it may not receive that consideration which its importance demands, I have concluded to make it the subject of a special message. The stock owned by the Commonwealth in the different turnpike companies of the State was acquired by subscription, and paid for at its par value, out of the public Treasury. In the year 1835 the General Assembly passed an act establishing a Board of Internal Improvement, by which it was provided, that whenever one half, or, in the less wealthy districts, one third of the capital stock of a turnpike company should have been subscribed for by private individuals, the Board should take the remaining shares, for the payment of which the bonds of the State should be issued. Numerous subscriptions were made in accordance with this law, and the nominal value of its turnpike stock, amounting to two million seven hundred and sixteen thousand eight hundred and
seventy-four dollars and eighty cents, represents the sum actually paid for it by the State.

This State aid, however, was not designed as a donation to these enterprises. It was regarded as a prudent investment, which was confidently expected to return, if not large dividends, at least a moderate rate of interest, and thus secure, from this source, a permanent annual revenue to the public Treasury. Hence, whilst the communities in the sections of country traversed by these roads would derive especial benefit from them, the people of the entire Commonwealth would be compensated for the money expended upon them through the increase of the public revenues, by the dividends which would be realized. Had it been otherwise, it is not probable that either public or private subscriptions could have been secured sufficient to build these roads. For although in a few populous and wealthy communities, near business centers, the citizens, in view of the extension of trade, convenience of travel, and increase in the value of property, might have hazarded subscriptions, such cases would have been exceptional and limited, and certainly no General Assembly would have felt warranted to appropriate large sums of the public money as a virtual gift to such corporations, or for the benefit of a favored locality. Nor, especially, would it have consented to divert to such a purpose the principal of one million dollars—Kentucky's pro rata in the distribution of the surplus Federal revenue in 1837—which had been sacredly set apart as a fund for common schools, and thus fasten upon the people a perpetual annual payment of its interest, amounting to seventy-nine thousand six hundred and twenty dollars (for which they are taxed to-day), without hope of any return to the public Treasury.

Were such donations to be made, it would have been better to appropriate them in opening a way to the vast natural treasures of the State, locked up in regions then, as now, inaccessible for want of road facilities.

I need not say that the expectation that the State would derive a considerable revenue from her turnpike stock has been disappointed, the average annual dividend being little more than one per cent. Unfortunately, too, this great interest of the State has been so little regarded, its condition looked upon as so irretrievable, that the only attention it has secured from the Legislature, for some years past, was in an act passed at January session, 1871, authorizing the Commissioners of the Sinking Fund to dispose of the several turnpike stocks of the State to the highest bidder—above $200,000; a sacrifice which was averted only at the last hour by the interposition of an earnest appeal, which caused the measure to be rescinded.

How shall we interpret the disastrous failure of these enterprises? The scheme of State aid under which they received their public support has
long since been abandoned, and its revival is expressly prohibited by the present Constitution. The sentence of public opinion has been pronounced against it. But however visionary may have been the statesmen who advocated this system of internal improvements; however blinded the people of that day, can it be that their expectations were utterly illusory and groundless? Was the actual result which confronts us to-day inevitable and without remedy?

I think that when these roads were projected there were good grounds for believing that most of them would pay a fair dividend; and, indeed, had they not been, to some extent, superseded by railroads, the profits of those traversing the more important centers of business and lines of travel would have been very large. But, with such competition, the depreciation of their stock was unavoidable, although not to the extent it has actually reached.

The original cost of constructing the roads was excessively high. This was partly owing to the fact that, in the feverish excitement on the subject of internal improvement, which, at that time, pervaded our State; when, for many years, a million of dollars were annually expended in such works; so many enterprises were at the same time bidding for labor that contractors were enabled to obtain high rates; the fact, too, that they were to be paid, to a large extent, out of the public Treasury, exaggerated the cost. For it is almost invariably the case that public contracts are made upon high estimates, and with lavish expense. When, therefore, the local Boards of Internal Improvement were intrusted with the outlay of the State's subscription to turnpike roads in their several counties, and were directed by law, in making the contracts, to select the most difficult and costly portions of the work, it is not surprising that, in making their contracts, they should accept high estimates without strict scrutiny or great care of economy. With a like liberality land, material, &c., were paid for; and when the roads went into operation, large numbers of citizens along their respective lines had become stockholders, or placed on the free list for having furnished right of way, quarries, or even the rubble-stone that encumbered their land.

Could we ascertain what proportion of the private subscriptions to these turnpike companies has been fully paid up, it might furnish another reason for the depreciation of their stock. In some instances the Legislature has made appropriations amounting to half the estimated cost of an enterprise; the other half to be furnished by private subscription; and it has been afterwards found that the sum thus appropriated by the State completed the improvement.

But whilst such causes operated unavoidably to produce depreciation in the value of stock in the roads, and lessen their legitimate dividends, they
show no reason why the average annual dividend for thirty years should have amounted to only a small fraction over one per cent. They cannot account for the fact that, whilst there should have been a steady increase in their profits, there has been, on the contrary, for several years immediately preceding 1871, a very great decrease. From an exhibit furnished me by the Auditor, I find that the aggregate revenue from these roads, for thirty years (from 1843 to 1872), was $931,725 49, or $30,057 57 per annum—a fraction over one per cent. on the investment. Previous to 1860, however, the returns were much larger; a great diminution having taken place since the State has had no agent to supervise and look after its interest in these roads.

As illustrative of this, a comparison of the six years preceding 1860 with the same period preceding 1873, gives the following result:

Aggregate of dividends from 1854 to 1859, $206,604 37, or $34,434 06 per annum, whilst the amount from 1867 to 1872, inclusive, was only $145,797 12, or $24,299 12 per annum. In 1854 the dividend paid was $38,941 57, whilst in 1870 it had decreased to $18,859 28. But since attention has been called to this long-neglected interest, there has been an encouraging improvement in the returns; and the dividend last year reached $33,550 19, which, moreover, will be increased, as the returns from several companies are yet to be reported.

The following statement of receipts from four of the principal companies will show how greatly the revenue from this source has been reduced since the State has had no proper officer to supervise them:

The average annual dividend of Louisville and Bardstown road, from 1843 to 1854, inclusive, was $3,978 47
From 1863 to 1873 .............................................. 1,147 44

Average annual dividend of Maysville, Paris, and Lexington road, from 1843 to 1863 .............................................. $5,158 99
From 1863 to 1873 nothing paid, except for the year 1873 .............................................. 1,937 60

Average annual dividend of Danville, Lancaster, Nicholasville, and Lexington road, from 1843 to 1867 .............................................. $5,876 02
From 1867 to 1873 .............................................. 3,405 02

Richmond and Lexington Turnpike Road Company, from 1843 to 1866 .............................................. $2,727 30
From 1866 to 1873 .............................................. 968 11

And a similar falling off attaches to nearly all of them.

Some of these roads were very much damaged by the movement of troops and munitions of war (from 1861 to 1865); but this was not without compensation. The large amount of tolls received supplied the means for repairs.

I am satisfied that the State has often been deprived of a considerable
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revenue, and the private stockholders in these companies of reasonable dividends, simply because of the manifold abuses in their management. As the State owns the larger portion of their stock, her representatives can exercise a controlling influence in that management; and, it is to be feared, have often used it to perpetuate those abuses to the injury alike of the Commonwealth and of the turnpike companies. In justice, therefore, to the entire people of the State, whose money has been invested in these enterprises, as well as to private stockholders, I feel that it is an imperative duty of the government to provide a more efficient supervision of this important public interest.

I am convinced that, with an improved management of these roads, an annual revenue of at least fifty thousand dollars could be soon derived from them, which would be steadily augmented along with the increase of population, wealth, and business in the Commonwealth. To this end I earnestly call your attention to my former recommendations for the appointment, with a competent salary, of a Commissioner of Turnpike Roads; and if that is not deemed the most appropriate remedy, that you will take the matter into earnest consideration, and devise some other suitable measure to accomplish the end.

P. H. LESLIE.

Ordered, That 500 copies of said message be printed, and that the same be referred to the Committee on Internal Improvement.

The following petitions were presented, viz:

By Mr. Hays—
1. The petition of C. M. Fraize, clerk of the Hardin county court.

By Mr. Gatewood—
2. The petition of citizens of Allen and Monroe counties, asking the passage of a law authorizing the building of a mill-dam across Barren river.

Which were received, the reading dispensed with, and referred—

the 1st to the Committee on the Judiciary, and the 2d to the Committee on Propositions and Grievances.

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

On motion of Mr. Varnon—
1. A bill for the benefit of James Crow, committee of Wm. Gilbert and Martha Gilbert.

On motion of Mr. Evans—
2. A bill to incorporate the Commonwealth Bridge Company.

On motion of Mr. Holt—
3. A bill for the benefit of the common school district, No. 32, Calloway county.
On motion of Mr. Hargis—
4. A bill to amend chapter 39 of General Statutes, entitled "Executors and Administrators," so far as regards the commissions of said fiduciaries.

On motion of Mr. Turner—
5. A bill to incorporate the Odd Fellows' Tabernacle Association of Louisville, Kentucky.

On motion of Mr. Brown—
6. A bill to amend chapter 223, laws 1844, approved 27th February, 1844.

On motion of Mr. McManama—
7. A bill in relation to the insurance laws of this Commonwealth.

On motion of Mr. Lovel—
8. A bill for the benefit of common school district No. 18, in Mason county.

On motion of Mr. Culbertson—
9. A bill to incorporate the Mutual Benefit Association of the Western Virginia Conference of the M. E. Church, South.

On motion of same—
10. A bill to incorporate the Young Preachers' Educational Aid Society of the Western Virginia Conference.

On motion of Mr. Edwards—
11. A bill for the benefit of P. G. Smith, one of the sureties of O. G. Moore, late sheriff of Edmonson county.

On motion of same—
12. A bill for the benefit of Alexander Houclems, one of the sureties of O. G. Moore, late sheriff of Edmonson county.

On motion of Mr. Darby—
13. A bill to amend the charter of the Elizabethtown and Paducah Railroad Company.

On motion of same—
14. A bill to amend the charter of the town of Princeton, and to confer certain powers on the trustees thereof.

Ordered, That the Committee on Finance prepare and bring in the 1st, 11th, and 12th; the Committee on Railroads the 2d and 13th; the Committee on Education the 3d and 8th; the Committee on the Judiciary the 4th; the Committee on Internal Improvement the 5th; the Committee on Religion and Morals the 6th, 9th, and 10th; the Committee on Banks and Insurance the 7th, and the Committee on Courts of Justice the 14th.
Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills and a resolution, which originated in the House of Representatives, of the following titles, viz:

An act to authorize the sheriff of Grayson county to hold an election for district officers in Sand Spring district, in Grayson county;

An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Harlan," approved February 7th, 1870;

An act to fix the time of holding the Garrard circuit court, and to amend section 5, article 5, chapter 28, of the General Statutes;

Resolution concerning the aid of the Federal Government to the Geological State Survey;

And had found the same truly enrolled.

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 approval and signature.

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

Bills from the House of Representatives, of the following titles, were reported, without amendment, by the committee to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Agriculture and Manufactures—

An act to amend an act for the benefit of the Bourbon County Agricultural Society, approved February 12, 1849.

An act for the preservation and protection of game and fish in Bourbon county.

Ordered, That said bills be read a third time.

The constitutional provision 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.

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

By Mr. Briggs, from the Committee on Claims—

1. A bill for the benefit of John H. Eastham, late sheriff of Boyd county.

40-s.
By Mr. Barker, from the same committee—
By Mr. McManama, from the Committee on Courts of Justice—
3. A bill to regulate the responsibility of innkeepers.
By Mr. Simmons, from the Committee on Charitable Institutions—
4. A bill for the benefit of the creditors of the Institution for the
Education and Training of Feeble-minded Children.

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

The constitutional provision as to the second reading of said bills
being dispensed with,

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

The constitutional provision 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.

The yeas and nays being required on the passage of the fourth bill
in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—
Thos. J. Barker, W. W. Frazer, T. L. Jefferson,
John S. Barlow, John J. Gatewood, R. B. Lovel,
Robert A. Briggs, Jesse W. Gilbert, A. L. Martin,
Scott Brown, D. R. Haggard, Robert Simmons,
James F. Clay, H. S. Hale, E. W. Turner,
W. W. Culbertson, Thos. F. Hargis, Thos. W. Varnon,
F. W. Darby, J. W. Hays, W. L. Vories,
P. F. Edwards, I. L. Hyatt,

Those who voted in the negative, were—
W. J. Berry, Geo. B. Hodge, G. W. Swoope—5.
Robert Boyd, B. W. S. Huffaker,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Ken-
tucky, That for the purpose of liquidating the indebtedness for the Insti-
tution formerly known as the Institution for the Education and Training
of Feeble-minded Children, contracted several years ago for the purpose
of completing the extension of the building to said Institution, the sum
of five thousand eight hundred and sixty-seven dollars and sixty-four
cents ($5,867 64) is hereby appropriated, and the Auditor of Public Ac-
counts is directed to draw his warrant on the Treasurer in favor of the
Treasurer of said Institution, as now organized, for said amount, payable
cut of any money in the Treasury not otherwise appropriated.

§ 2. That the further sum of thirteen hundred and seventy-eight dollars
and fifty-three cents ($1,378 53), or so much thereof as may be necessary,
is hereby appropriated to said Institution to enable it to settle and liqui-
date a claim set up by John Haly against it: Provided, however, That the Auditor of Public Accounts shall not draw his warrant on the Treasurer for said amount, or any part thereof, until he first investigates the validity and justness of said claim, and is satisfied that the whole or a part of it should be paid; and he then shall draw his warrant only for so much of the same as may be just and equitable, and which shall be in full settlement of said claim.

§ 3. This act shall be in force from its passage.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the State Librarian be directed to furnish to this General Assembly, on or before January 20, 1874, a statement, in writing, showing fully the amount and cost of the paper furnished for public printing, the amount and cost of paper and ink furnished for the Public Offices, and all other articles, with the cost of each, furnished as or under the term "Stationery," for any office, officers, or departments of the State Government during the year 1873, and showing what articles were furnished to each office or department.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor be directed to report to this General Assembly what fines, forfeitures, or other moneys payable into the State Treasury, or given or appropriated by any special or local act to counties, towns, cities, corporations, or institutions of any kind, and that he also report what moneys are paid out of the Treasury under special or local acts in cases of penal or criminal prosecutions.

The Senate took up for consideration a bill, entitled A bill to amend the law of evidence. Said bill was then amended. Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision 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. Walton asked leave to record his vote on the question of the passage of a bill, which was rejected by the Senate on yesterday, entitled A bill to amend the penal laws of this Commonwealth, Which was granted.

His vote was then recorded in the affirmative.
Mr. Hargis then moved to reconsider the vote by which said bill was rejected.
Which was adopted.
The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was also reconsidered.
On motion, Ordered, That said bill be recommitted to the Committee on the Judiciary.
On motion of Mr. Hays, Mr. Goodloe was added to the Committees on the Judiciary, Banks and Insurance, and Sinking Fund.
Mr. Martin moved to reconsider the vote by which the Senate had passed a bill, entitled
A bill to amend an act, entitled "An act to incorporate the Cov­ington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873.
Which motion was simply entered.
The Senate then took up for consideration a bill, entitled
A bill to re-establish the Institution for the Education and Training of Feeble-minded Children.
Said bill reads as follows, viz:
WHEREAS, An Institution for the Education and Training of Feeble-minded Children was established by an act approved the 11th of February, 1860; and whereas, by an act concerning the various charitable institutions in this Commonwealth, said Institution was to be converted into a Lunatic Asylum, to be known and styled the Third Kentucky Lunatic Asylum, whenever the Asylums for lunatics at Lexington and Hopkinsville were filled; therefore,
§ 1. Be it enacted by the General Assembly of the Commonwealth of Ken­tucky, That the Institution for the Education and Training of Feeble-minded Children be, and the same is hereby, re-established under the corporate name and title of "The Commissioners of the Kentucky Institu­tion for the Education and Training of Feeble-minded Children."
§ 2. The Commissioners of said Institution, to be appointed as hereafter directed, shall be, and they are hereby, constituted a body-corporate, with all the usual powers of a corporation necessary to carry out the objects of said Institution, with perpetual succession; with authority to purchase and hold, or to rent or hire, or to receive by gift or bequest, property, real or personal, for the objects of said Institution; with capacity of contract­ing and of being contracted with; of suing and being sued; of pleading and being impleaded; and of using a common seal, and altering the same at pleasure.
§ 3. The Commissioners of said Institution shall be nine in number, to be appointed by the Governor, with and by the advice and consent of the Senate, all of whom to reside in the county in which the Institution is located; five of whom shall constitute a quorum. They shall be divided into three classes, in the order of their names as appointed, with three in a class, and one class shall go out of office, according to their number,
every two years, but may be reappointed. They shall retain their office, however, until their successors are appointed. In case of death or resignation of a member, the Governor shall have power to supply the vacancy, to the end of his time.

§ 4. That all the funds and effects of said Institution shall be under the management and control of its Board of Commissioners, and their successors in office, as trustees for the State, in aid and furtherance of the objects of said Institution, and so manage and apply the same as may be best calculated, in their judgment, to build up and sustain the interest of said Institution.

§ 5. That said Board of Commissioners, and their successors in office, shall keep a true and complete record of all their proceedings and acts as a board, and cause to be kept by their secretary and treasurer a true and complete record of all money received and disbursed, from whence derived, and for what expended, all of which shall be open, at any time, subject to the inspection of any committee or commissioner appointed by the Legislature for the examination of the same; and it shall be the duty of the Board of Commissioners, for the time being of said Institution, to present to the Governor annually, and he lay before the General Assembly within the first week of the session, a statement of the funds, receipts, and expenditures of said Institution, and the number received and cared for during the year immediately preceding, and the counties from which they came.

§ 6. That the Board of Commissioners, and their successors in office, shall have power to appoint one of their number to act as President of the Board, and shall appoint a Secretary and Treasurer, neither of whom shall be a member of said Board, and all other inferior officers or employees, not otherwise provided for in this act, as they may deem necessary for the efficient management of said Institution, and may remove any of them at pleasure, and fill their places with others; and make such by-laws, rules and regulations, as they may deem necessary for the government and interest of said Institution, not inconsistent with the provisions of this act, nor in violation of the Constitution and laws of the State: Provided, That all such action shall be subject to the control of the General Assembly of this Commonwealth.

§ 7. That it shall be unlawful for the Board of Commissioners, or their successors in office, to meet and transact business, unless a majority of said Board shall be present and concur in their proceedings; nor shall the proceedings be binding until they shall have been first signed by the President, and countersigned by the Secretary.

§ 8. That each Commissioner, and every other officer appointed by the Governor under this act, and the Secretary and Treasurer of the Board, shall, before entering upon the duties of his office, take an oath before some notary public, or other officer authorized to administer oaths, that he will faithfully discharge the duties of his trust.

§ 9. That the officers of said Institution who shall be appointed by the Governor, by and with the consent and advice of the Senate, shall be as follows, viz.: a Medical Superintendent, one Assistant Physician, and a Steward, all of whom shall live in or near said Institution; and that the Superintendent shall receive for his services the sum of fifteen hundred dollars per annum, the Assistant Physician the sum of eight hundred dollars per annum, and the Steward the sum of seven hundred dollars per annum. Said amount to be paid out of the appropriations provided for in this act to meet the annual expenditures of said Institution.
§ 10. That the Treasurer, before he receives any money or other means belonging to said Institution, shall execute a bond to the Commonwealth in such sum and such securities as may be required and approved by the Board of Commissioners for the safe-keeping and disbursement of all money and other means placed in his hands by said Board, its agents, or other officers, or by the State. He shall not appropriate any money or other means belonging to said Institution in his hands to his own use, or lend the same to any other person for any purpose whatever; or to pay out or disburse any of said funds for any claim, in whole or in part, whatever, against said Institution, except upon the warrant of the President, countersigned by the Secretary; and for any violation of this provision by the Treasurer, he and his securities are made liable, on his official bond, for the full amount of the sum or sums thus unlawfully used, loaned, or disbursed, with ten per cent. damages, recoverable on proper process, before any court of competent jurisdiction in this Commonwealth.

§ 11. That the Board of Commissioners shall meet at least once in each month for the transaction of business, and oftener if the interest of the Institution shall require it, and it shall be unlawful for the President to issue his warrant for the payment of any claim against said Institution, until the same shall have been submitted to the Board of Commissioners and approved by them, and directed to be paid by an order entered upon the books of the Secretary, signed by the President and countersigned by the Secretary; and whenever the Secretary shall issue his warrant on the Treasurer for the payment of any claim thus ordered, he shall enter on a book kept for the purpose the number, date, and amount of said warrant, and the name of the person to whom issued.

§ 12. It shall be the duty of the Steward to purchase all needed and required supplies of every description. Said supplies to be purchased where they can be bought the cheapest, and regard being had in all cases to the quality as well as the price of articles purchased. Said supplies shall be paid for by the appropriation made by the State to meet the annual expenditures of the Institution, and no bill for supplies purchased shall be ordered to be paid by the Board unless the seller shall make out a detailed statement of articles purchased by the Steward, or his order, of the name of each article, date of purchase, and the price paid, and the claim being approved by the Steward, it shall be the duty of the Steward, whenever the President of the Board shall issue his warrant on the Treasurer for the payment of any articles purchased by him, to enter in a book kept for the purpose the number, date, and amount of said warrant, and the name of the person to whom the same was issued. He shall give due attention to the cultivation of the farm and garden, and shall be held responsible for the products of the same, and the proper care of the stock belonging to the Institution, and shall furnish, from time to time, such products of the farm or garden for the use of the Institution as may be required by the Superintendent; and he shall keep, in a book kept for the purpose, an account of all supplies thus furnished. He shall furnish a monthly statement to the Board, in writing, of his official acts to date. No sale of any of the stock or products of the farm or garden shall be made by him without the consent of the Board; and any funds received by him for any sale thus ordered shall be immediately paid over to the Treasurer, taking his receipt for the same, stating amount, when received, and the name of the article sold.

§ 13. The Secretary and Treasurer shall make a separate quarterly statement to the Board of the financial condition of the Institution, and
furnish the Governor with copies of the same, signed by the President and countersigned by the Secretary.

§ 14. The ages of children received into the Institution shall not be less than six years nor more than eighteen, and no child shall be allowed to remain in the Institution longer than ten (10) years, and may be removed at any time by order of the Board, whenever the interest of the Institution, in their judgment, shall require the same to be done; and whenever such removal shall be ordered by the Board of any inmate, or the term which it is allowed to remain shall have expired, said inmate shall be removed by the parent or guardian sending the same to the Institution without cost to the State: Provided, The parent is unable to pay the expense incurred to send the inmate home, or the guardian has no means belonging to his ward which he can lawfully use for said purpose, then, in that case, the Auditor of the State, upon the certificate of the Superintendent, shall pay the expense of transportation at the rate of six cents per mile, reckoning the distance by the usual route of travel to the home of said inmate; but no traveling expenses shall be paid except on the first reception and final discharge of the child. Should it appear to the Board, at any time, that any inmate now in said Institution, or that may hereafter be received, is a proper subject, under the law, for a Lunatic Asylum, they shall, with the advice and consent of the Superintendent, and the approval of the Governor, order him or her to be sent to one of the Lunatic Asylums of the State, and the expense of transportation shall be paid as now provided for by law for transportation of lunatics.

§ 15. There shall be, and is hereby, appropriated for the support, including board, instruction, &c., of each pupil, the sum of one hundred and fifty dollars ($150) per annum, payable quarterly, and the sum of ten thousand dollars per annum, payable quarterly in advance, from the time of the passage of this act, for the general support of the Institution, payment of salaries, purchase of books, maps, stationery, apparatus, contingent expenses, &c. It shall be the duty of the Superintendent to require of each parent or guardian, sending a child to the Institution, to pay whatever sum per annum, in his judgment, after an inquiry, he or she may be able to pay towards the support of his or her child or ward in the Institution. Bond, with approved security by the President of the Board, shall be required, in all such cases, by the Superintendent. From the indigent nothing shall be required. And whenever any child, now an inmate of the Institution, or that may hereafter be received, shall, in the judgment of the Board, be improvable, such inmate shall be removed by the parent or guardian, when the Board shall order the same to be done, by the advice and consent of the Superintendent; and the cost of removal for all indigent children shall be paid as provided in this act for the transportation of indigent children to the Institution.

§ 16. The terms of all officers provided for in this act, other than the Commissioners, shall be four years.

§ 17. It is distinctly avowed in this act that said Institution is not an Asylum for the custodial care of unimprovable idiots, but a School for the Education of Feeble-minded Children.

§ 18. That all acts or parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

Mr. Gilbert moved to amend said bill in section 15, line 3, by striking out the words "ten thousand dollars," and inserting in lieu thereof "six thousand dollars."
Mr. Martin called for a division of the question.
Which was granted.

The question was then taken on striking out "ten thousand dollars," and it was decided in the negative.

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

Those who voted in the affirmative, were—

John S. Barlow, W. J. Berry, Robert Boyd, James F. Clay, F. W. Darby;

W. C. Goodloe, D. R. Haggard, Thos. F. Hargis;


Those who voted in the negative, were—


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

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

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. McManama, from the Committee on Courts of Justice, to whom had been referred a bill from the House of Representatives, entitled
An act to increase the jurisdiction of justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties,

Reported the same with an amendment as a substitute therefor.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky. That in civil actions and proceedings justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties, shall have jurisdiction for the recovery of money or personal property, when the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value; and the pleadings therein may be oral; but before any summons is issued, the plaintiff shall file his account, written contract, or statement, upon which the action or proceeding is founded; and in all sums exceeding fifty dollars, a tax of fifty cents shall be paid by the plaintiff to the justice, who shall report the same to the trustee of the jury fund, as in cases of fines collected. The justice's fees, in all suits over fifty dollars, shall be the same as is now allowed circuit court clerks.

§ 2. This act to take effect from and after its passage.

Said proposed amendment reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky. That hereafter the courts of justices of the peace, in the counties of Butler, Bracken, Barren, Boyd, Crittenden, Calloway, Caldwell, Daviess, Fulton, Graves, Hickman, Henderson, Henry, McLean, Monroe, Metcalfe, Marshall, McCracken, Ohio, Pendleton, Pulaski, Todd, Union, Webster, Wayne, Trigg, Owen, Gallatin, and Boone, shall have jurisdiction concurrent with the circuit and quarterly courts of this Commonwealth of all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, does not exceed one hundred dollars in value. The pleadings therein shall be oral, and without verification; yet, before any summons shall issue, the plaintiff shall file with the justice the account, or the written contract, or a short statement of the facts on which the action is founded. In all sums exceeding fifty dollars a tax of fifty cents shall be paid by the plaintiff; and if the claim of the plaintiff is less than fifty dollars, and the set-off or counter-claim is greater than fifty dollars, then a like sum of fifty cents shall be paid by the defendant to the justice, who shall report and account for such sums so paid (by plaintiff or defendant, as case may be) to the trustees of the jury fund as in cases of fines collected by justices of the peace.

§ 2. Upon all judgments hereafter rendered in justices' courts by virtue of the provisions of this act, where the amount in controversy is less than fifty dollars, as much as ten dollars or more, exclusive of interest and costs, appeals may be had by either party to the quarterly courts of such counties in which the judgment is rendered; and where the matter in controversy is of the value of fifty dollars or more, exclusive of interest and costs, appeals may be had by either party to the circuit court of the county in which the judgment is rendered. The appeal and costs in all other respects shall be regulated as now provided by law.

§ 3. All laws in conflict with this act, as to the counties mentioned in this act, are hereby repealed.

§ 4. This act shall take effect and be in force from and after the first Monday in May, 1874.

41-s.
Mr. Hargis moved to amend the amendment proposed by the committee by striking out all of the counties named in the first section thereof, and inserting in lieu thereof the words "in this Commonwealth."

And 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. Huffaker and Turner, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, B. W. S. Huffaker,
W. J. Berry, Jesse C. Gilbert, I. L. Hyatt,
Robert A. Briggs, Thos. F. Hargis, R. B. Lovel,
Scott Brown, J. W. Hays, Robert Simmons,
F. W. Darby, G. A. C. Holt,

Those who voted in the negative, were—

Mr. Speaker (Carlisle) Walter Evans, A. L. Martin,
Thos. J. Barker, John J. Gatewood, O. D. McManama,
Robert Boyd, W. C. Goodloe, G. W. Swoope,
W. W. Culbertson, D. R. Haggard, Thos. W. Varnon,
William P. Duvall, H. S. Hale, W. L. Vories,

Mr. Gilbert then moved to amend said amendment by adding the counties of "Marshall and McCracken" after the word "McLean," and before the word "Ohio."

Which amendment was adopted.

Mr. Gilbert proposed further to amend said bill as follows, viz:

Amend by striking out all of section two, after and including the word "where," in line two, to and including the word "and," in line five, and by striking out the word "fifty," in line six, and inserting in lieu thereof "twenty."

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

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

Those who voted in the affirmative, were—

F. W. Darby, G. A. C. Holt, Robert Simmons,
Jesse C. Gilbert, R. B. Lovel, E. W. Turner,
Geo. B. Hodge, O. D. McManama,

Those who voted in the negative, were—

Thos. J. Barker, Wm. P. Duvall, Thos. F. Hargis,
John S. Barlow, P. F. Edwards, B. W. S. Huffaker,
Robert Boyd, Walter Evans, I. L. Hyatt,
Robert A. Briggs, W. W. Frazer, G. W. Swoope,  
Scott Brown, John J. Gatewood, W. L. Vories,  
W. W. Culbertson, H. S. Hale,  

Mr. Martin then moved the previous question.  
And the question being taken, “Shall the main question be now put?” it was decided in the affirmative.  
The question was then taken on the adoption of the amendment proposed by the committee, as amended, and it was decided in the affirmative.  
The yeas and nays being required thereon by Messrs. Swoope and Holt, were as follows, viz:  

Those who voted in the affirmative, were—  

John S. Barlow, John J. Gatewood, T. L. Jefferson,  
W. J. Berry, Jesse C. Gilbert, R. B. Lovel,  
Scott Brown, W. C. Goodloe, A. L. Martin,  
James F. Clay, H. S. Hale, O. D. McManama,  
W. W. Culbertson, George B. Hodge, Robert Simmons,  
F. W. Darby, G. A. C. Holt, G. W. Swoope,  
Wm. P. Duvall, B. W. S. Huffaker, Thos. W. Varnon,  

W. W. Frazer,  

Those who voted in the negative, were—  

Thos. J. Barker, D. R. Haggard, E. W. Turner,  
Walter Evans, J. W. Hays,  

Ordered, That said bill, as amended, be read a third time.  
The constitutional provision as to the third reading of said bill being dispensed with,  
The question was then taken on the passage of said bill, and it was decided in the affirmative.  
The yeas and nays being required thereon by Messrs. Evans and Swoope, were as follows, viz:  

Those who voted in the affirmative, were—  

John S. Barlow, W. W. Frazer, R. B. Lovel,  
Robert Boyd, Jesse C. Gilbert, A. L. Martin,  
Scott Brown, W. C. Goodloe, O. D. McManama,  
James F. Clay, H. S. Hale, Robert Simmons,  
W. W. Culbertson, G. A. C. Holt, G. W. Swoope,  
F. W. Darby, B. W. S. Huffaker, E. W. Turner,  
Wm. P. Duvall, I. L. Hyatt, Thos. W. Varnon,  

Those who voted in the negative, were—  

Robert A. Briggs, D. R. Haggard, J. W. Hays,  

John J. Gatewood,
Resolved. That the title of said bill be amended so as to read, viz:

An act increasing the jurisdiction of justices of the peace in the counties of Butler, Bracken, Boyd, Barren, Crittenden, Caldwell, Calloway, Daviess, Fulton, Graves, Hickman, Henderson, Henry, McLean, Monroe, Metcalfe, Ohio, Pendleton, Pulaski, Todd, Union, Webster, Marshall, McCracken, and Wayne.

And then the Senate adjourned.

WEDNESDAY, JANUARY 21, 1874.

A message was received from the House of Representatives, announcing that they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith.

An act for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county.

An act for the benefit of the town marshal of New Liberty, county of Owen.

An act for the benefit of Union county.

An act for the benefit of Thos. E. Moore, sheriff of Bourbon county.

An act for the benefit of Roht. Wheat, a colored pauper idiot of Adair county.

An act for the benefit of H. C. Malone, late sheriff of Shelby county, and securities.

An act for the benefit of Thos. D. Grundy, sheriff of McCracken county, and his sureties.

That they had concurred in a resolution, which originated in the Senate, entitled

Resolution asking repeal of bankrupt law.
That they had received official information from the Governor that he had approved and signed enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to repeal an act empowering the county court of Mercer county to make subscription to capital stock in turnpike roads in said county.

An act providing for the payment of money to Eliza A. Taylor, of Owen county.

An act for the benefit of David Wheeler, of Clinton county.

An act for the benefit of E. H. Hobson and J. J. Durham.

An act to repeal sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled "An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein."

An act to amend the town charter of Harrodsburg, Mercer county.

An act for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts.

An act allowing the netting of fish in Sinking creek, in Breckinridge county.

An act for the benefit of George Carter, committee for J. B. Salter, a lunatic of Lawrence county.

An act legalizing an order made by the court of claims in Crittenden county.

An act to abolish the court of common pleas in Union county.

An act for the benefit of Franklin Female College, in Simpson county.

That they had passed bills and adopted a resolution of the following titles, viz:

1. An act to protect the owners of property in this Commonwealth against damages by fire from steam-cars.

2. An act to amend subsection 2 of section 1 of chapter 31 of the General Statutes.

3. An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth.

4. An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth."

5. Resolution providing for the removal of the remains of Captain John Howell, a soldier of the Revolution, to the State Cemetery at Frankfort.
Which bills were severally read the first time and ordered to be
read a second time.

The constitutional provision as to the second reading of said bills
being dispensed with, they were referred—the 1st to the Committee
on Propositions and Grievances; the 2d and 4th to the Committee on
Revised Statutes and Codes of Practice and General Statutes, and
the 3d and 5th, the resolution, to the Committee on Religion and
Morals.

The Speaker laid before the Senate the following memorial of the
members of the Temperance Convention held in the city of Frankfort
January 8th, 1874, viz:

MEMORIAAL.

Addressed to the General Assembly of Kentucky, by order of the Frankfort
8th of January Convention of the Friends of Temperance.

FRANKFORT, January 21st, 1874.

Gentlemen of the Senate and House of Representatives:

The petition of the undersigned respectfully showeth: That, on the
8th day of January of the present year, they were appointed, by a
mass meeting of the friends of temperance, representing all parts of
Kentucky, assembled at the Capital, a committee, to memorialize
your honorable body in behalf of the passage of a law, the draft of
which has already been laid before you by the Governor of the State,
which is designed to regulate the traffic in intoxicating liquors in this
Commonwealth.

In performing the duty assigned us, we would, in the first place,
respectfully call your attention to the striking and very important
fact, that the enactment of such a law is asked at your hands by the
earnest petitions of ONE HUNDRED AND FORTY-SEVEN THOUSAND of the most
substantial citizens of Kentucky, many of them being voters and tax-
payers, prominent for high character, wealth, and intelligence. In
addition to this, the convention or mass meeting, at whose instance
we present this memorial, was composed of prominent gentlemen
from all parts of the State, representing a very large proportion of
the bone and sinew, the wisdom and virtue, of the Commonwealth.

In a memorial like this, addressed to the picked men of the State,
we feel that it is unnecessary to portray the evils of intemperance, or
dwell upon the horrors of the liquor traffic as at present conducted,
and the crying necessity for some such enactment as the one we pro-
pose. The fearful effects of the liquor traffic are visible at all times
and in all directions. The absolute necessity for legislation is proven by the fact, that all other agencies have failed to stay the advancing tide of intemperance which threatens to overwhelm us. It is proven by the hundreds and thousands of petitions on the subject that have been pouring into the Legislature for many years past, from all parts of the State.

That such a law will be productive of great good, is evidenced by the happy results which have followed in its train in every State where it has been adopted and enforced. Intemperance, by means of the present ill-regulated license allowed to the traffic in liquor, has been making war upon Kentucky ever since the Commonwealth came into existence; it is high time for Kentucky, in her corporate capacity, to fight back. Let the passage of the law we advocate be Kentucky's declaration of war against the monster evil of modern times.

The highest evidence of true progress that Kentucky can now give to the world, will be to place upon her statute-book the law we, as the representatives of over one hundred thousand of the voters of the State, have the honor to champion. Kentucky cannot move forward with any hope of distinction in the path of progress and development, so long as she is encumbered by the dead-weight of this mammoth evil. Kentucky is a giant—a giant in developed and undeveloped wealth, and almost limitless resources of soil, manufactures, mines, and forests—a giant in her almost countless array of true men and noble women; but no giant, however huge and powerful, none that ever figured resistlessly in the wildest dreams of Oriental imagination, could make a respectable fight against the powers of evil, or any headway against the obstacles that beset the path of progress, if encumbered, as Kentucky is, by such an Old Man of the Sea as the all-pervading, all-corrupting liquor traffic as at present permitted. It should be borne in mind that the law, whose adoption we respectfully urge, does not propose to abolish, but only seeks to regulate and confine, within decent bounds, the traffic in liquor.

Should Kentucky refuse to enact this law, it will be by many regarded as a distinct announcement to the world that she does not care to advance, with the rest of her great compeers, along the pathway of glory to the "brighter and better day," for which good men everywhere yearn with an irrepressible longing, and toward which so many of her sisters in the constellation of States are struggling with a noble earnestness, which wins a victory in every step of advance, and triumphs in every manful blow struck against evil.
Of all the evils that afflict modern society, the one against which the brotherhoods of temperance do battle, and to put down which we are commissioned to invoke your aid, is growing to be, if it is not already, the chiepest. Speaking, as we do, in the name and on behalf of at least three fourths of the people of the Commonwealth, we are confident our petition will not be in vain.

We have the honor to be,

Very respectfully,

Your fellow-citizens,

GREEN CLAY SMITH,
JOHN POLK PRYOR,
Committee.

Which was received, the reading dispensed with, and referred to the Committee on Religion and Morals.

Mr. McManama, from the Committee on Courts of Justice, reported a bill, entitled

A bill for the benefit of George R. Hines and Thomas D. Carson.

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

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That Lysander J. Smith, of Butler county, Henry T. Clark, of Warren county, and John A. Finn, of Simpson county, be, and they are hereby, appointed commissioners to ascertain and audit the claims of George R. Hines and Thomas D. Carson against the Commonwealth, for a sum alleged to be due upon certain contracts entered into between the said Hines and Carson and the Commonwealth. It shall be the duty of the Attorney General and G. M. Mullaney to represent the Commonwealth in said investigation. If said commissioners shall ascertain that anything is justly and equitably due by the Commonwealth to the said Hines and Carson, they will certify the amount thereof to the Auditor, who shall draw his warrant upon the Treasurer for such sum: Provided, The Governor shall approve the payment thereof. The commissioners hereby appointed, before they proceed to discharge the duties imposed upon them, shall take an oath to faithfully and honestly discharge such duties.

§ 2. This act to take effect from its passage.

Mr. Swoope moved that said bill be printed, and made the special order of the day for the 26th inst.

Which was rejected.

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

Those who voted in the affirmative, were—

Those who voted in the negative, were—

Thos. J. Barker,                Jesse C. Gilbert,  T. L. Jefferson,
W. J. Berry,                   W. C. Goodloe,    D. H. Lindsay,
Scott Brown,                   D. R. Haggard,   R. B. Lovel,
James F. Clay,                 H. S. Hale,      O. D. McManama,
W. W. Culbertson,              Geo. B. Hodge,   Robert Simmons,
F. W. Darby,                   G. A. C. Holt,   E. W. Turner,
W. W. Frazer,                  B. W. S. Huffaker, W. L. Vories,

On motion of Mr. Gatewood,

Ordered, That said bill be postponed and made the special order of the day for the 23d inst.

The Senate, according to order, took up for consideration a bill, entitled

A bill to provide means for the erection of public buildings for State purposes, for the purchase of grounds therefor, and for the permanent location of the Seat of Government.

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

Said bill was read a third time as follows, viz:

WHEREAS, The Capitol and other public buildings, at the Seat of Government, are inadequate for the safe-keeping of the public records and archives, as well as for the convenient dispatch of business; now, therefore, to provide for and secure the erection of public buildings fit for the public service, and compatible with the dignity of the Commonwealth of Kentucky,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the purposes of raising money for the erection of a fit and suitable Capitol, and other public buildings, the Governor of this Commonwealth is hereby authorized and directed to issue the bonds of this State, and pledge the property and good faith of the Commonwealth for the payment thereof, principal and interest, substantially in form as bonds have heretofore been issued by the State. The aggregate of the bonds hereby authorized shall not exceed fifteen hundred thousand dollars of principal, of which one thousand bonds shall be for one thousand dollars each, and another thousand bonds for five hundred dollars each, payable thirty years after their respective dates, and to bear interest at the rate of seven per cent. per annum from date until maturity, payable semi-annually, for which interest coupons shall be attached; principal and interest to be payable at some bank of known credit and standing in the city of New York. The bonds to be signed by the Governor, and countersigned by the Auditor of Public Accounts, and the coupons to be signed by the Auditor alone.

§ 2. That the Governor shall, after due advertisement, place said bonds upon the market, in such sums and at such times as to him may seem best, or as he may be directed by the General Assembly, and sell the same so as to realize the greatest sum thereon, which sum or sums so realized shall be placed in the Public Treasury of the State, subject to the purposes named in the first section of this act, and no other.

42-s.
§ 3. That for the purpose of providing means to pay the principal and interest of the said bonds, within thirty years from their date, an annual tax of five cents on the one hundred dollars shall be levied on all property now subject to State taxes within this Commonwealth, which tax shall be collected each and every year as other State taxes are now collected: Provided, That if, at any time, there shall be in the Public Treasury funds lawfully applicable to the payment of the interest and towards the sinking fund herein provided for, or any part thereof, and the same shall be so applied by the General Assembly, then to the extent of provisions so made the taxes herein provided for may be reduced.

§ 4. The surplus of the money raised by the taxes by this act imposed, after paying the interest on said bonds, shall be paid over to the Commissioners of the Sinking Fund of Kentucky, and by them to be used and kept as a separate fund, and made productive to accumulate a sum sufficient for the payment of the principal of said bonds at maturity, with powers and duties in said Commissioners in the control and management thereof as now provided by the General Statutes as to other funds under their control.

§ 5. That this act shall be submitted to the people of this Commonwealth at the general election to be held on the first Monday in August, 1874, for their ratification or rejection; and it shall be the duty of all officers of election in this Commonwealth to open a column upon the pollbooks, and record the votes for and against the ratification of this act, and to propound to each voter the following words: "Do you vote for or against the act authorizing the issue of one and one half million dollars for the purchase of ground, and the erection of a State Capitol, and other offices for the public officers of this Commonwealth?"

§ 6. That if, at the said general election, a majority of the votes cast shall be in favor of this act, then the General Assembly meeting next after such ratification shall, within thirty days after meeting, select and decide upon the place for the permanent location of the Seat of Government of this Commonwealth; and thereafter shall proceed, by proper enactments, to cause suitable and sufficient land to be purchased, and plans adopted, and a Capitol and other public buildings erected and paid for out of the fund raised by the sale of said bonds.

§ 7. That it shall be the duty of the county clerks in each county of this Commonwealth to make immediate returns of the vote provided to be taken in this act, to the Secretary of State, who shall report same to the Governor, to be communicated by him to the General Assembly.

§ 8. That it shall be the duty of the Secretary of State, within thirty days preceding the first Monday in August, 1874, to cause this act to be published three times in each daily and weekly newspaper published in this Commonwealth.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Geo. B. Hodge, A. L Martin,
James F. Clay, B. W. S. Hufsker, O. D. McManama,
W. W. Culbertson, I. L. Hyatt, Robert Simmons,
W. C. Goodloe, R. B. Lovel.
Those who voted in the negative, were—

John S. Barlow, P. F. Edwards, G. A. C. Holt,
W. J. Berry, W. W. Frazer, D. H. Lindsy,
Robert Boyd, John J. Gatewood, G. W. Sleeper,
Robert A. Briggs, Jesse C. Gilbert, E. W. Turner,
Scott Brown, D. R. Haggard, Thos. W. Varnon,
Wm. P. Duvall, Thos. F. Hargis,

So said bill was rejected.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill, entitled

A bill to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873.

The question was then taken on reconsidering said vote, and it was decided in the negative.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was dispensed with,

Said bill was then amended.

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

The constitutional provision 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. Lovel, from the Committee on Education, reported a bill, entitled

A bill for the benefit of common school district No. 18, in Mason county.

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

Said bill was read a second time as follows, viz:

WHEREAS, The trustees of school district No. 18, in Mason county, made their census report for the school year ending 30th June, 1874, showing that they had one hundred and thirty-eight children therein within pupil age; and whereas, said census report was mislaid, and does not appear upon the pay-roll of said county; and whereas, said trustees of said district have caused a common school to be taught therein, by a qualified teacher, for the full term of five months, and have legally made their report, as required by law; for said district, including the town of Lewisburg, in said county:

§1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be directed to draw his warrant in favor of
the school commissioner of Mason county for $1.60 per scholar, making $220.80, for the benefit of said school district, to be paid out of the unexpended fund due the county of Mason.

§ 2. This act to take effect from its passage.

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

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

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<th>Thos. J. Barker</th>
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<th>R. B. Lovel</th>
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<td>John S. Barlow</td>
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<td>Jas. F. Clay</td>
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<td>Walter Evans</td>
<td>D. H. Lindsay</td>
<td>C. J. Walton</td>
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In the negative—none.

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

Leave was asked by the several committees to be discharged from the following petitions, leaves, &c., which had been referred to them, viz:

By Mr. Clay, from the Committee on the Judiciary—

1. Leave to bring in a bill to amend the exemption laws.

By Mr. Evans, from the same committee—

2. The petition of the incorporators of the Rough Creek Navigation Company, praying the passage of an act for their benefit.

By Mr. Brown, from the Committee on Library and Public Offices and Buildings—

3. The petition of A. W. Dudley, praying the passage of an act for his benefit.

By Mr. Haggard, from the Committee on Propositions and Grievances—

4. The petitions of sundry citizens of Ohio, Butler, and other counties, praying the formation of a new county out of parts of said counties.
By same—
5. Leave to bring in a bill to amend an act incorporating the Rough Creek Manufacturing Company, approved March 8th, 1856.
Which was granted.

Ordered, That the 2d petition and 5th leave be referred to the Committee on Internal Improvement, and the 3d petition to the Committee on Claims.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Lovel, from the Committee on Education—
An act to amend an act, entitled "An act to incorporate the town of Grayson, in Carter county."

By Mr. Hargis, from the Committee on the Judiciary—
An act to extend to the farmers of Fayette county the lien provided in an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31st, 1871.

By same—
An act to amend the charter of the Lexington Building and Accumulating Fund Association.

By Mr. Haggard, from the Committee on Propositions and Grievances—
An act to repeal an act, entitled "An act declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream," approved April 24th, 1873.

By same—
An act to amend an act, entitled "An act for the protection of the livery-stable keepers in this Commonwealth," approved January 31st, 1871.

Ordered, That said bills be read a third time.

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

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

Mr. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled
An act to authorize the trustees of Albany, in Clinton county, to sell certain streets in said town,
Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was disagreed to.

Mr. Turner, from the Committee on Internal Improvement, to whom had been referred a bill from the House of Representatives, entitled

An act to amend section 4, article 3, chapter 27, of the General Statutes, so as to exclude McCracken county from the provisions thereof;

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of section 4, article 3, chapter 27, of the General Statutes, shall not apply to the county of McCracken.

§ 2. This act shall take effect from its passage.

Mr. Holt proposed the following amendment as a substitute for said bill, viz:

That section 4, article 3, chapter 27, of the General Statutes, be, and the same is hereby, repealed.

Pending the consideration of which,

Mr. Martin moved to lay said bill and pending amendment on the table.

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

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

Those who voted in the affirmative, were—

John S. Barlow,  John J. Gatewood,  T. L. Jefferson,
W. J. Berry,  Jesse C. Gilbert,  D. H. Lindsay,
Robert A. Briggs,  W. C. Goodloe,  R. B. Lovel,
Scott Brown,  D. R. Haggard,  A. L. Martin,
W. W. Culbertson,  Thos. F. Hargis,  O. D. McManama,
William P. Duvall,  George B. Hodge,  Robt. Simmons,
P. F. Edwards,  I. L. Hyatt,  C. J. Walton—22,
W. W. Frazer,

Those who voted in the negative, were—

Thos. J. Barker,  H. S. Hale,  G. W. Swoope,
Robert Boyd,  G. A. C. Holt,  E. W. Turner,
Walter Evans,
On motion, Mr. Hyatt was added to the Committee on Apportionment in place of Mr. Webb.

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

On motion of Mr. Gilbert—
1. A bill to supply record-books at uniform prices.

On motion of Mr. Hargis—
2. A bill to amend an act, entitled "An act to amend the charter of Bacon College," approved January 15th, 1858.

On motion of Mr. McManama—
3. A bill relating to the insurance laws of this Commonwealth.

On motion of same—
4. A bill for the benefit of John T. McClure, late sheriff of Grant county.

On motion of Mr. Lindsay—
5. A bill for the benefit of Joseph Wilcher, jailer of Gallatin county.

On motion of Mr. Culbertson—
6. A bill for the benefit of the Boyd County Fair and Exposition Association.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st and 2d; the Committee on Banks and Insurance the 3d; the Committee on Propositions and Grievances the 4th; the Committee on Claims the 5th, and the Committee on Agriculture and Manufactures the 6th.

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

By Mr. Martin, from the Committee on Banks and Insurance—
A bill to repeal an act, entitled "An act to amend the charter of the Bank of Newcastle," approved 20th December, 1873.

By Mr. Simmons, from the Committee on Finance—
A bill for the benefit of James Crow, committee for William Gilbert and Martha Gilbert.

By Mr. Turner, from the Committee on Internal Improvement—
A bill to incorporate the Odd Fellows' Tabernacle Association of Louisville.

By Mr. Hargis, from the Committee on the Judiciary—
A bill authorizing the county court of Nicholas county to erect a toll gate on the Carlisle and Jackstown Turnpike Road, upper route.
By same—
A bill to amend an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company."
By Mr. Clay, from the same committee—
A bill to amend the charter of the city of Mayfield.
By same—
A bill to amend section 6, article 11, chapter 92, of the General Statutes, title "Revenue and Taxation."
By Mr. Evans, from the same committee—
A bill to amend the charter of the St. Bernard Coal Company.
By same—
A bill in relation to sales of personal property where the legal title is retained by the seller until the purchase money is paid.
By Mr. Haggard, from the Committee on Propositions and Grievances.
A bill for the benefit of A. T. Keene, late sheriff of Cumberland county.
By Mr. Berry, from the same committee—
A bill for the benefit of John P. Barrett, late sheriff of Ohio county.
By Mr. Gatewood, from the same committee—
A bill for the benefit of Geo. W. Bradburn, tax assessor for Allen county.
By Mr. Hodge, from the Committee on Railroads—
A bill to amend the charter of the Elizabethtown and Paducah Railroad Company.
By same—
A bill to incorporate the Commonwealth Bridge Company.
By Mr. Clay, from the same committee—
A bill to incorporate the Hecla Transportation Company.
By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Edmonson, and Butler."
By Mr. Turner, from the Committee on Internal Improvement—
A bill to provide for the improvement of Rockcastle river and the Forks.
Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

The last named bill was postponed until to-morrow.

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

The constitutional provision 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. Clay, from the Committee on the Judiciary, to whom was re-committed a bill, entitled

A bill to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 11, 1867, and the several acts amendatory thereto, reported the same without amendment.

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

The constitutional provision 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. Clay, from the same committee, to whom was referred leave, reported a bill, entitled

A bill to amend chapter 75, General Statutes.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. McManama moved to amend by striking out "two" and inserting "one," in section two of the bill.

Ordered, That the further consideration of said bill and amendment be postponed until to-morrow.

Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom had been referred leave, reported a bill, entitled

A bill to amend chapter 61 of the General Statutes, by further providing compensation to jailers.
Which bill was read the first time and ordered to be read a second time.

The second reading of said bill being dispensed with,

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the negative.

So said bill was rejected.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the session of this General Assembly be extended beyond the sixty days to which it is limited by the constitutional provision.

The rule of the Senate being dispensed with,

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Mr. Clay moved the following resolution, viz:

Resolved, That the Senate, on and after this day, meet at 9 o'clock, A. M., in the morning, adjourn at 2 o'clock, P. M.; meet at 7 o'clock, P. M., and adjourn at 10 o'clock, P. M.

Mr. Hyatt moved to amend by meeting at 6 o'clock, A. M., work till 1 o'clock, P. M., then adjourn; meet at 2 o'clock, P. M., and adjourn at 10 o'clock, P. M., at night.

Mr. Swoope moved that the Senate adjourn.

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

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

Those who voted in the affirmative, were—

Robert Boyd, Robert A. Briggs, W. W. Frazer, W. C. Goodloe, A. L. Martin, O. D. McManama,
IAN. 21.

The Senate met at half-past two o'clock, and the roll was called.

Mr. McManama then moved that the Senate adjourn.  And the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Robert A. Briggs,  W. C. Goodloe,  R. B. Lovel,
Scott Brown,  H. S. Hale,  A. L. Martin,
W. W. Culbertson,  Geo. B. Hodge,  O. D. McManama,
William P. Duvall,  G. A. C. Holt,  G. W. Swoope,
W. W. Frazer,  B. W. S. Huffaker,  Thos. W. Varnon,

Those who voted in the negative, were—

Thos. J. Barker,  P. F. Edwards,  I. L. Hyatt,
John S. Barlow,  Walter Evans,  D. H. Lindsay,
W. J. Berry,  Jesse C. Gilbert,  Robert Simmons,
James F. Clay,  D. R. Haggard,  E. W. Turner,
P. F. Edwards,  B. W. S. Huffaker,  J. L. Hyatt,

Mr. Barker moved to lay the resolution and amendment on the table.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker,  W. W. Frazer,  R. B. Lovel,
Robert A. Briggs,  John J. Gatewood,  O. D. McManama,
Wm. P. Duvall,  W. C. Goodloe,  W. L. Vories—11.
P. F. Edwards,  B W. S. Huffaker,

Those who voted in the negative, were—

John S. Barlow,  D. R. Haggard,  D. H. Lindsay,
W. J. Berry,  H. S. Hale,  A. L. Martin,
Scott Brown,  Thos. F. Hargis,  Robert Simmons,
James F. Clay,  Geo. B. Hodge,  G. W. Swoope,
W. W. Culbertson,  G. A. C. Holt,  E. W. Turner,
Jesse C. Gilbert,  T. L. Jefferson,

Mr. McManama then moved that the Senate adjourn.

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

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

Those who voted in the affirmative, were—

Robert A. Briggs,  W. C. Goodloe,  R. B. Lovel,
Scott Brown,  H. S. Hale,  A. L. Martin,
W. W. Culbertson,  Geo. B. Hodge,  O. D. McManama,
William P. Duvall,  G. A. C. Holt,  G. W. Swoope,
W. W. Frazer,  B. W. S. Huffaker,  Thos. W. Varnon,

Those who voted in the negative, were—

Thos. J. Barker,  P. F. Edwards,  I. L. Hyatt,
John S. Barlow,  Walter Evans,  D. H. Lindsay,
W. J. Berry,  Jesse C. Gilbert,  Robert Simmons,
Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

- An act for the benefit of Union county;
- An act for the benefit of the town marshal of New Liberty, county of Owen;
- An act for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county;
- An act to prohibit the sale of intoxicating liquors in the town of Osceola;
- An act for the benefit of Thos. E. Moore, sheriff of Bourbon county;
- An act for the benefit of George Boone and Robt. Wimpsett;
- An act for the benefit of Matt. Yewell and Martin Yewell and Stephen Ritchie;
- An act for the benefit of school district No. 27, in Hancock county;
- An act to authorize the president and directors of the Nelson County Agricultural Association to borrow money;
- An act authorizing the county court of Washington county to increase the county levy;
- An act for the benefit of the estate of T. Jack Conn, late clerk of the Jefferson county court;
- An act to authorize the presiding judge of the Bath county court to sue for the taxes due or which may become due said county;
- Also a bill, which originated in the Senate, entitled An act incorporating the Bank of J. & J. A. Witherspoon, of Lawrenceburg;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

And then the Senate adjourned.
THURSDAY, JANUARY 22, 1874.

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

An act for the benefit of D. C. Wilcox, late tax collector for the city of Paducah.

An act to amend an act, entitled "An act providing for the collection of railroad tax in the county of Montgomery."

An act in regard to sheriffs' bonds for collecting the revenue of 1874.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be read a third time.

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

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

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

An act to amend an act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, so as to make the provisions thereof apply to the clerk of the Carter county court;

An act for the benefit of Robt. Wheat, a colored pauper idiot of Adair county;

An act for the benefit of Thos. D. Grundy, sheriff of McCracken county, and his sureties;

An act for the benefit of H. C. Malone, late sheriff of Shelby county, and securities;

An act for the preservation and protection of game and fish in Bourbon county;
An act to amend an act for the benefit of the Bourbon County Agricultural Society, approved February 12, 1849;
Also a resolution, which originated in the Senate, entitled Resolution asking repeal of bankrupt law;
And had found the same truly enrolled.
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 approval and signature.
After a short time, Mr. Hyatt reported that the committee had performed that duty.
A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.
Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,  
FRANKFORT, January 22d, 1874.

Gentlemen of the Senate:

I nominate, for your advice and consent, to be commissioned as officers of certain charitable institutions, the following persons, to wit:

For First Kentucky Lunatic Asylum.—M. S. Dowden, to the office of Steward; Dr. W. M. Layton, to the office of First Assistant Physician, in place of Thos. P. Dudley, deceased, and for a Board of Commissioners, M. C. Johnson, F. K. Hunt, Jas. A. Grinstead, Wm. Talbott, P. P. Johnson, Dr. S. Price, J. S. Woodford, G. W. Vaughn, and B. G. Thomas.

For Second Kentucky Lunatic Asylum.—Barton W. Stone, Assistant Physician; Thomas G. Mallory for Steward, and as a Board of Commissioners, W. E. Warfield, James E. Jessup, George O. Thompson, John N. Mills, Samuel G. Buckner, S. E. Trice, Richard Durrett, R. T. Petree, and E. R. Cooke.

For Third Kentucky Lunatic Asylum.—Dr. Walter Chenault for Assistant Physician; Richard Tobin for Steward, and for a Board of Commissioners, Grant Green, Green Clay Smith, Stephen Black, W. S. Dehoney, S. C. Bull, Joseph Rodman, Dr. N. L. Sawyer, Dr. Ben. Duvall, and James W. Tate.

For Fourth Kentucky Lunatic Asylum.—Dr. T. W. Gardner for Assistant Physician; R. C. Hudson for Steward, and for a Board of Commissioners, J. W. Goslee, Sydney J. Hobbs, W. W. Hill, R. K. White, Dr. P. L. Weatherby, Wm. Terry, John Shirley, Wm. Hughes, and S. L. Gaar.

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

P. H. LESLIE.
The Speaker laid before the Senate the following response of the Attorney General to a Senate resolution as to when the various lottery grants in this State expire, viz:

OFFICE OF ATTORNEY GENERAL,
FRANKFORT, JUNE 5, 1874.

HON. JOHN G. CARLISLE, Lieutenant Governor and Speaker of the Senate:

Sir: In response to a resolution of your honorable body, requesting me to "make examination and inform the Senate, in writing, when the various lottery schemes under which revenue is derived in this State expire by the terms of their legislative grant," I have the honor to report:

That the act for the benefit of Shelby College, authorizing certain persons to raise, by way of lottery, one hundred thousand dollars, to be appropriated to the benefit of Shelby College, was approved on the 16th day of February, 1837. From the best information I can obtain, greatly more than that amount has already been raised.

By an act approved February 1st, 1838, for the "benefit of the City School in the town of Frankfort, and for other purposes," certain persons are authorized to raise, by way of lottery, one hundred thousand dollars for the benefit of a City School in Frankfort. Various amendments have been made to this act, enlarging, to some extent, the power of the corporators; but I am satisfied that the grant has expired, and that any lottery purporting to be for the benefit of the City of Frankfort is in violation of the statutes against lottery schemes.

By an act approved 8th February, 1839, certain persons are authorized to raise, by way of lottery, one hundred thousand dollars for the benefit of certain seminaries in the town of Paducah.

By an act for the "benefit of Henry Academy and Henry Female College," approved December 9, 1859, certain persons therein named are permitted to raise fifty thousand dollars, by way of lottery, for the benefit of these two institutions of learning.

I cannot, of course, with mathematical accuracy, tell how much the last two named institutions have realized by their lottery schemes; but I am informed that both have long since realized the amounts authorized by the acts referred to respectively.

These four lottery schemes are the only ones which authorize a given amount of money to be raised, and of course the existence of the grant depends upon whether the respective sums have been realized. I think that they have, and that all of them are carried on (if carried on at all) in violation of law.

By an act of the General Assembly, entitled "An act to incorporate the Public Library of Kentucky," which went into effect the 16th day of March, 1871, certain persons therein mentioned are authorized "to give,
not to exceed five in number, public literary, musical, or dramatic entertainments, at which they may distribute, by lot, to the patrons of the entertainments, a portion of the proceeds arising from the sale of tickets of admission, for the benefit of the Library mentioned."

I learn that three "entertainments" have been given; and if the act referred to, by any fair construction, authorizes a lottery scheme, then the corporators have the right to give two more "entertainments" to the lovers of music or of the drama before their chartered privileges expire.

From the tenor of the resolution, there seems to be an impression that lotteries heretofore established, by virtue of special enactments, pay revenue into the Treasury. Such is not the fact. The General Statutes contain no provision taxing lotteries. They are only prohibited.

Respectfully,

JOHN RODMAN,
Attorney General.

Ordered, That said response be printed.

The following petitions were presented, viz:

By Mr. Jefferson—

1. The petition of sundry citizens of Louisville, praying a repeal of the act in relation to Auditor and delinquent taxes, approved March 28, 1872, known as the back tax law.

By Mr. Holt—

2. The petition of sundry citizens of Eddyville, Lyon county, asking the repeal of the act establishing an Insurance Bureau.

By Mr. Gilbert—

3. The petition of police judge, marshal, trustees, and others, citizens of Hinkleville, Ballard county, praying repeal of act of 20th December, 1873, prohibiting sale of liquors therein.

By Mr. Goodloe—

4. The petition of a large body of the order of Good Templars, praying the passage of a general prohibitory liquor law.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Finance; the 2d to the Committee on Banks and Insurance, and the 3d and 4th to the Committee on Religion and Morals.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of $250 be, and the same is hereby, appropriated, out
of the funds of the Treasury, for the purchase of a portrait of the Hon. Joseph R. Underwood, painted by Nevil Cain; and the Auditor is hereby authorized to draw his warrant for said sum, and pay it over to Nevil Cain, or some one authorized to receive it.

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

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill for the benefit of John Grumbly, of Todd county.

By Mr. Lindsay, from the Committee on Religion and Morals—
A bill to submit the question of the prohibition of the sale of spirituous liquors to the voters of Moscow, in Hickman county.

By Mr. Martin, from the Committee on Banks and Insurance—
A bill to amend an act, entitled “An act to incorporate the Mississippi Valley Life Insurance Company of America,” approved February 15, 1866.

By Mr. Lindsay, from the Committee on Religion and Morals—
A bill to amend chapter 223, laws 1844, approved 27th February, 1844.

By Mr. Darby, from the Committee on Courts of Justice—
A bill to amend the charter of the town of Princeton, and to confer certain powers upon the board of trustees thereof.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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.

Bills from the House of Representatives, of the following titles, were reported, without amendment, by the committee to whom they had been referred, viz:

By Mr. Frazer, from the Committee on Religion and Morals—
An act repealing an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county,” approved March 29th, 1873.
By same—
An act to repeal an act, entitled “An act to prohibit the sale of
spirituous, vinous, or malt liquors in Glasgow Junction precinct, in
Barren county.”

Ordered, That said bills be read a third time.

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

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

Mr. Holt moved the following resolution, viz:

Resolved by the Senate of the Commonwealth of Kentucky, That the
Auditor of Public Accounts is requested to report to this Senate, at
as early a moment as practicable, the names and owners of the rail-oads in this State owing taxes to this Commonwealth, the amount
due from each, for what years due, and the reason why the same have
not been paid, together with the cause assigned by such debtors why
they refuse to pay the same, and any other facts in his possession
material in the premises.

Which was adopted.

Mr. Edwards moved the following resolution, viz:

Resolved, That three hundred copies of the written information
furnished by the Auditor to the joint committee appointed for the
purpose of taking into consideration the propriety of redistricting the
State judicially, be printed for the use of said committee and the
members of the General Assembly.

And the question being taken thereon, it was decided in the nega-

tive.

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

On motion of Mr. Barlow—
1. A bill for the benefit of S. S. Farris, sheriff of Barren county,
and his securities.

On motion of Mr. Webb—
2. A bill to charter the Kentucky Car-wheel and Railway Supply
Company.

On motion of Mr. Hyatt—
3. A bill for the benefit of the Vincennes, Petersburg, and Owens-
boro Railroad.

On motion of Mr. Duvall—
4. A bill to authorize the sale of the Georgetown and Leesburg
Turnpike Road, in Scott county.

On motion of same—
5. A bill to amend an act to authorize a sale of the Stamping
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Ground and Lecompt's Run Turnpike Road, approved March 10th, 1873.

On motion of Mr. Hargis—
6. A bill to establish a chancery district, composed of the counties of Greenup, Boyd, Carter, Lawrence, Johnson, Floyd, and Pike.

On motion of Mr. Culbertson—
7. A bill to incorporate the Mutual Benefit Association of the West Virginia Conference of the M. E. Church, South.

On motion of Mr. Goodloe—

On motion of Mr. Edwards—
9. A bill to incorporate the Mammoth Cave Hotel and Railroad Company.

On motion of Mr. Brown—
10. A bill to amend the charter of the town of Bellpoint, in Franklin county.

On motion of Mr. Culbertson—
11. A bill to amend the charter of the town of Ashland.

On motion of Mr. Berry—
12. A bill to amend the charter of the town of Hartford.

On motion of same—

On motion of Mr. Barker—

On motion of Mr. Varnon—
15. A bill to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company.

Ordered, That the Committee on Finance prepare and bring in the 1st; the Committee on Railroads the 2d, 3d, and 9th; the Committee on Internal Improvement the 4th, 5th, and 15th; the Committee on Courts of Justice the 6th, 11th, and 13th; the Committee on Banks and Insurance the 7th; the Committee on the Judiciary the 8th; the Committee on Library and Public Buildings and Offices the 10th, and the Committee on Revised Statutes and Codes of Practice and General Statutes the 12th and 14th.

The Senate, according to order, took up for consideration a bill, entitled

A bill to provide a system of common schools for the education of colored children of this Commonwealth.
Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriffs of this Commonwealth to collect and pay into the Treasury, annually, a tax of twenty (20) cents upon each one hundred dollars' worth of taxable property belonging to the colored citizens of the State for common school purposes, which sum, together with any other funds that may be raised for the education of the colored children of the Commonwealth, by appropriation from the General Government or otherwise, shall constitute a common school fund for the education of the colored children of the State within the common school age (between the ages of six and twenty years).

§ 2. The fund so raised shall be used and appropriated in aid of common schools for the education of colored children, to be taught in separate and distinct schools to themselves, and shall be used for no other purpose whatever; and shall be used in payment of legally qualified teachers of common schools.

§ 3. The Auditor shall keep the accounts in relation to this fund as directed in chapter 18 of the General Statutes.

§ 4. The Superintendent of Public Instruction shall pro rata and dispose of said fund for the education of colored children as is now provided for by law for the education of the white children of the State (chapter 18 of the General Statutes): Provided, That when a school shall have been taught three months in any district, it shall be entitled to its pro rata share of the school fund for that year.

§ 5. The Common School Commissioners of the counties, as now provided for by law, shall district the several counties so as not to include more than one hundred colored children, nor less than thirty, within the common school age, and discharge all the duties, for the education of colored children, that they are required by law to perform for the education of the white children; but nothing in this act shall be construed as to authorize the use of any part of the common school fund raised for the education of white children for the education of the colored children.

§ 6. Each school shall be under the control of one Trustee, who shall be elected as provided for by article 18, section 6, General Statutes, in the election of white Trustees, and shall perform all the duties and obligations of said white Trustees, and be subject to all the pains and penalties for a failure to discharge faithfully the duties of the office.

§ 7. Teachers of colored schools shall possess the qualifications of teachers of white schools, subject to such variations as the County Commissioner of Common Schools for the county may think proper, to suit the demands of each particular district.

§ 8. All the laws now in force, so far as applicable, upon the subject of common schools, shall apply to the system of education for the colored children of the Commonwealth.

§ 9. This act to take effect from its passage.

Mr. Evans proposed the following amendment as a substitute for said bill, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That in assessing and collecting taxes for school purposes, under the laws of this Commonwealth, all property, real and personal, subject to taxation for State and county purposes, shall be taxed for the support of common schools, without regard to the race or color of the owner of the property; and the rate of taxation on such property, for common school
purposes, shall be forty-five cents on the one hundred dollars, instead of twenty cents, as now provided by law.

§ 2. All children of the proper age, without regard to race or color, shall hereafter be included in the enumeration of the children of the respective school districts, towns, and cities of the State, for school purposes; but in making such enumeration, the officers charged by law with that duty shall enumerate the colored children of proper age who may reside in any school district in a separate and distinct list from that in which the other school children of such school district shall be enumerated.

§ 3. The trustees of each district, town, or city, shall organize the colored children into separate schools, having all the rights and privileges of other schools in the district, town, or city: Provided, There are not a sufficient number within attending distance to make a school, the several districts may, for the purpose of this section, be consolidated and form one district; but if there are not a sufficient number within reasonable distance to be thus consolidated, the trustee or trustees shall provide such other means of education for said children as shall use their proportion, according to numbers of school revenue, to the best advantage.

§ 4. All laws relative to school matters, not inconsistent with this act, shall be deemed applicable to schools for colored children.

§ 5. This act shall take effect and be in force from and after its passage, and shall apply to the year eighteen hundred and seventy-four, as though passed previous to the tenth day of January of said year.

And 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. Evans and Holt, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Thos. J. Barker, Jesse C. Gilbert, A. L. Martin,
John S. Barlow, D. R. Haggard, O. D. McManama,
W. J. Berry, H. S. Hale, Robert Simmons,
Robert Boyd, Geo. B. Hodge, G. W. Swoope,
Robert A. Briggs, G. A. C. Holt, E. W. Turner,
Scott Brown, B. W. S. Huffaker, Thos. W. Varnon,
F. W. Darby, I. L. Hyatt, W. L. Vories,
Wm P. Duvall, T. L. Jefferson, C. J. Walton,

Mr. Briggs proposed to amend said bill in section 1st by striking out all after the word "State," in said section, and inserting in lieu thereof the words "between the ages of six and sixteen years."

Pending the consideration of which,

Mr. Haggard moved that the further consideration of said bill be postponed and made the special order of the day for the 28th inst.
And the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Thos. J. Barker,                Jesse C. Gilbert,               D. H. Lindsay,
John S. Barlow,                 D. R. Haggard,                R. B. Lovel,
James F. Clay,                  Thos. F. Hargis,               A. L. Martin,
Wm. P. Duvall,                  Geo. B. Hodge,                O. D. McManama,
P. F. Edwards,                  G. A. C. Holt,                G. W. Swoope,

Those who voted in the negative, were—

W. J. Berry,                     Walter Evans,                  T. L. Jefferson,
Robert Boyd,                     John J. Gatewood,             Robert Simmonds,
Robert A. Briggs,                W. C. Goodloe,                W. L. Vories,
W. W. Culbertson,                H. S. Hale,                   C. J. Walton,

Mr. Evans moved that a committee be appointed to withdraw from the House of Representatives the announcement of their passage of a bill, which originated in the Senate, entitled

A bill to regulate the transportation of freights over railroads in this Commonwealth.

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

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

Those who voted in the affirmative, were—

John S. Barlow,                  W. C. Goodloe,                R. B. Lovel,
W. J. Berry,                     D. R. Haggard,                Rbt. Simmonds,
Robert Boyd,                     B. W. S. Huffaker,             E. W. Turner,
W. W. Culbertson,                I. L. Hyatt,                   W. L. Vories,
P. F. Edwards,                  T. L. Jefferson,               C. J. Walton,
W. W. Frazer,                   J. J. Gatewood,               A. L. Martin,
                               John J. Gatewood,             O. D. McManama,
Thos. J. Barker,                 John J. Gatewood,             R. B. Lovel,
Robert A. Briggs,                E. W. Turner,                G. W. Swoope,
James F. Clay,                   G. A. C. Holt,                G. W. Swoope,

Whereupon, the Speaker appointed Messrs. Evans, Hyatt, and Barlow said committee.

After a short time, Mr. Evans reported that the committee had performed that duty, and handed in said bill at the Clerk's desk.
Mr. Lindsay, from the Committee on Religion and Morals, to whom was referred leave to bring in a bill, entitled
A bill to incorporate the Mutual Benefit Association of the West Virginia Conference of the M. E. Church, South,
Asked to be discharged from the further consideration of the same.
Which was granted.
The Senate took up for consideration the unfinished report of the Committee on the Judiciary, being
A bill to amend chapter 75, General Statutes.
The amendment proposed by Mr. McManama on yesterday was then adopted.
Ordered, That said bill, as amended, be engrossed and read a third time.
The constitutional provision 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. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, reported a bill, entitled
A bill to repeal the ten per cent. conventional rate of interest, and to renew the six per cent. rate of interest.
Which bill was read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.
Said bill was read a third time as follows, viz:
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That article two of chapter sixty of the General Statutes be, and the same is hereby, repealed.
§ 2. That section fifteen of chapter twenty-two of the General Statutes be, and the same is hereby, repealed.
§ 3. That an act to amend chapter fifty-three of the Revised Statutes, title "Interest and Usury," and approved March 14th, 1871, chapter fifty-three, be, and the same is hereby, repealed.
§ 4. That all acts and parts of acts inconsistent with or in conflict with this act, be, and the same are hereby, repealed.
§ 5. That chapter fifty-three, title "Interest and Usury," of Stanton's Revised Statutes, be, and the same is again, re-enacted.
§ 6. That this act shall take effect and be in force from and after its passage.
The question was then taken on the passage of said bill, and it was decided in the negative.
The yeas and nays being required thereon by Messrs. Clay and Barker, were as follows, viz:

Those who voted in the affirmative, were—

W. C. Goodloe, H. S. Hale, Geo. B. Hodge, B. W. S. Huffaker, T. L. Jefferson, D. H. Lindsay,

Those who voted in the negative, were—


So said bill was rejected.

Mr. Frazer, from the Committee on Religion and Morals, to whom was referred a bill from the House of Representatives, entitled

An act to repeal an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren,”

Reported the same without amendment.

Mr. Walton moved to recommit said bill to the Committee on Religion and Morals.

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

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

In the affirmative—C. J. Walton—1.

Those who voted in the negative, were—


Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Bar-
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Ren, approved January 21st, 1873, be, and it is hereby, repealed; and all acts and parts of acts repealed by said act are hereby reenacted and made the same as if said act had never been passed.

§ 2. This act shall take effect from its passage.

Ordered, That said bill be read a third time.

The constitutional provision 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.

And then the Senate adjourned.

FRIDAY, JANUARY 23, 1874.

A message was received from the House of Representatives, announcing that they had disagreed to a bill, which originated in the Senate, entitled

An act to amend an act authorizing the Lewis county court, at the court of claims, to levy a tax to repair the old jail in Lewis county, or building a new jail and jailer's house in said county, approved 19th February, 1873.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Christian county.

An act, entitled “An act to change the time of holding the Lee county and quarterly courts.”

An act to change the time of holding the Butler quarterly court.

An act to legalize certain acts of the deputy clerk of the Logan county court.

An act to change the time of holding the Hart county quarterly court.

An act for the benefit of the judge of the Hart county quarterly court.

An act for the benefit of Gallatin county.

45-s.
That they had passed bills, which originated in the House of Representatives, of the following titles, viz:

1. An act to amend the charter of the city of Augusta, in Bracken county.
2. An act to authorize the board of directors of the Richmond and Lexington Turnpike Road Company to take stock in the Athens and Walnut Hill Turnpike Road Company.
3. An act to abolish the court of common pleas in Caldwell county.
4. An act to amend the charter of the town of Augusta, in Bracken county.
5. An act for the benefit of Hardin county.
6. An act to authorize the jailer of Caldwell county to appoint an assistant.
7. An act to regulate the advertising of official sales in the county of Montgomery.
8. An act for the benefit of gunsmiths of Henderson county.
9. An act to repeal an act, entitled "An act to amend the charter of the town of Marion, in Crittenden county."
10. An act to amend the sixth section of chapter sixty-six of the General Statutes.
11. An act for the benefit of John E. Brooks, late sheriff of Greenup county.
12. An act to amend an act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.
13. An act amending the charter of the city of Paducah, making a husband responsible for taxes due on his wife's property when he collects her rents or uses her property.
14. An act to amend the charter of the town of Stanford.
15. An act relating to opening and repairing roads in Boone county.
16. An act authorizing Stephen Nethercutt, late sheriff of Carter county, and Seth Parker and Samuel Ellis, late sheriffs of Lewis county, to list tax receipts and fee bills with constables of said counties for collection.
17. An act empowering the county court of Washington county to make additional subscription to certain turnpike roads.
18. An act for the benefit of James W. Hogg and Lewis S. Lee, late sheriffs of Letcher and Ballard counties.
20. An act to incorporate the town of Geigerville, in the counties of Boyd and Carter.

21. An act to change the time of holding the September term of the Shelby county quarterly court.

22. An act to legalize the official acts of the assessor and surveyor of Livingston county, as deputies to the county clerk, and to authorize them to act as deputies for the Livingston county clerk.

23. An act for the benefit of Martha A. Rollins, of Ballard county.

24. An act to amend an act, approved March 28, 1872, entitled "An act authorizing the Boone county court to appoint trustees for the Burlington burying-ground, and prescribing their duties."

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 4th, 8th, 9th, 13th, 14th, 20th, 22d, and 23d were referred to the Committee on the Judiciary; the 2d, 12th, 15th, and 17th to the Committee on Internal Improvement; the 3d and 10th to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 5th, 6th, 7th, and 21st to the Committee on Courts of Justice; the 11th and 16th to the Committee on Finance; the 19th and 24th to the Committee on Religion and Morals, and the 18th was ordered to be read a third time.

The constitutional provision 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.

The following petitions were presented, viz:

By Mr. Boyd—
1. The petition of sundry citizens of Laurel county, praying the passage of a prohibitory liquor law for said county.

By Mr. Jefferson—
2. The petition of Thomas Shanks, sheriff of Jefferson county, praying additional compensation for attendance upon the courts held in said county.

By Mr. Haggard—
3. The petition of citizens of Russell county, asking repeal of chapter 102, General Statutes.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Religion and Morals; the 2d to the Com-
mittee on Finance, and the 3d to the Committee on Propositions and Grievances.

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

On motion of Mr. Duvall—
1. A bill regulating gauging of casks containing oils, fluids, liquors, and other liquids.

On motion of Mr. Lindsay—
2. A bill to charter the Chicago and South Atlantic Railroad Company.

On motion of same—
3. A bill to authorize Owen county court to levy a tax and issue bonds for bridge purposes.

On motion of Mr. Hargis—

On motion of Mr. Barker—
5. A bill to amend an act, entitled "An act to reduce into one the several acts in regard to the town of Taylorsville."

On motion of Mr. Hale—
6. A bill to repeal section 4, article 3, chapter 27, of General Statutes.

On motion of Mr. Berry—
7. A bill to amend an act, entitled "An act to incorporate the Hartford Railroad and Mining Company," approved February 12th, 1869.

On motion of Mr. Jefferson—
8. A bill to regulate the transfer of stock in real estate associations incorporated by the laws of this State.

On motion of Mr. Clay—
9. A bill to protect the interest of the State in turnpike roads and bridges.

On motion of Mr. Brown—
10. A bill for the benefit of the city of Frankfort.

Ordered, That the Committee on Agriculture and Manufactures prepare and bring in the 1st; the Committee on Railroads the 2d and 7th; the Committee on Courts of Justice the 3d; the Committee on the Judiciary the 4th, 6th, and 8th; the Committee on Revised Statutes and Codes of Practice and General Statutes the 5th; the Committee on Internal Improvement the 9th, and the Committee on Library and Public Buildings and Offices the 10th.
Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the town of Grayson, in Carter county;"

An act to amend an act, entitled "An act for the protection of the livery-stable keepers in this Commonwealth," approved January 31st, 1871;

An act for the benefit of D. C. Wilcox, late tax collector for the city of Paducah;

An act to amend an act, entitled "An act providing for the collection of railroad tax in the county of Montgomery;"

An act in regard to sheriffs' bonds for collecting the revenue of 1874;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

On motion of Mr. Varnon, the response of the Attorney General to a Senate resolution, in relation to the expiration of certain lottery privileges in this Commonwealth, was referred to a select committee, consisting of Messrs Varnon, Martin, Gilbert, Duvall, and Frazer.

Mr. Lindsay, from the Committee on Religion and Morals, to whom was referred a bill from the House of Representatives, entitled

An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Judge of the county court, in each county of this Commonwealth, upon a written petition, signed by at least twenty of the legal voters in any civil district, town, or city, in his county, to make an order on his order-book, at the next regular term of his court after he receives said petition, directing the sheriff or other officer, whose duty it may be to hold the election, to open a poll in said district, town, or city, at the next regular State, town, city, or county election held therein, for the purpose of taking the sense of the legal voters in said district, town, or city upon the proposition whether or not spirituous, vinous, or malt liquors shall be sold therein.
§ 2. It shall be the duty of the county court clerk to give to the sheriff or other officer, whose duty it shall be to hold the election mentioned in section one of this act, a certified copy of the order of the judge of the county court as it appears on his order-book within ten days after said order is made.

§ 3. It shall be the duty of the sheriff or other officer, whose duty it may be to hold the election mentioned in section one of this act, to have the order of the judge of the county court published in some weekly or daily paper published in the county, for at least two weeks before the election; and also to advertise the same by printed or written handbills, posted at five conspicuous places in said district, town, or city, for the same length of time; and if there is no daily or weekly newspaper published in the county, the printed or written handbills posted as before provided for shall be sufficient notice. The sheriff or other officer, whose duty it shall be to hold the election mentioned in section one, shall have the advertisement and notices herein provided for posted as above provided for within ten days after he receives the order of the county judge, and twenty days before the election.

§ 4. It shall be the duty of the sheriff or other officer, whose duty it may be to hold the election mentioned in section one of this act, to open a poll, and the election officers shall propound to each voter who may vote the question, "Are you in favor of the sale of spirituous, vinous, or malt liquors in this district, town, or city?" and his vote shall be entered for or against it, as he directs. The poll shall be returned as the other polls in said election, shall be examined and compared by the same officers.

§ 5. If it shall be found that a majority of the legal votes cast at the election before provided for were given against the sale of the spirituous, vinous, or malt liquors in the district, town, or city, it shall be the duty of the examining board to certify that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the order-book of his court, and said entry of the certificate in the order-book, or a certified copy thereof, shall be prima facie evidence in all proceedings under this act.

§ 6. After the entry of the certificate of the examining board, as above provided for, in the order-book of the county court, it shall be unlawful for any person to sell any spirituous, vinous, or malt liquors in the said district, town, or city to any person; and any person who sells any such liquors in said district, town, or city shall, upon conviction, be fined the sum of not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 7. The provisions of this act shall not apply to any manufacturer or wholesale dealer, who, in good faith and in the usual course of trade, sells by the wholesale, nor to druggists who sell for medicinal purposes on a prescription made and signed by a regular practicing physician; but no physician shall make or sign any such prescription, except the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine; and any physician who makes or signs any prescription for such liquors, except as provided for in this act, shall be guilty of a violation of this act, and, on conviction, fined twenty-five dollars for each offense.

§ 8. The county judge shall not make the order for the election until the persons signing the petition have deposited with him, in money, an amount sufficient to pay for printing or posting advertisements as provided for,
and the fees of the clerk for making entries on the order-book, and other legal fees.

§ 9. The election herein provided for shall not be held oftener than every two years; and in towns, cities, and districts where an election for the purpose and intention of this bill has already been held, no other election shall be ordered until two years from said election.

§ 10. This act shall take effect from its passage.

Mr. Hodge moved to amend said bill by adding the following as an additional section, viz:

Provided, That the provisions of this act shall not apply to the county of Campbell or city of Newport.

And 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. Swoope and Holt, were as follows, viz:

Those who voted in the affirmative, were—

P. F. Edwards, I. L. Hyatt, Thos. W. Varnon,
Geo. B. Hodge, G. W. Swoope,

Those who voted in the negative, were—

Thos. J. Barker, F. W. Darby, Thos. F. Hargis,
John S. Barlow, Wm. P. Duvall, G. A. Holt,
W. J. Berry, Walter Evans, B. W. S. Huffaker,
Robert Boyd, W. W. Frazer, D. H. Lindsay,
Robert A. Briggs, Jesse C. Gilbert, R. B. Lovel,
Scott Brown, W. C. Goodloe, Robert Simmons,
James F. Clay, D. R. Haggard, W. L. Vories—23.
W. W. Culbertson, H. S. Hale,

Mr. Swoope moved that the further consideration of said bill be postponed till Wednesday next, the 28th inst.

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

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

Those who voted in the affirmative, were—

W. J. Berry, John J. Gatewood, T. L. Jefferson,
James F. Clay, Jesse C. Gilbert, G. W. Swoope,
P. F. Edwards,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, Thos. F. Hargis,
John S. Barlow, W. C. Goodloe, I. L. Hyatt,
Robert Boyd, D. R. Haggard, G. A. Holt,
Robert A. Briggs, H. S. Hale, B. W. S. Huffaker,
Scott Brown, Thos. F. Hargis, D. H. Lindsay,
Wm. P. Duvall, R. B. Lovel,
Walter Evans, Robert Simmons,
W. W. Culbertson, A. L. Martin,
Jesse C. Gilbert, W. L. Vories—23.
H. S. Hale,
Mr. Swoope then proposed to amend said bill by exempting the counties of Jefferson, Daviess, Hancock, and the city of Louisville, from the provisions thereof.

And 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. Swoope and Clay, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—

John S. Barlow, Walter Evans, W. W. Frazer, D. H Lindsay, Robert Simmons—8.
Robert A. Briggs, Jesse C. Gilbert, A L Martin—8.
Scott Brown, W. S. Hale—22.
James F. Clay, D. R. Haggard—8.

Messrs. Hodge and Edwards asked to be excused from voting on said amendment. Which request was granted.

Mr. Evans then moved to suspend the rule of the Senate requiring all Senators present to vote.

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

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

Those who voted in the affirmative, were—

W. J. Berry, W. W. Frazer, D. H Lindsay—8.
Robert A. Briggs, W. C. Goodloe—8.
Scott Brown, Robert Simmons—8.
James F. Clay, D. R. Haggard—8.

Those who voted in the negative, were—

Mr. Gilbert then proposed the following amendment as a substitute for said bill, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the trustees of any town, the board of council of any city, or the court of claims of any county in this Commonwealth, may order an election to be held in the town, city, or county they represent, for the purpose of taking the sense of the qualified voters thereof whether any license shall thereafter be granted to vend spirituous, vinous, or malt liquors within such town, city, or county; and if at such election a majority of the votes cast shall be against granting a license, no license shall thereafter be granted to sell such liquors within the limits of the town, city, or county so voting against the license.

§ 2. The election shall be held at the usual places of voting in such town, city, or county, on a regular and general election day for such town, city, or county.

§ 3. This act shall take effect from its passage.

Mr. Clay then 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. Swoope and Barlow, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,  W. W. Frazer,  T. L. Jefferson,
John S. Barlow,  John J. Gatewood,  D. H. Lindsay,
W. J. Berry,  W. C. Goodloe,  R. B. Lovel,
Robert Boyd,  D. R. Haggard,  A. L. Martin,
Robert A. Briggs,  H. S. Hale,  Robt. Simmons,
James F. Clay,  Thos. F. Hargis,  Thos. W. Varnon,
W. W. Culbertson,  George B. Hodge,  W. L. Vories,
Walter Evans,  B. W. S. Huffaker,

Those who voted in the negative, were—


Mr. Hyatt asked to be excused from voting on the motion by which the previous question was ordered.

Mr. Swoope objected, and raised the point of order that Mr. Hyatt could not be excused, except by a vote of the Senate.

The Speaker decided that under the vote by which the rule of the Senate requiring all Senators present to vote was dispensed with, the Speaker had the right to excuse a Senator from voting, and Mr. Hyatt was excused.

Mr. Swoope then appealed from the decision of the Chair.

Said appeal is as follows, viz:

The Senator from the 35th District having asked to be excused from voting on the question whether the main question shall be put
on the question whether the substitute offered by the Senator from Marshall shall be adopted, in lieu of pending bill and amendments, asked to be excused; the Senator from the 7th District objected. The Speaker decided that the Senator shall be excused from voting, the objections of the Senator from the 7th District to the contrary notwithstanding. The Senator from the 7th District appeals to the Senate from the decision of the Speaker, and insists that the decision is in conflict with the rules of the Senate.

G. W. SWOOPE.

Mr. Holt moved to lay said appeal on the table.

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

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

Those who voted in the affirmative, were—


In the negative—W. L. Vories—1.

Mr. Swoope then moved to reconsider the vote by which the previous question had been ordered.

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

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

Those who voted in the affirmative, were—

W. J. Berry, Geo. B. Hodge, G. W. Swoope—4.

P. F. Edwards,

Those who voted in the negative, were—


Walter Evans,
The question was then taken on the adoption of the amendment proposed as a substitute by Mr. Gilbert, and it was decided in the negative.

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

Those who voted in the affirmative, were—

F. W. Darby,  Jesse C. Gilbert,  T. L. Jefferson,
P. F. Edwards,  Geo. B. Hodge,  Ben. J. Webb—8,
John J. Gatewood,  I. L. Hyatt,

Those who voted in the negative, were—

Thos. J. Barker,  Walter Evans,  B. W. S. Huffaker,
John S. Barlow,  W. W. Frazier,  R. B. Lovel,
W. J. Berry,  W. C. Goodloe,  A. L. Martin,
Robert Boyd,  D. R. Haggard,  Robt. Simmons,
Robert A. Briggs,  H. S. Hale,  Thos. W. Varnon,
Scott Brown,  Thomas F. Hargis,  W. L. Vories,
James F. Clay,  G. A. C. Holt,  C. J. Walton—22,
W. W. Culbertson,

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

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

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

Those who voted in the affirmative, were—

Thos. J. Barker,  Walter Evans,  G. A. C. Holt,
John S. Barlow,  W. W. Frazier,  D. H. Lindsay,
Robert Boyd,  John J. Gatewood,  R. B. Lovel,
Robt. A. Briggs,  Jesse C. Gilbert,  A. L. Martin,
Scott Brown,  W. C. Goodloe,  Robt. Simmons,
Jas. F. Clay,  D. R. Haggard,  Thos. W. Varnon,
W. W. Culbertson,  H. S. Hale,  W. L. Vories,
F. W. Darby,  Thomas F. Hargis,  C. J. Walton—26,
William P. Duvall,  Geo. B. Hodge,

Those who voted in the negative, were—

W. J. Berry,  I. L. Hyatt,  G. W. Swoope,
P. F. Edwards,  T. L. Jefferson,  Ben. J. Webb—7,
B. W. S. Huffaker,

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

Mr. Clay then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Holt moved to lay said motion on the table.
And the question being taken thereon, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, B. W. S. Huffaker,
John S. Barlow, W. W. Frazer, T. L. Jefferson,
W. J. Berry, John J. Gatewood, D. H. Lindsay,
Robert Boyd, Jesse C. Gilbert, R. B. Lovel,
Robert A. Briggs, W. C. Goodloe, A. L. Martin,
Scott Brown, D. R. Haggard, Robert Simmons,
James F. Clay, H. S. Hale, Thos. W. Varnon,
W. W. Culbertson, Thos. F. Hargis, W. L. Vories,
F. W. Darby, Geo. B. Hodge, C. J. Walton,

In the negative—G. W. Swoope—1.

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

By Mr. Duvall, from the Committee on Internal Improvement—
A bill to authorize a sale of the Georgetown, Oxford, and Leesburg Turnpike Road.

By same—
A bill to amend an act, entitled "An act to authorize a sale of the Stamping Ground and Lecompt's Run Turnpike Road."

By Mr. Brown, from the Committee on Library and Public Offices and Buildings—
A bill to amend the charter of the town of Bellpoint, in Franklin county.

By Mr. Culbertson, from the Committee on Agriculture and Manufactures—
A bill to incorporate the Boyd County Fair and Exposition Association.

By Mr. Martin, from the Committee on Banks and Insurance—
A bill to incorporate the Mutual Benefit Association of the West Virginia Conference of the M. E. Church, South.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The Senate, according to order, took up for consideration a bill, entitled
A bill to provide for the improvement of Rockcastle river and its Forks.
Ordered, That the further consideration thereof be postponed and made the special order of the day for to-morrow.

Mr. Lindsay, from the Committee on Religion and Morals, to whom had been referred a resolution from the House of Representatives, entitled Resolution providing for the removal of the remains of Captain John Howell, a soldier of the Revolution, to the State Cemetery at Frankfort,

Reported the same without amendment.

Said resolution reads as follows, viz:
WHEREAS, The remains of Capt. John Howell, a patriot and soldier of the war of the Revolution, sleep in an obscure and unnoticed spot in the county of Ohio, in this State; and whereas, to keep alive in the bosom of the youth of our land the same patriotic fervor that filled the hearts of those who gave us our liberties, it is meet that we should pay the highest honors to the remains of the heroes of that war; therefore, be it
1. Resolved by the General Assembly of the Commonwealth of Kentucky, That His Excellency the Governor is authorized to appoint two persons to proceed to Ohio county, who shall secure and convey the State Cemetery at Frankfort the remains of Captain John Howell and inter them therein; and he is further authorized to cause to be erected over said remains a suitable monument bearing an appropriate inscription.
2. The sum of $200 is hereby appropriated out of the Treasury, out of any money not otherwise appropriated, to pay the expenses of said removal, and for the erection of said monument.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,  W. W. Frazer,  T. L. Jefferson,
John S. Barlow,  John J. Gatewood,  D. H. Lindsay,
W. J. Berry,  Jesse C. Gilbert,  R. B. Lovey,
Robert Boyd,  W. C. Goodloe,  A. L. Martin,
Robert A. Briggs,  D. R. Haggard,  Robert Simmons,
Scott Brown,  H. S. Hale,  G. W. Swoope,
James F. Clay,  Thos. F. Hargis,  Thos. W. Varnon,
Resolved, That the title of said resolution be as aforesaid.

The Senate took up for consideration the resolution proposed by Mr. Barker on yesterday, entitled

Resolution for the benefit of Nevil Cain.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


H. S. Hale,

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

Mr. Gatewood, from the Committee on Courts of Justice, to whom was referred leave to bring in a bill, entitled

A bill to regulate official advertisements in Henry county,

Asker to be discharged from the further consideration of the same. Which was granted.

Mr. Gatewood, from the Committee on Education, to whom was referred a resolution from the House of Representatives, entitled

Resolution in relation to payment for Collins' History of Kentucky,

Reported the same with the expression of opinion that said resolution should not be concurred in.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Superintendent of Public Instruction be requested not to pay for Collins's History of Kentucky, as authorized by a former act of the Legislature, until compelled to do so by a court of competent jurisdiction.
JAN, 23.

And the question being taken on concurring in said resolution, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

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

Those who voted in the affirmative, were—

W. J. Berry, W. W. Culbertson, G. A. C. Holt,
Robert Boyd, F. W. Darby, B. W. S. Huffaker,
Robert A. Briggs, Walter Evans, T. L. Jefferson,
James F. Clay, Thos. F. Hargis,

Those who voted in the negative, were—

Thos. J. Barker, Jesse C. Gilbert, Robert Simmons,
John S. Barlow, D. R. Haggard, Thos. W. Varnon,
Wm. P. Duvall, George B. Hodge, W. L. Vorles,
P. F. Edwards, I. L. Hyatt, C. J. Walton,
John J. Gatewood, A. L. Martin,

So said resolution was disagreed to.

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

WHEREAS, By the Constitution of Kentucky the regular session of the General Assembly is limited to sixty days, and the first day of December has been fixed, law for the meeting of the General Assembly; and whereas, it has been the custom of the General Assembly to adjourn for a recess during the Christmas holidays fourteen to fifteen days, whereby the limited term of said General Assembly is reduced to about forty-five working days; now, in order to avoid the unnecessary loss of time, therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the regular session of this General Assembly shall hereafter commence its sittings on the 31st day of December instead of the 1st day of December, as now provided by law: Provided, however, If the 31st day of December shall come on Sunday, then this General Assembly shall convene its regular session on the Saturday preceding the said 31st day.

And then the Senate adjourned.
SATURDAY, JANUARY 24, 1874.

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

An act to amend section 6 of chapter 30, General Statutes.

An act to repeal article 2, chapter 102, of the General Statutes, so far as the same applies to Wayne, Pulaski, and other counties concerned.

That they had passed bills, which originated in the House of Representatives, of the following titles, viz:

1. An act to repeal an act, entitled “An act to amend chapter eighty-four (84) of the Revised Statutes, title ‘Roads and Passways,” approved February 20th, 1869, so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties.

2. An act for the benefit of the marshal of Georgetown.

3. An act to prohibit the destruction of fish in Tennessee river, or within one mile of the mouth of its tributaries.

4. An act to supply the county clerk’s office with public books in Rockcastle county.

5. An act to authorize the county court of Garrard county to sell and convey the poor-house farm, and reinvest the proceeds.

6. An act to amend the charter of the town of Bethel, in Bath county.

7. An act authorizing the county court of Magoffin county to dispose of its land warrants at the rate of two dollars and fifty cents per one hundred acres.

8. An act to regulate the sale of spirituous or intoxicating beverages in Lewis county.

9. An act to amend an act, entitled “An act to create a special road law for Pendleton county,” approved January 26, 1869.

10. An act to amend section 5, article 5, chapter 28, of the General Statutes, title “Courts.”

11. An act to prevent the destruction of fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, in this Commonwealth.
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Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 7th, 10th, and 13th were referred to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 2d, 4th, and 5th to the Committee on Courts of Justice; the 3d and 11th to the Committee on Propositions and Grievances; the 6th to the Committee on the Judiciary; the 8th to the Committee on Religion and Morals, and the 9th to the Committee on Internal Improvement.

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

On motion of Mr. Hodge—
1. A bill to change the boundary line of the district of Hayfield, in Campbell county.

On motion of Mr. Gilbert—

On motion of Mr. Vories—
3. A bill for the benefit of the sheriff of Henry county.

On motion of Mr. Holt—
4. A bill for the benefit of the assessor of Calloway county.

On motion of Mr. Berry—
5. A bill to authorize the county court of Ohio county to levy an additional tax for certain purposes.

Ordered, That the Committee on the Judiciary prepare and bring in the 1st and 2d; the Committee on Finance the 3d and 4th, and the Committee on Propositions and Grievances the 5th.

The Speaker laid before the Senate the response of Commissioners appointed by the act approved March 2d, 1872, entitled "An act to provide for a prison house for females and spinning-walk, to extend the walls of the penitentiary, and to repair the walls and penitentiary buildings," which reads as follows, viz:

To the General Assembly:

The undersigned, commissioners appointed by the act approved March 2, 1872, entitled "An act to provide for the erection of a prison house for females and spinning-walk, to extend the walls of the penitentiary, and to repair the walls and Penitentiary buildings," respectfully submit the following report:

A-7-0
In pursuance of the provisions of the second section of the above recited act, we employed a suitable architect, who furnished us a plan and specifications for the improvements directed to be made, and after duly advertising for bids for the erection and completion of the buildings and improvements provided for, as required by law, the contract was awarded to Colonel J. W. South, at the sum of forty thousand and eighty-six dollars and twenty-five cents, he being the lowest and best bidder. The contractor has completed his work, and your commissioners have received it for the State, the whole of it having been executed in a workmanlike and satisfactory manner.

Your commissioners would further report, that, after the contract was made, some alterations and improvements were ordered, with the approbation of the architect, which increased the expenditure to forty thousand six hundred and sixty-six dollars and fifty-six cents, the whole of which has been paid to the contractor in full settlement of his contract, still leaving unexpended four thousand three hundred and thirty-three dollars and forty-four cents of the amount appropriated.

Respectfully submitted,

P. H. LESLIE,
D. HOWARD SMITH,
JAMES W. TATE.

FRANKFORT, KENTUCKY, January 24th, 1874.

Ordered, That the same be printed, and referred to the Committee on Penitentiary and House of Reform.

The following petitions were presented, viz:

By Mr. Gilbert—
1. The petition of citizens of Briensburg, Marshall county, praying amendment to their town charter.

By Mr. McManama—

Which were received, the reading dispensed with, and referred—the 1st to the Committee on the Judiciary, and the 2d to the Committee on Banks and Insurance.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed an enrolled bill, which originated in the Senate, entitled.

An act incorporating the Bank of J. & J. A. Witherspoon, of Lawrenceburg, Kentucky.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.
Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, January 24th, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:

Emmit Fields, of Jefferson county.
C. E Bohne, of Jefferson county.
Austin Cary, of Jefferson county.
Benjamin F. Atchison, of Jefferson county.
Philip Campbell, of Jefferson county.
Wm. W. Ball, of Nelson county, State at large.
Thos. N Miles, of Nelson county.
J. W Dant, of Marion county.
F. H. Bruning, of Boyd county.
Jasper Karnes, of Daviess county.
Jesse Arthur, of Campbell county.
Reuben Tedro, of Campbell county.
J. W. Fisher, of Campbell county.
W. J. Harris, of Lincoln county.
Charles H. Fisk, of Kenton county.
James T. Allen, of Kenton county.
Wm. Greif, of McCracken county.
A. Dutel, of Jefferson county.
William C. Richardson, of Boyd county.
Walter Cleary, of Kenton county.
Samuel E. Hill, of Ohio county.
J. W. Jones, of Green county.
D. A. Caldwell, of Green county.
Thos. W. Miller, of Graves county.
J. H. Bonds, of Bracken county.
M. V. B. Sutton, of Whitley county.

P. H. LESLIE.

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

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

An act for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith;

An act repealing an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county,” approved March 29th, 1873;

An act to extend to the farmers of Fayette county the lien pro-
vided in an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31st, 1871;

An act to amend the charter of the Lexington Building and Accumulating Fund Association;

An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren;"

An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county;"

An act to repeal an act, entitled "An act declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream," approved April 24th, 1873;

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

An act, entitled "An act to change the time of holding the Lee county and quarterly courts;"

An act to legalize certain acts of the deputy clerk of the Logan county court;

An act to change the time of holding the Hart county quarterly court;

An act for the benefit of the judge of the Hart county quarterly court;

An act for the benefit of Gallatin county;

An act to amend section 6 of chapter 30, General Statutes;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

Mr. Walton moved to reconsider the vote by which the Senate had rejected a bill, entitled

A bill to provide means for the erection of public buildings for State purposes, for the purchase of grounds therefor, and for the permanent location of the Seat of Government.

Which motion was simply entered.

Mr. Evans moved the following resolution, viz:

Resolved, That hereafter it shall be a standing rule of the Senate
that no smoking shall be allowed in this Chamber during the session of the Senate; and it shall be the duty of the Sergeant-at-Arms to see that this rule is strictly enforced.

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

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

Those who voted in the affirmative, were—
W. J. Berry, Robert Boyd, Robt. A. Briggs, Jas. F. Clay, W. W. Culbertson, F. W. Darby, Walter Evans,

Those who voted in the negative, were—
John S. Barlow, P. F. Edwards, W. W. Frazer,
John J. Gatewood, D. R. Haggard, I. L. Hyatt,

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

By Mr. Darby, from the Committee on Courts of Justice—
A bill to amend and continue in force an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law April 15th, 1873.

By Mr. McManama, from the same committee—
A bill to incorporate the town of Hamilton, in the county of Ohio.

By same—
A bill authorizing the Owen county court to levy a tax and issue bonds for bridge purposes.

By same—
A bill to amend the charter of the town of Ashland.

By Mr. Jefferson, from the Committee on Finance—
A bill for the benefit of S. S. Farris, sheriff of Barren county, and his securities.

By Mr. McManama, from the Committee on Courts of Justice—
A bill for the benefit of the road system of the counties of Boyd and Carter.

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

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was made the special order
of the day for Tuesday next, the 27th inst., and all the rest were severally ordered to be engrossed and read a third time.

The constitutional provision 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. McManama, from the Committee on Courts of Justice, reported a bill, entitled

A bill requiring certain advertisements to be inserted in the Spencer Journal of Spencer county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all notices of sales of land, made by the sheriff of Spencer county, under execution, and all sales made by Commissioners, under the judgment of the Spencer circuit court, and all notices of the sittings of the master commissioner of said court, on actions referred to him for the settlement of fiduciary accounts, auditing claims against deceased or insolvent debtors, shall be inserted in said Journal.

§ 2. That all notices of sales of personal estate, required to be made by the sheriff of said county of Spencer, under execution, when the amount in said execution shall exceed one hundred dollars, shall also be inserted in said Spencer Journal.

§ 3. Notices of sales of real estate, under this act, shall be inserted, in three successive weekly issues of said Spencer Journal, next preceding day of sale, and notices of personal estate shall be inserted, in two successive weekly issues of said Journal, next preceding day of sale, and all notices of the sittings of master, or any special commissioner, shall be inserted in said Journal, as soon as the commissioner shall fix the day, and to continue up to the day the sittings commence, and as often thereafter as the commissioner may deem necessary.

§ 4. That the costs accruing by virtue of said advertisements shall be included as part of the costs in the said proceeding, and collected as the taxed cost; but said advertising shall not exceed the usual rates charged for similar advertising.

§ 5. That whenever said Spencer Journal shall cease to be published in Taylorsville, Kentucky, then this act shall cease and be of no effect.

§ 6. That nothing in this act shall dispense with the notices now required by law on sales of such property as set forth herein.

§ 7. That this act shall take effect and be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Edwards and Barker, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, R. B. Lovel, O. D. McManama,
John S. Barlow, W. C. Goodloe, W. L. Vories,
Robert A. Briggs, D. R. Haggard, C. J. Walton,
F. W. Darby, G. A. C. Holt,
W. W. Frazer, D. H. Lindsay,

Those who voted in the negative, were—

Robert Boyd, Walter Evans, I. L. Hyatt,
Scott Brown, John J. Gatewood, A. L. Martin,
W. W. Culbertson, H. S. Hale, Robt. Simmons,

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

Mr. Vories then moved to reconsider the vote by which the Senate had passed said bill.

Which was adopted.

Ordered, That said bill be recommitted to the Committee on Courts of Justice.

Mr. Gatewood, from the Committee on Education, to whom was referred the petition of Richard H. Collins, in relation to certain matters connected with the publication of Collins' History of Kentucky,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Jefferson, from the Committee on Finance, reported a bill, entitled

A bill to provide for the reimbursement and compensation of Geo. R. McKee for expenses incurred and services performed in the prosecution of the claim of Kentucky against the Government of the United States, known as the War Claim.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Hargis moved to amend said bill by striking out "$1,000" therein, and inserting in lieu thereof " $2,000."

And 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. Swoope and Hale, were as follows, viz:
Those who voted in the affirmative, were—

Scott Brown, W. W. Frazer, George B. Hodge,
W. W. Culbertson, Jesse C. Gilbert, D. H. Lindsay,
Wm. P. Duval, W. C. Goodloe, O. D. McManama,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, R. B. Lovel,
John S. Barlow, D. R. Haggard, A. L. Martin,
W. J. Berry, H. S. Hale, Robt. Simmons,
Robert Boyd, J. W. Hays, G. W. Swoope,
James F. Clay, G. A. C. Holt, W. L. Vories,
F. W. Darby, I. L. Hyatt, C. J. Walton,

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

Said bill was read a third time as follows, viz.:

WHEREAS, The Secretary of the Treasury of the United States, by his opinion and order of August the 3d. 1871, denied the validity of the claim of the State of Kentucky, known as the War Claim, and refused payment of the same, and declared that said opinion was final, so far as the Treasury Department of the United States was concerned; and whereas, afterwards, on the 16th day of December, 1871, the Commissioners of the Sinking Fund authorized and employed George R. McKee to procure an order from the proper authorities of the United States for the payment of said claim; and the said George R. McKee, by virtue of said employment, and in pursuance of said authority, did file his petition for and on behalf of the State of Kentucky, and in the name of the Governor thereof, in the Supreme Court of the United States, praying for a mandamus against the Secretary of the Treasury of the United States to compel him to deliver a warrant for the sum of $525,258 72, part of said claim, for which a requisition had been made, by the Secretary of War, on the 30th June, 1871; and under said application and petition such proceedings were had as resulted in the recognition of the justice of said claim, and the payment of said claim of $525,258 72 to the proper authorities of the State of Kentucky; part of said claim, and other sums, parts of the same, have been paid, and will continue to be paid, as the accounts are settled and adjusted by the proper accounting officers of the Treasury of the United States, to the extent in the whole of $1,000,000; now, therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of George R. McKee for the sum of one thousand dollars, to reimburse him for expenses incurred, and as compensation for his services in prosecuting an application and petition for mandamus before the Supreme Court of the United States, in the name of the Commonwealth of Kentucky, on the requisition of Preston H. Leslie, Governor of said Commonwealth, against Geo. S. Boutwell, Secretary of the Treasury of the United States, to compel the payment of the Kentucky War Claim.

§ 2. This act shall be in force from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. McManama read and laid on the table a joint resolution, entitled

Resolution extending the session of this General Assembly beyond the constitutional limit of sixty days.

The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with,

Said resolution was taken up and read as follows, viz:

WHEREAS, The business now before the present General Assembly demands an extension of the session; therefore, be it

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the present session of the General Assembly be extended beyond the sixty days prescribed by the Constitution.

2. That the present session shall not be extended beyond the 23d day of February, 1874, except by a vote of two thirds of all the members elected to each House of this General Assembly.

3. That when the present General Assembly shall adjourn, it shall adjourn sine die.

4. This resolution shall take effect from its passage.

Mr. Evans moved to amend said resolution by striking out the preamble thereof.

And 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. Vories and Evans, were as follows, viz:

Those who voted in the affirmative, were—

Those who voted in the negative, were—

John S. Barlow,            D. R. Haggard,            R. B. Lovel,
Scott Brown,                  H. S. Hale,                A. L. Martin,
James F. Clay,               Thomas F. Hargis,         O. D. McManama,
F. W. Darby,                  J. W. Hays,                Robert Simmons,
Wm. P. Duvall,               Geo. B. Hodge,             G. W. Swoope,
P. F. Edwards,               G. A. C. Holt,             Thos. W. Varnon,
W. W. Frazer,                I. L. Hyatt,               W. L. Vories,
Jesse C. Gilbert,             D. H. Lindsay,          

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,            D. R. Haggard,            R. B. Lovel,
Scott Brown,                  H. S. Hale,                A. L. Martin,
James F. Clay,               Thos. F. Hargis,         O. D. McManama,
F. W. Darby,                  J. W. Hays,                Robert Simmons,
Wm. P. Duvall,               Geo. B. Hodge,             G. W. Swoope,
P. F. Edwards,               G. A. C. Holt,             Thos. W. Varnon,
W. W. Frazer,                I. L. Hyatt,               W. L. Vories,
Jesse C. Gilbert,             D. H. Lindsay,          

Those who voted in the negative, were—

Thos. J. Barker,            Robert A. Briggs,          W. C. Goodloe,
W. J. Berry,                 W. W. Culbertson,        B. W. S. Huffaker,

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

And then the Senate adjourned.
MONDAY, JANUARY 26, 1874.

The Hon. John G. Carlisle, Lieutenant Governor and Speaker, being absent, the Clerk announced that nominations for Speaker pro tem. were in order.

Mr. Varnon nominated Hon. G. A. C. Holt as a suitable person to fill the office of Speaker pro tem.

There being no other nominations, Mr. Holt was declared elected, and assumed the duties of Speaker pro tem.

A message was received from the House of Representatives, announcing that they had passed a bill, which originated in that body, entitled

An act for the protection of livery-stable keepers, farmers, and other persons in this Commonwealth.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That the same be referred to the Committee on Propositions and Grievances.

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

An act to authorize the sheriff of Grayson county to hold an election for district officers in Sand Spring district, in Grayson county.

An act to repeal an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Harlan,” approved February 7th, 1870.

An act to fix the time of holding the Garrard circuit court, and to amend section 5, article 5, chapter 28, of the General Statutes.

An act for the benefit of Thos. E. Moore, sheriff of Bourbon county.

An act for the preservation and protection of game and fish in Bourbon county.

An act for the benefit of H. C. Malone, late sheriff of Shelby county, and securities.
An act for the benefit of Thos. D. Grundy, sheriff of McCracken county, and his sureties.

An act to amend an act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, so as to make the provisions thereof apply to the clerk of the Carter county court.

An act to amend an act for the benefit of the Bourbon County Agricultural Society, approved February 12, 1849.

An act for the benefit of Robt. Wheat, a colored pauper idiot of Adair county.

An act for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county.

An act for the benefit of the town marshal of New Liberty, county of Owen.

An act for the benefit of George Boone and Robt. Wimpsett.

An act to prohibit the sale of intoxicating liquors in the town of Osceola.

An act for the benefit of the estate of T. Jack Conn, late clerk of the Jefferson county court.

An act for the benefit of school district No. 27, in Hancock county.

An act to authorize the presiding judge of the Bath county court to sue for taxes due or which may become due said county.

An act authorizing the county court of Washington county to increase the county levy.

An act to authorize the president and directors of the Nelson County Agricultural Association to borrow money.


An act for the benefit of Union county.

An act for the benefit of D. C. Wilcox, late tax collector for the city of Paducah.

An act to amend an act, entitled "An act for the protection of the livery-stable keepers in this Commonwealth," approved January 31st, 1871.

An act to amend an act, entitled "An act to incorporate the town of Grayson, in Carter county."

An act to amend an act, entitled "An act providing for the collection of railroad tax in the county of Montgomery."
An act in regard to sheriffs' bonds for collecting the revenue of 1874.

Mr. Barker presented the petition of the Christian Church at Waterford, in Spencer county, in relation to the Kentucky University. Which was received, the reading dispensed with, and referred to the Committee on the Judiciary.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act to legalize certain acts of the deputy clerk of the Logan county court.

An act to change the time of holding the Hart county quarterly court.

An act for the benefit of the judge of the Hart county quarterly court.

An act for the benefit of Gallatin county.

An act to legalize certain acts of the deputy clerk of the County of New Albany.

An act to legalize certain acts of the deputy clerk of the County of Nelson.

An act to legalize certain acts of the deputy clerk of the County of Bell and Campbell.

An act to legalize certain acts of the deputy clerk of the County of Washington.

An act to legalize certain acts of the deputy clerk of the County of Johnson.

An act to legalize certain acts of the deputy clerk of the County of Logan.

An act to legalize certain acts of the deputy clerk of the County of Lawrence.

An act to legalize certain acts of the deputy clerk of the County of McLean.

An act to legalize certain acts of the deputy clerk of the County of Meade.

An act to legalize certain acts of the deputy clerk of the County of Montgomery.

An act to legalize certain acts of the deputy clerk of the County of Oskaloosa.

An act to legalize certain acts of the deputy clerk of the County of Ross.

An act to legalize certain acts of the deputy clerk of the County of Shelby.

An act to legalize certain acts of the deputy clerk of the County of Union.

An act to legalize certain acts of the deputy clerk of the County of Wetzel.

An act to legalize certain acts of the deputy clerk of the County of Wyoming.

An act to legalize certain acts of the deputy clerk of the County of Fayette.

An act to legalize certain acts of the deputy clerk of the County of Greenbrier.

An act to legalize certain acts of the deputy clerk of the County of Jackson.

An act to legalize certain acts of the deputy clerk of the County of Lincoln.

An act to legalize certain acts of the deputy clerk of the County of Marshall.

An act to legalize certain acts of the deputy clerk of the County of Morgan.

An act to legalize certain acts of the deputy clerk of the County of Nicholas.

An act to legalize certain acts of the deputy clerk of the County of Putnam.

An act to legalize certain acts of the deputy clerk of the County of Scott.

An act to legalize certain acts of the deputy clerk of the County of Spencer.

An act to legalize certain acts of the deputy clerk of the County of Wayne.

An act to legalize certain acts of the deputy clerk of the County of Wirt.

An act to legalize certain acts of the deputy clerk of the County of Wood.

An act to legalize certain acts of the deputy clerk of the County of Wyoming.

An act to legalize certain acts of the deputy clerk of the County of West Virginia.

An act to legalize certain acts of the deputy clerk of the County of Ohio.

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An act to legalize certain acts of the deputy clerk of the County of Virginia.

An act to legalize certain acts of the deputy clerk of the County of Kentucky.

An act to legalize certain acts of the deputy clerk of the County of Tennessee.

An act to legalize certain acts of the deputy clerk of the County of Indiana.

An act to legalize certain acts of the deputy clerk of the County of Missouri.

An act to legalize certain acts of the deputy clerk of the County of Illinois.

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An act to legalize certain acts of the deputy clerk of the County of Maryland.

An act to legalize certain acts of the deputy clerk of the County of Pennsylvania.

An act to legalize certain acts of the deputy clerk of the County of West Virginia.
On motion of Mr. Goodloe—
6. A bill to amend an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association."
On motion of same—
On motion of Mr. Lindsay—
8. A bill to amend an act, entitled "An act to incorporate the Warsaw Turnpike Company."
On motion of same—
On motion of Mr. Vories—
10. A bill to increase the fees of examiners in this Commonwealth.
On motion of Mr. Varoun—
11. A bill to charter the South Fork Turnpike Company, in Casey county.
On motion of Mr. Jefferson—
12. A bill to amend section six of the act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies."

Ordered, That the Committee on Railroads prepare and bring in the 1st; Messrs. Berry, Swoope, and Walton the 3d; Messrs. Berry, Swoope, and Briggs the 4th; the Committee on the Judiciary the 2d, 6th, 7th, and 10th; the Committee on Courts of Justice the 5th; the Committee on Internal Improvement the 8th and 11th; the Committee on Religion and Morals the 9th, and the Committee on Banks and Insurance the 12th.

Bills from the House of Representatives, of the following titles, were reported, without amendment, by the several committees to whom they had been referred, viz:

By Mr. Haggard, from the Committee on Propositions and Grievances—
An act to repeal an act declaring Wolf river a navigable stream.

By Mr. Briggs, from the Committee on Claims—
An act empowering the county court of Washington county to make additional subscription to certain turnpike roads.

By Mr. Lindsay, from the Committee on Religion and Morals—
An act to amend an act, approved March 28, 1872, entitled "An act authorizing the Boone county court to appoint trustees for the Burlington burying-ground, and prescribing their duties."
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By same—
An act to regulate the sale of spirituous or intoxicating beverages in Lewis county.

Ordered, That said bills be read a third time.
The constitutional provision 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.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:—

By Mr. Clay, from the Committee on the Judiciary—
1. A bill to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."

By same—
2. A bill to increase the jurisdiction of quarterly courts in the counties of Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, Logan, Boyd, Barren, Monroe, Metcalfe, Edmonson, Breckinridge, Wayne, Pulaski, Marshall, and Cumberland.

By Mr. Hodge, from the Committee on Internal Improvement—
3. A bill to amend the charter of the Covington and Taylor Mill Turnpike Road Company.

By Mr. Brown, from the Committee on Library and Public Offices and Buildings—
4. A bill for the benefit of the city of Frankfort.

By Mr. Haggard, from the Committee on Propositions and Grievances—
5. A bill to authorize M. Duke to erect a mill-dam across Big Barren river at or near Holter's Ford, in Allen county.

By same—
6. A bill to amend an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869.

By Mr. Hodge, from the Committee on Railroads—
7. A bill to incorporate the Mammoth Cave Hotel and Railroad Company.

By same—
8. A bill to provide for the punishment of railway employees for causing injury to or death of any person or persons, or injury or destruction of property.
By Mr. Haggard, from the Committee on Propositions and Grievances.

9. A bill to protect the interest of the State in turnpike roads and bridges.

By Mr. Gilbert, from the Committee on the Judiciary—

10. A bill to punish persons for fraudulently selling, concealing, or disposing of mortgaged personal property.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 10th were ordered to be engrossed and read a third time; the 8th was ordered to be printed, and placed in the orders of the day, and the 9th was made the special order for Thursday, the 29th instant.

The constitutional provision as to the third reading of the 1st, 2d, 3d, 4th, 5th, 6th, 7th, and 10th bills being dispensed with, and the same being engrossed,

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

Mr. Evans, from the Committee on the Judiciary, asked to be discharged from the further consideration of the leave to bring in a bill to give compensation to jurors in justices’, police, and quarterly courts of this Commonwealth.

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

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

Those who voted in the affirmative, were—

- Robert A. Briggs,
- W. W. Frazer,
- T. L. Jefferson,
- Scott Brown,
- John J. Gatewood,
- A. L. Martin,
- James F. Clay,
- Jesse C. Gilbert,
- Thos. W. Varnon,
- F. W. Darby,
- W. C. Goodloe,
- W. L. Vories,
- P. F. Edwards,
- H. S. Hale,
- Walter Evans,
- J. W. Hays,

Those who voted in the negative, were—

- Thos. J. Barker,
- George B. Hodge,
- R. B. Lovel,
- John S. Barlow,
- G. A. C. Holt,
- Robt. Simmons,
- Robert Boyd,
- B. W. S. Huffaker,
- G. W. Swoope,
- W. W. Culbertson,
- I. L. Hyatt,
- C. J. Walton—14.
- D. R. Haggard,
- D. H. Lindsay,

Mr. Haggard, from the Committee on Propositions and Grievances,
asked to be discharged from the further consideration of a leave to bring in a bill to change the Hart and Barren county line.

Which was granted.

Mr. Hodge moved the following resolution, viz:

Resolved, That the special committee of the Senate upon the subject of lottery schemes in this State be empowered to call for persons and papers, and summon before them the grantees and lessees of said lotteries, and require them, on oath, to disclose the persons to whom said lotteries are leased, and for what limits, and how much each grantee or lessee has received from said lotteries, and how much has been advanced by said grantees to the capital of said lotteries; and that said committee be instructed to report to the Senate as soon as possible their investigation.

Which was adopted.

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

Resolved by the General Assembly of the Commonwealth of Kentucky, That, in order first to dispose of all bills of a public and general character, a joint committee, consisting of two Senators and three Representatives, be appointed, and directed to ascertain and report what public bills and reports are now pending and undisposed of before each House, or the committees thereof; and that said committee report how many, and which of said bills, &c., should be acted upon at the present session of this General Assembly.

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

The Senate took up for consideration the special order, entitled

A bill to provide for the improvement of Rockcastle river and its Forks.

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

The constitutional provision 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 yeas and nays being required on the passage of said bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

WHEREAS, The said river has been declared by an act of this Legislature navigable; and whereas, obstructions, such as loose stones, snags, sunken timber, sand-drifts, and leaning trees, now render the navigation of said river hazardous and dangerous, by reason of which heavy losses attend the efforts of a portion of the citizens of this Commonwealth in their attempts to bring to market valuable products, such as coal, timber, and iron ore; and believing that a judicious and proper expenditure in removing the obstructions will greatly improve the navigation of said river, and that it can thereby be made safe and reliable for a large portion of the year for coal-barges and rafts; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of four thousand dollars is hereby appropriated, to be paid out of any money in the Public Treasury not otherwise appropriated, to be expended as hereinafter provided in the removal of obstructions, and in the improvement of the navigation of the Rockcastle river and its forks, from a point in said river at Livingston Station, on the Knoxville Branch of the Louisville and Nashville Railroad, up to the mouth of the Middle Fork, and up said Fork to the mouth of Indian Creek, and from the main river up the South Fork to the mouth of Pond Creek, the expenditure of which shall be superintended by commissioners to be named, and on conditions hereinafter set forth.

§ 2. That Isaac J. Faubus, Joseph F. Baugh, and William L. Mullins are hereby appointed commissioners, whose duty it shall be to lay off said river and its forks into three or more sections, and to let out the work in said sections to the lowest responsible bidder or bidders. The party or parties contracting to do the work shall be required to give bond and security, payable to the Commonwealth of Kentucky, that the work shall be done in proper manner, and in the time required by the contract; but before the letting of contracts, it shall be the duty of the commissioners to give at least fifteen days' notice of the same, by posting written or printed notices upon the court-house doors of Rockcastle, Laurel, and Jackson counties, and by posting at least three written or printed notices at the most public places in the vicinity of the sections of work to be let; and the letting shall be either by sealed proposals for said work, the commissioners reserving to themselves the right to reject any or all of said sealed proposals, or publicly, on a county court day, at the court-house door in the town of London and county of Laurel.

§ 3. That all contracts letting out the work under this appropriation shall be executed in duplicate writings, and signed by at least two of the commissioners and the party or parties so contracting, and it must be expressly stipulated that all work, when done, must be approved by the said commissioners, in writing, and paid for when thus approved by duplicate vouchers drawn on the Auditor of Public Accounts, executed by two or more of the commissioners, which vouchers must give the name of the contractor, and indicate the section and kind of work performed for which
it is given in payment. It shall be the duty of the commissioners to forward the original of said voucher to the Auditor of Public Accounts, who shall file the same in his office, and when the duplicate is presented to the said Auditor of Public Accounts, he shall draw his warrant on the Treasury in favor of the holder of said duplicate voucher for the amount of the same, and the Treasurer shall pay the same out of the fund appropriated by the first section of this act.

§ 4. It shall be the duty of the commissioners to visit the localities as the work is progressing, and especially to be present at the letting and closing of contracts; and in no case are they to pay for any portion of the work in advance. Their own per diem and expenses shall be payable quarterly, which payment shall be made by duplicate vouchers drawn upon the Auditor of Public Accounts, as hereinbefore specified in case of contractors, which vouchers must designate each and every expense incurred, and on what account.

§ 5. The pay of said commissioners shall be three dollars per day, and all necessary expenses while on duty; and they are required to report to the next session of the General Assembly the progress of the work.

§ 6. That before the said commissioners shall enter upon the discharge of their duties, they shall execute bond, payable to the Commonwealth of Kentucky, with approved security, in the clerk's office of the Laurel county court, for the faithful discharge of their duties under this act; and they shall each take an oath before entering upon the discharge of their duties to honestly, faithfully, and impartially discharge the same.

§ 7. This act shall take effect from its passage.

The Senate then took up the motion to reconsider the vote by which the bill was rejected from the House of Representatives, entitled

An act for the benefit of the common schools in Trigg and Ballard counties.

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

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, Walter Evans, G. A. C. Holt,
John S. Barlow, W. W. Frazier, D. H. Lindsay,
Robert Boyd, Jesse C. Gilbert, Robt. Simmons,
Robert A. Briggs, W. C. Goodloe, Thos. W. Varnon,
W. W. Culbertson, H. S. Hale, W. L. Vories—17;
F. W. Darby, George B. Hodge.

Those who voted in the negative, were—

W. J. Berry, Thos. F. Hargis, R. B. Lovel,
Scott Brown, J. W. Hays, G. W. Swoope,
P. F. Edwards, B. W. S. Huffaker, C. J. Walton,
The Senate then took up for consideration a bill, entitled
A bill to regulate the transportation of freights over railroads in
this Commonwealth.

Ordered, That the further consideration of said bill be postponed
until Wednesday, the 28th inst.

Mr. Barker moved to reconsider the vote by which the Senate
had rejected a bill, entitled
A bill to amend chapter 61 of the General Statutes, by further pro-
viding compensation to jailers.

And the question being taken thereon, it was decided in the af-
affirm-
tive.
The bill was then placed in the orders of the day.
The Senate then took up for consideration a resolution, entitled
Resolution for the benefit of J. Russell Hawkins, late Clerk of the
Senate.

Mr. Clay then withdrew the amendment proposed by himself.
Mr. Haggard then withdrew the amendment proposed by himself.
Mr. Holt then asked leave to withdraw said resolution.
Which was granted.
The Senate took up for consideration a resolution, entitled
Resolution inhibiting the manufacture and sale of intoxicating
liquors in this Commonwealth.

Mr. Haggard asked leave to withdraw said resolution.
Which was granted.

Mr. Hyatt, from the Committee on Enrollments, reported that the
committee had examined sundry enrolled bills, which originated in the
Senate, of the following titles, viz:

An act for the benefit of Christian county;
An act to change the time of holding the Butler quarterly court;
An act to repeal article 2, chapter 102, of the General Statutes, so
far as the same applies to Wayne, Pulaski, and other counties are
concerned;
And enrolled bills, which originated in the House of Representa-
tives, of the following titles, viz:

An act to regulate the sale of spirituous, vinous, or malt liquors in
this Commonwealth;
An act for the benefit of James W. Hogg and Lewis S. Lee, late
sheriffs of Letcher and Ballard counties;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

And then the Senate adjourned.

TUESDAY, JANUARY 27, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act repealing an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county,” approved March 29th, 1873.

An act to repeal an act, entitled “An act declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream,” approved April 24th, 1873.

An act to repeal an act, entitled “An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren.”

An act to extend to the farmers of Fayette county the lien provided in an act, entitled “An act for the protection of livery-stable keepers in this Commonwealth,” approved January 31st, 1871.

An act to amend the charter of the Lexington Building and Accumulating Fund Association.

That they had concurred in the amendments of the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to increase the jurisdiction of justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties;
An act to authorize the county court of Lawrence county to fix and establish the width of public roads in said county;

With amendments to the same.

That they had concurred in a resolution, which originated in the Senate, entitled
Resolution extending session beyond constitutional limit of sixty days.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to provide for the registration of marriages, births, and deaths.

An act to amend the law of evidence.

That they had passed bills and adopted a resolution of the following titles, viz:

1. An act for the benefit of H. X. Morton and W. F. Berry, of Union county.
3. An act to amend chapter 92, article 10, section 2, title "Revenue and Taxation," of the General Statutes.
5. Resolution directing Public Librarian to purchase certain books.

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

The constitutional provision as to the second reading of said bills and resolution being dispensed with,

Ordered, That said bills be referred to the Committee on Revised Statutes and Codes of Practice and General Statutes.

The following petitions were presented, viz:

By Mr. Boyd—
1. The petition of sundry citizens of Laurel county, praying the passage of a prohibitory liquor law.

By Mr. Webb—
2. The petition of the Board of Trade of the city of Louisville, in relation to taxation.

By Mr. Jefferson—
3. The petition of the general council of the city of Louisville, in relation to taxation.
Which were received, the reading dispensed with, and referred—the 1st to the Committee on Religion and Morals, and the 2d and 3d to the Committee on Finance.

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

On motion of Mr. Briggs—
1. A bill to amend the charter of the Springfield, Maxville, and Harrodsburg Turnpike Road Company.

On motion of Mr. Walton—
2. A bill for the benefit of John Roark, of Hart county.

On motion of same—
3. A bill to exempt Hart county from the provisions of an act authorizing the judge of the Hart county court to appoint a commissioner to audit claims against the county.

On motion of Mr. Swoope—
4. A bill to establish a free school for the colored people of the city of Owensboro, Kentucky.

On motion of Mr. Brown—
5. A bill for the benefit of William Clelland, late sheriff of Mercer county.

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st; the Committee on Claims the 2d; the Committee on Courts of Justice the 3d; the Committee on Education the 4th, and the Committee on Finance the 5th.

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

An act for the benefit of the common schools of Trigg and Ballard counties;
An act to repeal an act declaring Wolf river a navigable stream;
An act empowering the county court of Washington county to make additional subscriptions to certain turnpike roads;
Resolution providing for the removal of the remains of Captain John Howell, a soldier of the Revolution, to the State Cemetery at Frankfort;
Also a resolution, which originated in the Senate, entitled
Resolution extending the session of this General Assembly beyond the constitutional limit of sixty days;
And had found the same truly enrolled.

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 approval and signature.

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

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

By Mr. Martin, from the Committee on Banks and Insurance—
1. A bill for the benefit of the Bank of Louisville.

By Mr. Gatewood, from the Committee on Education—
2. A bill to authorize and establish a system of public schools in the town of Ashland.

By Mr. Briggs, from the Committee on Internal Improvement—
3. A bill to revive an act to incorporate the Springfield and Harrodsburg Turnpike Road Company.

By Mr. Haggard, from the same committee—

By Mr. Gatewood, from the Committee on Courts of Justice—
5. A bill to authorize the present judge of the Henry county court to sign certain orders of said court.

By Mr. Hays, from the Committee on the Judiciary—
6. A bill to incorporate the town of Rowlett's Station, in Hart county.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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.

Bills from the House of Representatives, of the following titles, were reported, without amendment, from the several committees to whom they had been referred, viz:

By Mr. Darby, from the Committee on Courts of Justice—
An act for the benefit of the marshal of Georgetown.

By same—
An act to authorize the county court of Garrard county to sell and convey the poor-house farm, and reinvest the proceeds.
By Mr. Duvall, from the Committee on Internal Improvement—
An act relating to opening and repairing roads in Boone county.

By same—
An act to authorize the board of directors of the Richmond and Lexington Turnpike Road Company to take stock in the Athens and Walnut Hill Turnpike Road Company.

By same—
An act to amend an act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

By Mr. Darby, from the Committee on Courts of Justice—
An act to authorize the jailer of Caldwell county to appoint an assistant.

By Mr. McManama, from the same committee—
An act to change the time of holding the September term of the Shelby county quarterly court.

By Mr. Haggard, from the Committee on Propositions and Grievances.

An act to prevent the destruction of fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, in this Commonwealth.

Ordered, That said bills be read a third time.

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

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

Mr. Hays, from the Committee on the Judiciary, to whom was referred the petitions of sundry citizens of this Commonwealth, and members of the Christian Church, praying the passage of an act amending the charter of the Kentucky University at Lexington, and also the remonstrance of sundry other citizens and members of said Church, against the passage of said bill, and also a leave to bring in a bill, entitled

A bill to amend the charter of the Kentucky University;

Reported that a majority of the committee asked to be discharged from the further consideration of said petitions, remonstrances, and leave.

Mr. Hargis, from the same committee, presented the report of the minority of said committee, recommending the passage of a bill, entitled

50-s.
A bill to amend an act, entitled "An act to amend the charter of Bacon College," approved January 15th, 1856.

Said minority report reads as follows, viz:

SENATE CHAMBER, FRANKFORT, JANUARY 27TH, 1874.

The undersigned, the minority of the Committee on the Judiciary, to whom was referred a leave to introduce a bill, entitled "An act to amend an act entitled 'An act to amend the charter of Bacon College,'" approved January 15th, 1858, would report the following reasons in support of the action of the minority of the committee. The majority ask to be discharged from the further consideration of the leave. The minority favor reporting the bill herewith transmitted to the Senate, with an expression of opinion that it ought to pass—

1st. Because, without reference to any personal antagonisms in regard to the control of the University, the treasurer of a great institution like that ought not to be placed in temptation; he ought not to be Regent, Chairman of the Executive Committee which audits his accounts, and Curator.

2d. Because a centralization of power in one head, either of corporations or governments, ought not to be tolerated, as it is inimical to the genius of American liberty, and dangerous to the property of the citizen.

3d. Because no body of men, in a corporate or governmental capacity, should have the power of self-perpetuation; because, if they should become corrupt or recreant to their trust, relief to the injured parties would be well nigh annihilated.

4th. Because the University is owned and was intended to be controlled by the Christian Church in Kentucky, as expressed in its charter; which ownership and control was recognized by all parties long before the enactment of said charter, and, until recently, the ownership and control thereof was never denied.

5th. Because, in the judgment of the minority, if the relief sought by the bill referred to is not granted, the halls of that great University will soon be deserted by the hundreds of students hitherto and now attending it; the Church, whose pride has been to support and foster it, denied the ownership and control of its property, will withdraw its children from the University; and then a legal contest will begin for the empty buildings and untilled lands, and the beneficent influence and power of a great institution retarded—broken—destroyed!

Very respectfully,

THOMAS F. HARGIS,
ED. W. TURNER,

Members of the Minority.
On motion of Mr. Evans,

Ordered, That said proposed bill and minority report of the committee be printed, and the further consideration of both majority and minority reports of the committee be postponed and made the special order of the day for Thursday next, the 29th inst.

On motion of Mr. Varson,

A message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court,

After a short time, said bill was handed in at the Clerk's desk.

Mr. Varson then moved to reconsider the vote by which the Senate had disagreed to the passage of said bill.

Which motion was simply entered.

Mr. Hodge, from the Joint Committee on Apportionment, reported a bill, entitled

A bill to apportion representation in the Senate and House of Representatives.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Sundry amendments were proposed to said bill.

Pending the consideration of which,

On motion,

Ordered, That said bill and pending amendments be printed, and that the further consideration thereof be postponed and made the special order of the day for Friday next, the 30th inst.

Mr. McManama, from the Committee on Courts of Justice, to whom had been referred a bill from the House of Representatives, entitled

An act to regulate the advertising of official sales in the county of Montgomery,

Reported the same without expression of opinion.

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

So said bill was disagreed to.

Mr. Haggard, from the Committee on Claims, reported a bill, entitled
A bill for the benefit of Achilles Nelson, trustee for Stephen Richardson, a pauper lunatic of Russell county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of three hundred and nine dollars and forty four cents be appropriated to Achilles Nelson, trustee for Stephen Richardson, of Russell county; and that the Auditor is hereby directed to draw his warrant upon the Treasurer for the above sum, to be paid to said Nelson for the benefit of said Stephen Richardson, a lunatic of Russell county.

§ 2. This act shall be in force from and after its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,
John S. Barlow,
W. J. Berry,
Robert Boyd,
Robert A. Briggs,
Scott Brown,
James F. Clay,
W. W. Culbertson,
Wm. P. Duvall,
P. F. Edwards,
W. W. Frazer,
John J. Gatewood,
Jesse C. Gilbert,
W. C. Goodloe,
D. R. Haggard,
H. S. Hale,
Thos. F. Hargis,
J. W. Hays,
G. A. C. Holt,
B. W. S. Huffaker,
I. L. Hyatt,
T. L. Jefferson,
D. H. Lindsay,
A. L. Martin,
Robert Simmons,
Thos. W. Varnon,
W. L. Vories,
C. J. Walton,

In the negative—none.

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

The Senate, according to order, took up for consideration a bill, entitled

A bill to amend the road laws of the counties of Boyd and Carter.

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

The constitutional provision 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 took up for consideration the amendment proposed by the House of Representatives to the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled
An act to increase the jurisdiction of justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties.

Mr. Evans then moved to amend the amendment proposed by the House of Representatives by striking therefrom the counties of Christian, Allen, Larue, and Edmonson.

Which was adopted.

Mr. Gilbert then moved to amend the amendment proposed by the House of Representatives by adding thereto the following words:
"Provided, That the provisions of this act shall not apply to the Carrsville district, in Livingston county."

Which was adopted.

Mr. Edwards then moved to amend the amendment proposed by the House of Representatives by including therein the county of Breckinridge.

Which was adopted.

The question was then taken on concurring in the amendment proposed by the House of Representatives to the amendment proposed by the Senate, as amended, and it was decided in the affirmative.

Resolved, That the title of said bill be amended so as to read, viz:
An act to increase the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth.

On motion of Mr. Barlow, leave of absence, indefinitely, was granted Mr. Haggard.

And then the Senate adjourned.
WEDNESDAY, JANUARY 28, 1874.

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

An act to repeal an act to charter the Barren County Bank.
An act to amend the charter, and the amendments thereto, of the Deposit Bank of Glasgow.
An act to amend section two, article six, chapter 15, General Statutes.
An act to incorporate the Boyd County Fair and Exposition Association.
An act for the benefit of S. S. Farris, sheriff of Barren county, and his securities.

That they had passed bills, which originated in the House of Representatives, of the following titles, viz:

1. An act to repeal section 5 of the 65th chapter of the General Statutes.
2. An act for the benefit of the present lessees of the Idee Hotel.
3. An act providing for the continuation of the geological, mineralogical, and botanical survey now in process in Kentucky, and for the prosecution of other surveys.
4. An act to incorporate the Ballard County Coal and Transportation Company.
5. An act to authorize the Elizabethtown and Paducah Railroad Company to extend the main trunk of their road from Paducah to any point on the Ohio or Mississippi river, in Ballard county, that the company may select.
6. An act to amend an act, entitled "An act to establish an additional justices' district in Bath county."
7. An act to organize and establish a system of public schools in Owingsville, Bath county.
8. An act to amend the charter of the Bath Seminary, incorporated by an act approved February 23, 1846.
9. An act to amend an act, entitled "An act for the benefit of the
officers and soldiers of the 31st regiment enrolled militia,” approved February 7, 1866.

10. An act to amend an act, entitled “An act to incorporate the Danville Gas-light Company.”

11. An act to amend an act, entitled “An act to amend and reduce into one the several acts in relation to the town of Danville.”

12. An act for the benefit of Charles N. Hoskins, sheriff of Powell county.

13. An act giving Jubel Parsons, of Breckinridge county, the privilege to peddle, without license, in the counties of Breckinridge, Hancock, and Daviess.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 2d, 4th, 10th, and 11th to the Committee on the Judiciary; the 3d and 12th to the Committee on Finance; the 5th to the Committee on Railroads; the 6th to the Committee on Courts of Justice; the 7th and 8th to the Committee on Education; the 9th to the Committee on Military Affairs, and the 13th to the Committee on Propositions and Grievances.

The Speaker laid before the Senate the following response of the Auditor of Public Accounts to a resolution of the Senate offered by Mr. Holt, in relation to certain indebtedness to the State by corporations, railroads, &c., for taxes due and unpaid, viz:

STATE OF KENTUCKY,
OFFICE OF AUDITOR OF PUBLIC ACCOUNTS,
FRANKFORT, January 27, 1874.

HON. J. G. CARLISLE, Speaker of the Senate:

Sir: The inclosed statement herewith submitted, and the appended letter of the Attorney General, contains the information called for by the resolution adopted by the Senate on the 22d inst., asking for the railroads owing taxes to the State, the amount due, &c. All railroads not embraced in the list furnished have regularly paid their taxes.

I have the honor to be,

Very respectfully,

D. HOWARD SMITH, Auditor.
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<td>Louisville and Frankfort Railroad</td>
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<td>Louisville, Cincinnati, and Lexington Railroad, Short-Line</td>
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<td>Interest on preferred stock, 260 shares, value $26,000</td>
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<td>Interest on bonds, $74,519.50</td>
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JAN. 28.

JOURNAL OF THE SENATE.

LOUISVILLE AND NASHVILLE RAILROAD.

Tax 1873 on value, $6,940,000, at 45 cents

Paid

$31,230 00

Balance due

$4,981 27

Promises to pay balance next month.

ELIZABETHTOWN AND PADUCAH RAILROAD.

Tax 1873 on value, $3,700,000, at 45 cents

$16,650 00

It is claimed this road is not completed, and, until it is completed, not subject to taxation. Suit will, however, be instituted for the amount of tax claimed.

MOBILE AND OHIO RAILROAD.

Tax 1872, unpaid balance

$1,011 25

Tax 1873 on value, $397,000, at 45 cents

$2,800 00

Promises to pay. Suit will be instituted if not paid.

GLASGOW RAILROAD.


SHELBYVILLE RAILROAD.


ELIZABETHTOWN, LEXINGTON, AND BIG SANDY RAILROAD.

Not liable to taxation for two years after each section of twenty-five miles is completed, (Volume 1, Acts 1863-'70, page 268, section 6.)

OWENSBORO AND RUSSELLVILLE RAILROAD.

Exempt from taxation until completed, and that it shall never be taxed at a valuation beyond its actual cost. (Volume 1, Acts December Session, 1871, page 195, section 5.)

MAYSVILLE AND LEXINGTON RAILROAD, NORTHERN DIVISION.

Auditor is authorized to collect taxes only from and after the 1st of July, 1873. (Volume 1, Acts January Session, 1873, page 268.)

RECAPITULATION.

Paducah and Gulf Railroad

$8,280 00

Evansville, Henderson, and Nashville Railroad

26,515 08

Lexington and Frankfort Railroad

9,263 61

Louisville and Frankfort Railroad

19,925 08

Louisville, Cincinnati, and Lexington Railroad, Short-line

33,600 00

Louisville, Cincinnati, and Lexington Railroad, Short-line

7,020 00

Louisville and Frankfort Railroad

13,413 48

Louisville and Nashville Railroad

21,230 00

Elizabethtown and Paducah Railroad

16,650 00

Mobile and Ohio Railroad

2,800 00

Total tax

$158,697 25

ATTORNEY GENERAL'S OFFICE,
FRANKFORT, January 24, 1874.

Col. D. Howard Smith, Auditor:

Your letter of inquiry has been received.

At various times between the 9th of May, 1872, and the 14th August, 51-s.
1873, I instituted several suits, in behalf the Commonwealth, against the
Louisville, Cincinnati, and Lexington Railroad Company, to recover the
revenue due from that corporation to the State, as follows:

For revenue upon the road from Lexington to Frankfort, from Louis­
ville to Frankfort, and from LaGrange to Newport:

Also to recover dividends upon preferred stock held by the State in the
last named road, and also to recover several years' interest upon a bond
executed by Louisville and Frankfort Railroad to the State for $74,519.50.

All these suits were contested by the defendants.

At the June term, 1873, I obtained judgment against them for $19,274-
38, with interest from the 5th day of July, 1873.

At the August term I obtained judgment against them for the remain­
der of the matters in controversy, amounting in the aggregate to about
$64,000.

An appeal was taken by the defendants to the Court of Appeals upon
the question whether the company is bound for revenue to the State upon
the Stort-line Railroad, and within the last week the court has affirmed
the judgment with damages; and within thirty days the State will be
entitled to an execution against them for the amount adjudged.

I have within the last year instituted three suits, in behalf of the Com­
monwealth, against the Evansville, Henderson, and Nashville Railroad
Company, to recover the revenue due to the State upon this railroad for
the years 1871, 1872, and 1873.

The defendants appealed to the Court of Appeals from the judgment
for revenue due for the year 1871, and during the last year the judgment
was affirmed.

The aggregate of these judgments is about $26,000, excluding interest.

Executions have been issued upon all these judgments directed to both
Henderson and Christian counties, and have been returned no property
fund.

I have instituted a suit in equity in the Franklin circuit court for the
purpose of having a receiver appointed, and also to cause a sale of a suffi­
ciency of the railroad to discharge the debt, interest, and cost, and pro­
cess has been executed.

I have instituted a suit, in behalf of the State, against the Paducah
and Gulf Railroad, now called the Paducah and Memphis Railroad, to
recover revenue due to the State for two years thereon. In consequence
of a defect in the sheriff's return of the summons no judgment has yet
been rendered in this case. The aggregate of the revenue is about
$8,000.

Respectfully,

JNO. RODMAN, Attorney General.
Which was received, the reading dispensed with, ordered to be printed, and referred to the Committee on Finance.

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

1. A bill to amend article 12, section 6, chapter 92, General Statutes.
   On motion of Mr. Brown

2. A bill for the benefit of John H. Allison, late sheriff of Lawrence county.
   On motion of Mr. Culbertson

3. A bill further to regulate the proceedings in quarterly courts.
   On motion of Mr. Darby

4. A bill to incorporate the Prison Reform Association of Kentucky as a branch of the National Prison Association of America.
   On motion of Mr. Gatewood

5. A bill to amend section 9, chapter 18, General Statutes, title "Common Schools."
   On motion of Mr. Lindsay

6. A bill to amend an act, entitled "An act to extend the limits of the town of Warsaw, and to amend, consolidate, and reduce into one all laws pertaining to said town."
   On motion of same

7. A bill for the benefit of Evans Dozier Grant, of Owen county.
   On motion of same

8. A bill to establish an additional voting place in the third precinct of Gallatin county.
   On motion of Mr. McManama

   On motion of Mr. Frazer

10. A bill to amend an act, entitled "An act to protect the owners of land, and to punish certain trespassers, in Logan and Todd counties," approved March 20, 1872.
    On motion of Mr. Hodge

11. A bill to authorize the city of Newport to issue bonds to the amount of fifteen thousand dollars.
    On motion of Mr. Clay

12. A bill for the benefit of the owners of Wabash Island.
Ordered, That the Committee on Propositions and Grievances prepare and bring in the 1st; the Committee on Courts of Justice the 2d, 3d, and 8th; the Committee on Penitentiary and House of Reform the 4th; the Committee on Education the 5th; the Committee on Judiciary the 6th, 11th, and 12th; the Committee on Claims the 7th; Messrs. Martin, Clay, and McManama the 9th, and the Committee on Revised Statutes and Codes of Practice and General Statutes the 10th.

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

By Mr. Evans, from the Committee on the Judiciary—
A bill to amend the charter of Pembroke, in Christian county.

By same—
A bill to amend an act, entitled “An act to amend the charter of Lexington,” approved January 28, 1873.

By Mr. Gilbert, from the same committee—
A bill to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars.

By same—
A bill to provide for purchasing and furnishing blank-books and record-books for clerks and State officers.

By Mr. Clay, from the same committee—
A bill for the benefit of the owners of Wabash Island.

By Mr. Barker, from the Committee on Claims—
A bill for the benefit of I. L. Hyatt.

By Mr. Martin, from a select committee—
A bill for the benefit of John M. Curry, ex-sheriff of Pendleton county.

By Mr. Lindsay, from the Committee on Religion and Morals—
A bill to incorporate Petersburg Cemetery Company.

By Mr. Hodge, from the Committee on Railroads—
A bill to amend an act, entitled “An act to incorporate the Hartford Railroad and Mining Company,” approved February 12th, 1869.

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill to amend chapter 3, subdivision 5, Civil Code of Practice.

By Mr. Lindsay, from the Committee on Claims—
A bill for the benefit of Joseph Wilcher, jailer of Gallatin county.
By Mr. McManama, from the Committee on Courts of Justice—
A bill exempting Hart county from the provisions of the law authorizing the appointment of a commissioner of claims for said county.

By Mr. Jefferson, from the Committee on Finance—
A bill for the benefit of W. E. Clelland, late sheriff of Mercer county.

By Mr. Duvall, from the Committee on Internal Improvement—
A bill for the benefit of B. H. Thomas, authorizing him to erect a mill-dam across Salt river.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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. Jefferson, from the Committee on Finance, to whom was referred leave, reported a bill, entitled
A bill for the benefit of John U. Williams, assessor of Calloway county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 yeas and nays being required on the passage of said bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
John S. Barlow, John J. Gatewood, A. L. Martin,
W. J. Berry, Jesse C. Gilbert, O. D. McManama,
Robt. A. Briggs, H. S. Hale, Robt. Simms,
Scott Brown, Thos. F. Hargis, G. W. Swoope,
WHEREAS, It is represented to this General Assembly that the Auditor of Public Accounts not feeling authorized to pay John U. Williams, assessor of Calloway county, for his services for listing the taxable property of said county for the year 1873, in consequence of said Williams not being able to take the oath required of him by the second section of the act approved March 28, 1872, entitled "An act to amend chapter 83 of the Revised Statutes, title 'Revenue and Taxation,'" although said Williams did, in all other respects, comply with said law as represented to this General Assembly; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of John U. Williams, assessor of Calloway county, for the amount due him for his services for listing the taxable property of said county for the year 1873.

§ 2. This act shall be in force from its passage.

Mr. Hodge, from the Committee on Railroads, to whom was referred leave, reported a bill, entitled

A bill to extend the time in which actions may be brought against railroad companies in this Commonwealth for injuries to person and property.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and made the special order for Tuesday, the 3d day of February.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Evans, from the Committee on the Judiciary—

An act amending the charter of the city of Paducah, making a husband responsible for taxes due on his wife's property when he collects her rents or uses her property.

By Mr. Gilbert, from the same committee—

An act to repeal an act, entitled "An act to amend the charter of the town of Marion, in Crittenden county."

By same—

An act to amend the charter of the town of Stanford.
RESOLVED, That said bills, the last two as amended, be read a third time.

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

By Mr. Darby, from the Committee on Courts of Justice.

An act to legalize the official acts of the assessor and surveyor of Livingston county as deputies to the county clerk, and to authorize the assessor and surveyor of Livingston county to act as deputies to the county clerk.

An act to authorize the assessor and surveyor of Livingston county to act as deputies to the county clerk.

An act to amend the charter of the city of Augusta.

An act to amend the charter of the city of Augusta.
An act to supply the county clerk's office with public books in Rockcastle county,
Reported the same without amendment.
Ordered, That said bill be read a third time.
The constitutional provision 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.
The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


Said bill reads as follows, viz:

WHEREAS, On the night of the 15th day of August, 1873, the county court clerk's office at Mt. Vernon, in Rockcastle county, was destroyed by fire, together with all the Statutes of Kentucky and Codes of Practice, Reports of Decisions of the Court of Appeals, and Digest of the same, which had been furnished by the State for Rockcastle county court; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Secretary of State to buy and furnish, for the use of the county court of Rockcastle county, the 1st and 2d volumes of the Revised Statutes, one copy of the General Statutes of Kentucky, one copy of Myers' Supplement, one copy of the Code of Practice, Cofer's Digest, Monroe & Harlan's Digest, a full set of the Decisions of the Court of Appeals, and all the digests of the same; for the cost of said books, and the transportation of the same, the Secretary shall make out an account, and exhibit the same to the Auditor of Public Accounts, and he shall draw his warrant on the Treasurer of the State for the same, who shall pay it.

§ 2. This act shall take effect from its passage.

The Senate, according to order, took up for consideration a bill, entitled

A bill to provide a system of common schools for the education of the colored children of this Commonwealth.

Pending the consideration of the amendment heretofore proposed by Mr. Briggs to the first section of said bill,
Mr. Evans moved an amendment as a substitute for the first section of said bill.

Mr. Goodloe also proposed an amendment to said bill.

On motion of Mr. Martin,

Ordered, That said proposed amendments be printed, and that the further consideration of the bill and pending amendments be postponed and made the special order of the day for Friday, the 30th inst.

Mr. Evans, from the Committee on the Judiciary, to whom was referred leave to bring in a bill, entitled

A bill to repeal section 4, article 3, chapter 27, of the General Statutes,

Asked to be discharged from the further consideration of the same. And the question being taken thereon, it was decided in the negative.

Mr. Evans, from the same committee, reported a bill, entitled

A bill to repeal section 4, article 3, chapter 27, of the General Statutes,

Without an expression of opinion.

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

The constitutional provision as to the second reading of said bill being dispensed with,

An amendment was proposed to said bill.

Pending the consideration of which,

Mr. Evans moved to lay said bill and pending amendment on the table.

Which was adopted.

So said bill was rejected.

The Senate, according to order, took up for consideration an engrossed bill, entitled

A bill to regulate the transportation of freights over railroads in this Commonwealth.

On motion,

Ordered, That said bill be recommitted to the Committee on Railroads.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to a bill from the House of Representatives, entitled
JOURNAL OF THE SENATE.

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An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court.

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

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

Mr. Martin, rising to a question of privilege, laid before the Senate a letter from Hon. H. F. Finley, in response to certain charges preferred against him as Commonwealth's Attorney by Mr. Baker, county attorney of Clay county, and also a copy of an indictment for forgery found against said Baker by the grand jury of Clay county.

Which were received, the reading dispensed with, and referred to the Committee on the Judiciary.

Whereupon, Mr. Hargis, from the Committee on the Judiciary, to whom had been referred the affidavit of G. W. Baker, county attorney for Clay county, praying the institution of articles of impeachment against a certain public official,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Gatewood, from the Committee on Courts of Justice, to whom was referred leave to bring in a bill, entitled

A bill to amend chapter 41, article 1, and line 33, of the General Statutes,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Gilbert, from the Committee on the Judiciary, to whom was referred leaves to bring in bills, of the following titles, viz:

A bill to amend chapter — of the Revised Statutes, entitled "Contracts;"

A bill to better define gaming;

Asked to be discharged from the further consideration of the leaves.

Which was granted.

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

An act to authorize the jailer of Caldwell county to appoint an assistant;
JOURNAL OF THE SENATE.

THURSDAY, JANUARY 29, 1874.

A message was received from the House of Representatives, announcing that they had refused to concur in the adoption of a resolution, which originated in the Senate, entitled "Resolution for the benefit of Nevil Cain."

That they had passed bills, which originated in the Senate, of the following titles, viz:

- An act to incorporate the Hopkinsville Plow Manufacturing Company.
- An act for the benefit of Samuel K. Baird, assessor of Spencer county.
- An act for the benefit of the jailer of Spencer county.

An act to amend an act, approved March 28, 1872, entitled "An act authorizing the Boone county court to appoint trustees for the Burlington burying-ground, and prescribing their duties;"

An act for the benefit of the marshal of Georgetown;

An act to regulate the sale of spirituous or intoxicating beverages in Lewis county;

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

- An act to provide for the registration of marriages, births, and deaths;
- An act to amend the law of evidence;
- And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

And then the Senate adjourned.
An act to define and fix the boundaries of Murray common school district, and to re-enact an act, entitled “An act for the benefit of the Murray Male and Female Institute,” approved March 17, 1870.

An act to incorporate the Farmers’ Bank of Longview.

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

That they had passed bills, which originated in the House of Representatives, of the following titles, viz:

1. An act to prevent stock from running at large in Campbell county.

2. An act to authorize the county judge of Campbell county to appoint one day in each week upon which the justices of the peace for the Dayton and Bellevue magisterial district may hear civil causes.

3. An act to incorporate the town of California, in Campbell county.

4. An act to authorize the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company to borrow money.

5. An act to incorporate the Maysville District Camp-meeting Association of the Methodist Episcopal Church.

6. An act for the benefit of Mason Morris, late sheriff of Edmonson county.

7. An act to repeal an act, entitled “An act to provide for the improvement of public roads in Butler county.”

8. An act to grant and confirm into the St. Louis and Southeastern Railway Company (consolidated) the rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company, the Evansville, Henderson, and Nashville Railroad Company, and the St. Louis and Southeastern Railway Company (Kentucky Division).


10. An act to amend an act, entitled “An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Mt. Sterling.”

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee
A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to repeal article 2, chapter 102, of the General Statutes, so far as the same applies to Wayne, Pulaski, and other counties concerned.

An act for the benefit of Christian county.

An act to change the time of holding the Butler quarterly court.

An act to amend the law of evidence.

Resolution extending the session of this General Assembly beyond the constitutional limit of sixty days.

Mr. Vories, from the Committee on Finance, to whom was referred the memorials of the Board of Trade and Council of the city of Louisville, in relation to the equalization of taxation, moved that 500 copies thereof be printed for the use of the Senate.

Which motion was adopted.

Said memorials read as follows, viz:

Louisville, Ky., January 22, 1874.

To the Honorable General Assembly of the Commonwealth of Kentucky:

As memorialists for and in behalf of the city of Louisville, the attention of your honorable body is respectfully called to the present unjust, unequal, and discriminating manner of assessing values of property of the various counties of this Commonwealth for State purposes. In substantiation of the truthfulness of the foregoing, your memorialists most respectfully refer you to the annual reports of the present efficient Auditor of State, Hon. D. Howard Smith, which exhibit, in a lamentable and very discreditable degree, to the State, the necessity of speedy remedial legislation at your hands. If this state of things be permitted to go on in the same ratio in the future as in the past, a few years, at least, will find nearly all of the counties in the State on the "pauper list," and the State wronged out of the necessary means of raising a revenue to meet expenses and liabilities incident to the necessities of our State Government.

This growing and dangerous evil cannot, in the respectful and humble
opinion of your memorialists, be remedied by increasing the rate of taxation; but, on the contrary, prove a fruitful means of increasing and greatly aggravating the evil, giving cause for reflection upon the fame, wealth, and good name of our State, repelling alike both capital and population from her soil that would otherwise seek Kentucky from both foreign and native States, as possessing advantages against, if not superior to, any State of the Union. The causes for the evils herein respectfully complained of seem to exist mainly for the want—

First. Of an enactment of a law by your honorable body properly establishing an Equalization Board for each county, and an Equalization Board for the State at large, whose duty it shall be, of the first named, to revise and adjust the assessment values of property equitably for county purposes; of the second named, State Equalization Board, to revise and adjust equitably and justly the assessment values of property for State purposes.

Second. The enactment of a law further regulating the assessments of property for the Commonwealth, and defining the duties and qualifications of county assessors, with a provision making said officers ineligible for a second successive term.

While these causes may not, and doubtless are not, of themselves the only reasons for the evils herein set forth, your memorialists are fully impressed that proper legislation in this direction by your honorable body would accomplish much good in the advancement of the material interests of the State, and in full accord with every principle of equity and justice. A method practically similar to this has been adopted in other States, and has worked well.

With confidence in the ability and wisdom of your honorable body to enact such measures of relief as will more effectually establish a just and uniform system of assessment throughout the State, having for its basis the actual cash value of the property assessed, we, with great respect, leave the subject-matter of this memorial in your hands, expressing the hope that it will receive your early and favorable consideration, which, we believe, if practically carried out, will, in a short time, increase the revenue of the State to such an extent as will speedily meet all pressing necessities, and afford a practicable and desirable opportunity, at an early period, for the reduction of the present rate of taxation for State purposes, at once securing to the State of Kentucky a great practical advantage as an inducement for investment of capital in the almost unnumbered beds of mineral wealth yet undeveloped, besides the accomplishment of the purposes herein sought after as eminently right and just.
In conclusion, we have the honor to remain, with great respect, your obedient memorialists,

WM. F. RUBEL,
CHARLES P. RUDD,
Committee of Board of Aldermen.
CHARLES R. LONG,
H. T. JEFFERSON,
S. H. GARVIN,
JOHN L. WHEAT,
Committee of the Board of Councilmen of City of Louisville.

Be it resolved by the General Council of the City of Louisville, That the above memorial, addressed to the General Assembly of the Commonwealth of Kentucky, as above submitted by the committee, is hereby adopted, and the Clerks of the General Council are hereby directed to furnish a copy of the same, without delay, to our Representatives in the Legislature from the city of Louisville and county of Jefferson.

Be it further resolved, That our said Representatives of the said General Assembly of the Commonwealth of Kentucky are hereby most respectfully requested to use their best endeavors to accomplish the objects set forth in said memorial, and that they are hereby intrusted with the duty of presenting said memorial to both Houses of the said General Assembly for and in the name of the city of Louisville.

E. F. FINLEY, P. B. C.

L. R. McCleery, C. B. C.
OLIVER LUCAS, C. B. A.
Approved January 26th, 1874.
CHARLES D. JACOB, Mayor.

A copy—attest:
L. R. McCleery.

MEMORIAL

Of the Board of Trade of the City of Louisville to the General Assembly of the Commonwealth of Kentucky.

Your memorialists beg leave most respectfully to state, that although their organization wholly ignores party politics, embracing as it does citizens of various views of public polity, they nevertheless regard it their privilege, if not their duty, to keep a watchful eye upon all matters affecting the general commercial interests of our city, and to respectfully petition your honorable body for a redress of all such grievances as may seem to depress and retard the advancement of those interests. We believe that the burdens and the blessings of government should be shared alike by all. That as there should be no favored class or privileged few, so neither should there be any one citizen or locality upon whom the bur-
dens of government shall weigh more heavily than upon another. The present unequal valuation of all property assessed for taxation results in imposing very uneven taxes upon different portions of the State, and upon the city of Louisville a most burdensome and unfair proportion. The Auditor's report for the year 1873 shows the evil effects of our inadequate and uneven valuations so clearly, as also the unjust results to which they lead, we feel it to be our duty briefly to recite a few illustrations.

Several of the best stock counties in the State value their horses and mules at the low average of $33 per head, as for instance, Clark; others their cattle as low as $5 per head, as Hancock. Thirty-three assess their farm lands at less than $5 per acre; seventeen at less than $2 50, and some as low as 81 and 66 cents per acre. Some of our most productive counties, as Graves, average their lands at $8.22 per acre, and some reduce their taxable areas as if large numbers of acres were swallowed by an earthquake. Russell, for instance, paid taxes on 59,694 acres less in 1873 than in 1872, and Harlan on 182,627 acres less. As an instance of the injustice of unequal valuations, we cite you to the counties of Boyle and Graves. Boyle pays taxes on 2,323 horses, 1,233 mules, 5,612 cattle, 8,035 hogs, and 103,860 acres of land. Graves pays taxes on 4,880 horses, 3,179 mules, 10,486 cattle, 18,713 hogs, and on 322,637 acres of land; yet the taxable values of Boyle are assessed at $4,491,809, and those of Graves at $4,018,179, or $473,630 less than those of Boyle. Boyle pays $10,136.99 into the Treasury more than she draws out, and Graves draws out $3,894.98 more than she pays in. A still more striking illustration of the injustice of unequal valuations is furnished by the city of Louisville. With about one thirteenth of the population of the State, and one tenth of the taxable property of the State, she is paying nearly one third of the entire taxes of the State. This wrong is so glaring, and this hardship so oppressive, we are constrained humbly to seek relief at your hands, and we do so with abiding confidence that your exalted sense of right will prompt you to early action, and that your intelligence, ability, and experience as legislators, will enable you readily to discern the best means of relief, without our presuming to intimate them. Your petitioners most respectfully beg leave further to call your attention to some of the evils of inadequate valuations, and to pray that you will adopt such means as, in the plenitude of your wisdom, may promise most certainly to secure not only uniform valuations but full valuations. We believe that equity and the best interests of every citizen requires that every species of property, without regard to kind, should be taxed at a uniform rate, and at its full market value. We can, therefore, see no good reason why our large flocks of sheep, and many other items of moneyed value, should not be taxed.
The consequence of the wholly inadequate and unequal assessment of the taxable values of the State, places seventy-three of our counties upon the pauper list, and throws the entire burden of sustaining the State upon the remaining forty-three. Oppressive as is this hardship, it is greatly intensified by the outrageous fact that they embrace some of the most productive of our counties, and draw from the forty-three solvent counties $290,505; and are, therefore, a tax and a burden upon them to that extent. As an instance, only nine counties grew as much corn last year as Graves, only two as much wheat, and only two as much tobacco; yet she is listed as a pauper. We can but believe that our 25,600,000 acres of fertile land, adapted as they are to a great variety of products, and penetrated by nearly 1,400 miles of railroads, and a greater number of miles of navigable streams, underlaid with 8,236,940 acres of good workable coal of great value, and with an almost inexhaustible supply of rich iron ores, that our 364,480 horses, our 105,099 mules, our 705,911 head of cattle, our 964,784 bogs over six months old, together with our other just subjects of taxation, represent a market value of at least $1,300,000,000, instead of the beggary sum of $403,296,567 at which they are now assessed. If correct in this estimate, a tax of 15 cents on the $100 of values would bring into the Treasury $91,000 more revenue than the present rate of 45 cents on the $100. Of the almost inestimable advantages of knowing and publishing to the world the true value of our property with so low a rate of taxation, we need not enlarge. We have referred to certain important counties in no invidious sense, but simply as arguments illustrative of evils, for the correction of which we will ever pray, &c., &c.

Signed by order of the Board.

J. M. DUNCAN,
President Board of Trade.

J. J. PORTER, Secretary Board of Trade.

The Senate, according to order, took up for consideration the majority and minority reports of the Committee on the Judiciary, in relation to the proposed amendments to the charter of the Kentucky University at Lexington.

Mr. Hale moved that the further consideration of said reports be postponed to, and made the special order of the day for, Wednesday next, the 4th of February.

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

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

52–8.
Those who voted in the affirmative, were—

Thos. J. Barker, H. S. Hale, A. L. Martin,
John S. Barlow, Thos. F. Hargis, Robert Simmons,
W. J. Berry, Geo. B. Hodge, G. W. Swoope,
Scott Brown, G. A. C. Holt, E. W. Turner,
Wm. P. Duvall, T. L. Jefferson, Thos. W. Varnon,
W. W. Frazer,

Those who voted in the negative, were—

Robert Boyd, Walter Evans, B. W. S. Huffaker,
Robert A. Briggs, John J. Gatewood, R. B. Loveii,
James F. Clay, Jesse C. Gilbert, W. L. Vorles,
F. W. Darby, J. W. Hays,

The Senate, according to order, took up for consideration a bill, entitled

A bill to protect the interest of the State in turnpike roads and bridges.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Ken-
tucky, That the Governor of this Commonwealth, by and with the advice
and consent of the Senate, shall appoint an agent on the part of the State,
whose duty it shall be to look after, manage, and protect the interest of
the State in all turnpike road companies and bridges in which the State
has an interest, in order to secure and have paid into the Treasury of the
State the full amount of all tolls and dividends now due, or hereafter to
become due. Said agent is directed and required to attend, in person, the
elections of directors in all such roads and bridges, and assist in the elec-
tion, at all meetings of stockholders thereof, the very best men, in his
judgment, who will protect and foster the interest of the State and oth-
er stockholders; and, in connection with said directors, to secure the ap-
pointment of reliable and prompt toll gate keepers and treasurers over the
same. Said agent, for his services, shall receive a yearly salary of two
thousand dollars, payable quarterly, by the Auditor’s warrant on the
Treasury, out of the proceeds arising from the tolls and dividends collected
and paid into the Treasury therefrom. He shall hold his office during the
pleasure of the Governor; and before he proceeds to perform any of the
duties imposed on him, shall take an oath and execute bond to the Com-
monwealth of Kentucky, in the sum of twenty thousand dollars, to be
approved by the Governor, conditioned for the faithful performance of all
the duties required of him by this act.

§ 2. It shall be his duty to ascertain who are the bona fide individual
stockholders in each of said companies, and the amount of stock owned
by each person, as well as the amount of stock owned by the State, and
report the same to the Governor; he shall, for and on behalf of the State,
have full power to demand of any of the officers of either company an
inspection of all the books and papers of the company, and each officer
thereof, pertaining to the affairs or management of said roads, in the
future or heretofore; and it shall be his duty to examine, and report
thereon to the Governor, the amount of receipts of each road and expendi-
§ 3. It shall be the duty of each board of directors to demand and receive from their predecessors in office all the books, records, and papers pertaining to the affairs of the company, including the vouchers for expenditures, and to carefully preserve the same, and deliver them to their successors in office; and any director or officer of said companies failing to comply with their duty shall be subject to indictment, and fined not less than fifty dollars, and to an action, in the name of the company, or any person injured thereby, for such damages as may be sustained.

§ 4. If, at any time, it shall appear that any board of directors, individual director, or officer of any one of said companies, heretofore or hereafter, has received money belonging to such company, and has failed or shall fail to pay over and account for the same to the company, or to the stockholders, at the time required by law so to do, it shall be lawful for any stockholder to bring and prosecute a suit therefor, in the name of the company, for the benefit of those entitled thereto, and to recover the same as assets belonging to the company; and also such damages for its non-payment as the law will allow.

§ 5. It shall be the duty of all toll-gate keepers hereafter appointed, on any turnpike road or bridge in which the State has an interest, to collect all tolls required by law or the by-laws of any turnpike or bridge company over which he may be appointed; and shall be required, before he proceeds to collect any tolls, to execute a bond, in the penalty of five hundred dollars, to the Commonwealth of Kentucky, with good security, to be approved by the president of said road, or the agent hereby created. Said gate-keeper shall keep a book, in which he shall daily set down the full amount of all tolls received, and at the end or last day of each month shall make out in duplicate a sworn statement of all moneys received, and pay the same over to the treasurer of the company, and take his receipt therefor, after first deducting his salary agreed upon by the board of directors; one of said statements he shall deliver to the treasurer, and the other he shall cause to be transmitted and delivered to the State agent hereby created.

§ 6. It shall hereafter be the duty of the treasurer of any turnpike road or bridge, in which the State has an interest, before he proceeds to act as such, to execute a bond to the Commonwealth of Kentucky, in the penalty of five thousand dollars, conditioned to faithfully pay over, at the proper time, any and all moneys that may come to his hands therefrom. He shall, on the first day of January and July in each year, make out duplicate statements of all moneys received by him, and how any part thereof has been paid out, to whom paid, and for what; the balance in his hands he shall pay out as the directors shall require. That part due the State shall be paid into the public Treasury. One of which statements he shall file with the Auditor of Public Accounts, the other he shall cause to be delivered to the agent hereby created; the treasurer's bond to be approved by the president of the road or agent of the State.

§ 7. All bonds required to be executed by the provisions of this act shall be transmitted to and filed by the Secretary of State, upon which suits may be instituted, from time to time, in the circuit court of the county in which they are executed, or in the Franklin circuit court, to recover any sum of money or damage the State or other stockholder may sustain, by reason of any failure to comply with the provisions of this act.

§ 8. Any toll-gate or bridge-keeper, or treasurer of any road or bridge company, appointed under this act, who shall make any false statements or
in any report of moneys received, or shall fail to pay over, at the proper time, any moneys that may come into his or their hands belonging to the State or other stockholder, shall be deemed guilty of a felony, and, upon a trial and conviction thereof, in a court of competent jurisdiction, shall be fined not less than five hundred dollars, or imprisoned in the penitentiary of this State not less than two years, or both fined and imprisoned, in the discretion of the jury trying the same.

§ 9. If the agent to be appointed under this act shall, from any cause or casualty, fail to attend, in person, the meeting of any stockholders for the election of directors, he is directed and authorized to designate in writing some good person, not a stockholder in the road, to attend and act for him at any such meeting, in his stead.

§ 10. The Governor shall have power to fill any vacancy that may occur in said office of commissioner till the end of the next succeeding session of the General Assembly.

§ 11. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,  John J. Gatwood,  D. H. Lindsay,
W. J. Berry,  Jessie C. Gilbert,  R. B. Love,
Robert A. Briggs,  W. C. Goodloe,  A. L. Martin,
James F. Clay,  H. S. Hale,  O. D. McManama,
W. W. Culbertson,  Thomas F. Hargis,  Robert Simmons,
F. W. Darby,  J. W. Hays,  E. W. Turner,
Wm. P. Duvall,  Geo. B. Hodge,  Thos. W. Varnon,
P. F. Edwards,  G. A. C. Holt,  W. L. Vories,
Walter Evans,  B. W. S. Huffaker,  C. J. Walton,

Those who voted in the negative, were—


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

The Senate took up for consideration the amendment proposed by the House of Representatives to the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to authorize the county court of Lawrence county to fix and establish the width of public roads in said county.

Which was twice read and concurred in.

Resolved, That the title of said bill be amended so as to read,

An act to authorize the county courts of Lawrence and Jackson to fix and establish the width of public roads in said counties.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had rejected a bill, entitled
A bill to provide means for the erection of public buildings for State purposes, for the purchase of grounds therefor, and for the permanent location of the Seat of Government.

On motion,
Ordered, That the further consideration thereof be postponed and made the special order of the day for the 3d of February next.

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

By Mr. McManama, from the Committee on Courts of Justice—
1. A bill to allow John H. Allison, late sheriff of Lawrence county, and his securities, to bring suit in the Franklin circuit court to have a settlement of all matters between him and the Commonwealth.

By Mr. Darby, from the same committee—
2. A bill to further regulate proceedings in quarterly courts.

By Mr. Duvall, from the Committee on Internal Improvement—
3. A bill to amend the charter of the Kentucky Navigation Company.

By Mr. Clay, from the Committee on the Judiciary—
4. A bill for the benefit of the owners of the Mammoth Cave estate.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 4th was ordered to be engrossed and read a third time, and the 1st, 2d, and 3d were ordered to be printed; the 1st was made a special order for Monday, the 1st of February; the 2d was placed in the orders of the day, and the 3d was made a special order for Saturday, the 31st of January.

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

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

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr Vories, from the Committee on Finance—
1. An act authorizing Stephen Nethercutt, late sheriff of Carter county, and Seth Parker and Samuel Ellis, late sheriffs of Lewis county, to list tax receipts and fee bills with constables of said counties for collection.
By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—

2. An act to amend the 6th section of chapter 66 of the General Statutes.

By same—

3. An act to amend section 9 of chapter 72 of the General Statutes.

By same—

4. An act to amend subsection 2 of section 1 of chapter 31 of the General Statutes.

By same—

5. An act to abolish the court of common pleas in Caldwell county.

With an amendment to the first named bill.

Which was adopted.

The 4th bill was placed in the orders of the day.

Ordered, That the 1st, 2d, 3d, and 5th bills, the 1st as amended, be read a third time.

The constitutional provision 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, except as to the 1st bill, which, as amended, reads,

An act for the benefit of Stephen Nethercutt, late sheriff of Carter county, Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff of Lyon county, and their deputies

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

An act to authorize the board of directors of the Richmond and Lexington Turnpike Road Company to take stock in the Athens and Walnut Hill Turnpike Road Company;

An act to amend an act to incorporate the Lebanon and Pope's Creek Turnpike Road Company;

An act relating to opening and repairing roads in Boone county;

An act to authorize the county court of Garrard county to sell and convey the poor-house farm, and reinvest the proceeds;

An act to prevent the destruction of fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, in this Commonwealth;
Also bills, which originated in the Senate, of the following titles, viz:

- An act to repeal an act, entitled "An act to charter the Barren County Bank;"
- An act to amend the charter, and the amendments thereto, of the Deposit Bank of Glasgow;
- An act to amend section 2, article 6, chapter 15, General Statutes;
- An act to incorporate the Boyd County Fair and Exposition Association;
- An act for the benefit of S. S. Farris, sheriff of Barren county, and his securities;
- And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

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

1. A bill to amend an act to incorporate the Henderson Building and Loan Association.

On motion of Mr. Clay—

2. A bill for the benefit of school district No 51, Hart county.

On motion of Mr. Walton—

3. A bill to amend chapter 26 of General Statutes, title "Cost in regard to Incorporated Banks and National Banks of this State."

Ordered, That the Committee on the Judiciary prepare and bring in the 1st; the Committee on Education the 2d, and the Committee on Banks and Insurance the 3d.

The Senate took up for consideration the disagreement between the two Houses in relation to the second branch of the amendment proposed by the House of Representatives to a resolution, which originated in the Senate, entitled

Resolution directing the firing of a national salute on the 8th day of January and 22d of February, 1874,

The question was then taken, "Will the Senate adhere to their disagreement to the second branch of the amendment proposed by the House of Representatives," and it was decided in the negative.
Mr. Walton then moved to amend the amendment proposed by the House of Representatives as follows, viz:

In section first, line ten, after the words "A. M.," and before the word "each," add the following: "and that it remain hoisted."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

The question was then taken on concurring in the second branch of the amendment proposed by the House of Representatives, as amended, and it was decided in the affirmative.

And then the Senate adjourned.

FRIDAY, JANUARY 30, 1874.

The Lieutenant Governor, John G. Carlisle, Speaker of the Senate, appeared, after a temporary absence, and assumed the duties of the Chair.

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, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the common schools of Trigg and Ballard counties.

An act empowering the county court of Washington county to make additional subscriptions to certain turnpike roads.

An act to repeal an act declaring Wolf river a navigable stream.

An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth.

An act for the benefit of James W. Hogg and Lewis S. Lee, late sheriffs of Letcher and Ballard counties.

An act to regulate the sale of spirituous or intoxicating beverages in Lewis county.

An act to authorize the jailer of Caldwell county to appoint an assistant.

An act for the benefit of the marshal of Georgetown.
An act to amend an act, approved March 28, 1872, entitled “An act authorizing the Boone county court to appoint trustees for the Burlington burying-ground, and prescribing their duties.”

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the town of Princeton, and to confer certain powers upon the board of trustees.

An act to amend an act, entitled “An act to incorporate the town of Dulaney,” which became a law February 3d, 1873.

An act to amend chapter 49 of the General Statutes.

An act to amend article one of chapter fifty-nine of the General Statutes, and to repeal an act, entitled “An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property,” approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1870, and March 8, 1870, and further regulate the inspection and gauging burning fluids.

With amendments to the last two named bills.

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

1. An act to incorporate the Mt. Sterling Coal Road Company.

2. An act to change the mode of advertising sales of real and personal estate by sheriffs and master commissioners in Hickman and Fulton counties.

3. An act to amend section 14 of article 1, chapter 12, of the General Statutes.

4. An act to amend section 5, article 35, of chapter 29, of the General Statutes, entitled “Crimes and Punishments.”

5. An act to amend section 11, article 27, chapter 29, of the General Statutes, entitled “Crimes and Punishments.”

6. An act to prohibit the law partner or partners of the Attorney General, Commonwealth and county attorneys of this State to defend any person whom, by the law of this Commonwealth, it is made the duty of said officers to prosecute.

7. An act for the benefit of the devisees of Matthew Garrison, deceased.

8. An act for the benefit of J. M. Bender, of Wolfe county.

9. An act for the benefit of the lessees of the “Gem,” in the town of Franklin.
10. An act for the benefit of Mann & Rice and Miller & McDaniel, of Greenville.

11. An act to amend the charter of the town of Nicholasville.

12. An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison Woodford, and Scott.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Railroads; the 2d to the Committee on Courts of Justice; the 3d, 4th, and 5th to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 6th, 7th, 8th, 9th, 11th, and 12th to the Committee on the Judiciary, and the 10th to the Committee on Propositions and Grievances.

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

On motion of Mr. Barlow—

1. A bill to incorporate the Kentucky Odd Fellows' Insurance Company.

On motion of Mr. Hays—

2. A bill to provide for the appointment by the Governor of the weighers at the various stock-yards in the cities of Lexington, Covington, Newport, Paducah, and Louisville, in the State of Kentucky.

On motion of same—

3. A bill to amend chapter 90 of the General Statutes, title "Public Printing and Binding."

On motion of Mr. Holt—

4. A bill to supply three copies of the General Statutes to Trigg county.

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st; the Committee on the Judiciary the 2d; the Committee on Public Printing and Binding the 3d, and the Committee on Revised Statutes and Codes of Practice and General Statutes the 4th.

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

An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court;
An act to protect the owners of property in this Commonwealth against damage by fire from steam-cars;

An act to amend an act, entitled "An act to incorporate the Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company;"

An act for the benefit of C. S. Mergell, of Louisville;

An act to amend the charter of the city of Augusta, in Bracken county;

An act to amend the charter of the town of Augusta, in Bracken county;

An act for the benefit of Hardin county;

An act to repeal an act, entitled "An act to amend the charter of the town of Marion, in Crittenden county;"

An act for the benefit of John E. Brooks, late sheriff of Greenup county;

An act amending the charter of the city of Paducah, making a husband responsible for taxes due on his wife's property when he collects her rents or uses her property;

An act to amend the charter of the town of Stanford;

An act to supply the county clerk's office with public books in Rockcastle county;

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

An act to incorporate the Hopkinsville Plow Manufacturing Company;

An act to incorporate the Farmers' Bank of Longview;

An act for the benefit of Samuel K. Baird, assessor of Spencer county;

An act for the benefit of the jailer of Spencer county;

An act to define and fix the boundaries of Murray common school district, and to re-enact an act, entitled "An act for the benefit of the Murray Male and Female Institute," approved March 17, 1870; and had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

After a short time, Mr. Hyatt reported that the committee had performed that duty.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
1. A bill to amend an act, entitled "An act to protect the owners of land, and to punish certain trespassers, in Logan and Todd counties," approved March 20, 1872.

By same—
2. A bill to amend article 3, chapter 63, of the General Statutes.

By Mr. Frazer, from the Committee on Religion and Morals—
3. A bill to prohibit the sale of spirituous, vinous, or malt liquors within one and one half miles of S. J. Henz's store, in what is now known as Lewisburg, Logan county.

By Mr. Martin, from the Committee on Banks and Insurance—
4. A bill for the benefit of James Root and others, securities of Thomas Cooke, late sheriff of Clay county.

By Mr. Barker, from the Committee on Claims—
5. A bill for the benefit of A. W. Dudley.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 3d, and 4th were ordered to be engrossed and read a third time; the 2d and 5th were ordered to be printed; the 2d was placed in the orders of the day, and the 5th was made the special order for Tuesday, the 3d day of February.

The constitutional provision as to the third reading of the 1st, 3d, and 4th bills being dispensed with, and the same being engrossed, Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported, without amendment, by the several committees to whom they had been referred, viz:

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts."

By same—
By same—
An act authorizing the county court of Magoffin county to dispose of its land warrants at the rate of two dollars and fifty cents per one hundred acres.

By same—
An act to amend chapter 92, article 10, section 2, title "Revenue and Taxation," of the General Statutes.

By Mr. Varnon, from the same committee—
An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

By Mr. Frazer, from the Committee on Religion and Morals—
An act to incorporate the Catholic Benevolent Society of Mt. Sterling.

By Mr. Lindsay, from the same committee—
An act in relation to the town of Newtown, in Scott county.

By Mr. Huffaker, from the same committee—
An act to incorporate the Maysville District Camp-meeting Association of the Methodist Episcopal Church.

Ordered, That said bills be read a third time.

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

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

Mr. Darby moved to reconsider the vote by which the Senate passed the bill from the House of Representatives, entitled
An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts."

Which motion was simply entered.

Mr. Darby moved to reconsider the vote by which the Senate passed the bill from the House of Representatives, entitled
An act to abolish the court of common pleas in Caldwell county.

Which motion was simply entered.

Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred a bill from the House of Representatives, entitled
An act for the benefit of H. X. Morton and W. F. Berry, of Union county,

Reported the same, with the expression of opinion that said bill ought not to pass.
And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

On motion of Mr. Gatewood, leave of absence, indefinitely, was granted Mr. Evans.

Mr. Simmons moved the following resolution, viz:

Resolved, That the Public Printer be, and he is hereby, authorized and directed to print three hundred additional copies of the report of the Superintendent of the First Kentucky Lunatic Asylum, the same to be furnished to the Superintendent of said Institution for distribution.

Which was adopted.

Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred leave to bring in a bill, entitled

An act to amend an act, approved 1st October, 1861, entitled "An act in regard to imbeciles, their persons and estates,"

 Asked to be discharged from the further consideration of the same.

Which was granted.

The Senate, according to order, took up for consideration a bill, entitled

A bill to provide a system of common schools for the education of the colored children of this Commonwealth.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the sheriffs of this Commonwealth to collect and pay into the Treasury, annually, a tax of twenty (20) cents upon each one hundred dollars' worth of taxable property belonging to the colored citizens of the State for common school purposes, which sum, together with any other funds that may be raised for the education of the colored children of the Commonwealth, by appropriation from the General Government or otherwise, shall constitute a common school fund for the education of the colored children of the State within the common school age (between the ages of six and twenty years).

§ 2. The fund so raised shall be used and appropriated in aid of common schools for the education of colored children, to be taught in separate and distinct schools to themselves, and shall be used for no other purpose whatever; and shall be used in payment of legally qualified teachers of common schools.

§ 3. The Auditor shall keep the accounts in relation to this fund as directed in chapter 18 of the General Statutes.

§ 4. The Superintendent of Public Instruction shall pro rata and dispose of said fund for the education of colored children as is now provided for by law for the education of the white children of the State (chapter 18 of the General Statutes): Provided, That when a school shall have
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been taught three months in any district, it shall be entitled to its pro rata share of the school fund for that year.

§ 5. The Common School Commissioners of the counties, as now provided for by law, shall districts the several counties so as not to include more than one hundred colored children, nor less than thirty, within the common school age, and discharge all the duties, for the education of colored children, that they are required by law to perform for the education of the white children; but nothing in this act shall be construed as to authorize the use of any part of the common school fund raised for the education of white children for the education of the colored children.

§ 6. Each school shall be under the control of one trustee, who shall be elected as provided for by chapter 18, article 7, General Statutes, in the election of white trustees, and shall perform all the duties and obligations of said white trustees, and be subject to all the pains and penalties for a failure to discharge faithfully the duties of the office.

§ 7. Teachers of colored schools shall possess the qualifications of teachers of white schools, subject to such variations as the County Commissioner of Common Schools for the county may think proper, to suit the demands of each particular district.

§ 8. All the laws now in force, so far as applicable, upon the subject of common schools, shall apply to the system of education for the colored children of the Commonwealth.

§ 9. This act to take effect from its passage.

The question was then taken on the adoption of the amendment proposed by Mr. Briggs, which reads as follows, viz:

Amend by striking out in the 8th and 9th lines of section one the words "within the common school age" (between the ages of six and twenty years), and insert in lieu thereof "between the ages of six and sixteen years," and it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Evans, and it was decided in the negative.

Said amendment reads as follows, viz:

That it shall be the duty of the sheriffs of this Commonwealth to collect and pay into the Treasury, annually, a tax of twenty (20) cents upon each one hundred dollars' worth of taxable property belonging to the colored citizens of this State, and also a head-tax of one dollar upon each person of color assessable for poll-tax, and the fund arising from these sources, and also all the taxes paid by persons of African descent for State revenue purposes, and all the taxes on dogs paid by colored persons, one half of all the fines imposed and collected by the State for violations of the penal laws of this State, and all of any sum of money that this Commonwealth may collect, after the first day of February, 1874, from the United States Government, on what is known as the war claim of this State against said government, and also one half of any sum of money that the United States Government may donate to this State for educational purposes, unless otherwise directed by Congress, shall constitute a common school fund for the education of the colored children of pupil age within this Commonwealth. The amount of pro rata to each colored child per year shall not exceed the pro rata for that year for white children.
The yeas and nays being required thereon by Messrs. Evans and Gatewood, were as follows, viz:  

Those who voted in the affirmative, were—

W. W. Culbertson, W. C. Goodloe,

Those who voted in the negative, were—

Thos. J. Barker, Jesse C. Gilbert, R. B. Lovel,
John S. Barlow, H. S. Hale, A. L. Martin,
W. J. Berry, Thomas F. Hargis, O. D. McManama,
James F. Clay, J. W. Hays, Robert Simmons,
F. W. Darby, Geo. B Hodge, G. W. Swoope,
Wm. P. Duvall, G. A. C. Holt, Thos. W. Varnon,
P. F. Edwards, I. L. Hyatt, W. L. Vories,
W. W. Frazer, T. L. Jefferson, C. J. Walton,
John J. Gatewood, D. H. Lindsay, Ben. J. Webb—27.

Mr. Goodloe then proposed to amend said bill by striking out sections, and adding the following sections, viz:

§ 1. That from and after the first day of July, 1874, it shall be the duty of all clerks of circuit, common pleas, criminal, county, or city courts in this Commonwealth, and of all recorders of city courts, and of marshals of chancery or city courts, and judges of county and quarterly courts and of city courts, and of all commissioners or receivers of chancery courts, and of all justices of the peace whose district is within the limits of any incorporated city, to make out and tender to the Auditor of Public Accounts, on or before the first day of January in each year, a statement, under oath, of all fees or salary, or compensation of any kind or description whatsoever, collected or charged by them as such officers, under the provisions of any law of this Commonwealth, during the year ending on the tenth day of October preceding the date of said statement.

§ 2. In all cases in which it shall appear from said sworn statement that the aggregate amount of fees, salaries, or other compensation which any one of said officers or officials has earned during the period for which the statement hereinbefore provided for is made, under any law or laws of this Commonwealth now in force, except in case of the Clerk of the Court of Appeals, ten thousand dollars, any circuit, chancery, or common pleas, or county court, the sum of eight thousand dollars; in case of the clerk of any city court, the sum of four thousand dollars; in case of the judge or recorder of any city court, the sum of three thousand dollars; in the case of any marshal of any chancery or city court, the sum of four thousand dollars; in case of any commissioner of a chancery court, four thousand dollars; in case of any receiver of a chancery court, two thousand dollars; in the case of any judge of a quarterly and county court, four thousand dollars; and in the case of any justice of the peace, whose district is within the limits of any incorporated city, twenty-five hundred dollars, it shall be the duty of such officer or official whose aggregate compensation exceeds the sums herein specified, to pay over the excess on or before the first day of February following the date of his said report, to the Auditor of Public Accounts, to be added to the common school fund for the education of the colored children of the State herein provided for: Provided, That in case any clerk of a circuit court is
also by law acting as clerk of a common pleas court, he shall only be required to pay over to the Auditor such compensation as he may receive in excess of twelve thousand dollars.

§ - In any case where a portion of the compensation of any of the officers herein named is derived from fees payable out of the State Treasury, the Auditor shall, whenever it appears that the compensation of such officers has reached the limit herein prescribed, transfer such fees directly to the credit of the common school fund by this act created.

§ - Nothing herein contained shall operate to change the fees now allowed by law to be charged by the officers named in section — of this act, or to increase the compensation now allowed them by any law or laws of this Commonwealth.

§ - This act shall take effect from and after May 1st, 1874.

Mr. Clay then moved to amend the amendment proposed by Mr. Goodloe by adding the following as an additional section thereto, viz:

Be it further enacted, That a sum equal to the amount appropriated by the General Government to pay the citizens of the State of Kentucky for their slaves freed by the Federal Government under the doctrine of the “higher law,” be, and the same is hereby, appropriated to the common school fund for the education of the colored children of this Commonwealth; and the Auditor of Public Accounts is directed to draw his warrant on the Treasury for said amount.

And 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. Clay and Goodloe, were as follows, viz:

Those who voted in the affirmative, were—


The question was then taken on the adoption of the amendment proposed by Mr. Goodloe, and it was decided in the negative.

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

Those who voted in the affirmative, were—


Walter Evans,
Those who voted in the negative, were—

Thos. J. Barker, Geo. B. Hodge, O. D. McManama,
John S. Barlow, G. A. C. Holt, Robert Simmons,
F. W. Darby, I. L. Hyatt, G. W. Swoope,
Wm. P. Duvall, T. L. Jefferson, E. W. Turner,
P. F. Edwards, D. H. Lindsay, Thos. W. Varnon,
John J. Gatewood, R. B. Lovel, W. L. Vories,
J. W. Hays,

Mr. Jefferson then proposed to amend said bill as follows, viz:

In section 1st, line 7, after the word "otherwise," add the following: "And a pro rata portion, according to the numbers, respectively, of white and black children of the State, of all or any sum of money that this Commonwealth may collect after the first day of February, 1874, from the United States Government on what is known as the War Claim of the State against said government; said sum or sums, when collected, to be paid to the Commissioners of the Sinking Fund, to be by them invested in good securities, and the interest arising therefrom to be applied to the common school fund for the education of the colored children within this Commonwealth, all of which."

And 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. Edwards and Swoope, were as follows, viz:—

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, D. H. Lindsay,
W. J. Berry, W. C. Goodloe, R. B. Lovel,
Robert Boyd, H. S. Hale, A. L. Martin,
James F. Clay, Thos. F. Hargis, Robt. Simmons,
W. W. Culbertson, G. A. C. Holt, E. W. Turner,
F. W. Darby, B. W. S. Huffaker, Thos. W. Varnon,
Wm. P. Duvall, I. L. Hyatt, C. J. Walton,
W. W. Frazer,

Those who voted in the negative, were—

John S. Barlow, John J. Gatewood, G. W. Swoope—5.
P. F. Edwards, J. W. Hays,

Mr. Boyd then proposed to amend said bill by striking out the first section thereof, and inserting in lieu thereof the following, viz:

That it shall be the duty of the sheriffs of this Commonwealth to collect and pay into the Treasury, annually, a tax of twenty (20) cents upon each one hundred dollars' worth of taxable property belonging to the colored citizens of this State, and also a head-tax of one dollar upon each person of color, assessable for poll-tax; and the fund arising from these sources, and also all the taxes paid by persons of African descent for State revenue purposes, and all the taxes on
dogs paid by colored persons, one half of all the fines imposed and collected by the State for violations of the penal laws of this State by colored persons, and also their pro rata of any sum of money that the United States Government may donate to this State for educational purposes, unless otherwise directed by Congress, shall constitute a common school fund for the education of the colored children of pupil age within this Commonwealth. The amount of pro rata to each colored child per year shall not exceed the pro rata for that year for white children.

Pending the consideration of which amendment, Mr. Evans moved the previous question.

And the question being taken, "Shall the main question be now put?" it was decided in the affirmative.

The question was then taken on the adoption of the amendment proposed by Mr. Boyd, and it was decided in the negative.

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

Those who voted in the affirmative, were—

James F. Clay, Jesse C. Gilbert,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, H. S. Hale, Robt. Simmons,
W. J. Berry, Thos. F. Hargis, G. W. Swoope,
F. W. Darby, J. W. Hays, E. W. Turner,
William P. Duvall, T. L. Jefferson, Thos. W. Varnon,
P. F. Edwards, D. H. Lindsay, C. J. Walton,

W. W. Frazer,

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

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

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, Jesse C. Gilbert, R. B. Lovel,
W. J. Berry, H. S. Hale, A. L. Martin,
Robert Boyd, Thos. F. Hargis, R. D. McManama,
James F. Clay, Geo. B. Hodge, Robert Simmons,
W. W. Culbertson, G. A. C. Holt, E. W. Turner,
Those who voted in the negative, were—

W. C. Goodloe,

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

The Senate, according to order, took up for consideration a bill, entitled

A bill to apportion representation in the Senate and House of Representatives.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That representation for the House of Representatives shall be apportioned among the several counties and cities of this Commonwealth as follows, to-wit:

1. To the First District twelve Representatives, viz: to the counties of Hickman and Fulton one, Ballard one, McCracken one, Graves one, Calloway one, Marshall and Lyon one, Caldwell one, Webster one, Crittenden and Livingston one, Trigg one, Union one, and Hopkins one.

2. To the Second District twelve Representatives, viz: to the county of Christian one, Muhlenburg one, Henderson one, Daviess two, Hancock one, Ohio one, Breckinridge one, Meade one, Grayson one, McLean one, Butler and Edmonson one.

3. To the Third District nine Representatives, viz: to the county of Todd one, Logan one, Simpson one, Warren two, Allen one, Monroe and Metcalfe one, Barren one, and Hart one.

4. To the Fourth District eight Representatives, viz: to the county of Adair one, Green and Taylor one, Wayne one, Cumberland and Clinton one, Pulaski one, Casey and Russell one, Boyle one, and Lincoln one.

5. To the Fifth District eight Representatives, viz: to the county of Hardin one, Larue one, Marion one, Bullitt and Spencer one, Washington one, Nelson one, Mercer one, and Anderson one.

6. To the Sixth District nine Representatives, viz: to the county of Madison one, Garrard one, Laurel and Rockcastle one, Estill and Lee one, Clay, Jackson, and Owlsley one, Knox and Whitley one, Harlan, Perry, and Bell one, Floyd and Johnson one, Pike, Martin, and Letcher one.

7. To the Seventh District twelve Representatives, viz: to the county of Shelby one, Henry one, Trimble and Oldham one, Carroll one, Jefferson one, the city of Louisville seven, to-wit: to the First Ward one, the Second and Third Wards one, the Fourth and Fifth Wards one, Sixth and Seventh Wards one, the Eighth and Ninth Wards one, the Tenth Ward one, the Eleventh and Twelfth Wards one.

8. To the Eighth District eight Representatives, viz: to the county of Bourbon one, Scott one, Owen one, Franklin one, Woodford one, Jessamine one, Fayette county, outside of the corporate limits of the city of Lexington, one, and the city of Lexington, within its corporate limits, one.

9. To the Ninth District nine Representatives, viz: to the county of Clark one, Montgomery, Powell, Wolfe, and Menifee one, Bath and Rowan
one, Lewis one, Fleming one, Greenup one, Elliott and Carter one, Boyd and Lawrence one, and Morgan, Magoffin, and Breathitt one.

10. To the Tenth District thirteen Representatives, viz: to the county of Mason one, Bracken one, Nicholas and Robertson one, Harrison one, Pendleton one, Campbell two, Kenton one, the First, Second, Third, Sixth, and Ninth Wards of the city of Covington one, and the Fourth, Fifth, Seventh, and Eighth Wards of said city one, Grant one, Gallatin one, and Boone one.

§ 2. That representation from the Senate shall be apportioned among the counties and cities of this Commonwealth as follows, to-wit:

1. The First District shall be composed of the counties of Hickman, Fulton, and Graves.


3. The Third District of the counties of Lyon, Livingston, Calloway, and Trigg.

4. The Fourth District of the counties of Caldwell, Crittenden, and Webster.

5. The Fifth District of the counties of Henderson and Union.

6. The Sixth District of the counties of Christian and Hopkins.

7. The Seventh District of the counties of Daviess and McLean.

8. The Eighth District of the counties of Muhlenburg, Ohio, and Todd.

9. The Ninth District of the counties of Logan, Simpson, and Butler.

10. The Tenth District of the counties of Breckinridge, Hancock, Edmonson, and Grayson.

11. The Eleventh District of the counties of Warren and Allen.

12. The Twelfth District of the counties of Hardin, Meade, and Bullit.


15. The Fifteenth District of the counties of Marion, Washington, and Taylor.

16. The Sixteenth District of the counties of Clinton, Cumberland, Adair, Russell and Wayne.

17. The Seventeenth District of the counties of Laurel, Pulaski, Whitley, Bell, Knox, and Jackson.

18. The Eighteenth District of the counties of Lincoln, Boyle, Garrard, and Casey.


20. The Twentieth District of the counties of Anderson, Franklin, and Mercer.


22. The Twenty-second District of the counties of Woodford, Scott, and Jessamine.

23. The Twenty-third District of the counties of Gallatin, Scott, and Owen.

24. The Twenty-fourth District of the county of Kenton.

25. The Twenty-fifth District of the county of Campbell.

26. The Twenty-sixth District of the counties of Bracken, Pendleton, and Grant.

27. The Twenty-seventh District of the county of Fayette.
28. The Twenty-eighth District of the counties of Bourbon, Clark, and Montgomery.
29. The Twenty-ninth District of the counties of Madison, Estill, and Rockcastle.
30. The Thirtieth District of the counties of Nicholas, Harrison, and Robertson.
31. The Thirty-first District of the counties of Mason and Lewis.
32. The Thirty-second District of the counties of Boyd, Greenup, Lawrence, and Elliott.
33. The Thirty-third District of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, and Martin.
34. The Thirty-fourth District of the counties of Magoffin, Breathitt, Johnson, Menifee, Morgan, Wolfe, Owsley, Powell, and Lee.
35. The Thirty-fifth District of the counties of Rowan, Bath, Fleming, and Carter.
36. The Thirty-sixth District of the counties of Jefferson and the First and Second Wards of the city of Louisville.
37. The Thirty-seventh District of the Third, Fourth, Fifth, Sixth, and Seventh Wards of the city of Louisville.
38. The Thirty-eighth District of the Eighth, Ninth, Tenth, Eleventh, and Twelfth Wards of the city of Louisville.

§ 3. If any new county should be established before the next apportionment of representation, it shall, for the purpose of representation, be considered as part or parts of the county or counties from which it may be taken.

§ 4. The districts mentioned in section two of this act shall elect one Senator each, as follows, to-wit: the First, Second, Third, Fourth, Fifth, Ninth, Eleventh, Sixteenth, Seventeenth, Nineteenth, Twenty-second, Twenty-sixth, Thirty-first, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, at the regular election in August, 1875; and the Sixth, Seventh, Eighth, Tenth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Eighteenth, Twentieth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirty-first, and Thirty-second, at the regular election in August, 1877.

§ 6. This act shall take effect from its passage.

Mr. Evans then proposed to amend said bill by striking out subsection two of section one, and inserting in lieu thereof the following, viz.: 

To the Second District, twelve Representatives, viz.: To the county of Christian two, Henderson one, Daviess two, Ohio one, Muhlenburg one, McLean one, Hancock and Breckinridge one, Meade one, Grayson one, Butler and Edmonson one.

And 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. Evans and Clay, were as follows, viz.: 

Those who voted in the affirmative, were—

W. W. Culbertson,
Those who voted in the negative, were—

Thos. J. Barker,                   Jesse C. Gilbert,                   O. D. McManama,
John S. Barlow,                   J. H. Hale,                         Robt. Simmons,
James F. Clay,                    Thomas F. Hargis,                   G. W. Swoope,
F. W. Darby,                      J. W. Hays,                         E. W. Turner,
William P. Duvall,                G. A. C. Holt,                      Thos. W. Varnon,
P. F. Edwards,                    I. L. Hyatt,                        W. L. Vories,
John J. Gatewood,                 A. L. Martin,

On motion,

Ordered, That the further consideration of said bill be postponed and made the special order of the day for to-morrow.

On motion of Mr. Hyatt,

A message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

A bill to amend the charter of the Elizabethtown and Paducah Railroad Company.

Which was granted.

After a short time, said bill was handed in at the Clerk's desk.

Mr. Hays then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was adopted.

Ordered, That said bill be recommitted to the Committee on Railroads.

And then the Senate adjourned.
SATURDAY, JANUARY 31, 1874.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate, to the amendment proposed by the House of Representatives, to the amendment proposed by the Senate, to a bill which originated in the House of Representatives, entitled

An act to increase the jurisdiction of the justices of the peace in Crittenden, Ohio, Calloway, and Caldwell counties, changing the title thereof as follows:

An act to increase the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth.

Also in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to incorporate the town of Geigerville, in the counties of Boyd and Carter.

An act to repeal an act, entitled "An act to amend chapter 84 of the Revised Statutes, title 'Roads and Passways,'" approved February 20th, 1869, so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties.

Also concurred in Senate amendment to a resolution, entitled Resolution directing the firing of a national salute on the 8th day of January and 22d of February, 1874.

And had disagreed to a resolution, which originated in the Senate, entitled Resolution relating to the business before General Assembly.

And had passed a bill, which originated in the Senate, entitled An act to provide for the improvement of Rockcastle river and its Forks.

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

1. An act for the benefit of Haywood Gilbert, late sheriff of Clay county.

2. An act allowing the jailer of Clay county an assistant.

3. An act for the benefit of J. M. Barnett, of Whitley county.

4. An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."
5. An act for the benefit of Joseph Pearson, of Estill county.
Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 3d, and 5th were referred to the Committee on Finance; the 2d to the Committee on Courts of Justice, and the 4th to the Committee on the Judiciary.

The following petitions and remonstrance were presented, viz:

By Mr. Vories—
1. The petition of citizens of Henry county, for the protection of sheep in this Commonwealth.

By Mr. Barlow—
2. The petition of the Christian Church at Glasgow, in relation to the Kentucky University.

By Mr. Boyd—
3. The remonstrance of citizens of Laurel county, against the passage of a prohibitory liquor law.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Agriculture and Manufactures; the 2d to the Committee on the Judiciary, and the 3d to the Committee on Religion and Morals.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, JANUARY 31ST, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following persons as suitable to be commissioned notaries public, viz:

J. J. Porter, of Jefferson county.
R. E. Kirk, of Marion county.
Henry L. Underwood, of Warren county.
Samuel Landrum, of Fulton county.
Wm. H. Sears, of Jessamine county.
Robert Slack, of Daviess county.
George Bryan, of Adair county.
W. R. Twyman, of Woodford county.
Redd Twyman, of Woodford county.
John E. Dubose, of Warren county.
Julius Schweizer, of McCracken county.
Lawrie J. Blakley, of Kenton county.

P. H. LESLIE.
Resolved, That the Senate advise and consent to said appointments.
On motion of Mr. Berry,
Leave was given to bring in a bill for the benefit of A. J. Boone, of Webster county.
Ordered, That Messrs. Berry, Darby, and Walton prepare and bring in the same.
Mr. Berry, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:

An act to authorize the county court of Lawrence county to fix and establish the width of public roads in said counties;
An act to incorporate the Collins District School, in Henderson county;
An act to amend the 6th section of chapter 66 of the General Statutes;
An act to legalize the official acts of the assessor and surveyor of Livingston county as deputies to the county clerk, and to authorize them to act as deputies for the Livingston county clerk;
An act to repeal an act, entitled "An act to amend chapter 84 of the Revised Statutes, title 'Roads and Passways,'" approved February 20th, 1869, so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties;
An act to amend section 9 of chapter 72 of the General Statutes;
Also bills, which originated in the Senate, of the following titles, viz:
An act to amend an act, entitled "An act to incorporate the town of Dulaney," which became a law February 3d, 1873;
An act to amend the charter of the town of Princeton, and to confer certain powers upon the board of trustees thereof;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.
After a short time, Mr. Berry reported that the committee had performed that duty.
Mr. Lindsay, from the Committee on Religion and Morals, to whom had been referred the following petitions and remonstrance, viz:
The petition of citizens of Ashland, asking the passage of the Indiana or a similar liquor law;
The petition of citizens of Boyd county on the same subject;
The remonstrance of sundry citizens of Laurel county, against a
prohibitory liquor law;
Asked to be discharged from the further consideration of the same.
Which was granted.
On motion, leave of absence, indefinitely, was granted Messrs. Clay and Edwads.
Mr. Edwards, from the joint committee of the two Houses, under
the resolution in relation to the creation of additional judicial dis-
tricts, asked to be discharged from the further consideration of the same.
Which was granted.
The Senate took up for consideration the amendment proposed by
the House of Representatives to a bill, which originated in the Senate, entitled
An act to amend article 1 of chapter 59 of the General Statutes,
and to repeal an act, entitled "An act to regulate the sale and
storage of oils made from coal, petroleum, or other bituminous sub-
stances, and for the better protection of life and property," ap-
proved March 21, 1870, and the acts amendatory thereto, severally
approved February 24, 1870, and March 8, 1870, and further regulate
the inspection and gauging burning fluids.
Which was twice read and concurred in.
Resolved, That the title of said bill be amended by striking out
"1870", and inserting 1873, in fifth line.
The Senate took up for consideration the special order, entitled
A bill to apportion representation in the Senate and House of Repre-
sentatives.
On motion of Mr. Martin,
Ordered, That the further consideration thereof be postponed until
Tuesday next, the 2d day of February.
The Senate took up the amendment proposed by the House of Repre-
sentatives to Senate bill, entitled
An act to amend chapter 49 of the General Statutes.
Ordered, That said bill and amendment be referred to the Commiss-
itee on Revised Statutes and Codes of Practice and General Stat-
utes.
The following bills were reported from the several committees
directed to prepare and bring in the same, viz:

The following bills were reported from the several committees
directed to prepare and bring in the same, viz:
By Mr. Darby, from the Committee on Courts of Justice—
1. A bill to provide for election of special or pro tem. judges in county courts.
By same—
2. A bill to amend the charter of the town of Hartford, in Ohio county.
By Mr. Gatewood, from the Committee on Education—
3. A bill for the benefit of school district No 51, in Hart county.
By Mr. Duvall, from the Committee on Internal Improvement—
4. A bill to amend the charter of the Cabin Creek Turnpike Road Company, in Lewis county.
By Mr. Gilbert, from the Committee on the Judiciary—
5. A bill to amend an act, entitled "An act to extend the limits of the town of Warsaw, and to amend, consolidate, and reduce into one all laws pertaining to said town."
By Mr. Berry, from a special committee—
6. A bill for the benefit of L. P. Linley, late sheriff of McLean county.
By same—
7. A bill to amend an act to amend the charter of the town of Hartford, approved 2d March, 1867.
By Mr. Hays, from the Committee on the Judiciary—
8. A bill for the benefit of the estate of Richard H. Lansdale, deceased.
By Mr. Martin, from the Committee on Penitentiary and House of Reform—
9. A bill to incorporate the Prison Reform Association of Kentucky as a branch of the National Prison Association of America.
By Mr. Martin, from a select committee—
10. A bill to amend the charter of Williamstown, in Grant county.
By Mr. McManama, from the Committee on Courts of Justice—
11. A bill for the benefit of John T. McClure, late sheriff of Grant county, and his securities.
By same—
Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be printed, and placed
in the orders of the day, and the remainder of said bills were ordered to be engrossed and read a third time.

The constitutional provision 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. Darby, from the Committee on Courts of Justice, to whom had been recommitted a bill, entitled

A bill requiring certain advertisements to be inserted in the Spencer Journal of Spencer county,

Reported the same with an amendment by way of substitute.

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

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

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

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Gatewood, from the Committee on Education—
An act to organize and establish a system of public schools in Owingsville, Bath county.

By Mr. Lovel, from the same committee—
An act to amend the charter of the Bath Seminary, incorporated by an act approved February 23, 1846.

By Mr. Duvall, from the Committee on Internal Improvement—
An act to repeal an act, entitled “An act to provide for the improvement of public roads in Bath county.”

By same—
An act to authorize the Muldrough’s Hill, Campbellsville, and Columbia Turnpike Road Company to borrow money.

By Mr. Hays, from the Committee on the Judiciary—
An act to amend an act, entitled “An act to incorporate the Danville Gas-light Company.”

By same—
An act to authorize the county judge of Campbell county to appoint one day in each week upon which the justices of the peace for the Dayton and Bellevue magisterial district may hear civil causes.
By Mr. Gilbert, from the same committee—
An act to incorporate the Ballard County Coal and Transportation Company.

By Mr. Goodloe, from the same committee—
An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville."

By same—
An act to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Mt. Sterling."

By Mr. Edwards, from the Committee on Propositions and Grievances—
An act for the benefit of Mason Morris, late sheriff of Edmonson county.

By Mr. Gatewood, from the same committee—
An act to prohibit the destruction of fish in Tennessee river, or within one mile of the mouth of its branches.

By same—
An act to amend an act, entitled "An act to create a special road law for Pendleton county," approved January 26, 1869.

By Mr. Frazer, from the Committee on Railroads—
An act to grant and confirm unto the St. Louis and Southeastern Railway Company (consolidated) the rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company, the Evansville, Henderson, and Nashville Railroad Company, and the St. Louis and Southeastern Railway Company (Kentucky Division).

By Mr. McManama, from the Committee on Courts of Justice—
An act to amend an act, entitled "An act to establish an additional justices' district in Bath county."

By Mr. Gilbert, from the Committee on the Judiciary—
An act to incorporate the town of California, in Campbell county. With an amendment to the last named bill.
Which amendment was adopted.

Ordered, That said bills be read a third time.
The constitutional provision as to the third reading of said bills being dispensed with.

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. McManama, from the Committee on Courts of Justice, to whom had been referred a bill from the House of Representatives, entitled
An act to change the mode of advertising sales of real and personal estate by sheriffs and master commissioners in Hickman and Fulton counties,
Reported the same without amendment.
The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.
So said bill was rejected.
The Senate, according to order, took up for consideration a bill, entitled
A bill to further amend the charter of the Kentucky River Navigation Company.
Ordered, That the further consideration of said bill be postponed and made the special order of the day for Tuesday, the 3d day of February next.
Mr. Holt, from the Committee on Military Affairs, 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 officers and soldiers of the 31st Regiment enrolled militia,” approved February 7, 1866,
Reported the same without amendment.
Said bill reads as follows, viz:
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of an act, entitled “An act for the benefit of the officers and soldiers of the 31st Regiment of the Enrolled Militia,” approved February 7, 1866, as authorizes the Governor to pay, or cause to be paid, out of the military fund, to each officer and soldier of the 31st Regiment Enrolled Militia, who were called out and served in the county of Carter in the year 1864, be, and the same is hereby, repealed.
§ 2. That the Quarter-Master General be, and he is hereby, authorized and empowered to hear proof of and audit the claims of the officers and soldiers of said 31st Regiment for services rendered by them, respectively, under the call of the Governor of this Commonwealth, during the year 1864, in said county of Carter, and when proof shall be made of the services rendered by such officers or soldiers by the sworn certificate of the colonel or major of said regiment who commanded the same during the period of said service, or two other officers or soldiers who served in said regiment during the year 1864, under the call of the Governor aforesaid, it shall be the duty of the Quarter-Master General to certify the claim of such officers and soldiers, respectively, as being allowed by him, and the amount allowed to each of them, to the Auditor of Public Accounts, who is
hereby authorized and directed to draw his warrant on the Treasury for the amount shown due each officer or soldier of said regiment, payable to those alive, respectively, and to the persons entitled to receive the same, under the laws of the United States, in payments of arrears of pay due deceased soldiers in the room and stead of those of said regiment who ordered the warrants thus drawn, shall be paid by the Treasurer out of the first funds collected from the United States Government on the military claims of the State of Kentucky against the Government of the United States that shall be paid into the State Treasury after the passage of this act.

§ 3. The payments made under and by virtue of this act shall be the same as that allowed by the laws of the United States to officers and soldiers in the military service of the United States in force at the time the services were rendered by said 31st regiment in Carter county.

§ 4. That this act shall take effect and be in force from and after its passage.

Mr. McManama moved to amend said bill so as to make the provisions thereof apply to the 32d regiment of enrolled militia.

And 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. McManama and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, G. A. C. Holt, O. D. McManama,
Wm. P. Duvall, I. L. Hyatt, G. W. Swoope,
W. W. Frazer, D. H. Lindsay,

Those who voted in the negative, were—

John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, W. C. Goodloe, A. L. Martin,
Robert Boyd, H. S. Hale, E. W. Turner,
W. W. Culbertson, B. W. S. Huffaker,

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:
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Those who voted in the affirmative, were—

Thos. J. Barker,                W. W. Frazer,                T. L. Jefferson,
John S. Barlow,                 John J. Gatewood,            D. H. Lindsay,
W. J. Berry,                    W. C. Goodloe,               R. B. Lovel,
Robert Boyd,                    J. W. Hays,                 A. L. Martin,
Scott Brown,                    G. A. C. Holt,              E. W. Turner,
W. W. Culbertson,               B. W. S. Huffaker,           Thos. W. Varnon,
William P. Duval.

Those who voted in the negative, were—

Jesse C. Gilbert,                

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

Mr. Gilbert, from the Committee on the Judiciary, reported a bill, entitled

A bill to provide for the care and protection of the public buildings, public grounds, and property of the State of Kentucky at the Capitol.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be the duty of the Governor of this Commonwealth to appoint a special policeman, whose duty it shall be to watch over and protect the public buildings and property of the State, situated upon the grounds now occupied for a Capitol and other public buildings.

§ 2. The policeman so appointed shall, before he enters upon the discharge of the duties of his office, take an oath before some officer authorized by law to administer oaths, diligently and faithfully to do and perform all the duties required of him by the provisions of this act. He shall hold his office for and during the pleasure of the Governor, and subject to his control and directions.

§ 3. It shall be the duty of such policeman to watch over, care for, and protect the fencing, the shrubbery, trees, grounds, buildings, and property of the State, situate upon the Capitol square, from trespasses, spoliations, injuries, and other improper uses thereof. He shall have the same power of arresting offenders, and bringing them before an appropriate tribunal for trial, as is conferred upon policemen in the city of Frankfort; and also of suing out warrants and other process of law against such offenders, and may call to his aid policemen and officers of the city of Frankfort.

§ 4. The city court of the city of Frankfort, the county judge of the county of Franklin, or any justice of the peace in said city, shall have jurisdiction to hear, determine, and punish for any offense against
the provisions of this act, by fine or imprisonment in the county jail, or both fine and imprisonment, according to due course of law, in the same manner and to the same extent which they may do in similar cases for offenses against the laws of the State, or the ordinances of the city of Frankfort.

§ 5. For his services such policeman shall have and receive a salary of three hundred dollars per annum, payable in monthly installments out of the Treasury upon the warrant of the Auditor; but the Auditor shall not issue his warrant except upon the certificate of the Governor, showing that the service has been performed.

§ 6. This act to take effect and be in force from its passage.

The question was then taken on the passage of said bill, and it was decided in the negative, not having received the majority required by the Constitution.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Scott Brown, H. S. Hale, O. D. McManama,
P. F. Edwards, J. W. Hays, E. W. Turner,
W. W. Frazer, I. L. Hyatt, Thos. W. Varnon,
John J. Gatewood, D. H. Lindsay, W. L. Vories,
W. C. Goodloe, A. L. Martin,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Culbertson, B. W. S. Huffaker,
John S. Barlow, F. W. Darby, T. L. Jefferson,

So said bill was rejected.

Mr. Holt then moved to reconsider the vote by which the Senate had rejected said bill.

Which motion was simply entered.

Mr. Hays, 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 present lessees of the Idee Hotel,

Reported the same, with the expression of opinion that said bill ought not to pass.

Ordered, That said bill be placed in the orders of the day.

And then the Senate adjourned.
MONDAY, FEBRUARY 2, 1874.

A message was received from the House of Representatives, announcing that they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act for the benefit of Stephen Nethercutt, late sheriff of Carter county, Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff of Lyon county, and their deputies

That they had passed bills, which originated in the Senate, of the following titles, viz:

1. An act to establish an additional justices' district in the county of Harlan.
2. An act to enable associations of persons for raising funds, to be loaned among their members for building them homesteads and other purposes, to become bodies corporate.
3. An act for the benefit of the city of Louisville.
4. An act to amend an act to regulate the taking up of property found adrift upon certain waters in this Commonwealth.
5. An act to amend the charter of the city of Lexington.
6. An act for the benefit of the Law Department of Kentucky University.
7. An act to amend an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of North Middletown, in Bourbon county, approved March 28, 1872
8. An act to empower the county court of Garrard county to make additional subscription to the Lancaster and Buckeye Turnpike Road Company.
9. An act to provide for holding a term of the Carter circuit court for the trial of equity causes and motions triable by the court.
10. An act for the benefit of B. J. Hobbs, an idiot of Graves county.

11. An act to provide for the purchase or erection of a school-house for district No. 43, in Graves county.

12. An act to incorporate the Society of Friends of Garrard county, and to authorize them to issue bonds to purchase burial-grounds.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 8th, 9th, 10th, and 12th were ordered to be engrossed and read a third time; the 2d, 5th, 6th, and 7th were referred to the Committee on the Judiciary; the 3d to the Committee on Finance; the 4th to the Committee on Propositions and Grievances, and the 11th to the Committee on Education.

The constitutional provision as to the third reading of said 1st, 8th, 9th, 10th, and 12th bills being dispensed with,

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

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

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill to amend articles 7 and 12 of chapter 18 of the General Statutes.

By Mr. Turner, from the Committee on the Judiciary—
A bill to provide additional voting places in the city of Newport.

By Mr. Webb, from the Committee on Printing and Binding—
A bill to amend an act, entitled "An act to pay military claims audited by the Quarter-Master General," approved March 28, 1872.

By Mr. Berry, from a select committee—
A bill for the benefit of William Brame, trustee for Fabina Brame, of the county of Webster.

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

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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.
Leave was given to bring in the following bills, viz:

1. A bill to create and incorporate a clearing-house in the city of Louisville.

On motion of Mr. Jefferson—

2. A bill to create additional voting precincts in the city of Newport.

Ordered, That the Committee on Banks and Insurance prepare and bring in the 1st, and the Committee on the Judiciary the 2d.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

- An act to repeal an act, entitled "An act to charter the Barren County Bank."
- An act to amend the charter, and the amendments thereto, of the Deposit Bank of Glasgow.
- An act for the benefit of S. S. Farris, sheriff of Barren county, and his securities.
- An act to amend section 2, article 6, chapter 15, General Statutes.
- An act to define and fix the boundaries of Murray common school district, and to re-enact an act, entitled "An act for the benefit of the Murray Male and Female Institute," approved March 17, 1870.
- An act for the benefit of the jailer of Spencer county.
- An act to provide for the registration of marriages, births, and deaths.
- An act for the benefit of Samuel K. Baird, assessor of Spencer county.
- An act to incorporate the Hopkinsville Plow Manufacturing Company.
- An act to amend an act, entitled "An act to incorporate the town of Dulaney," which became a law February 3d, 1873.
- An act to amend the charter of the town of Princeton, and to confer certain powers upon the board of trustees thereof.

Mr. Jefferson, from the Committee on Finance, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of Haywood Gilbert, late sheriff of Clay county.

Reported the same without amendment.

Ordered, That said bill be read a third time.
The constitutional provision 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.

The Senate then took up for consideration a bill, entitled

A bill to regulate the responsibility of innkeepers.

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

The constitutional provision 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 then took up for consideration the motion to reconsider the vote by which the Senate had rejected a bill, entitled

A bill to amend chapter 61 of the General Statutes, by further providing compensation to jailers.

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

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

The constitutional provision 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 then took up for consideration the special order, entitled

A bill to allow John H. Allison, late sheriff of Lawrence county, and his securities, to bring suit in the Franklin circuit court to have a settlement of all matters between him and the Commonwealth.

On motion of Mr. Martin,

Ordered, That said bill be recommitted to the Committee on Courts of Justice.

The Senate then took up for consideration the following bills from the House of Representatives, viz:

An act to amend subsection 2 of section 1 of chapter 31 of the General Statutes.

An act for the benefit of the present lessees of the I dde Hotel.

Ordered, That said bills be read a third time.

The constitutional provision 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.
The Senate took up for consideration a resolution, which originated in the House of Representatives, entitled

Resolution directing Public Librarian to purchase certain books.

Which was twice read and concurred in.

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

An act to increase the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth;

An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls;"

An act in relation to the town of Newtown, in Scott county;

An act to incorporate the town of Geigerville, in the counties of Boyd and Carter;

An act to amend chapter 38, article 5, section 5, title "Courts," of the General Statutes;

An act to amend chapter 92, article 10, section 2, title "Revenue and Taxation," of the General Statutes;

An act to grant and confirm unto the St. Louis and Southeastern Railway Company (consolidated) the rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company, the Evansville, Henderson, and Nashville Railroad Company, and the St. Louis and Southeastern Railway Company (Kentucky Division);

Also bills and a resolution, which originated in the Senate, of the following titles, viz:

An act to provide for the improvement of Rockcastle river and its Forks;

Resolution directing the firing of a national salute on the 8th day of January and 22d of February, 1874;

And had found the same truly enrolled.

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 approval and signature.

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

And then the Senate adjourned.
TUESDAY, FEBRUARY 3, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act to authorize the board of directors of the Richmond and Lexington Turnpike Road Company to take stock in the Athens and Walnut Hill Turnpike Road Company.

An act relating to opening and repairing roads in Boone county.

An act to change the time of holding the September term of the Shelby county quarterly court.

An act to amend an act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

An act to authorize the county court of Garrard county to sell and convey the poor-house farm, and reinvest the proceeds.

An act to prevent the destruction of fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, in this Commonwealth.

An act for the benefit of C. S. Mergell, of Louisville.

An act to amend the charter of the city of Augusta, in Bracken county.

An act to amend an act, entitled “An act to incorporate the Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company.”

An act amending the charter of the city of Paducah, making a husband responsible for taxes due on his wife's property when he collects her rents or uses her property.

An act to amend the charter of the town of Augusta, in Bracken county.

An act for the benefit of Hardin county.

An act to repeal an act, entitled “An act to amend the charter of the town of Marion, in Crittenden county.”

An act for the benefit of John E. Brooks, late sheriff of Greenup county.

An act to amend the charter of the town of Stanford.
An act to protect the owners of property in this Commonwealth against damage by fire from steam-cars.

An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court.

An act to supply the county clerk's office with public books in Rockcastle county.

An act to legalize the official acts of the assessor and surveyor of Livingston county as deputies to the county clerk, and to authorize them to act as deputies for the Livingston county clerk.

An act to incorporate the Collins District School, in Henderson county.

An act to repeal an act, entitled "An act to amend chapter 84 of the Revised Statutes, title 'Roads and Passways,'" approved February 20th, 1869, so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties.

An act to amend section 9 of chapter 72 of the General Statutes.

An act to amend the 6th section of chapter 66 of the General Statutes.

An act to authorize the county courts of Lawrence and Jackson counties to fix and establish the width of public roads in said counties.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the Methodist Episcopal Church, South, Widows and Orphans' Home.

An act to amend chapter 22 of the General Statutes, title "Contracts."


An act to amend chapter 75 of the General Statutes, title "Master Commissioner, Receiver, and other Commissioners in Equity."

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

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

1. An act to regulate and fix the pay of special judges in circuit, chancery, criminal, and common pleas courts.

2. An act changing the time of the meeting of the General Assembly.
3. An act to incorporate the town of Parkland, Jefferson county.
4. An act to authorize the judges of the Bourbon and Elliott quarterly courts to appoint clerks of said courts.
5. An act to amend section 14th, article 4th, chapter 52, General Statutes.
6. An act to amend article 4 of chapter 52 of the General Statutes.
7. An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum.
8. An act to provide for the improvement of the public roads in Grayson county.
9. An act to incorporate the Shiloh Church and Pittman's Creek Turnpike Road Company.
10. An act to incorporate the Franklin Colored Benevolent Society of Franklin.
11. An act to amend an act, entitled "An act to incorporate the town of Glenville, in Adair county."
12. An act for the benefit of the sheriff of Hancock county.
13. An act to amend an act incorporating the town of Upton, in Hardin and Larue counties.
15. An act for the benefit of John N. Howard, sheriff of Harlan county.
16. An act to amend an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county."
17. An act to amend an act, entitled "An act for the benefit of the Cynthiana and Paddy's Run and Lair's Station Turnpike Road Company."

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, 3d, 10th, 11th, and 13th to the Committee on the Judiciary; the 4th to the Committee on Courts of Justice; the 5th and 6th to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 7th to the Committee on Charitable Institutions; the 8th, 9th, 16th, and 17th to the Committee on Internal Improvement, and the 12th, 14th, and 15th to the Committee on Finance.
Mr. Swoope presented the petition of sundry citizens of Owensboro, in relation to subscribing stock by said city to the Vincennes, Petersburg, and Owensboro Railroad.

Which was received, the reading dispensed with, and referred to the Committee on Railroads.

On motion of Mr. Varnon,

A message was sent to the House of Representatives, asking leave to withdraw the announcement of their concurrence in the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend article 1 of chapter 59 of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1870, and March 8, 1870, and further regulate the inspection and gauging burning fluids.

Which was granted, and said bill handed in at the Clerk's desk.

On motion of Mr. Varnon,

Ordered, That said bill and proposed amendment be recommitted to the Committee on Revised Statutes and Codes of Practice and General Statutes.

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

An act authorizing Stephen Nethercutt, late sheriff of Carter county, and Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crambaugh, late sheriff of Lyon county, to list tax receipts and fee bills with constables of said counties for collection.

An act to prohibit the destruction of fish in Tennessee river, or within one mile of the mouth of its tributaries;

An act authorizing the county court of Magoffin county to dispose of its land warrants at the rate of two dollars and fifty cents per one hundred acres;

An act for the benefit of the present lessees of the Idee Hotel;

An act to amend the charter of the Bath Seminary, incorporated by an act approved February 23, 1846;

An act to authorize the county judge of Campbell county to appoint one day in each week upon which the justices of the peace
for the Dayton and Bellevue magisterial district may hear civil causes;

An act for the benefit of Mason Morris, late sheriff of Edmonson county;

An act to incorporate the Catholic Benevolent Society of Mt. Sterling;

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

An act to amend an act, entitled “An act for the benefit of the personal representatives of Robert Foster, deceased;”

An act to amend the charter of the town of Bellpoint, in Franklin county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Jefferson, from the Committee on Finance—

1. An act providing for the continuation of the geological, mineralogical, and botanical survey now in progress in Kentucky, and for the prosecution of other surveys.

By Mr. Hays, from the Committee on the Judiciary—

2. An act to amend the charter of the town of Nicholasville.

By Mr. Gatewood, from the Committee on Education—

3. An act to provide for the purchase or erection of a school-house for district No. 43, in Graves county.

With an amendment to the last named bill.

Which amendment was adopted.

Ordered, That the first named bill be printed, and made the special order of the day for Thursday next, the 5th inst., at 10½ o’clock, A. M., and that the other two, the last named as amended, be read a third time.

The constitutional provision 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.

The Senate, according to order, took up for consideration a bill, entitled

A bill to apportion representation in the Senate and House of Representatives.

The question was first taken on the adoption of the amendment proposed by Mr. Goodloe, and it was decided in the negative.

Said amendment reads as follows, viz:

8. To the Eighth District nine Representatives, viz: Bourbon one, Scott one, Owen one, Franklin one, Woodford one, Jessamine one, and Fayette three.

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

Those who voted in the affirmative, were—

W. J. Berry, W. C. Goodloe, R. B. Lovel,
W. W. Culbertson,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, Thos. F. Hargis, Robert Simoons,
Robert A. Briggs, J. W. Hays, E. W. Turner,
Scott Brown, G. A. C. Holt, Thos. W. Varnon,
F. W. Darby, I. L. Hyatt, W. L. Vories,
Wm. P. Duvall, T. L. Jefferson, C. J. Walton,

The question was then taken on the amendment proposed by Mr. Frazer, and it was decided in the affirmative.

Said amendment reads as follows, viz:

Amend section 2 by striking the county of Butler from the Ninth District and adding it to the Eighth District, and strike the county of Todd from the Eighth District and add it to the Ninth District.

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

Said amendment reads as follows, viz:

Amend section 2 by striking out the Second, Third, Fourth, and Fifth Districts, and inserting in lieu thereof as follows, viz:

2. The Second District of the counties of Ballard, McCracken, and Livingston.
3. The Third District of the counties of Calloway, Marshall, and Trigg.
4. The Fourth District of the counties of Caldwell, Crittenden, Webster, and Lyon.
The question was then taken on the amendment proposed by Mr. Hargis, and it was decided in the negative.

Said amendment reads as follows, viz:

Amend section 1 by changing the Tenth District so as to give the counties of Gallatin and Grant one Representative, and to give the counties of Nicholas and Robertson each one Representative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Culbertson, Thos. F. Hargis,
Robert A. Briggs, W. W. Frazer, B. W. S. Huffaker,
Scott Brown, W. C. Goodloe, A. L. Martin,

Those who voted in the negative, were—

John S. Barlow, Geo. B. Hodge, Robt. Simmons,
W. J. Berry, G. A. C. Holt, G. W. Swoope,
F. W. Darby, I. L. Hyatt, W. L. Vories,
John J. Gatewood, D. H. Lindsay, C. J. Walton,

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

Said amendment reads as follows, viz:

Amend by striking Jackson county from the Seventeenth District, and adding it to the Twenty-ninth District.

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

Those who voted in the affirmative, were—

W. J. Berry, W. W. Culbertson, B. W. S. Huffaker,
Robert A. Briggs, W. C. Goodloe,

Those who voted in the negative, were—

Thos. J. Barker, Thos. F. Hargis, R. B. Lovel,
John S. Barlow, J. W. Hays, A. L. Martin,
F. W. Darby, Geo. B. Hodge, Robt. Simmons,
Wm. P. Duvall, I. L. Hyatt, Thos. W. Varnon,
John J. Gatewood, T. L. Jefferson, W. L. Vories,

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

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

The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Goodloe and Martin, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, H. S. Hale, A. L. Martin,
Robt. A. Briggs, Thomas F. Hargis, O. D. McManama,
F. W. Darby, J. W. Hays, Robt. Simmons,
William P. Duvall, Geo. B Hodge, G. W. Swoope,
W. W. Frazer, I. L. Hyatt, Thos. W. Varnon,
John J. Gatewood, D. H. Lindsay, W. L. Vories—19.

Those who voted in the negative, were—

John S. Barlow, W. C. Goodloe, R. B. Lovel,
W. J. Berry, G. A. C. Holt, C. J. Walton,
W. W. Culbertson, T. L. Jefferson,

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

Mr. Hargis then moved to reconsider the vote by which the Senate had passed said bill.

Mr. Gatewood moved to lay said motion on the table.

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, A. L. Martin,
John S. Barlow, H. S. Hale, O. D. McManama,
Robert A Briggs, Thos. F. Hargis, Robert Simmons,
F. W. Darby, J. W. Hays, G. W. Swoope,
Wm. P. Duvall, Geo. B. Hodge, Thos. W. Varnon,
John J. Gatewood, D. H. Lindsay,

Those who voted in the negative, were—

W. J. Berry, G. A. C. Holt, R. B. Lovel,
Robert Boyd, B. W. S. Huffaker, C. J. Walton,
W. C. Goodloe,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That representation for the House of Representatives shall be apportioned among the several counties and cities of this Commonwealth as follows, to-wit:

1. To the First District twelve Representatives, viz: to the counties of Hickman and Fulton one, Ballard one, McCracken one, Graves one, Calloway one, Marshall and Lyon one, Caldwell one, Webster one, Crittenden and Livingston one, Trigg one, Union one, and Hopkins one.
2. To the Second District twelve Representatives, viz: to the county of Christian one, Muhlenburg one, Henderson one, Daviess two, Hancock one, Ohio one, Breckinridge one, Meade one, Grayson one, McLean one, Butler and Edmonson one.

3. To the Third District nine Representatives, viz: to the county of Todd one, Logan one, Simpson one, Warren two, Allen one, Monroe and Metcalfe one, Barren one, and Hart one.

4. To the Fourth District eight Representatives, viz: to the county of Adair one, Green and Taylor one, Wayne one, Cumberland and Clinton one, Pulaski one, Casey and Russell one, Boyle one, and Lincoln one.

5. To the Fifth District eight Representatives, viz: to the county of Hardin one, Larue one, Marion one, Bullitt and Spencer one, Washington one, Nelson one, Mercer one, and Anderson one.

6. To the Sixth District nine Representatives, viz: to the county of Madison one, Garrard one, Laurel and Rockcastle one, Estill and Lee one, Clay, Jackson, and Owsley one, Knox and Whitley one, Harlan, Perry, and Bell one, Floyd and Johnson one, Pike, Martin, and Letcher one.

7. To the Seventh District twelve Representatives, viz: to the county of Shelby one, Henry one, Trimble and Oldham one, Carroll one, Jefferson one, the city of Louisville seven, to wit: to the First Ward one, the Second and Third Wards one, the Fourth and Fifth Wards one, Sixth and Seventh Wards one, the Eighth and Ninth Wards one, the Tenth Ward one, the Eleventh and Twelfth Wards one.

8. To the Eighth District eight Representatives, viz: to the county of Bourbon one, Scott one, Owen one, Franklin one, Woodford one, Jessamine one, Fayette county, outside of the corporate limits of the city of Lexington, one, and the city of Lexington, within its corporate limits, one.

9. To the Ninth District nine Representatives, viz: to the county of Clark one, Montgomery, Powell, Wolfe, and Menifee one, Bath and Rowan one, Lewis one, Fleming one, Greenup one, Elliott and Carter one, Boyd and Lawrence one, and Morgan, Magoffin, and Breathitt one.

10. To the Tenth District thirteen Representatives, viz: to the county of Mason one, Bracken one, Nicholas and Robertson one, Harrison one, Pendleton one, Campbell two, Kenton one, the First, Second, Third, Sixth, and Ninth Wards of the city of Covington one, and the Fourth, Fifth, Seventh, and Eighth Wards of said city one, Grant one, Gallatin one, and Boone one.

§ 2. That representation from the Senate shall be apportioned among the counties and cities of this Commonwealth as follows, to wit:
1. The First District shall be composed of the counties of Hickman, Fulton, and Graves.
3. The Third District of the counties of Lyon, Livingston, Calloway, and Trigg.
4. The Fourth District of the counties of Caldwell, Crittenden, and Webster.
5. The Fifth District of the counties of Henderson and Union.
6. The Sixth District of the counties of Christian and Hopkins.
7. The Seventh District of the counties of Daviess and McLean.
8. The Eighth District of the counties of Muhlenburg, Ohio, and Butler.
10. The Tenth District of the counties of Breckinridge, Hancock, Edmonson, and Grayson.
11. The Eleventh District of the counties of Warren and Allen.
12. The Twelfth District of the counties of Hardin, Meade, and Bullitt.
15. The Fifteenth District of the counties of Marion, Washington, and Taylor.
16. The Sixteenth District of the counties of Clinton, Cumberland, Adair, Russell and Wayne.
17. The Seventeenth District of the counties of Laurel, Pulaski, Whitley, Bell, Knox, and Johnson.
18. The Eighteenth District of the counties of Lincoln, Boyle, Garrard, and Casey.
20. The Twentieth District of the counties of Anderson, Franklin, and Mercer.
22. The Twenty-second District of the counties of Woodford, Scott, and Jessamine.
23. The Twenty-third District of the counties of Gallatin, Boone, and Owen.
24. The Twenty-fourth District of the county of Kenton.
25. The Twenty-fifth District of the county of Campbell.
26. The Twenty-sixth District of the counties of Bracken, Pendleton, and Grant.
27. The Twenty-seventh District of the county of Fayette.
28. The Twenty-eighth District of the counties of Bourbon, Clark, and Montgomery.
29. The Twenty-ninth District of the counties of Madison, Estill, and Rockcastle.
30. The Thirtieth District of the counties of Nicholas, Harrison, and Robertson.
31. The Thirty-first District of the counties of Mason and Lewis.
32. The Thirty-second District of the counties of Boyd, Greenup, Lawrence, and Elliott.
33. The Thirty-third District of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, and Martin.
34. The Thirty-fourth District of the counties of Magoffin, Breathitt, Johnson, Menifee, Morgan, Wolfe, Owlsley, Powell, and Lee.
35. The Thirty-fifth District of the counties of Rowan, Bath, Fleming, and Carter.
36. The Thirty-sixth District of the counties of Jefferson and the First and Second Wards of the city of Louisville.
37. The Thirty-seventh District of the Third, Fourth, Fifth, Sixth, and Seventh Wards of the city of Louisville.
38. The Thirty-eighth District of the Eighth, Ninth, Tenth, Eleventh, and Twelfth Wards of the city of Louisville.

§ 3. If any new county should be established before the next apportionment of representation, it shall, for the purpose of representation, be considered as part or parts of the county or counties from which it may be taken.

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§ 4. The districts mentioned in section two of this act shall elect one Senator each, as follows, to wit: the First, Second, Third, Fourth, Fifth, Ninth, Eleventh, Sixteenth, Seventeenth, Nineteenth, Twenty-second, Twenty-sixth, Thirtieth, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, at the regular election in August, 1875; and the Sixth, Seventh, Eighth, Tenth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Eighteenth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirty-first, and Thirty-second, at the regular election in August, 1877.

§ 6. This act shall take effect from its passage.

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

By Mr. Frazer, from the Committee on Banks and Insurance—
1. A bill to incorporate the Kentucky Odd Fellows' Insurance Company.

By Mr. Jefferson, from the same committee—
2. A bill to create and incorporate a clearing-house in the city of Louisville.

By same—
3. A bill to amend section 6 of an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies."

By Mr. Hargis, from the Committee on the Judiciary—
4. A bill to repeal section 52, article 11, chapter 39, General Statutes, title "Executors and Administrators."

By Mr. Hodge, from the Committee on Railroads—
5. A bill to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company."

By Mr. Berry, from a select committee—
6. A bill for the benefit of Ohio county.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 2d, 4th, 5th, and 6th were ordered to be engrossed and read a third time, and the 3d was ordered to be printed, and made the special order for Friday next, the 5th inst.

The constitutional provision as to the third reading of said 1st, 2d, 4th, 5th, and 6th bills being dispensed with, and the same being engrossed,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
Mr. Holt, from the Committee on Privileges and Elections, reported a bill, entitled

A bill providing for the payment of the cost and expenses incurred before the Senate Committee on Privileges and Elections in the investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the 27th Senatorial District.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Holt moved to fill the blank with "forty dollars" to clerk to committee committee, Mr. Sublett.

Which was adopted.

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

The constitutional provision 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 yeas and nays being required on the passage of said bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, H. S. Hale, R. B. Lovel,
Robert A. Briggs, Thos. F. Hargis, O. D. McManama,
Scott Brown, J. W. Hays, Robert Simmons,
W. W. Culbertson, Geo. B. Hodge, Thos. W. Varnon,
F. W. Darby, G. A. C. Holt, W. L. Vories,
Wm. P. Duvall, I. L. Hyatt, C. J. Walton,

Those who voted in the negative, were—

W. J. Berry, Robert Boyd, G. W. Swoope—3.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of the Sergeant-at-Arms of the present Senate for the following sums of money, payable out of any money in the Treasury not otherwise appropriated, to wit: Two hundred and sixty-eight dollars for the payment of witness claims, twelve dollars and fifty cents for sheriff's fees, two dollars and twenty-five cents for telegraphic dispatches, express charges, and postage, and forty dollars to D. D. Sublett for his services in reducing to writing the evidence of seventy witnesses, the above sums being for cost and expenses incurred before the
Senate Committee on Privileges and Elections in their investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the Twenty-seventh Senatorial District; which sums shall be drawn by the Sergeant at Arms of the present Senate, and distributed by him to the persons entitled thereto.

§ 2. This act shall take effect from and after its passage.

Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred the amendment, proposed by the House of Representatives to a bill from the Senate entitled

An act to amend chapter 49 of the General Statutes,
Reported the same without amendment.

Which amendment was taken up, twice read, and concurred in.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill from the Senate, entitled

An act to amend chapter 75 of the General Statutes, entitled "Master Commissioners, Receivers, and other Commissioners in Equity."

Which was twice read and concurred in.

The Senate then took up for consideration the special order, entitled

A bill to further amend the charter of the Kentucky River Navigation Company.
Ordered, That the further consideration of said bill be postponed until to-morrow.

And then the Senate adjourned.
WEDNESDAY, FEBRUARY 4, 1874.

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

1. An act to amend section 14, chapter 75, General Statutes.
2. An act to amend and continue in force an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law April 15th, 1869.
3. An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 7, 1867, and the several acts amendatory thereof.
4. An act to amend the charter of the Caverna Deposit Bank, in Hart county.
5. An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."
6. An act to amend an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869.
7. An act to incorporate the town of Rowlett's Station, in Hart county.

That they had adopted a resolution, entitled
Resolution directing the Governor to have offices prepared for the Superintendent of Public Instruction in the Fire-proof Offices in Frankfort, Kentucky.

And had concurred in an amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled
An act to incorporate the town of California, in Campbell county.

That they had passed bills of the following titles, viz:
1. An act to amend chapter 84 of the General Statutes, title "Peddlers."
2. An act to amend article 18, chapter 38, of General Statutes.
3. An act to amend an act, entitled "An act to incorporate the trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky," approved January 28, 1854.
4. An act regulating the practice of suits under section 12 of the city charter of Louisville, and amendments thereto.

5. An act to facilitate the collection of county levies and other county taxes.


7. An act to amend chapter 4 of title 5 of the Criminal Code.

8. An act to amend section 96 of the Code of Practice in criminal cases.

9. An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts."

10. An act to amend section 154 of the Criminal Code of Practice.

11. An act to legalize certain orders of the Larue county court of claims.


14. An act to amend the charter of the town of Mt. Carmel, in Fleming county.

15. An act to incorporate the Library Association in Cairo, Henderson county.


17. An act for the benefit of Henderson Conlee, of Powell county.

18. An act to regulate official advertisements in the county of Henry.

19. An act to incorporate the Trustees of the Presbyterian Church at Columbus.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 2d, 6th, 7th, 8th, 9th, 10th, and 12th were referred to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 3d, 15th, and 19th to the Committee on Religion and Morals; the 4th, 13th, and 14th to the Committee on the Judiciary; the 5th, 11th and 18th to the Committee on Courts of Justice, and the 16th and 17th, to the Committee on Finance.
The following petitions were presented, viz:

By Mr. Simmons—

The petition of sundry citizens of the town of Independence, asking the creation of the office of town marshal for said town.

By Mr. Lovel—

The petition of the members of the Christian Church at Vancu­burg, praying the passage of certain amendments to the charter of the Kentucky University.

Which were received, the reading dispensed with, and referred to the Committee on the Judiciary.

The several committees to whom were referred the following petitions, asked to be discharged from the further consideration of the same, viz:

By Mr. Gilbert, from the Committee on the Judiciary—

The petition of sundry citizens of Campbell county, praying the passage of an act changing the boundary of the Hayfield district, in said county.

By Mr. Goodloe, from the same committee—

The petition of members of the Greenup county bar, praying the creation of a new chancery court.

By same—

The petition of J. M. Teer and Mary C. Teer, praying the passage of an act for their benefit.

Which was granted.

On motion of Mr. Simmons,

A message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the Senate, entitled

A bill for the benefit of the creditors of the Institution for the Education and Training of Feeble-minded Children.

Which was granted, and said bill handed in at the Clerk's desk.

On motion of Mr. Simmons,

The vote by which the Senate had passed said bill was reconsidered.

Ordered, That said bill be recommitted to the Committee on Charitable Institutions.

Bills from the House of Representatives, of the following titles, were reported from the Committee on the Judiciary, to whom they had been referred, viz:
By Mr. Hays—
An act for the benefit of the lessees of the "Gem," in the town of Franklin;
By same—
An act for the benefit of J. M. Burden, of Wolfe county;
By Mr. Gilbert—
An act for the benefit of Martha A. Rollins, of Garrard county;
With the expression of opinion that said bills ought not to pass.
And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.
So said bills were disagreed to.
Mr. Goodloe, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled
An act to prohibit the law partner or partners of the Attorney General, Commonwealth and county attorneys of this State to defend any person whom, by the laws of this Commonwealth, it is made the duty of said officers to prosecute,
Reported the same without amendment.
Ordered, That said bill be read a third time.
Said bill was read a third time as follows, viz:

[For bill—see Acts present session.]
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. McManama and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, D. H. Lindsay,
John S. Barlow, W. C. Goodloe, R. B. Lovel,
W. J. Berry, H. S. Hale, A. L. Martin,
Robert A. Briggs, Thomas P. Hargis, Robert Simmons,
W. W. Culbertson, J. W. Hays, Thos. W. Varnon,
William P. Duvall, George B. Hodge, W. L. Vories,
P. F. Edwards, I. L. Hyatt, C. J. Walton,

Those who voted in the negative, were—


Resolved, That the title of said bill be as aforesaid.
Mr. Hays, from the Committee on the Judiciary, reported a bill, entitled
A bill to regulate the holding of circuit courts in the 15th judicial district.
Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,
Ordered, That said bill be engrossed and read a third time.

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

On motion of Mr. Briggs,
Leave was given to bring in a bill for the benefit of the Lebanon police court.

Ordered, That the Committee on the Judiciary prepare and bring in the same.

Bills from the House of Representatives, of the following titles, were reported from the Committee on the Judiciary, to whom they had been referred, viz:
By Mr. Hays—
An act for the protection of livery-stable keepers, farmers, and other persons in this Commonwealth.

By Mr. Gilbert—
An act for the benefit of the Law Department of Kentucky University.

By same—
An act to enable associations of persons for raising funds, to be loaned among their members for building them homesteads and other purposes, to become bodies-corporate.

Ordered, That the last named bill be placed in the orders of the day, and that the others be read a third time.

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

Mr. Goodloe, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled
An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison Woodford, and Scott,
Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That a court of justice, to be known as the "Court of Common Pleas," is hereby established in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott.

§ 2. On the first Monday in August, 1874, and on the same day every sixth year thereafter, an election shall be held in said counties for the election of a judge of said court, who shall enter upon his office on the second Monday thereafter, and continue in office for six years, and receive the same salary allowed by law to a judge of a circuit court, and payable in the same manner; and the election provided for in this section shall be conducted, in all respects, as are elections for judges of circuit courts.

§ 3. All the provisions of section 5, section 7, section 8, and section 9 of article 10 of chapter 28 of the General Statutes are hereby re-enacted and applied to the court established by this act, and the judge thereof, as fully and in the same manner as the same are made applicable by the said sections to the courts provided for in said article.

§ 4. All the laws of this State in relation to the appointment of master commissioners by circuit courts, and their duties and responsibilities, are hereby made applicable to the court created by this act.

§ 5. The terms of said court shall be as follows: In the county of Fayette one term, beginning on the first Monday in January, and continuing twelve juridical days, if the business shall require it; one term, beginning on the first Monday in April, and continuing twenty-four juridical days, if the business shall require it; one beginning on the first Monday in September, and continuing thirty-six juridical days, if the business shall require it. In the county of Bourbon one term, beginning on the first Monday in June, and continuing twelve juridical days, if the business shall require it. In the county of Madison one term, beginning on the third Monday in May, and continuing twelve juridical days, if the business shall require it. In the county of Woodford one term, beginning on the third Monday in June, and continuing twelve juridical days, if the business shall require it. In the county of Bath one term beginning on the first Monday in May, and continuing twelve juridical days, if the business requires it; and one term beginning on the third Monday in November, and continuing twelve juridical days, if the business shall require it. In the county of Scott one term beginning on the third Monday in November, and continuing twelve juridical days, if the business shall require it. Said court shall also have the power to hold special terms in either of said counties for the trial of common law and equity cases; which terms may be held in the manner provided by law in relation to special terms of circuit courts; and it shall be the duty of the judge to hold such special terms whenever the business in either county may require it; and he shall hold at least one special term in each year in the county of Fayette.

§ 6. It shall be the duty of the circuit court in each of the counties named in this act, at the close of the first term after the organization of the court created by this act, to make orders transferring to said common
pleas court so many of the common law and equity causes left undisposed of in said circuit court as may be necessary to relieve its docket, but not exceeding one half of said causes; and the causes thus transferred shall be entered upon the docket of said common pleas court, and tried as if originally brought therein.

§ 7. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


In the negative—Robert Boyd—1.

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

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

An act to incorporate the Ballard County Coal and Transportation Company;

An act to amend the charter of the town of Nicholasville;

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

An act to amend chapter 49 of the General Statutes;

An act to amend chapter 75 of the General Statutes, title "Master Commissioners, Receivers, and other Commissioners in Equity;"

An act to amend chapter 22 of the General Statutes, title "Contracts;"

An act to amend section 13, chapter 42, of the General Statutes;

An act to amend the charter of the Caverna Deposit Bank, in Hart county;

An act to amend section 14, chapter 75, General Statutes;

An act to amend and continue in force an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law April 15th, 1873;
An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county;"

An act to amend an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869;

An act to incorporate the town of Rowlett's Station, in Hart county;

An act for the benefit of Allen, Harbison & Co., of Augusta, in Bracken county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

The Senate, according to order, took up for consideration the report of the Committee on the Judiciary, asking to be discharged from the further consideration of sundry petitions, praying the passage of certain amendments to the charter of the Kentucky University; also sundry remonstrances against the passage of said amendments, and a leave to bring in a bill to amend the charter of the Kentucky University, together with the minority report of said committee.

The question was then taken on discharging the committee.

Pending the consideration of which,

Mr. Holt moved that the Senate do now adjourn.

Which motion was adopted.
THURSDAY, FEBRUARY 5, 1874.

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

An act to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars.

An act to regulate the responsibility of innkeepers.

An act to repeal an act, entitled "An act to amend the charter of the Bank of Newcastle," approved 20th December, 1873.

An act to amend an act, entitled "An act to incorporate the Mississippi Valley Life Insurance Company of America," approved February 15, 1866.

An act for the benefit of I. L. Hyatt.

An act to amend the charter of the town of Earlington.

An act to amend chapter 223, laws 1844, approved 27th February, 1844.

An act to amend an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company."

An act to amend the charter of the city of Covington.

An act to amend an act, entitled "An act to incorporate the Bear-grass Transportation Company," approved January 25, 1868.

An act to incorporate the town of St. Charles, in Hopkins county. With amendments to the last three named bills. Which were taken up, twice read, and concurred in. That they had adopted a resolution, entitled Resolution to appoint a joint committee to inquire into the expediency of severing the Agricultural College from Kentucky University.

And had passed bills of the following titles, viz:
1. An act to prohibit the sale of spirituous liquors in Fulton county.
2. An act to amend the charter of Lebanon, in Marion county.
3. An act to amend chapter 28, article 5, General Statutes.
4. An act for the benefit of E. M. Springfield, late sheriff of Webster county, and securities.

5. An act to amend an act, entitled "An act to transfer the equity cases from the Hickman circuit court to the Hickman court of common pleas," approved March 11th, 1873.

6. An act to amend an act to regulate the time of holding the Nicholas and Mason circuit courts, approved February 7, 1873.

7. An act for the benefit of the Union Mills Turnpike Company.

8. An act to redistrict the county of Jessamine for justices' districts.

9. An act to amend the charter of West Covington, Kenton county.

10. An act to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad Company."

11. An act for the benefit of Samuel Biggerstaff, late sheriff of Madison county.

12. An act to amend an act, entitled "An act to incorporate the Madison County Agricultural Association."

13. An act to amend an act, entitled "An act to amend the charter of the city of Covington, Kenton county."


15. An act to incorporate the Jeffersontown and Plum Creek Turnpike Road Company.

16. An act to amend an act, entitled "An act to reduce into one all acts in relation to Barbourville."

17. An act for the benefit of James M. Bolton, jailer of Knox county.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Religion and Morals; the 2d, 9th, 13th, 14th, and 16th to the Committee on the Judiciary; the 3d to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 4th and 17th to the Committee on Finance; the 5th, 6th, and 8th to the Committee on Courts of Justice; the 7th and 15th to the Committee on Internal Improvement; the 10th to the Committee on Railroads, and the 12th to the Committee on Agriculture and Manufactures; and the 11th was ordered to be read a third time.

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

The following petitions were presented, viz:

By Mr. Barker—
1. The petition of citizens of Taylorsville, Spencer county, asking the passage of a law in relation to taxation of the property thereof.

By Mr. Haggard—
2. The petition of citizens of Clinton county, in relation to a mill-dam on Wolf river.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Revised Statutes and Codes of Practice and General Statutes, and the 2d to the Committee on Propositions and Grievances.

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

On motion of Mr. Culbertson—
1. A bill to amend the charter of the town of Ashland.

On motion of same—

On motion of same—
3. A bill to repeal article 2d of chapter 102 of the General Statutes, entitled "Small-pox," so far as it applies to Boyd county.

On motion of Mr. Swoope—
4. A bill to amend the charter of the Planters' Bank of Kentucky.

On motion of Mr. Vories—
5. A bill for the benefit of the commissioners of the turnpike fund in Henry county.

On motion of Mr. Hyatt—
6. A bill to amend the charter of the Louisville and Westport Railroad Company.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st and 2d; the Committee on Revised Statutes and Codes of Practice and General Statutes the 3d; the Committee on Banks and Insurance the 4th; the Committee on Internal Improvement the 5th, and the Committee on Railroads the 6th.

On motion of Mr. Walton, leave of absence, indefinitely, was granted Mr. Huffaker.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.
Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT,
FRANKFORT, February 5th, 1874.

Gentlemen of the Senate:
I nominate for your advice and consent the following named persons as suitable to be commissioned notaries public, viz:
G. W. Breland, of Meade county.
Orrin B. Hallam, of Kenton county.
James H. Campbell, of Fayette county.

P. H. LESLIE.

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

Mr. Vories, by unanimous consent, reported a bill, entitled
A bill to amend chapter 92, title "Revenue and Taxation," General Statutes.
Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be printed, and referred to the Committee on Finance.

Mr. Frazer moved to reconsider the vote by which the Senate had, on yesterday, disagreed to the passage of a bill from the House of Representatives, entitled
An act for the benefit of the lessees of the "Gem," in the town of Franklin.
Which motion was simply entered.

Bills from the House of Representatives, of the following titles, were reported by the several committees to whom they had been referred, viz:
By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
An act to amend section 11, article 27, chapter 29, of the General Statutes, entitled "Crimes and Punishments."
By same—
An act to amend section 5, article 35, of chapter 29, of the General Statutes, entitled "Crimes and Punishments."
By same—
An act to amend section 14 of article 1, chapter 12, of the General Statutes.
By Mr. Holt, from the Committee on Finance—
An act for the benefit of J. M. Barnett, of Whitley county.
By Mr. Jefferson, from the same committee—
An act for the benefit of the city of Louisville.
With an amendment to the last named bill.
Which amendment was adopted.
Ordered, That said bill be read a third time.
The constitutional provision as to the third reading of said bill being dispensed with,
Resolved, That said bill do pass, and that the titles thereof be as aforesaid.

Mr. Simmons, from the Committee on Charitable Institutions, to whom had been recommitted a bill, entitled
A bill for the benefit of the creditors of the Institution for the Education and Training of Feeble-minded Children,
Reported the same with an amendment, which reads as follows, viz:
Amend section one by striking out all after the word "contracted," in the 5th line, down to and including the word "institution," in the 8th line, and insert in lieu thereof the following words, viz: "prior to the 1st day of May, 1873, for provisions, clothing, and other supplies for the support and maintenance of the inmates in said institution, being the full amount of unpaid claims to that date."

Which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.
The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—
Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, W. C. Goodloe, R. B. Lovel,
W. J. Berry, D. R. Haggard, O. D. McManama,
Scott Brown, H. S. Hale, Robert Simmons,
W. W. Culbertson, Thos. F. Hargis, E. W. Turner,
W. A. Cunningham, J. W. Hays, Thos. W. Varnon,
P. W. Darby, George B. Hodge, W. L. Vories,
Wm. P. Duvall, I. L. Hyatt, C. J. Walton,

In the negative—Robert Boyd—1.
Resolved, That the title of said bill be as aforesaid.

Mr. Gilbert moved to reconsider the vote by which the Senate, on yesterday, discharged the Committee on the Judiciary from the further consideration of the petition of sundry citizens of Campbell county, praying the passage of an act to change the western boundary line of the district of Hayfield, in Campbell county.

Which motion was simply entered.

Mr. Hodge, from the Committee on Railroads, reported a bill, entitled

A bill to authorize the city of Owensboro to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company.

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

The constitutional provision as to the second reading of said bill being dispensed with,

On motion of Mr. Swoope,

Ordered, That the further consideration of said bill be postponed until to-morrow.

Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend article 1 of chapter 59 of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1870, and March 8, 1870, and further regulate the inspection and gauging burning fluids,

Reported the same with the expression of opinion that said amendment should not be concurred in.

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

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

An act to organize and establish a system of public schools in Owingsville, Bath county;

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville;"
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An act to authorize the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company to borrow money;
An act to incorporate the Maysville District Camp-meeting Association of the Methodist Episcopal Church;
An act to repeal an act, entitled "An act to provide for the improvement of public roads in Butler county;"
An act to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Mr. Sterling;"
And enrolled bills, which originated in the Senate, of the following titles, viz:
An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 7, 1867, and the several acts amendatory thereto;
An act to amend the charter of the town of Earlington;
An act to regulate the responsibility of innkeepers;
An act to repeal an act, entitled "An act to amend the charter of the Bank of Newcastle," approved 20th December, 1873;
An act to amend an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company;"
An act to amend an act, entitled "An act to incorporate the Mississippi Valley Life Insurance Company of America," approved February 15, 1866;
An act to amend chapter 223, laws 1844, approved 27th February, 1844;
An act to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars;
An act for the benefit of I. L. Hyatt;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.
After a short time, Mr. Hyatt reported that the committee had performed that duty.
A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and
signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

- An act to incorporate the Farmers' Bank of Longview.
- An act to provide for the improvement of Rockcastle river and its Forks.
- An act to incorporate the Boyd County Fair and Exposition Association.
- An act to amend the charter of the Methodist Episcopal Church, South, Widows and Orphans' Home.
- An act to amend chapter 75 of the General Statutes, entitled "Master Commissioners, Receivers, and other Commissioners in Equity."
- An act to amend chapter 49 of the General Statutes.
- An act to amend section 19, chapter 42, of the General Statutes.
- An act to amend chapter 22 of the General Statutes, title "Contracts."
- An act to amend an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869.
- An act to amend the charter of the Caverna Deposit Bank, in Hart county.
- An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."
- An act to amend section 14, chapter 75, General Statutes.
- An act to incorporate the town of Rowlett's Station, in Hart county.
- An act to amend and continue in force an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law April 15th, 1873.

The Senate, according to order, took up for consideration the report of the Committee on the Judiciary, in relation to the proposed amendments to the charter of the Kentucky University.

Pending the consideration of which,

Mr. Hodge moved that the Senate do now adjourn.
Which motion was adopted.
And then the Senate adjourned.
FRIDAY, FEBRUARY 6, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith.

An act to increase the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth.


An act in relation to the town of Newtown, in Scott county.

An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

An act for the benefit of the present lessees of the Idee Hotel.

An act for the benefit of Mason Morris, late sheriff of Edmonson county.

An act to amend the charter of the Bath Seminary, incorporated by an act approved February 23, 1846.

An act to authorize the county judge of Campbell county to appoint one day in each week upon which the justices of the peace for the Dayton and Bellevue magisterial district may hear civil causes.

An act authorizing the county court of Magoffin county to dispose of its land warrants at the rate of two dollars and fifty cents per one hundred acres.

An act to prohibit the destruction of fish in Tennessee river, or within one mile of the mouth of its tributaries.

An act to incorporate the Catholic Benevolent Society of Mt. Sterling.

An act authorizing Stephen Nethercutt, late sheriff of Carter county, and Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff of Lyon county, to list tax receipts and fee bills with constables of said counties for collection.
An act to amend the charter of the town of Bellpoint, in Franklin county.

An act to amend an act, entitled "An act for the benefit of the personal representatives of Robert Foster, deceased."

An act to amend chapter 92, article 10, section 2, title "Revenue and Taxation," General Statutes.

An act to grant and confirm unto the St. Louis and Southeastern Railway Company (consolidated) the rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company, the Evansville, Henderson, and Nashville Railroad Company, and the St. Louis and Southeastern Railway Company (Kentucky Division).

An act to incorporate the town of Geigerville, in the counties of Boyd and Carter.

An act to incorporate the Ballard County Coal and Transportation Company.

An act to amend the charter of the town of Nicholasville.

That they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of the city of Louisville.

An act to provide for the purchase or erection of a school-house for district No. 43, in Graves county.

That they had adopted a resolution, entitled Resolution directing the Governor to purchase Hart's busts of Clay and Jackson.

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

1. An act to amend the charter of the Cumberland and Ohio Railroad Company

2. An act to incorporate the Paducah Street Railway Company.

3. An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the eighth and ninth Congressional districts;" approved 17th February, 1878.

4. An act to prohibit the use of intoxicating liquors in Lawrence and Bath counties on election days.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 2d were referred to the Commit-
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Franklin

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Commonwealth Bridge Company.
An act for the benefit of the city of Frankfort.
An act for the benefit of the city of Harlan;
An act to amend an act, entitled "An act to establish an additional justices' district in Bath county;"
An act to amend an act, entitled "An act for the benefit of the officers and soldiers of the 31st regiment enrolled militia," approved February 7, 1866;
An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison Woodford, and Scott;
An act for the benefit of Haywood Gilbert, late sheriff of Clay county;
An act for the benefit of the city of Louisville;
An act to provide for holding a term of the Carter circuit court for the trial of equity causes and motions triable by the court;
An act for the benefit of B. J. Hobbs, an idiot of Graves county;
An act to provide for the purchase or erection of a school-house for district No. 43, in Graves county;
Also a resolution, entitled Resolution directing Public Librarian to purchase certain books;
Also bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Commonwealth Bridge Company;
An act for the benefit of the city of Frankfort;
An act to amend the charter of the city of Covington;
An act to amend an act, entitled "An act to incorporate the Bear-grass Transportation Company," approved January 25, 1868;
An act to incorporate the town of St. Charles, in Hopkins county;
And had found the same truly enrolled.
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 approval and signature.

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

Bills from the House of Representatives, of the following titles, were reported from the Committee on the Judiciary, to whom they had been referred, viz:

By Mr. Hargis, from the Committee on the Judiciary—
An act in relation to the town of Flemingsburg

By same—
An act to amend an act incorporating the town of Upton, in Hardin and Larue counties.

By Mr. Turner, from the same committee—
An act to incorporate the Richmond Gas-light Company.

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

The constitutional provision as to the second reading of said bills being dispensed with,
Ordered, That said bills be engrossed and read a third time.

The constitutional provision 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. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred a bill from the House of Representatives, entitled
An act to amend chapter 102 of the General Statutes, title "Smallpox."

Reported the same with an amendment.
And the question being taken on the adoption of said amendment, it was decided in the negative.

Mr. Walton moved to lay 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. Walton and Boyd, were as follows, viz:
Those who voted in the affirmative, were—
Geo. A. C. Holt.

Those who voted in the negative, were—
Thos. J. Barker, P. F. Edwards, R. B. Lovel,
John S. Barlow, John J. Gatewood, O. D. McManama,
W. J. Berry, Jesse C. Gilbert, Robert Simmons,
Robert Boyd, D. R. Haggard, E. W. Turner,
W. W. Culbertson, H. S. Hale, Thos. W. Varnon,

Said bill reads as follows, viz:
§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That sections 4, 8, and 9 of article 2, chapter 102, of the General Statutes, be, and the same are hereby, repealed.

§ 2. That section 5 of article 2 of said chapter be amended by striking out the words “and are required” from the third line of said section.

§ 3. That it shall be the duty of the judge of the county court of each county, whenever, in his opinion, the necessity for such action exists, to call his court together; and said court shall have power to give to some practicing physician or physicians of the county written authority to vaccinate all persons in the county who are unable to procure vaccination. The physician so appointed shall furnish to the judge of said court a true list, under oath, of the persons vaccinated by him, with the charges therefore, which shall not exceed twenty-five cents for each successful vaccinating, and the judge shall report the same to the court of claims for his county, and the court shall order the charges to be paid out of the county levy.

§ 4. This act shall be in force from its passage.

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

The constitutional provision 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. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom had been referred a bill from the House of Representatives, entitled

An act to repeal section 5 of the 65th chapter of the General Statutes,

Reported the same with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

61-s.
The Senate then took up for consideration the special order, entitled
A bill to authorize the city of Owensboro to subscribe stock to the
Vincennes, Petersburg, and Owensboro Railroad Company.
On motion of Mr. Swoope,
Ordered, That the further consideration of said bill be postponed until 10½ o'clock to-morrow.
The Senate then took up for consideration the special order, a bill
from the House of Representatives, entitled
An act providing for the continuation of the geological, mineralogical, and botanical survey now in progress in Kentucky, and for the prosecution of other surveys.
On motion of Mr. Martin,
Ordered, That the further consideration of said bill be postponed until to-morrow.
The following bills were reported from the committee directed
to prepare and bring in the same, viz:
By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill to amend an act, entitled “An act to reduce into one the several acts in relation to the town of Taylorsville.”
By same—
A bill directing the boundary line between Spencer and Shelby counties to be run and re-marked.
By same—
A bill directing the boundary line between Spencer and Nelson counties to be run and re-marked.
By same—
A bill to supply the General Statutes to the justices of the peace of Trigg county.
Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with,
Ordered, That said bills be engrossed and read a third time.
The constitutional provision 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. Boyd presented the petition of Isaac Tupey, of Laurel county, praying compensation for school taught in said county in 1873.

Which was received, the reading dispensed with, and referred to the Committee on Propositions and Grievances.

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

On motion of Mr. Lindsay—
1. A bill to regulate legal advertisements in the county of Gallatin.

On motion of same—

On motion of Mr. Boyd—

On motion of same—
4. A bill for the benefit of Green B. McCracken, of Laurel county.

On motion of Mr. Turner—
5. A bill to amend an act, entitled “An act to incorporate and reduce into one all acts in regard to the town of Richmond,” approved January 18, 1868.

On motion of Mr. Gilbert—
6. A bill for the benefit of the Paducah Savings Bank.

On motion of Mr. Goodloe—
7. A bill for the benefit of S. L. Chevis, of Fayette county.

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st and 2d; the Committee on Propositions and Grievances the 3d and 4th; the Committee on Revised Statutes and Codes of Practice and General Statutes the 5th; the Committee on Banks and Insurance the 6th, and the Committee on Claims the 7th.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled “An act to amend and reduce into one the several acts concerning the city of Henderson,” approved February 7, 1867, and the several acts amendatory thereto.

An act to amend the charter of the town of Earlington.

An act to amend an act, entitled “An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of
the Memphis Branch of the Louisville and Nashville Railroad Company."

An act to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars.

An act to regulate the responsibility of innkeepers.

An act to repeal an act, entitled "An act to amend the charter of the Bank of Newcastle," approved 20th December, 1873.

An act to amend an act, entitled "An act to incorporate the Mississippi Valley Life Insurance Company of America," approved February 15, 1866.

The Senate, according to order, took up for consideration the report of the Committee on the Judiciary, to whom had been referred the petitions of sundry citizens of the State and members of the Christian Church, praying the passage of certain amendments to the charter of the Kentucky University at Lexington; also the remonstrance of sundry other citizens and members of said church against the passage of said amendments; also a leave to bring in a bill, entitled

A bill to amend the charter of the Kentucky University,

Asking to be discharged from the further consideration of said petitions, remonstrances, and leave,

Together with the report of a minority of said committee, recommending the passage of a bill, entitled

A bill to amend an act, entitled "An act to amend the charter of Bacon College," approved January 15th, 1858.

The question was then taken on discharging the committee from the further consideration of said petitions, remonstrances, and leave, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—

John S. Barlow,   John J. Gatewood,   D. H. Lindsay,
Robert Boyd,      W. C. Goodloe,      R. B. Lovel,
Robert A. Briggs, J. W. Hays,       O. D. McManama,
James F. Clay,    G. A. C. Holt,     W. L. Vories,
P. F. Edwards,

Those who voted in the negative, were—

Scott Brown,      Thos. F. Hargis,     G. W. Swoope,
William P. Duvall, Geo. B. Hodge,     E. W. Turner,
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W. W. Frazer, A. L. Martin, Thos. W. Varnon,
H. S. Hale,

Mr. Hays moved to reconsider the vote by which the committee had been discharged.

Mr. Goodloe moved to lay that motion on the table.

Pending the consideration of which, Mr. Holt moved that the Senate do now adjourn.

Which motion was adopted.
And then the Senate adjourned.

SATURDAY, FEBRUARY 7, 1874.

The Lieutenant Governor being absent,

On motion, Hon. Alexander L. Martin was unanimously elected Speaker pro tem.

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

An act to amend an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county.

An act for the benefit of James Crow, committee for William Gilbert and Martha Gilbert.

An act for the benefit of Mary Blain and Georgia Ann Hays.

An act requiring certain legal advertisements, in Lewis county, to be inserted in the Vanceburg Kentuckian.

With an amendment to the last named bill.

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

1. An act to amend an act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road, approved April 21st, 1873.

2. An act to amend an act to amend an act to incorporate the Frankfort, Paris, and Big Sandy Railroad Company.
3. An act limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the Cumberland and Ohio Railroad Company.

4. An act to amend an act, entitled "An act to establish tram-tracks or railways to navigable streams and railroads in Rockcastle county."

5. An act to more effectually secure the collection of railroad taxes in Bourbon county.

6. An act for the benefit of Wm. Sword and Fleming Justice, of Pike county.

7. An act declaring Blackberry creek, in Pike county, a navigable stream.

8. An act for the benefit of L. B. Piersal, of Lewis county.

9. An act for the benefit of J. W. Shelby and wife, of Lincoln county.

10. An act for the benefit of W. R. Stringer, of Livingston county.

11. An act for the benefit of Mrs. Mary Davis, of Livingston county.

12. An act for the benefit of Haly, Mahoney & Co.

13. An act to amend and reduce into one all the acts in relation to the town of Owingsville.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was ordered to be read a third time; the 2d, 3d, 4th, and 5th were referred to the Committee on Railroads; the 6th was placed in the orders of the day; the 7th was referred to the Committee on Proposals and Grievances; the 8th, 10th, and 11th to the Committee on Finance; the 9th to the Committee on the Judiciary; the 12th to the Committee on Appropriations, and the 13th to the Committee on Revised Statutes and Codes of Practice and General Statutes.

The constitutional provision as to the third reading of said first bill being dispensed with,

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

The following petitions were presented, viz:

By Mr. Barlow—

1. The petition of James Grubbs, of Barren county, praying the
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[Febr. 7.] passage of an act changing the boundary of common school district No. 39, in Barren county.

By Mr. Berry—

2. The petition of the members of the bar of the town of Calhoon, praying the formation of a new chancery district.

Which were received, the reading dispensed with, and referred—the 1st to the Committee on Education, and the 2d to the Committee on Courts of Justice.

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

On motion of Mr. Goodloe—

1. A bill to authorize the sale of Augusta College, in Bracken county.

On motion of same—

2. A bill to amend the charter of the Mt. Sterling Coal Road Company.

On motion of Mr. Lovel—

3. A bill in relation to the bonded debts of Lewis county.

On motion of Mr. Swoope—

4. A bill to alter and amend the road laws of the county of Daviess.

On motion of Mr. Brown—

5. A bill to amend section 6, article 12, of General Statutes, title "Revenue and Taxation."

Ordered, That the Committee on Courts of Justice prepare and bring in the 1st and 4th; the Committee on Railroads the 2d; the Committee on Propositions and Grievances the 3d, and the Committee on Finance the 5th.

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

By Mr. Simmons, from the Committee on Charitable Institutions—

A bill to amend the charter of the city of Covington.

By Mr. Frazer, from the Committee on Banks and Insurance—

A bill for the benefit of the Paducah Savings Bank.

By Mr. McManama, from the Committee on Courts of Justice—

A bill for the benefit of John Wallace, clerk of the Boone circuit court.

By Mr. Simmons, from the Committee on Finance—

A bill for the benefit of the sureties of J. C. Calhoon, late sheriff of McCracken county.
By Mr. Holt, from the same committee—
A bill for the benefit of T. M. Freeman, sheriff of Marshall county.
By Mr. Turner, from the Committee on Internal Improvement—
A bill to amend an act, entitled "An act to authorize the Jamestown justices' district, in Campbell county, to issue bonds."
By Mr. Clay, from the Committee on the Judiciary—
A bill to amend an act, entitled "An act to incorporate the Henderson Building and Loan Association."
By Mr. Hays, from the same committee—
A bill to create the office of street commissioner in Newport, Campbell county.
By Mr. Briggs, from the Committee on Internal Improvement—
A bill to amend the charter of the Springfield, Pleasant Run, and Mackville Turnpike Road Company.
Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with,
Ordered, That said bills be engrossed and read a third time.
The constitutional provision 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. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:
An act for the benefit of James Crow, committee for William Gilbert and Martha Gilbert;
An act to amend an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county;
An act for the benefit of Mary Blain and Georgia Ann Hays;
Also bills, which originated in the House of Representatives, of the following titles, viz:
An act for the protection of livery-stable keepers, farmers, and other persons in this Commonwealth;
An act to amend an act, entitled "An act to create a special road law for Pendleton county," approved January 26, 1869;
An act to amend an act, entitled "An act to incorporate the Danville Gas-light Company;"
An act to incorporate the town of California, in Campbell county;
An act to prohibit the law partner or partners of the Attorney General, Commonwealth and county attorneys of this State to defend any person whom, by the laws of this Commonwealth, it is made the duty of said officers to prosecute;
An act for the benefit of J. M. Barnett, of Whitley county;
An act for the benefit of the Law Department of Kentucky University;
An act to empower the county court of Garrard county to make additional subscription to the Lancaster and Buckeye Turnpike Road Company;
An act in relation to the town of Flemingsburg;
An act for the benefit of Samuel Biggerstaff, late sheriff of Madison county;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

Bills from the House of Representatives, of the following titles, were reported by the several committees to whom they had been referred, viz:

By Mr. Haggard, from the Committee on Claims—
An act for the benefit of L. D. Padgett, of Pulaski county.

By Mr. McManama, from the Committee on Courts of Justice—
An act to authorize the judges of the Bourbon and Elliott quarterly courts to appoint clerks of said courts.

By same—
An act to amend an act to regulate the time of holding the Nicholas and Mason circuit courts, approved February 7, 1873.

By Mr. Gatewood, from the same committee—
An act to legalize certain orders of the Larue county court of claims.

By same—
An act to amend an act, entitled "An act to transfer the equity cases from the Hickman circuit court to the Hickman court of common pleas," approved March 11th, 1873.

62-s.
By same—
An act to regulate official advertisements in the county of Henry.

By same, from the Committee on Education—
An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the eighth and ninth Congressional districts,'" approved 17th February, 1873.

By Mr. Turner, from the Committee on Internal Improvement—
An act to amend an act, entitled "An act to incorporate the Madison County Agricultural Association."

By Mr. Duvall, from the same committee—
An act to amend an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county."

By same—
An act to amend an act, entitled "An act for the benefit of the Cynthiana and Paddy's Run and Lair's Station Turnpike Road Company."

By Mr. Vories, from the Committee on Finance—
An act for the benefit of Geo. L. Petty, assessor of Henry county.

Ordered, That said bills be read a third time.

The constitutional provision 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.

The yeas and nays being required on the passage of the last named bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Robert Boyd, D. R. Haggard, Robert Simmons,
Robert A. Briggs, H. S. Hale, G. W. Swoope,
James F. Clay, J. W. Hays, E. W. Turner,
W. W. Culbertson, George B. Hodge, Thos. W. Varnon,
Wm. P. Duvall, G. A. C. Holt, W. L. Vories,
P. F. Edwards, I. L. Hyatt, C. J. Walton,

In the negative—none.

Said bill reads as follows, viz:

WHEREAS, George L. Petty, assessor of Henry county, having failed to take the oath prescribed by the second section of the act approved March 25th, 1872, entitled "An act to amend chapter 83 of the Revised Statutes, title 'Revenue and Taxation,'" the Auditor of Public Accounts did not feel authorized to pay, and did not pay, said Petty for his services for
Henry, 1873; and whereas, said Petty having performed said services fully and satisfactorily in all respects, except in not complying with said second section of said act as represented to this General Assembly, and being assured that he failed of his duty in that regard in consequence of his ignorance of the law; therefore, 

That the Auditor of Public Accounts be authorized to draw his warrant on the Treasurer in favor of George L. Petty, assessor of Henry county, for the amount due and owing him for services for listing the taxable property, &c., of said county for the year 1873.

§ 2. This act shall be in force and effect from its passage.

The Senate then took up for consideration the special order, entitled

A bill to authorize the city of Owensboro to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company.

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

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the mayor and council of the city of Owensboro shall be, and they are hereby, vested with power and authority to subscribe one hundred thousand dollars to the stock of the Vincennes, Petersburg, and Owensboro Railroad Company, and to pay for said stock in the bonds of the city of Owensboro, payable at thirty years after date, with interest at (8%) eight per cent. per annum, payable semi-annually: Provided, Said subscription shall be made upon the condition that said company shall agree, in writing, to run, contract, and complete said railroad from Vincennes, in the State of Indiana, so as to make the terminus of the same on the Ohio river, in the State of Indiana, opposite the city of Owensboro, Kentucky: And provided further, That the said bonds, nor the interest arising thereon as aforesaid, or any part thereof, shall become due or payable until after the building and completion of the said railroad; and the said stock so subscribed, and dividends on the same arising from said road, shall stand pledged for the payment of the principal and interest of said bonds so to be issued as aforesaid, shall be applied, from time to time, in the purchase and withdrawal of said bonds, in such manner and under such regulations as said parties may agree to in writing.

§ 2. That should said subscriptions be made, and the bonds aforesaid issued in accordance with the provisions of the preceding sections of this act, it shall be the duty of the mayor and council of the city of Owensboro, after the completion of said road from Vincennes to a point on the Ohio river opposite Owensboro, to prescribe by ordinance the mode and manner of the payment of such bonds, and may, for that purpose, levy a tax upon the property of said city, under such rules and regulations, and collectable in such manner, as they may see proper, not inconsistent with the Constitution and laws of this State: Provided, The mayor and council of the city of Owensboro may, if they deem best, within five years from the date of said subscription, pay the same; and for this purpose may levy and collect an annual tax, as provided by this act, sufficient to pay one fifth of said subscription annually, and shall be entitled to a certificate of stock in said company for the amount thus paid, and on the full payment of the said subscription shall be entitled to stock in said company for the full amount subscribed and paid in; but in no event shall such
subscription be made or bonds issued, unless a majority of all the legal voters in said city of Owensboro vote therefor, and said [road] completed by the most direct and available route from Vincennes, in the State of Indiana, to a point opposite Owensboro, Kentucky, on the Ohio river.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The Senate, according to order, took up for consideration a bill, entitled

A bill to amend section 6 of an act, entitled "An act for the incorporation and regulation of fire, marine, health, accident, live stock, and all other, except life insurance companies."

On motion,

Ordered, That the further consideration of said bill be postponed until Monday morning, at 10½ o'clock.

The Senate then took up for consideration a bill from the House of Representatives, entitled

An act to enable associations of persons for raising funds, to be loaned among their members for building them homesteads and other purposes, to become bodies-corporate.

Ordered, That said bill be recommitted to the Committee on the Judiciary.

Mr. Barker, from the Committee on Claims, to whom was referred leave, reported a bill, entitled

A bill for the benefit of John B. Ruark, of Hart county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.
Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on the Treasury for the sum of three hundred and eighty dollars and thirty-three cents, in favor of John B. Ruark, committee of Priscilla M. Ruark, a pauper lunatic of Harp county, Kentucky, for keeping said lunatic from the 28th of March, 1872, to the 15th of October, 1873, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

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

Those who voted in the affirmative, were—

Thos. J. Barker,          P. F. Edwards,          A. L. Martin,
John S. Barlow,           W. W. Frazer,           Robert Simmons,
W. J. Berry,             John J. Gatewood,        G. W. Swoope,
Robert Boyd,              Jesse C. Gilbert,      E. W. Turner,
Robert A. Briggs,         W. C. Goodloe,         Thos. W. Varnon,
Scott Brown,              D. R. Haggard,         W. L. Vories,
James F. Clay,            H. S. Hale,            C. J. Walton,
Win P. Duvall,            I. L. Hyatt,

In the negative—none.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Commonwealth Bridge Company.

An act to amend an act, entitled “An act to amend and reduce into one the several acts concerning the city of Henderson,” approved February 7, 1867, and the several acts amendatory thereto.

An act to amend the charter of the town of Earlington.

An act to amend an act, entitled “An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.”

An act to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars.

An act to regulate the responsibility of innkeepers.

An act to amend an act, entitled “An act to incorporate the Beargrass Transportation Company,” approved January 25, 1868.

An act to incorporate the town of St. Charles, in Hopkins county.
An act to amend the charter of the city of Covington.
The Senate took up for consideration a bill, entitled
A bill to further amend the charter of the Kentucky River Navigation Company.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,
That an act, entitled "An act to incorporate the Kentucky River Navigation Company," approved March 1st, 1865, and an act approved February 16th, 1869, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky River Navigation Company,'" be, and the same are hereby, amended as follows:

§ 1. Any mortgage executed by said company shall be recorded in the clerk's office of the Franklin county court, and need not be recorded elsewhere.

§ 2. Said company may lease water-power, created by dams erected by, or leased to, said company.

§ 3. The directors of said company may fill any vacancy caused by the death or resignation of a director.

§ 4. If any person, navigating the waters of the Kentucky river or any of its tributaries, within the influence of the improvements of said company, or of any improvements owned by it, or under its control, by lease or otherwise, shall fail or refuse to pay the tolls which are legally chargeable by said company, the person so offending shall forfeit and pay to the use of said company three times the amount of such tolls, to be recovered by civil action in the name of said company. If any officer, agent, or owner of a vessel navigating said waters shall knowingly and willfully make, or cause to be made, to any agent of the said company, any false statement, with intent thereby to defraud said company, he shall be liable to pay to the company not less than two hundred and not more than five hundred dollars, recoverable by civil action, and the owner or owners of such vessel may be held jointly liable in said action with the officer or agent aforesaid for the amount so due the said company; and the company shall have a lien on such vessel to secure the payment of the said amount. If any person shall willfully and maliciously injure any of the works constructed by said company, or owned by it, or under its control by lease or otherwise, the person so offending shall, on conviction thereof, be fined not less than fifty dollars, nor more than five hundred dollars, and be imprisoned at the discretion of a jury; besides being liable to civil action for treble the damages that may result to the said company from such injury.

§ 5. That the said company may, upon the written application of its president or authorized agent, require the presiding judge of the county court of any county, which has subscribed for stock in said company, to submit to the qualified voters of such county a proposition for such county, in lieu of such subscription, to loan its credit to said company by the issue of bonds of said county, payable to bearer twenty years after their date, with coupons attached for interest at the rate of seven per cent. per annum, and for such an amount, and upon such other terms and conditions, as may in said written application be specified. And if a majority of the votes cast at such an election shall be in favor of said proposition, it shall be the duty of the said presiding judge to issue said bonds, and deliver them to the president or other authorized agent of said company. The interest on said bonds shall be payable semi-annually; and the principal...
and interest thereof shall be payable at such time and place as may be designated in the written application aforesaid. The said company shall pay the principal of said bonds, and the interest which may accrue thereon, after the period of seven years from their date; and may guarantee the payment of the principal, and of all, or part, of the interest thereon by writing indorsed thereon, in proper form of words, and signed by its president. And to secure the payment of said bonds, and the interest thereon, and of bonds issued under the next following section of this act, and the interest thereon, such counties as shall issue the same shall have a joint co-ordinate, and uniform lien on the franchises and property of said company, then existing or acquired, or which may hereafter be acquired: Provided, however, That said company may issue its own bonds for an amount which, when added to the amount of such bonds as may be issued by the counties aforesaid, shall not exceed one million of dollars; and that the holders of said bonds, so issued by said company, shall have a lien, to secure the payment thereof, and of the interest thereon, upon the property and franchises of said company equal and co-ordinate with the lien of the said counties.

§ 6. The said company, by the written application of its president or other authorized agent, may require the presiding judge of the county court of any county bordering upon the Kentucky river or its tributaries, or interested in its navigation, and which has not made a valid subscription to the stock of said company, to submit to the qualified voters of such county the question whether the county will subscribe stock pursuant to the aforesaid act of February 16, 1869, or whether the county will loan its credit to said company pursuant to section 5 of this act.

§ 7. The provisions of section 1 of the said act of February 16, 1869, concerning conditions to be proposed by said company, and the times of holding elections, and the notice thereof, and the appointment and duties of officers of elections, and the requisite majority of voters, apply to propositions for loans of credit under sections 5 and 6 of this act; and the provisions of sections 2 and 3 of said act of February 16, 1869, concerning taxation to pay subscriptions, and concerning the rights and duties of sheriffs, and concerning the appointment and rights and duties of collectors, apply to taxation to pay liabilities which any county may assume by lending its credit as is authorized by sections 5 and 6 of this act, and the provisions of section 5 of said act of February 16, 1869, concerning the rights of tax-payers and their assignees, apply to taxes paid to meet the liabilities just mentioned.

§ 8. That upon the application of said company, or of its agent or president, to the circuit court of any county bordering on the Kentucky river, or to the judge of such court in vacation, such court or judge shall appoint three (3) commissioners, two (2) of whom shall be residents of said county, and one (1) an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the use or construction of its improvements, or whenever the land or material required shall be owned by any person not a resident of the State of Kentucky, or who is an infant, or non compos mentis, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and make out and return
to the office of the clerk of the said circuit court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the State, and whether an infant or insane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land or materials to appear and show cause why the report shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the said circuit court, and stand for trial at any term of said court, commencing not less than ten (10) days after service of the summons. If the owner is not a resident of the State of Kentucky, or is an infant or an insane person, the court, or the judge thereof in vacation, shall, at the filing of the report, appoint an attorney, guardian ad litem, or committee, as the case may be, to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney, guardian ad litem, or committee appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless for good cause shown time is given for preparation. But the said company, upon depositing with the clerk of the court the amount of damages assessed in the report of the commissioners aforesaid, subject to the order of the person entitled thereto, shall have the right to enter upon, take possession of, and use the land or material therein described; and the clerk shall be responsible on his official bond for all moneys so deposited with him.

§ 9. The right of the State to take possession, upon one year's notice, "of the property used in the navigation of the Kentucky river, or convenient therefor," is hereby released and relinquished for the period of sixty years after this act shall take effect, on condition that said company shall extend slack-water navigation to the Three Forks of the Kentucky river within ten years and eight months after this act shall take effect; but at the end of said period of sixty years, if said company shall comply with said condition, and at the end of said period of ten years and eight months, if said company shall fail to comply with said condition, the State may take possession, and shall thereby become the owner of the improvements and property which may then be used by said company for the navigation of the Kentucky river, or convenient therefor, after one year's notice to said company, and after ascertaining and paying to the said company the full and fair value of improvements which may be made, and of property which may be acquired by said company for the purposes of said navigation, and the fair value of repairs which have been or may be made by said company on the present improvements on said river.

Mr. Turner moved an amendment to said bill by way of substitute. Said substitute reads as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, entitled "An act to incorporate the Kentucky River Navigation Company," approved March 1st, 1865, and an act approved February 16th, 1869, entitled "An act to amend an act, entitled 'An act to incorporate the Kentucky River Navigation Company," be, and the same are hereby, amended as follows:
§ 1. Any mortgage executed by said company shall be recorded in the clerk's office of the Franklin county court, and need not be recorded elsewhere.

§ 2. Said company may lease water-power, created by dams erected by, or leased to, said company.

§ 3. The directors of said company may fill any vacancy caused by the death or resignation of a director.

§ 4. If any person, navigating the waters of the Kentucky river or any of its tributaries, within the influence of the improvements of said company, or of any improvements owned by it, or under its control, by lease or otherwise, shall fail or refuse to pay the tolls which are legally chargeable by said company, the person so offending shall forfeit and pay to the use of said company three times the amount of such tolls, to be recovered by civil action in the name of said company. If any officer, agent, or owner of a vessel navigating said waters shall knowingly and willfully make, or cause to be made, to any agent of the said company, any false statement, with intent thereby to defraud said company, he shall be liable to pay to the company not less than two hundred and not more than five hundred dollars, recoverable by civil action, and the owner or owners of such vessel may be held jointly liable in said action with the officer or agent aforesaid for the amount so due the said company; and the company shall have a lien on such vessel to secure the payment of the said amount.

§ 5. That upon the application of said company, or of its agent or president, to the judge of the circuit court of any county bordering on the Kentucky river, such judge, by order entered of record, shall appoint three (3) commissioners, two (2) of whom shall be residents of said county, and one (1) an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the use or construction of its improvements, or whenever the land or material required shall be owned by any person not a resident of the State of Kentucky, or who is an infant, or non compos mentis, it shall be the duty of said commissioners to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and make out and return to the office of the clerk of the said circuit court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the State, and whether an infant or insane person. The clerk shall receive such report, and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land or materials to appear and show cause why the report shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall
be docketed in the said circuit court, and stand for trial at any term of said court, commencing not less than ten (10) days after service of the summons. If the owner is not a resident of the State of Kentucky, or is an infant or an insane person, the court, or the judge thereof in vacation, shall, at the filing of the report, appoint an attorney, guardian ad litem, or committee, as the case may be, to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney, guardian ad litem, or committee appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless for good cause shown time is given for preparation. But the said company, upon depositing with the clerk of the court the amount of damages assessed in the report of the commissioners aforesaid, subject to the order of the person entitled thereto, shall have the right to enter upon, take possession of, and use the land or material therein described; and the clerk shall be responsible on his official bond for all moneys so deposited with him.

§ 6. The right of the State to take possession, upon one year's notice, of the property used in the navigation of the Kentucky river, or convenient therefor, is hereby released and relinquished for the period of sixty years after this act shall take effect, on condition that said company shall extend slack-water navigation to the Three Forks of the Kentucky river within ten years and eight months after this act shall take effect; but at the end of said period of sixty years, if said company shall comply with said condition, and at the end of said period of ten years and eight months, if said company shall fail to comply with said condition, the State may take possession, and shall thereby become the owner of the improvements and property which may then be used by said company for the navigation of the Kentucky river, or convenient therefor, after one year's notice to said company, and after ascertaining and paying to the said company the full and fair value of improvements which may be made, and of property which may be acquired by said company for the purposes of said navigation, at the time when the State takes possession thereof, and the fair value of repairs which have been or may be made by [said] company in order to put the improvements leased to it by the State in good repair:

Provided, The State shall not be bound, in case of a forfeiture, to make said stipulated payments, unless the company shall, within three years after the passage of this act, complete one lock and dam, and continue to complete not less than one lock and dam during each year thereafter:

Provided, That the State may take possession of the improvements leased to said company, and of any improvements which said company may make, and of any property which it may acquire, if said company shall fail to complete one lock and dam within three years after the passage of this act, and not less than one lock and dam each year thereafter, after ascertaining and paying the value of repairs and river improvements as above provided for.

§ 7. If the State should take possession, as authorized by the last section, the value shall be ascertained by two arbitrators, one of whom shall be chosen by the Governor, and one by the president of the company, and by an umpire, to be chosen by them, if they disagree.

Which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.
The constitutional provision 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 yeas and nays being required thereon by Messrs. Clay and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, Jesse C. Gilbert, O. D. McManama,
Robt. A. Briggs, W. C. Goodloe, Robt. Simmons,
Scott Brown, D. R. Haggard, E. W. Turner,
W. W. Culbertson, Geo. B. Hodge, Thos. W. Varnon,
William P. Duvall, I. L. Hyatt, W. L. Vories,
P. F. Edwards, D. H. Lindsay, C. J. Walton,

Those who voted in the negative, were—

W. J. Berry, H. S. Hale, G. A. C. Holt,

Mr. Hays, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled

An act to amend an act, entitled "An act to reduce into one all acts in relation to Barbourville;"

Reported the same with an amendment.

Which was adopted.

Mr. Swoope then moved to amend said bill by striking out the third section of said bill.

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

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

Those who voted in the affirmative, were—

W. J. Berry, Jesse C. Gilbert, Robt. Simmons,
Robert A. Briggs, Geo. B. Hodge, G. W. Swoope,

P. F. Edwards,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, D. R. Haggard, O. D. McManama,
Robert Boyd, J. W. Hays, Thos. W. Varnon,
W. W. Culbertson, G. A. C. Holt, C. J. Walton,

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

The constitutional provision 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.

Said bill reads as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That an act, approved February 2, 1871, entitled "An act to reduce into one all the acts concerning the town of Barbourville," be amended as follows, viz:

§ 1. The trustees shall have power to fix the tax for coffee-house license to sell liquors at any sum, in their discretion, not less than one hundred dollars ($100), and not to exceed five hundred dollars ($500).

§ 2. It shall be the duty of the trustees of said town to revoke the license of any coffee-house keeper or saloon keeper, upon the affidavits of two responsible witnesses, showing said grocery, saloon, or coffee-house keeper has permitted any game of chance, for profit or for amusement, to be played in his grocery, saloon, or coffee-house, or has sold or given liquor of any sort to a minor, or permitted it to be sold or given in his house to such minor; and, in addition thereto, the said liquor dealer shall be responsible for any damage that may accrue to any person by reason of such sale of whiskey, to be recovered by suit or warrant in any court of competent jurisdiction in this Commonwealth, at the suit of the Commonwealth, and for the benefit of the party aggrieved.

§ 3. No person shall be eligible to the position of trustee who is at the time a vendor of ardent spirits; and if one of the trustees should, after his election, become a vendor of ardent spirits, his office shall become vacated, and it will be the duty of the trustees to fill the position as in other cases of vacancy.

§ 4. The election for trustees, police judge, and marshal shall be held on the third Saturday in February in each year, instead of the first Saturday in January, as now required by law.

§ 5. And whereas, on the first Saturday in January, 1874, an election was attempted to be held for police judge, town marshal, and a board of five trustees; but said election not being held as provided by said act; therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky, that on the first Saturday in February, 1874, the body now known as the trustees of said town shall, in manner and form as provided in said act, cause to be held an election for police judge, town marshal, and five trustees, which election shall, in all respects, conform to said act; and said election shall, to all intents and purposes, be as legal as if held by a legal board at the time designated by said act.

§ 6. This act shall take effect from its passage.

The Senate then took up for consideration the special order, a bill from the House of Representatives, entitled

An act providing for the continuation of the geological, mineralogical, and botanical survey now in progress in Kentucky, and for the prosecution of other surveys.

Ordered, That the further consideration of said bill be postponed until Tuesday next, the 10th inst.

Mr. Hays asked and obtained leave to withdraw his motion, made on yesterday, to reconsider the vote by which the Senate agreed to discharge the Committee on the Judiciary from the further considera-
tion of the petitions, leaves, and remonstrances, in relation to the proposed change in the charter of the Kentucky University.

Mr. Goodloe then, by consent, also withdrew his motion to lay the motion of Mr. Hays on the table.

And then the Senate adjourned.

MONDAY, FEBRUARY 9, 1874.

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

An act to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Mt. Sterling."

An act to repeal an act, entitled "An act to provide for the improvement of public roads in Butler county."

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville."

An act to authorize the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company to borrow money.

An act to incorporate the Maysville District Camp-meeting Association of the Methodist Episcopal Church.

An act to organize and establish a system of public schools in Owingsville, Bath county.

An act for the benefit of the city of Louisville.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of George P. Gillum, sheriff of Logan county.

An act to amend an act, entitled "An act to incorporate the Bank of America," approved February 26, 1870.

An act to amend the charter of the Russellville Banking and Warehouse Company.

With an amendment to the last named bill.
Which amendment was taken up, twice read, and concurred in.
That they had passed bills of the following titles, viz:
1. An act for the benefit of Green Ridge churches, in Logan county.
2. An act for the benefit of Ulysses Garred, of Lawrence county.
3. An act to authorize the creation of a building committee for the town of Versailles, in Woodford county, and to define the powers and duties thereof.
4. An act to repeal an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county."
5. An act to provide for the establishment and measurement of brick-work.
6. An act to insure and facilitate the payment of wages to laborers in the city of Louisville.
7. An act to amend an act to incorporate the Louisville Cement and Water-power Company, approved January 15th, 1866.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Religion and Morals; the 2d to the Committee on Claims; the 4th to the Committee on Courts of Justice; the 5th and 7th to the Committee on Agriculture and Manufactures; the 6th to the Committee on Propositions and Grievances, and the 3d was ordered to be read a third time.

The constitutional provision 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.

Leave was given to bring in the following bills, viz:
On motion of Mr. Walton—
1. A bill to provide for keeping the public roads in repair in Hart county.

On motion of Mr. Gatewood—

On motion of Mr. Hyatt—
3. A bill providing for the purchase of a portrait of Simon Kenton.
On motion of Mr. Barker—


On motion of Mr. Lovel—

5. A bill for the benefit of Madison Thomas, committee of H. P. Thomas, of Lewis county.

On motion of Mr. Hale—

6. A bill to amend the charter of the town of Water Valley, in Graves county.

On motion of same—

7. A bill to amend the charter of the city of Mayfield.

Ordered, That the Committee on Propositions and Grievances prepare and bring in the 1st and 3d; the Committee on the Judiciary the 2d, 4th, 6th, and 7th, and the Committee on Finance the 5th.

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

By Mr. Haggard, from the Committee on Propositions and Grievances—

A bill to amend an act, entitled "An act to incorporate the Warsaw Turnpike Company."

By same—

A bill for the benefit of J. K. McClary, late deputy sheriff for D. N. Lewis and H. H. Baker, late sheriffs of Rockcastle county.

By same—

A bill for the benefit of Isaac Tussey, of Laurel county.

By Mr. Lovel, from the same committee—

A bill in relation to the bonded debt of Lewis county.

By Mr. Hodge, from the Committee on Railroads—

A bill to amend an act, entitled "An act to incorporate the Mt. Sterling Coal Road Company."

By Mr. Turner, from the Committee on Revised Statutes and Codes of Practice and General Statutes—

A bill to amend an act, entitled "An act to incorporate and reduce into one all acts in regard to the town of Richmond."

By Mr. Frazer, from the Committee on Banks and Insurance—

A bill to amend the charter of the Planters' Bank of Kentucky.

By Mr. Gatewood, from the Committee on Education—

A bill to provide for a colored free school in the city of Owensboro.

By same—

A bill for the benefit of James Gibbs, of Barren county.
By same—
A bill to incorporate Taylor County College.
By Mr. Duvall, from the Committee on Internal Improvement—
A bill for the benefit of the commissioners of the turnpike fund in Henry county.
By Mr. Turner, from the same committee—
A bill to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company.
By Mr. Gilbert, from the Committee on the Judiciary—
A bill to change the western boundary of the district of Hayfield, in Campbell county.
Which bills were severally read the first time and ordered to be read a second time.
The constitutional provision as to the second reading of said bills being dispensed with,
Ordered, That said bills be engrossed and read a third time.
The constitutional provision 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.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:
By Mr. Haggard, from the Committee on Propositions and Grievances—
An act for the benefit of Clinton county.
By Mr. Lindsay, from the Committee on Religion and Morals—
An act to prohibit the use of intoxicating liquors in Lawrence and Elliott counties on election days.
By same—
An act to prohibit the sale of spirituous liquors in Fulton county.
By Mr. Hodge, from the Committee on Railroads—
An act to incorporate the Paducah Street Railway Company. With an amendment to the last named bill. Which was adopted.
Ordered, That said bills, the last as amended, be read a third time.
The constitutional provision as to the third reading of said bills being dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. Edwards, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled
An act giving Jubel Parsons, of Breckinridge county, the privilege to peddle, without license, in the counties of Breckinridge, Hancock, and Daviess,
Reported the same without amendment.

Mr. Swoope moved to amend said bill by striking out the word "Daviess" where it occurs therein.
Pending the consideration of which, Mr. Holt moved to lay said bill and pending amendment on the table.
Which motion was adopted.
So said bill was disagreed to.

Mr. Hodge, from the Committee on Railroads, to whom was recommitted a bill, entitled
A bill to regulate the transportation of freights over railroads in this Commonwealth,
Reported an amendment by way of substitute for the same.
Ordered, That the further consideration thereof be postponed until to-morrow, at 10½ o'clock, A.M.

Mr. Hodge, from the Committee on Railroads, to whom was referred the petition of sundry citizens of Harrod's Creek precinct, in Jefferson county, praying the repeal of the levying of a tax in aid of the construction of the Louisville, Harrod's Creek, and Westport Railroad Company,
Asked to be discharged from the further consideration of the same.
Which was granted.

Mr. Barker, from the Committee on Claims, to whom was referred the report of the Secretary of State in relation to the number of copies of the General Statutes in his hands, reported a joint resolution, which lies one day on the table, entitled
Resolution directing the Secretary of State not to sell any copies of the General Statutes now on hand.
On motion of Mr. Turner, leave of absence, indefinitely, was granted Mr. Cunningham.

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Mr. Haggard moved that a bill from the House of Representatives, entitled
An act for the benefit of Haly, Mahoney & Co.,
Which had been referred to the Committee on Appropriations, be committed to the Committee on Claims.
Which was adopted.
Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills, which originated in the House of Representatives, of the following titles, viz:
An act to amend subsection 2 of section 1 of chapter 31 of the General Statutes;
An act to amend chapter 102 of the General Statutes, title "Smallpox;"
An act to amend section 14 of article 1, chapter 12, of the General Statutes;
An act to amend section 5, article 35, of chapter 29, of the General Statutes, entitled "Crimes and Punishments;"
An act to incorporate the Society of Friends of Garrard county, and to authorize them to issue bonds to purchase a burial-ground;
An act to amend an act incorporating the town of Upton, in Hardin and Larue counties;
An act to incorporate the Richmond Gas-light Company;
An act for the benefit of Geo. L. Petty, assessor of Henry county;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.
After a short time, Mr. Hyatt reported that the committee had performed that duty.
A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:
An act for the benefit of the city of Frankfort.
An act for the benefit of James Crow, committee for William Gilbert and Martha Gilbert.
An act for the benefit of Mary Blain and Georgia Ann Hays.
An act to amend an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county.

An act to repeal an act, entitled "An act to amend the charter of the Bank of New Castle," approved December 14, 1873.

Mr. Edwards, 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 Mann & Rice and Miller & McDaniel, of Greenville,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

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

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, A. L. Martin,
W. J. Berry, D. R. Haggard, E. W. Turner,
W. W. Culbertson, I. L. Hyatt, Thos. W. Varnon,

John J. Gatewood,

Those who voted in the negative, were—

John S. Barlow, J. W. Hays, Robert Simmons,
Robert A. Briggs, George B. Hodge, G. W. Swoope,
H. S. Hale, D. H. Lindsay,

Said bill reads as follows, viz:

WHEREAS, The owners of the Greenville Hotel, Messrs. Mann & Rice, also another firm, known as Miller & McDaniel, all of the town of Greenville, in the county of Muhlenburg, erected, under the old law, certain property for the purpose of opening and carrying on the saloon and billiard business; and whereas, section 5 of article 13 of chapter 92 of the General Statutes of Kentucky has interfered with said business, by closing the door to the billiard-room; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That said Mann & Rice, and Miller & McDaniel, be permitted to open the door of their respective houses, between the bar-room and the billiard saloon.

§ 2. This act to be in force from and after its passage.

Mr. Duvall, from the Committee on Internal Improvement, to whom had been referred a bill from the House of Representatives, entitled
An act to provide for the improvement of the public roads in Grayson county,
Reported the same without amendment.
The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.
So said bill was disagreed to.
The Senate then took up for consideration the motion to reconsider the vote by which the Senate had rejected a bill from the House of Representatives, entitled
An act for the benefit of the lessees of the "Gem," in the town of Franklin.
And the question being taken thereon, it was decided in the affirmative.
Mr. Frazer moved the following amendment: "Provided, That this act shall not extend beyond two years."
Which was adopted.
Ordered, That said bill, as amended, be read a third time.
The constitutional provision 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.
The Senate then took up out of the orders of the day a bill from the House of Representatives, entitled
An act for the benefit of Wm. Sword and Fleming Justice, of Pike county.
Ordered, That said bill be read a third time.
The constitutional provision 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.
The Senate took up for consideration the amendment proposed by the House of Representatives to a bill from the Senate, entitled
An act requiring certain legal advertisements, in Lewis county, to be inserted in the Vanceburg Kentuckian.
Which was concurred in.
And then the Senate adjourned.
TUESDAY, FEBRUARY 10, 1874.

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

- An act to amend an act, entitled "An act to incorporate the Danville Gas-light Company."
- An act to empower the county court of Garrard county to make additional subscription to the Lancaster and Buckeye Turnpike Road Company.
- An act for the benefit of the Law Department of Kentucky University.
- An act to prohibit the law partner or partners of the Attorney General, Commonwealth and county attorneys of this State to defend any person whom, by the laws of this Commonwealth, it is made the duty of said officers to prosecute.
- An act to amend an act, entitled "An act to create a special road law for Pendleton county," approved January 26, 1869.
- An act for the protection of livery-stable keepers, farmers, and other persons in this Commonwealth.
- An act in relation to the town of Flemingsburg.
- An act to incorporate the town of California, in Campbell county.
- An act for the benefit of Samuel Biggerstaff, late sheriff of Madison county.
- An act for the benefit of J. M. Barnett, of Whitley county.
- An act to provide for holding a term of the Carter circuit court for the trial of equity causes and motions triable by the court.
- An act to establish an additional justices' district in the county of Harlan.
- An act to amend an act, entitled "An act to establish an additional justices' district in Bath county."
- An act for the benefit of Haywood Gilbert, late sheriff of Clay county.
- An act for the benefit of B. J. Hobbs, an idiot of Graves county.
An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison Woodford, and Scott.
That they had passed bills, which originated in the Senate, of the following titles, viz:
An act to incorporate a police municipality in Jefferson county.
An act to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873.
An act to amend and repeal in part an act, entitled "An act to incorporate the Chestnut Street Presbyterian Church of Louisville," approved February 25th, 1848.
An act to incorporate the Odd Fellows' Tabernacle Association of Louisville.
An act to incorporate the Mammoth Cave Hotel and Railroad Company.
An act for the benefit of John M. Curry, ex-sheriff of Pendleton county.
An act for the benefit of the Mammoth Cave estate.
An act to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company."
That they had passed bills of the following titles, viz:
1. An act to amend the charter of the Portsmouth and Pound Gap Railroad Company.
2. An act to amend the charter of Jeffersontown, and establish a police court for said town.
3. An act to amend an act, entitled "An act to incorporate the Ashbottom Turnpike Road Company," approved March 22d, 1871.
5. An act to punish trespassers on real estate in the county of Shelby.
6. An act regulating the transfer of stock in the real estate associations of Jefferson county.
7. An act to incorporate the Warren Presbyterian Church of Louisville.
8. An act to incorporate the Masonic Mutual Benefit Association of Maysville.
9. An act incorporating and for the benefit of building and loan associations of the county of Jefferson and city of Louisville.
10. An act for the benefit of school district No. 68, in Madison county.

11. An act to amend an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company."

12. An act to amend an act, entitled "An act to incorporate the Kingston and Boone's Gap Turnpike Road Company, in Madison county."

13. An act to provide for the construction and completion of turnpike roads in Pendleton county.

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st to the Committee on Railroads; the 2d to the Committee on Courts of Justice; the 3d, 4th, 11th, 12th, and 13th to the Committee on Internal Improvement; the 5th to the Committee on the Judiciary; the 6th and 9th to the Committee on Banks and Insurance; the 7th and 8th to the Committee on Religion and Morals, and the 10th to the Committee on Education.

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

An act to regulate official advertisements in the county of Henry;

An act to amend an act, entitled "An act to transfer the equity cases from the Hickman circuit court to the Hickman court of common pleas," approved March 11th, 1873;

An act to amend an act to regulate the time of holding the Nicholas and Mason circuit courts, approved February 7, 1873;

An act to amend an act, entitled "An act to incorporate the Madison County Agricultural Association;"

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

An act requiring certain legal advertisements, in Lewis county, to be inserted in the Vanceburg Kentuckian;

An act to amend the charter of the Russellville Banking and Warehouse Company;

An act for the benefit of George P. Gillum, sheriff of Logan county;

An act to amend an act, entitled "An act to incorporate the Bank of America," approved February 26, 1870;
And had found the same truly enrolled.

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 approval and signature.

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

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

On motion of Mr. Boyd—
1. A bill for the benefit of Wm. George and J. N. Dies, of Laurel county.

On motion of Mr. Clay—
2. A bill to amend an act, entitled "An act for the benefit of the Union county court," approved December 20, 1871, and to enable said court to provide means for building a jail.

On motion of Mr. Simmons—
3. A bill to increase the compensation of jailers of this Commonwealth.

On motion of Mr. Hale—
4. A bill to amend an act, entitled "An act to amend an act, entitled 'An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county,'" approved February 9, 1872.

On motion of Mr. Gilbert—
5. A bill for the benefit of Lewis F. Marshall, sheriff of Ballard county.

On motion of Mr. Boyd—
6. A bill for the benefit of H. L. Tye, of Whitley county.

On motion of same—
7. A bill for the benefit of A. J. Miller, of Knox county.

On motion of Mr. Edwards—
8. A bill for the benefit of the sureties of O. G. Moore, late sheriff of Edmonson county.

On motion of same—
9. A bill to amend chapter 82 of the General Statutes, entitled "Revenue and Taxation."

Ordered, That the Committee on Finance prepare and bring in the 1st, 8th, and 9th; the Committee on the Judiciary the 2d, 4th, and 5th; the Committee on Revised Statutes and Codes of Practice and General Statutes the 3d; the Committee on Claims the 6th, and the Committee on Propositions and Grievances the 7th.
Bills from the House of Representatives, of the following titles, were reported by the several committees to whom they had been referred, viz:

By Mr. Darby, from the Committee on Courts of Justice—
An act allowing the jailer of Clay county an assistant.

By Mr. Jefferson, from the Committee on Finance—
An act for the benefit of E. M. Springfield, late sheriff of Webster county, and securities.

By Mr. Boyd, from the same committee—
An act for the benefit of John N. Howard, sheriff of Harlan county.

By same—
An act for the benefit of Isaac K. Baker, late sheriff of Perry county.

By Mr. Hodge, from the Committee on Railroads—
An act limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the Cumberland and Ohio Railroad Company.

By Mr. Simmons, from the Committee on Finance—
An act for the benefit of J. W. Shelby and wife, of Lincoln county.

By same—
An act for the benefit of L. B. Piersal, of Lewis county.

By Mr. Varnon, from the Committee on Railroads—
An act to incorporate the Mt. Sterling Coal Road Company.

By Mr. Vories, from the Committee on Finance—
An act for the benefit of James M. Bolton, jailer of Knox county.

By same—
An act for the benefit of Henderson Conlee, of Powell county.

Ordered, That the last two named bills be committed to the Committee on Claims, and that all the rest be severally read a third time.

The constitutional provision 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.

The Senate resumed the consideration of the unfinished report of the Committee on Railroads on yesterday, being a bill, entitled

A bill to regulate the transportation of freights over railroads in this Commonwealth.
Mr. Hays then proposed an amendment to the substitute reported by the committee.
Which was adopted.
The question was then taken on the adoption of the substitute, as amended, and it was decided in the affirmative.
Ordered, That said bill, as amended, be engrossed and read a third time.
The constitutional provision 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. Simmons, from the Committee on Charitable Institutions, to whom had been referred a bill from the House of Representatives, entitled
An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum,
Reported the same without amendment.
Ordered, That said bill be printed, and made the special order of the day for the 12th inst.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:
By Mr. Darby, from the Committee on Courts of Justice—
A bill to amend the charter of the town of Ashland.
By Mr. Boyd, from the Committee on Finance—
A bill for the benefit of Wm. George and J. F. Dees, of Laurel county.
By Mr. Vories, from the same committee—
A bill for the benefit of the sheriff of Henry county.
By Mr. Haggard, from the Committee on Propositions and Grievances—
A bill to incorporate the Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company.
By Mr. Clay, from the Committee on the Judiciary—
A bill to amend an act, entitled "An act for the benefit of the Union county court," approved December 20th, 1871, and to enable the county court of Union county to provide means for building a jail.
By Mr. Webb, from the Committee on Printing—
A bill to amend chapter 90 of the General Statutes, title "Public Printing and Binding."
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Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, the last named bill was ordered to be printed, and made the special order of the day for to-morrow, at 11 o'clock, A. M., and all the others were severally ordered to be engrossed and read a third time.

The constitutional provision 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.

On motion of Mr. Gatewood, leave of absence, indefinitely, was granted Mr. Barlow.

Mr. Jefferson, from the Committee on Finance, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of P. G. Smith and Alexander Huchins, securities of O. G. Moore, late sheriff of Edmonson county, 

Asked to be discharged from the further consideration of the same. And the question being taken thereon, it was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, W. C. Goodloe, Robt. Simmons,
W. J. Berry, H. S. Hale, G. W. Swoope,
Robert Boyd, J. W. Hays, C. J. Walton,

Those who voted in the negative, were—

John S. Barlow, John J. Gatewood, D. H. Lindsay,
W. W. Culbertson, Jesse C. Gilbert, R. B. Lovel,
Wm. P. Duvall, D. R. Haggard, A. L. Martin,
P. F. Edwards, Geo. B. Hodge, E. W. Turner,

On motion of Mr. Edwards,

Ordered, That the Committee on Finance be directed to prepare and bring in said bill.

Mr. Vories, from the Committee on Finance, to whom had been referred a bill, entitled

A bill to amend chapter 92, title "Revenue and Taxation," General Statutes,

Reported the same without amendment.
Ordered, That the further consideration of said bill be postponed and made the special order of the day for to-morrow.

The Senate then took up for consideration the special order, a bill from the House of Representatives, entitled

An act providing for the continuation of the geological, mineralogical, and botanical survey now in progress in Kentucky, and for the prosecution of other surveys.

Ordered, That said bill be read a third time.

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That for the continuation of the Geological, Mineralogical, and Botanical Surveys now in progress, and for the prosecution of the other surveys hereinafter mentioned, there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 per annum for the term of two years, viz: $15,000 for the year beginning the 1st day of January, 1874, and $15,000 for the year beginning January 1, 1875, and ending December 31st of the same year, to be expended under the direction of the Governor.

§ 2. That for the outfit of wagons, horses, and other camp equipments, together with the necessary instruments for the field and laboratory work of the survey, and for the cases necessary for the exhibition of the collections of the survey in the expositions held in our cities and at Philadelphia in 1876, as well as in the cabinets provided for at Frankfort and Lexington, and for the expenses of persons employed to exhibit and supervise the same, together with all other expenses incident thereto, there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not to exceed $3,500, as the Governor may, from time to time, direct.

§ 3. That the State Geologist be authorized and required to institute a survey of the water powers of the State, to determine their value and position; that he also be required to make or have made a sufficient study of the fishes of the State, so far as the means of the survey will admit; that he be also required to cause to be examined and report on the other animals of the State which may be of economic or scientific importance.

§ 4. That the cost of the publication of the results of the survey be met out of the appropriation specified in the first section of this act: Provided, however, That the time of publication and the number of copies printed shall be determined by the Governor, it being required that all important reports shall be stereotyped or electrotyped, and the plates thereof remain the property of the State.

§ 5. The Director of the Surveys shall be allowed to withdraw from the State Library any books on geological subjects which he may find necessary for the prosecution of the surveys. He shall also have the right of access to all railway, river, canal, or other maps within the State, for the purpose of copying the same, as far as may be necessary for the work of the survey.

§ 6. The Director of the Surveys shall be empowered, from time to time, to publish, in any suitable journal, the scientific or economic results of his surveys, it being provided that all discoveries of economic value shall first be published in the journal most likely to give the people concerned information.
§ 7. That the State Geologist be authorized to organize three topographical corps, by and with the consent of the Governor, one in the Western division of the State, one in the Southern division, and one in the Eastern division, in order to carry forward the Geological Survey with as much dispatch as is consistent with accuracy and minuteness, so as to develop the mineral resources of the State; and at the same time construct geographical and geological maps, showing its geological and topographical features; and that the topographical corps shall carry forward the work simultaneously, commencing such surveys in the mineral regions of the State, while the geological reconnaissance is extended over the counties not yet explored by the principal geologist.

§ 8. That so much of an act, entitled "An act to provide for a Geological and Mineralogical Survey of the State," approved March 22d, 1873, as is not inconsistent with the provisions of this act, be, and the same is hereby, re-enacted.

§ 9. This act shall take effect from and after its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Robert Boyd, W. C. Goodloe, O. D. McManamah,
Robert A. Briggs, D. R. Haggard, Robt. Simmons,
Scott Brown, H. S. Hale, E. W. Turner,
James F. Clay, J. W. Hays, Thos. W. Varnon,
W. W. Culbertson, Geo. B. Hodge, W. L. Vories,
F. W. Darby, I. L. Hyatt, C. J. Walton,

In the negative—G. A. C. Holt—1.

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

Mr. Jefferson, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of Madison Thomas, committee of Harry P. Thomas.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed

to draw his warrant on the Treasury in favor of Madison Thomas, committee for Harry P. Thomas, for the sum of three hundred dollars, being in full of the amount due said Madison Thomas for keeping Harry P. Thomas, a pauper lunatic of Lewis county, from March 28, 1872, to October, 1873, said Harry P. Thomas having been found a lunatic by a jury at the December term, 1870, of the Lewis circuit court.

§ 2. This act shall be in force and effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

| Thos. J. Barker | John J. Gatewood | R. B. Lovel |
| John S. Barlow  | Jesse C. Gilbert  | A. L. Martin |
| W. J. Berry     | W. C. Goodloe     | O. D. McManama |
| Robert Boyd     | D. R. Haggard    | Robert Simmons |
| Robert A. Briggs| H. S. Hale        | G. W. Swoope |
| Scott Brown     | J. W. Hays       | E. W. Turner |
| W. W. Culbertson| George B. Hodge   | Thos. W. Varnon |
| F. W. Darby     | G. A. C. Holt     | W. L. Vories |
| Wm. P. Duvall   | I. L. Hyatt      | C. J. Walton |
| W. W. Frazer    | D. H. Lindsay    |

In the negative—none.

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

Mr. Simmons, 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 Hancock county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor be, and he is hereby, directed to draw his warrant in favor of G. W. Taylor, sheriff of Hancock county, on the Treasury for $234.88, which amount was paid by said sheriff into the Treasury, being five per cent. under act 22d March, 1871, on revenue which said sheriff failed to pay in by the 1st April, 1872.

§ 2. That Geo. W. Taylor, sheriff aforesaid, is hereby released from the payment of $329.02, being amount charged against said sheriff on account of revenue of 1872 not paid into the Treasury by 1st April, 1873, under act of 22d March, 1871: Provided, however, That sheriff of Hancock county shall first satisfy, by the same statement of himself and deputies, the Auditor that the said five per cent. has not been collected by himself or deputies from the tax-payers of said county, and that the relief hereby granted shall only apply to that part of said five per cent. that has not been collected from said tax-payers.
§ 3. That the amount of $263 52, being damages adjudged against said sheriff in the Franklin circuit court in favor of the Commonwealth of Kentucky, upon revenue of 1872, be, and the same is hereby remitted, and the said sheriff is hereby released from the payment of said damages.

§ 4. This act to take effect from and after its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, O. D. McManama,
John S. Barlow, W. C. Goodloe, Robt. Simmons,
Robert Boyd, D. R. Haggard, G. W. Swoope,
Scott Brown, J. W. Hays, E. W. Turner,
W. W. Culbertson, I. L. Hyatt, Thos. W. Varnon,
William P. Duvall, T. L. Jefferson, W. L. Vories,
P. F. Edwards, D. H. Lindsay, C. J. Walton,
John J. Gatewood, A. L. Martin,

In the negative—W. J. Berry—1.

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

And then the Senate adjourned.

WEDNESDAY, FEBRUARY 11, 1874.

The Lieutenant Governor, John G. Carlisle, Speaker of the Senate, appeared, after a temporary absence, and assumed the duties of the Chair.

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, which originated in the House of Representatives, of the following titles, viz:

An act to amend section 5, article 35, of chapter 29, of the General Statutes, entitled “Crimes and Punishments.”
An act to incorporate the Society of Friends of Garrard county, and to authorize them to issue bonds to purchase a burial-ground.

An act to amend section 11, article 27, chapter 29, of the General Statutes, entitled "Crimes and Punishments."

An act to amend section 17 of article 1, chapter 12, of the General Statutes.

An act to amend subsection 2 of section 1 of chapter 31 of the General Statutes.

An act to amend chapter 102 of the General Statutes, title "Smallpox."

An act to incorporate the Richmond Gas-light Company.

An act to amend an act incorporating the town of Upton, in Hardin and Larue counties.

An act for the benefit of Geo. L. Petty, assessor of Henry county.

An act to provide for the purchase or erection of a school-house for district No. 43, in Graves county.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the town of Garnettsville, in Meade county.

An act to prohibit the sale of spirituous, vinous, or malt liquors within one and one half miles of S. J. Henz's store, in what is now known as Lewisburg, Logan county.

An act to amend the charter of the Springfield, Pleasant Run, and Mackville Turnpike Road Company.

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

1. An act to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Road Company.

2. An act to prohibit the sale of spirituous, malt, or vinous liquors in the town of Glenville, in Adair county, or within one mile thereof.

3. An act to amend an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties."

4. An act to extend the town limits of the town of Dover, in Mason county.

5. An act to amend the charter of the Maysville, Paris, and Lexington Turnpike Road.

6. An act for the benefit of Minerva and Beasley Creek Turnpike Road Company.

8. An act for the benefit of the administrator of F. M. Weeden, late sheriff of Mason county.

9. An act to amend an act for the benefit of Stoner Mouth Presbyterian Church, Bourbon county.

10. An act to amend an act, entitled “An act to incorporate the Paducah and North Ballard Turnpike Road Company,” approved March 1st, 1872.

11. An act to prohibit the sale of spirituous, vinous, or malt liquors in Garnettsville, Meade county.


13. An act to amend and revive the charter of the city of Newport.

14. An act to provide for the payment of the expenses incurred by the Ohio county court in taking care of a pauper lunatic.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 13th and 14th were ordered to be read a third time; the 1st, 5th, 6th, 10th, and 12th were referred to the Committee on Internal Improvement; the 2d, 9th, and 11th to the Committee on Religion and Morals; the 3d, 4th, and 7th to the Committee on the Judiciary, and the 8th to the Committee on Finance.

The constitutional provision as to the third reading of the 13th and 14th bills being dispensed with,

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

The yeas and nays being required on the passage of the last named bill in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, T. L. Jefferson,
W. J. Berry, John J. Gatewood, D. H. Lindsay,
Robert Boyd, Jesse C. Gilbert, R. B. Lovel,
Robert A. Briggs, W. C. Goodloe, A. L. Martin,
Scott Brown, D. R. Haggard, O. D. McManama,
James F. Clay, H. S. Hale, Robert Simmons,
W. W. Culbertson, J. W. Hays, E. W. Turner,

66-s.

F. W. Darby, George B. Hodge, Thos. W. Varnon,
P. F. Edwards, I. L. Hyatt,

In the negative—G. W. Swoope—1.

Said bill reads as follows, viz:

[For bill—see Acts present session.]

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

On motion of Mr. Boyd—
1. A bill appropriating $2,000 to remove obstructions in Rockcastle river, between Sublimity and its mouth.

On motion of same—
2. A bill appropriating $15,000 to remove certain obstructions in Cumberland river.

On motion of Mr. Hodge—
3. A bill to amend an act to incorporate the district of Hayfield, in Campbell county.

On motion of Mr. Clay—
4. A bill to amend and reduce into one all acts in relation to the town of Uniontown.

On motion of Mr. Gilbert—
5. A bill authorizing the county of McCracken to withdraw the surplus school fund of said county from the State Treasury.

On motion of Mr. Briggs—
6. A bill for the benefit of Loretto, in Marion county.

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st, 2d, and 3d, and the Committee on the Judiciary the 4th, 5th, and 6th.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, FEBRUARY 11TH, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following named persons as suitable to be commissioned notaries public, viz:

A. H. Marrett, of Jefferson county.
A. A. Stoll, of Jefferson county.
Robert J. Elliott, of Jefferson county.
Robert W. Hays, of Jefferson county.
H. D. Haus, of Jefferson county.
W. A. Freeman, of Jefferson county.
Resolved, That the Senate advise and consent to said appointments.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

- An act to amend an act, entitled "An act to incorporate the Bank of America," approved February 26, 1870.
- An act to amend the charter of the Russellville Banking and Warehouse Company.
- An act requiring certain legal advertisements, in Lewis county, to be inserted in the Vancburg Kentuckian.
- An act for the benefit of George P. Gillum, sheriff of Logan county.

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

- An act for the benefit of L. D. Padgett, of Pulaski county;
- An act to authorize the judges of the Bourbon and Elliott quarterly courts to appoint clerks of said courts;
- An act to amend an act, entitled "An act for the benefit of the Cynthiana and Paddy's Run and Lair's Station Turnpike Road Company;"
- An act to legalize certain orders of the Larue county court of claims;
- An act to amend an act, entitled "An act to amend an act, entitled "An act to cause good school-houses to be erected in the eighth and ninth Congressional districts,'" approved 17th February, 1873;
- An act to prohibit the use of intoxicating liquors in Lawrence and Elliott counties on election days;

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

- An act to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873;
An act to incorporate a police municipality in Jefferson county;
An act to amend and repeal in part an act, entitled "An act to incorporate the Chestnut Street Presbyterian Church of Louisville," approved February 25th, 1848;
An act to incorporate the Odd Fellows' Tabernacle Association of Louisville;
An act to incorporate the Mammoth Cave Hotel and Railroad Company;
An act for the benefit of John M. Curry, ex-sheriff of Pendleton county;
An act for the benefit of the owners of the Mammoth Cave estate;
An act to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company;"
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.
After a short time, Mr. Hyatt reported that the committee had performed that duty.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:
By Mr. Turner, from the Committee on Internal Improvement—
A bill to protect the owners of ferries across the Ohio river at Newport.
By same—
A bill to amend an act to incorporate the district of Hayfield, in Campbell county.
By Mr. Briggs, from the same committee—
A bill to incorporate the Inter-Cumberland Road Company.
By Mr. Hays, from the Committee on the Judiciary—
A bill to facilitate the collection of certain taxes in Fayette county.
By Mr. Clay, from the same committee—
A bill to amend an act, entitled "An act to amend and reduce into one all acts in relation to the town of Unióntown."
By same—
A bill to amend an act, entitled "An act affixing penalties and forfeitures upon corporations and persons exercising corporate powers that are required to give bond, and have failed to do so."
By Mr. Goodloe, from the same committee—
A bill to amend an act, entitled "An act to incorporate the city of
Mayfield."

By same—
A bill repealing an act, entitled "An act repealing an act creating
the office of town marshal of Independence, and concerning the
police laws of said town."

By same—
A bill for the benefit of the city of Lexington, city of Paducah,
and city of Owensboro.

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

The constitutional provision as to the second reading of said bills
being dispensed with,

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

The constitutional provision 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.

The Senate took up for consideration a bill, entitled
A bill to amend section 6 of an act, entitled "An act for the
incorporation and regulation of fire, marine, health, accident, live
stock, and all other, except life insurance companies."

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

The constitutional provision 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 order, took up for consideration bills of
the following titles, viz:
A bill to amend chapter 92, title "Revenue and Taxation," Gen-
eral Statutes;
A bill to amend chapter 99 of the General Statutes, title "Public
Printing and Binding;"

Ordered, That the further consideration of said bills be postponed
and made the special order of the day for to-morrow.

Mr. Jefferson, from the Committee on Finance, reported a joint
resolution, entitled
Resolution providing for the removal of the remains of Gen. Carey
H. Fry, Col. Theodore O'Hara, and Adjutant George N. Cardwell.
The rule of the Senate requiring joint resolutions to lie one day on the table being dispensed with.

Said resolution was taken up and read as follows, viz:

WHEREAS, The General Assembly of the Commonwealth of Kentucky adopted a resolution, which was approved 24th April, 1873, directing the Governor to have the remains of Gen. Carey H. Fry and Col. Theodore O'Hara and Adjutant George N. Cardwell brought to and deposited in State military lot at Frankfort, and their graves marked with appropriate stones, but made no provisions for the payment of the expenses and costs thereof, on account of which the Governor has failed to carry out the instructions of said resolution; be it therefore now

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor proceed to execute the provisions of said resolution, and make his draft upon the Auditor of Public Accounts for the costs and expenses thereof, who is hereby directed to draw his warrant therefor, payable out of the Public Treasury: Provided, That the sum hereby appropriated shall not exceed twelve hundred dollars.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, Jesse C. Gilbert, A. L. Martin,
W. J. Berry, W. C. Goodloe, Robert Simmons,
Robert A. Briggs, George B. Hodge, G. W. Swoope,
W. W. Culbertson, G. A. C. Holt, E. W. Turner,
F. W. Darby, J. L. Hyatt, Thos. W. Varnon,
Wm. P. Duvall, T. L. Jefferson, W. L. Vories,
P. F. Edwards, D. H. Lindsay, C. J. Walton,

Those who voted in the negative, were—


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

Mr. Hays, from the Committee on the Judiciary, reported a bill, entitled

A bill for the benefit of Thomas Jones, sheriff of Campbell county. Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.
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Said bill was read a third time as follows, viz:

WHEREAS, Thomas Jones, sheriff of Campbell county, conveyed from Newport to Frankfort, a distance of one hundred and twenty-eight miles, eight prisoners, convicted of felony, and delivered them to the Keeper of the Penitentiary in January, 1874; and whereas, the said sheriff, without a knowledge of the change in the laws made upon this subject by the General Statutes, summoned five guards, who went as such with his deputy from Covington to Frankfort; now,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasurer in favor of said sheriff and guards for such sums as would have been due and payable to them for such services under the law in force on November 30th, 1873, and for said guards the same as if they had been ordered by the judge or court.

§ 2. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Robert Boyd, W. C. Goodloe, O. D. McManama,
Robert A. Briggs, D. R. Haggard, Robt. Simmons,
Scott Brown, J. W. Hays, G. W. Swoope,
James F. Clay, Geo. B. Hodge, E. W. Turner,
F. W. Darby, G. A. C. Holt, Thos. W. Varnon,
William P. Duvall, I. L. Hyatt, W. L. Vories,

In the negative—none.

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

Mr. Goodloe, from the Committee on the Judiciary, reported a bill, entitled

A bill for the benefit of Merrill Hardin, of Garrard county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

WHEREAS, The Legislature of Kentucky, by an act approved March 6, 1872, empowered and directed the Auditor of Public Accounts to draw his warrant upon the Treasurer of the State for the sum of four thousand and eighty-four dollars and fifty-six cents, in favor of Merrill Hardin, for the reasons recited in the preamble to said act, which sum was accordingly so paid by the Treasurer to said Hardin on the 21st day of March,
1872; and whereas, the liens mentioned in said preamble are now being enforced, by appropriate judicial proceedings, in the Garrard circuit court, and said Hardin thereby deprived of all benefits of his purchase, and made to account for rents, as well as being involved in an expensive lawsuit on account of the failure upon the part of the State to comply with the terms of contract between said Hardin and the Commonwealth of Kentucky, therefore it is deemed right and proper that he should be accounted to by the Commonwealth for the interest upon the aforesaid sum from the 6th day of November, 1866, the date that the said Hardin paid the money, until refunded by the Treasurer, 21st of March, 1872; now, therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, empowered and directed to draw his warrant upon the Treasurer of the State for the sum of one hundred and thirty-one thousand seven hundred and twenty-seven dollars, being the amount of said interest in favor of said Merrill Hardin, and the Treasurer is directed to pay the same out of any funds not otherwise appropriated.

§ 2. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel, A. L. Martin,
Robert Boyd, W. C. Goodloe, A. L. Martin,
Robt. A. Briggs, D. R. Haggard, Robt. Simmons,
Scott Brown, J. W. Hays, E. W. Turner,
James F. Clay, Geo. B. Hodge, Thos. W. Varnon,
W. W. Culbertson, J. L. Hyatt, W. L. Vories,
F. W. Darby, T. L. Jefferson, C. J. Walton,

Those who voted in the negative, were—

W. J. Berry, H. S. Hale, G. W. Swoope—5.
Jesse C. Gilbert, G. A. C. Holt,

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

Mr. Hodge, from the Committee on Railroads, reported a bill, entitled

A bill to amend the charter of the Elizabethtown and Paducah Railroad Company.

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

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That on and after such time as the board of directors may designate, the name of said company shall be changed to that of the Louisville, Paducah, and Southwestern Railroad Company; and in such name its shall
thereafter sue and be sued, carry on all its corporate business, hold and own all the property, choses in action, moneys, rights, privileges, and franchises of every description, and be subject to all the duties, obligations, debts and liabilities of every description which it shall hold, own, or be subject to immediately before such change of its name; but all suits which may be pending by or against said company, at the time of such change, shall proceed to final judgment, in all respects as if this act had not passed; and said company shall be entitled to all the benefits of said final judgment, and have the same executed against it in all respects as if its name had never been changed: Provided, That nothing herein contained shall be construed to authorize or permit the company, under its new name, to take up or discontinue, or fail to keep in complete repair and running order, the present road from Elizabethtown to Paducah, and especially between Elizabethtown and Cecelia, from which latter point an extension or branch road is now in course of construction to the city of Louisville by way of Westpoint, in Hardin county; nor shall this change in anywise affect any indebtedness created by the Elizabethtown and Paducah Railroad Company, nor any bond or bonds issued by any city, county, or town in aid of said Elizabethtown and Paducah Railroad Company, nor any mortgage or mortgages executed by said company toward the construction and completion thereof.

§ 2. That the board of directors of said company may elect vice presidents, and prescribe their duties and compensation.

§ 3. This act shall take effect from its passage.

Mr. Hays then moved to amend said bill by inserting the word "Elizabethtown" after the word "Louisville," and before the word "Paducah," in said bill.

And 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. Hays and Gatewood, were as follows, viz:

Those who voted in the affirmative, were—

John J. Gatewood, E. W. Turner, W. L. Vories, W. W. Swoope,

Those who voted in the negative, were—

Thos. J. Barker, Wm. P. Duvall, G. A. C. Holt,
W. J. Berry, P. F. Edwards, I. L. Hyatt,
Scott Brown, W. W. Frazer, T. L. Jefferson,
W. W. Culbertson, H. S. Hale, R. B. Lovel,

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

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed, the question was then taken on the passage of said bill, and it was decided in the affirmative.

67-s.
The yeas and nays being required thereon by Messrs. Hays and Webb, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
W. J. Berry, Jesse C. Gilbert, E. W. Turner,
Robert A. Briggs, H. S. Hale, Thos. W. Varnon,
Scott Brown, Geo. B. Hodge, W. L. Vories,
W. W. Culbertson, I. L. Hyatt, C. J. Walton,
Wm. P. Duvall, D. H. Lindsay,

Those who voted in the negative, were—

J. W. Hays,

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

Mr. Hays, from the Committee on the Judiciary, to whom was referred leave to bring in a bill, entitled

A bill to establish a court of common pleas for the counties of Nelson, Anderson, Spencer, Bullitt, Shelby, Oldham, and Henry,

Asked to be discharged from the further consideration of the same.
Which was granted.

Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes, reported a bill, entitled

A bill to amend an act, entitled “An act to establish an Agricultural College in Kentucky,” approved February 22d, 1866.

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

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That so much of the first section of the act establishing an Agricultural College in Kentucky, approved February 22d, 1865, which connects the same with Kentucky University as a College thereof, be, and the same is hereby, repealed; and no part of the interest or income arising from the fund created from the sale of the land scrip granted to Kentucky by the Congress of the United States for the purpose of establishing said College, shall be paid to Kentucky University at any time hereafter.

§ 2. Be it further enacted, That the Governor of this State shall appoint three commissioners to make investigations and receive propositions in relation to the permanent location and management of said College, and to report the result of their inquiries and examinations to the next session of the General Assembly.

§ 3. This act shall take effect from and after the 11th day of June, 1874.

Mr. Briggs then moved that the further consideration of said bill be postponed indefinitely.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


So said bill was rejected.

Bills from the House of Representatives, of the following titles, were reported by the several committees to whom they had been referred, with the expression of opinion that said bills ought not to pass, viz:

By Mr. Clay, from the Committee on the Judiciary—
An act to incorporate the Franklin Colored Benevolent Society of Franklin.

By Mr. Haggard, from the Committee on Propositions and Grievances—
An act to amend an act to regulate the taking up of property found adrift upon certain waters in this Commonwealth.

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
An act to amend chapter 4 of title 5 of the Criminal Code.

By Mr. Turner, from the same committee—
An act to amend section 96 of the Code of Practice in criminal cases.

By same—
An act to amend article 21 of chapter 28 of the General Statutes.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:
By Mr. Holt, from the Committee on Finance—
An act for the benefit of Charles N. Hoskins, sheriff of Powell county.

By Mr. Turner, from the Committee on Internal Improvement—
An act for the benefit of the Union Mills Turnpike Company.

By Mr. Duvall, from the same committee—
An act to incorporate the Shiloh Church and Pittman's Creek Turnpike Road Company.

By Mr. Haggard, from the same committee—
An act to amend an act, entitled "An act to incorporate the Columbia and Burksville Turnpike Road Company."

By Mr. Hays, from the Committee on the Judiciary—
An act to incorporate the town of Parkland, Jefferson county.

By same—
An act to amend the charter of West Covington, Kenton county.

By same—
An act to amend the charter of Lebanon, in Marion county.

By same—
An act changing the time of the meeting of the General Assembly.

By same—
An act to amend an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of North Middletown, in Bourbon county, approved March 28, 1872.

By Mr. Clay, from the same committee—
An act to amend an act, entitled "An act to amend the charter of the city of Covington, Kenton county."

By same—
An act for the benefit of the devisees of Matthew Garrison, deceased.

By same—
An act to enable associations of persons for raising funds, to be loaned among their members for building them homesteads and other purposes, to become bodies-corporate.

By Mr. Goodloe, from the same committee—
An act regulating the practice of suits under section 12 of the city charter of Louisville, and amendments thereto.

By Mr. Lindsay, from the Committee on Religion and Morals—
An act to incorporate the Warren Presbyterian Church of Louisville.
FEB. 11.

By same—
An act to amend an act, entitled “An act to incorporate the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky,” approved January 28, 1854.

By same—
An act to incorporate the Trustees of the Presbyterian Church at Columbus.

By Mr. Barker, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
An act to amend section 14, article 4, chapter 52, General Statutes.

By same—
An act to amend article 4 of chapter 52 of the General Statutes.

By Mr. Turner, from the same committee—
An act to amend chapter 28, article 5, General Statutes.

By same—
An act to amend section 5, article 5, chapter 28, of the General Statutes, title “Courts.”

By Mr. Hays, from the Committee on the Judiciary—
An act to amend an act, entitled “An act to incorporate the town of Glenville, in Adair county.”

With an amendment to the last named bill.
Which was adopted.

Ordered, That said bills be read a third time.
The constitutional provision as to the third reading of said bills being dispensed with,

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

Mr. Haggard moved to reconsider the vote by which the bill from the House of Representatives this day passed the Senate, entitled
An act to amend an act, entitled “An act to incorporate the Columbia and Burksville Turnpike Road Company.”
Which motion was simply entered.

Bills from the House of Representatives, of the following titles, were reported by the several committees to whom they had been referred, viz:
By Mr. Hays, from the Committee on the Judiciary—
1. An act to amend the charter of the town of Mt. Carmel, in Fleming county.

By Mr. Goodloe, from the same committee—
2. An act to regulate and fix the pay of special judges in circuit, chancery, criminal, and common pleas courts.

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
3. An act to amend section 154 of the Criminal Code of Practice.

By Mr. Turner, from the same committee—
4. An act to amend and reduce into one the several acts in relation to the town of Owingsville.

By Mr. Holt, from the Committee on Finance—
5. An act for the benefit of Joseph Pearson, of Estill county.

With an amendment to the fourth bill.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st bill was postponed until Saturday, 14th inst., at 10½ o'clock, A. M.; the 2d was ordered to be printed, and placed in the orders of the day; the 3d was postponed, and made a special order for Friday, 13th inst., at 11 o'clock, A. M.; the 4th was postponed until to-morrow, the 12th inst., and the 5th was ordered to be read a third time.

The constitutional provision 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.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, A. L. Martin,
Robert Boyd, W. C. Goodloe, O. D. McManama,
Robert A. Briggs, D. R. Haggard, Robert Simmons,
Scott Brown, J. W. Hays, E. W. Turner,
James F. Clay, George B. Hodge, Thos. Varnon,
F. W. Darby, G. A. C. Holt, W. L. Vories,
William P. Duvall, I. L. Hyatt, C. J. Walton,

In the negative—G. W. Swoope—1.
Said bill reads as follows, viz:

[For bill—see Acts present session.]

Mr. Turner, from the Committee on Internal Improvement, to whom had been referred a bill from the House of Representatives, entitled

An act to amend chapter 84 of the General Statutes, title "Peddlers."

Reported the same without amendment.

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

So said bill was rejected.

And then the Senate adjourned.

THURSDAY, FEBRUARY 12, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to incorporate the Madison County Agricultural Association."

An act to amend an act to regulate the time of holding the Nicholas and Mason circuit courts, approved February 7, 1873.

An act to regulate official advertisements in the county of Henry.

An act to amend an act, entitled "An act to transfer the equity cases from the Hickman circuit court to the Hickman court of common pleas," approved March 11th, 1873.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Wm. E. Clelland, late sheriff of Mercer county.

An act for the benefit of James Wallace, late sheriff of Christian county.
An act to increase the jurisdiction of quarterly courts in the counties of Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, Logan, Boyd, Barren, Monroe, Meade, Edmonson, Marshall, Cumberland, Breckinridge, Wayne, and Pulaski.

With an amendment to the last named bill.
That they had passed bills of the following titles, viz:
1. An act to amend an act to incorporate the Mercer County Mechanical Association.
2. An act for the benefit of Burnato Madison.
3. An act to extend the limits of the town of Greenville.
4. An act for the benefit of B. L. C. Dorsey, of Monroe county.
5. An act to incorporate the Central Kentucky Banking Company.
6. An act for the benefit of Wiley J. Coffee and his sureties.
7. An act for the benefit of Wm. Green and his sureties, late sheriff of Elliott county.
8. An act for the benefit of J. G. White, of Elliott county.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st was referred to the Committee on Agriculture and Manufactures; the 2d to the Committee on Claims; the 3d and 8th to the Committee on the Judiciary; the 4th to the Committee on Education; the 5th to the Committee on Banks and Insurance, and the 6th and 7th to the Committee on Finance.

The Senate resumed the consideration of the unfinished report of the Committee on Revised Statutes and Codes of Practice and General Statutes, being a bill, which originated in the House of Representatives, entitled

An act to amend and reduce into one the several acts in relation to the town of Owingsville.

Said bill reads as follows, viz:

**ARTICLE I.**

**Boundary.**

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the corporate limits of the town of Owingsville shall include all the territory within a boundary of one square mile, having for its center the front door of the present court-house, the north and south lines of the square to run parallel with Main street.
§ 2. That said town is hereby laid off into four wards, as follows, to-wit: The territory bounded on the north by Main street, on the east by the State Furnace Road, and on the south and west by the town boundary lines, shall constitute the First Ward; the territory bounded on the west by said road, on the north and west by said street and the macadamized road leading from said street to the present terminus of the Owingsville and Wyoming Turnpike, and on the east and south by the town boundary lines, shall constitute the Second Ward; the territory bounded on the west by Jefferson street, and a line continuing on the same, bearing to the north boundary line of the town, on the south by Main street and said macadamized road, on the east by said macadamized road and the town boundary line, and on the north by the town boundary line, shall constitute the Third Ward; and the territory bounded on the south by Main street, on the east by Jefferson street, and a line continuing on the same, bearing to the north boundary line of the town, on the north and west by the town boundary lines, shall constitute the Fourth Ward.

ARTICLE II.

Officers and Elections.

§ 1. That the prudential, fiscal, and municipal powers of the town shall be vested in a board of councilmen, to consist of a mayor and four councilmen, to be known and styled the Council of Owingsville; which council and its successors shall be a body-politic and corporate, and by said name shall be capable of contracting and being contracted with, suing and being sued, and of doing all acts which a body-politic and corporate, having perpetual succession, can, in the exercise of its powers, lawfully and rightfully do; said council, under said name and style, is hereby invested with all the claims, title, or interest in and to all rights of action, assets, and property held by or for the use of the present trustees of the town.

§ 2. The other officers of said town shall consist of a mayor, police judge, marshal, clerk, and attorney. The clerk shall be ex officio treasurer and assessor. The marshal shall be ex officio collector of taxes.

§ 3. The first election under this act for mayor and councilmen shall be on the first Saturday in May, 1874. The persons then elected shall continue in office until the third Saturday in January, 1875, and till their successors shall duly qualify. The mayor and councilmen chosen on the third Saturday in January, 1875, shall hold their offices one year, and until their successors qualify; and an annual election shall be held on the third Saturday in January for the election of said officers. Each ward shall vote separately for mayor, and shall elect one councilman.

§ 4. No person shall be eligible to the office of mayor, police judge, marshal, or clerk, unless he is a white male citizen of this Commonwealth, over the age of twenty-one years; and unless he has been a resident of the county one year, and of the town sixty days next preceding his election or appointment. No person shall be eligible to the office of town attorney unless he is a white male citizen of this Commonwealth, over the age of twenty-one years, and has been a resident of the county one year, and of the town sixty days next preceding his election or appointment, nor unless he has been a licensed practicing attorney for two years under the laws of this Commonwealth. No person shall be eligible to the office of councilman unless he is a white male citizen of this Commonwealth, over the age of twenty-one years, a freeholder, and has been a resident of the county one year, and of the ward from which he is elected or appointed.
sixty days next preceding his election or appointment; nor shall any
one be eligible to any of the offices mentioned in this section who is the
vendor of spirituous, vinous, or malt liquors, by license or otherwise, and
no person shall be granted such license during the term of office for which
he may have been elected or appointed, although he may have resigned.
§ 5. No person shall be eligible to vote in said town for any office
thereof unless he is a male citizen of this Commonwealth, over the age of
twenty-one years, and has been a resident of the State two years, or of
the county one year, and of the ward in which he offers to vote sixty days
next preceding the election; nor shall any person be eligible to hold any
office, or to vote at any election of said town, until he has paid his town
tax, levied for the year preceding the one in which the election is held,
and all fines, penalties, or forfeitures adjudged against him due said town.
§ 6. The town clerk and attorney shall be elected by the council, an-
ually, at the first meeting after its election or appointment, where there
is a failure to elect.
§ 7. A police judge shall be elected by the voters of said town on the
first Monday in August, 1874, and every four years thereafter, to hold
his office for a term of four years, and until his successor is elected and
qualified.
§ 8. A town marshal shall be elected by the voters of said town on the
first Monday in August, 1874, and every two years thereafter, to hold his
office for a term of two years, and until his successor is elected and
qualified. He shall qualify and give bond before the Bath county court
on the first Monday in January following his election, as now required by
law of sheriff.
§ 9. The term of office of the present trustees shall expire on the first
Saturday in May, 1874; and the present clerk, treasurer, and attorney
shall hold their offices till the first meeting of the council elected in May,
1874; and the clerk and attorney then elected shall hold their offices till
the first meeting of the council elected in January, 1875. The present
police judge and marshal shall hold their offices till the election in
August, 1874, and any vacancy occurring in the office of mayor, council-
man, police judge, marshal, attorney, or clerk, shall be filled by appoint-
ment of the council, and the appointment shall be till the next regular
election held for the election of said offices, and till their successors
then chosen shall qualify.
§ 10. If no election is held for mayor and councilmen in said town, or
any ward therein, on the regular election day fixed by this act, it shall be
the duty of the Bath county court to fix a day for such election, to be held
within forty days after the regular election day.
§ 11. The election for police judge and marshal shall be held at one
voting place, conveniently located for the voters of the town. It shall be
the duty of the clerk to cause to be advertised, for ten days before any
election by the voters of said town, in some newspaper published therein,
or if none, by printed posters in five or more public places in the town,
the time and place of such election, and what offices are to be elected
thereat.
§ 12. The Bath county court shall, at its regular term in April, 1874,
and annually thereafter at said term, appoint two judges of elections, and
a clerk thereof, in each of the four wards of said town, who shall be voters
of the town, and ward wherein they are appointed as such, and shall con-
tinue in office one year. The marshal, by himself or deputies, shall per-
form the same duties as to elections held in the town as required by law
of sheriffs at general elections; and the provisions of the chapter on
elections of the General Statutes, so far as the same defines the duties of
judges, clerks, and sheriffs of elections, and so far as the same are not in
consistent with this act, shall apply and regulate the duties of the election
officers in said town; and each judge, clerk, or marshal of an election
held in said town shall be entitled to one dollar per day, to be paid out of
the town treasury.

§ 13. That when two or more candidates for an elective office shall have
an equal number of votes for the same office, the election shall be deter-
mined by lot, in such manner as the council may direct, and in the pre-

cence of the council and at least three voters of the town.

§ 14. The poll books of the several wards, or of the town, shall be re-
turned, within twenty-four hours after the close of the polls, to the town
clerk, who, on the second day after the election, together with the
mayor and marshal, count the votes for the several candidates, and deliver

certificates, signed by them, to the candidates elected.

§ 15. That the present trustees shall, till their term of office expires,
exercise the same powers granted to the council; and the present clerk,
attorney, police judge, and marshal shall, as far as possible, exercise
the same powers granted to those officers, respectively, under this act, till
their successors are chosen and qualified.

§ 16. That any person who votes in said town at any town election
therein, who is not qualified to vote by this act, or who attempts to exer-
tise the duties of any office to which he is ineligible by this act, shall be
guilty of a misdemeanor, and fined in any sum not less than twenty-five
nor more than one hundred dollars, to be recovered before the Owingsville
police court.

§ 17. That all elections by the qualified voters of the town shall be held
between the hours of seven o'clock in the morning and five o'clock in the
evening; but the officers of the election may adjourn from time to time
during the day, not exceeding three hours at any one time; and the coun-
cil shall judge of the elections, qualifications, and returns of its members;
and in cases of contested elections for any town officer elective by the
voters of the town, or any ward, shall be heard and determined by the
council under such rules as may be prescribed by the by-laws or ordi-
nances.

§ 18. The clerk shall certify to the Secretary of State the name of the
person elected or appointed police judge of said town, and the Governor
shall issue a commission to said officer upon such certificate.

ARTICLE III.

Powers and Duties of Officers.

§ 1. That every person elected or appointed to an executive, judicial, or
other office, under this act, shall, before he enters on the duties of his office,
take and subscribe an oath before some officer authorized to administer an
oath, to faithfully and impartially, and to the best of his ability, execute
the duties of his office, and to be faithful and true to the laws of this Com-
monwealth, and especially those pertaining to said town; and it shall be
the duty of the clerk to file said oath in his office as a part of the record
thereof.

§ 2. That the marshal shall, previous to entering on the duties of his
office, execute a bond, with two or more good and solvent sureties, before,
and to be approved by the Bath county court, under the same restrictions
and requirements of the law as in case of sheriffs. The clerk of the said
court shall file said bonds in his office, and preserve the same among the
records thereof.

§ 3. The clerk of said town shall also execute bond, with two or more
good and solvent sureties, before the Bath county court, to the Common-
wealth of Kentucky, conditionally that he will well and truly perform his
duties under this act, and pay over any money which may come to his
hands as treasurer to the person or persons entitled thereto, and in accordance
with the orders of the council of Owingsville. Said bond shall also
be filed by the clerk of said court in his office, and preserved among the
records thereof. All fees of the county court clerk under this act shall
be paid out of the town treasury. The town clerk shall pay out no
money in his hands as treasurer, except upon the warrant of the mayor,
in pursuance of the orders of the council; and said clerk shall, annually,
in the month of January prior to the annual election, make out and pub-
lish in some newspaper of the town, or if none, in at least one hundred
printed handbills, a full and complete statement of all taxes, fines, penalties,
forfeitures, license fees, or other moneys which have come to his hands as
treasurer of said town up to and including the thirty-first day of Decem-
ber in the preceding year, and of all disbursmen's by him, to whom
made, and for what purpose; and any balance in his hands at the expira-
tion of his term of office shall be paid over to his successor. He shall
receive all moneys belonging to the town, and keep an accurate account
of all receipts and expenditures in such manner as the council may direct,
which account shall always be open for the inspection of the mayor and
councilmen.

§ 4. That the clerk, as assessor, shall perform all the duties which the
council may prescribe in relation to the assessing of property for the pur-
pose of levying the taxes imposed by the council.

§ 5. The clerk shall keep the corporate seal, if there be one; make and
keep a record of the proceedings of the council, at whose meetings it shall
be his and the marshal’s and attorney’s duty to attend; and copies of all
papers duly filed in his office, and transcripts from the records of the pro-
ceedings of the council, certified by him, shall be evidence in all the
courts of this Commonwealth.

§ 6. The mayor shall preside over the meetings of the council, and in
case of a tie, shall have the casting vote. He may call meetings of the
council when, in his opinion, the interests of the town demand it, or
any three councilmen, or any five voters, in writing, require it; and it
shall be his further duty to see that all ordinances, rules, regulations, and
by-laws of the town are faithfully executed. He shall have power to per-
form the duties of police judge in all criminal and penal actions under the
general or town laws when there is a vacancy in the office of police judge,
or when the said judge is absent, sick, or unable to attend to the duties of
his office from other cause; he shall have the same fees allowed the judge
in such cases, and shall account for all moneys received for fines as is re-
quired of the police judge.

§ 7. The mayor and three councilmen shall constitute a quorum for the
transaction of ordinary business; and in case of a vacancy in the office
of mayor, or of his being unable to perform his duties by reason of absence
from the town or sickness, the council shall appoint one of the council-
men to fill the office pro tempore, whose designation shall be acting mayor.

§ 8. The town attorney shall perform all professional services incident
to his office; attend the police court, and prosecute all cases therein; and
when required, shall furnish written opinions upon subjects submitted to
him by the council, or its committees. He shall, for his services, receive the same per centage of fines and forfeitures in the police court, where he attends and prosecutes to judgment, as is allowed by law to Commonwealth's attorneys in the circuit court.

§ 9. The marshal shall attend all the sessions of the police court held for the trial of criminal and penal cases, and shall give the town authority previous notice of any proceeding in that court which it is his duty to prosecute or defend. He shall procure evidence in cases affecting the town; and within his county shall have the same power and authority to serve and execute all process, civil, criminal, or penal, constables now have; and he shall be subject to the same liabilities, together with his securities, in the same manner and to the same extent as constables under the general laws. He shall have the power to appoint deputies, not exceeding four, to be approved by the council, and sworn to discharge their duties on county court days, and other public days; and the marshal shall be responsible for their conduct on his official bond. He shall collect the taxes levied by the council, settle for and pay the same into the treasury by the first day of October in each year, and perform such other duties as may be herein required or prescribed by the council. He shall receive five per cent. of all taxes collected and paid into the treasury; and for all other services he shall receive the same fees allowed by law to sheriffs or constables for similar services.

§ 10. That the council of Owingsville, or any person interested, may institute suit on the clerk's, marshal's, or police judge's bond, for any money which they shall fail to pay or account for, respectively, before the police court, or other court of competent jurisdiction, as in actions on constables' bonds under the general law.

§ 11. The mayor and councilmen shall receive, after the first Saturday in May, 1874, an annual salary of $15 each; the clerk shall receive a salary of $25; and the police judge, in addition to his regular fees, a salary of $100 per annum, to be paid out of the treasury. The council may decrease or increase said salaries, should it see proper to do so, after the third Saturday in January, 1875. All fines or forfeitures collected by the police judge or marshal shall be paid to the clerk forthwith, deducting the commission, if any, due the town attorney.

§ 12. That if any person, having been an officer in said town, shall not within twenty days after notification and request, deliver to his successor in office all the property, papers, and effects, of every description, in his possession, belonging to said town, or appertaining to the office he held, he shall forfeit and pay, for the use of said town, one hundred dollars, besides costs and damages, caused by his neglect or refusal so to deliver, to be recovered before the police court.

ARTICLE IV.

Police Court.

§ 1. That there shall be established in said town a court to be styled the Owingsville police court, to be held by the police judge of Owingsville.

§ 2. That said police court shall have exclusive original jurisdiction of all violations of the ordinances and by-laws of said town, and concurrent jurisdiction with the Bath quarterly court in all criminal, civil, and civil cases and proceedings. In all civil actions, where the amount in controversy, exclusive of interest and cost, exceeds fifty dollars, the action shall be by petition and summons; but before any summons is issued, the plaintiff shall pay to the police judge a tax of fifty cents, to be taxed as cost,
and accounted for by the said judge on his official bond to the trustees of the jury fund. He shall hold his courts at the court-house in said town; and for the trial of civil cases shall hold his court quarterly, on such days as he may fix upon in his judgment book. Notice of the days on which he shall begin his terms for the trial of civil actions, or any alteration thereof, shall be given thirty days before the beginning of the first term in [some] newspaper published in said town, or by printed posters in five or more public places in the Owingsville election precinct; but no alteration shall be made so as to make exceeding four terms in any one year. The jailer shall be allowed the same fees for making fires and waiting on the Owingsville police court, at its regular terms, for the trial of civil cases, to be paid by the treasurer, as are allowed by law for like services in the county court. He shall be allowed his regular fees for all services in feeding prisoners placed in the county jail for violations of town ordinances, or for a failure to pay fines and costs for such violations, to be paid him by the town.

§ 3. That the said police court shall be a court of record, and the judge thereof shall act as clerk of the same; and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth. Said court shall have no appellate jurisdiction; and all judgments of said court, in criminal and penal cases, under the general laws, where the fine imposed does not exceed fifteen dollars, or the imprisonment ten days, or for any violation of a town ordinance, or in civil cases where the matter in controversy, exclusive of interest and cost, does not exceed twenty dollars, shall be final and conclusive; but in all other cases an appeal may be taken under the provisions of the Civil and Criminal Codes of Practice within sixty days after the rendition of the judgment; which appeal shall be taken directly to the Bath circuit court.

§ 4. That all process issued by the police judge shall be in the name of the Commonwealth of Kentucky; and where such process relates to the violation of a town ordinance, it shall be in the name of the Commonwealth of Kentucky for the use of the council of Owingsville. The process in civil cases, or in criminal and penal cases, under the general laws, may be returnable to said police court, or to any magistrate of said county; but in cases pertaining to a violation of a town ordinance, the process must be made returnable to said police court. The marshal shall execute all process from said court, unless otherwise directed by the party or his attorney in whose behalf the same is procured, which direction may be verbal.

§ 5. That all fines, penalties, or forfeitures imposed by, or arising from, cases instituted in said police court, shall, when collected, be paid into the town treasury.

§ 6. The defendant shall have the right to replevy, for three months, any judgment for any fine or forfeiture in said police court, or any capias pro fine, or fieri facias issued thereon, by giving bond, with good security; and a return of nulla bona on a capias pro fine, or writ of fieri facias, issued on any judgment in the police court, shall authorize an attachment against the personal property of the defendant, or process to subject his choses in action, or other available effects, to the satisfaction of such judgment.

§ 7. That all persons adjudged to pay fines in the Owingsville police court, who do not pay or replevy the same, shall be forthwith confined in the Bath county jail until the fines and costs of prosecution assessed against them are discharged, at the rate of two dollars per day for each day's confinement; but the council shall have power to compel any able-bodied male persons, confined in said jail, for a failure to pay or replevy
of the Bath quarterly court, or as the clerk of the circuit court, for similar services.

§ 9. That in case of the absence from town, sickness, death, or resignation of the police judge and mayor, or a vacancy in said offices, the presiding judge of the Bath county court, or the nearest justice of the peace of said county, may hold said police court with all the powers of the police judge.

§ 10. That the marshal shall arrest any person who is drunk and disorderly in said town, in the day or night time, with or without a warrant, and it shall be his duty to place such person in the county jail, without a mittimus, until he is duly sober, when he shall bring him before the police court for trial. Any disorderly person in said town at night shall be arrested by the marshal or his authorized deputy, with or without a warrant or mittimus, and placed in the county jail until the next morning, when it shall be his duty to bring such person before the police court.

§ 11. That any failure of the marshal to discharge the duties prescribed in the preceding section shall subject him to a fine of not less than twenty-five nor more than one hundred dollars, to be recovered before the police court, in which case the process may be directed to and executed by the sheriff, jailer, or any constable of said county.

General Powers and Duties of the Council.

§ 1. That the council shall have stated meetings, and shall have the management and control of the finances and all the property, real, personal, or mixed, owned by the corporation.

§ 2. The council shall have power, within the corporate limits, by by-laws or ordinances—

First. To restrain and prohibit all descriptions of gambling and fraudulent devices, and all playing with cards or dice, or at other games of chance, whereat anything of value is bet, won, or lost, and to prohibit and punish all participants in any raffle or lottery.

Second. To prohibit the selling of any spirituous, vinous, or malt liquors by any shop keeper, hotel, tavern, innkeeper, druggist, trader, grocer, merchant, or other person, in any shop, hotel, tavern, store, grocery, out-house, yard, garden, or other place within said town, or within one mile of the corporate limits.

Third. To prohibit the selling or giving away of ardent spirits or other intoxicating liquors to any minor or apprentice without the consent of his or her parent, guardian, master, or mistress, and to prohibit the sale or giving away of such liquors to inebriates or habitual drunkards.

Fourth. To license and regulate shopkeepers, coffee-house-keepers, hotel, tavern, and innkeepers, druggists, traders, grocers, and keepers of ordinaries or virtualing, or other houses or places for the selling of wines

fines imposed by said police court, or on a judgment of imprisonment by said court, to work out said fines and costs, under the supervision of the marshal, or other person appointed by the council, on any of the streets, alleys, or public grounds of said town, and allow each person one dollar per day for each day's work as aforesaid; or in case of a judgment of imprisonment, allow the prisoners, for each day's work, a credit of one day on the judgment. In all cases where the defendant works out the costs adjudged against him, the officers to whom said costs are due shall be allowed the same out of the town treasury.

§ 8. That the police judge shall be entitled to the same fees as the judge of the Bath quarterly court, or as the clerk of the circuit court, for similar services.
and other liquors, whether ardent, vinous, or fermented, and to restrain all such persons from selling without license.

Fifth. To license, tax, regulate, suppress, and prohibit billiard-tables, pigeon-hole, Jenny Lind, and all similar tables, pin-alleys, nine or ten-pin alleys, ball-alleys, and shooting-galleries.

Sixth. To tax, license, and regulate auctioneers, distillers, brewers, and pawnbrokers, and tax and lay duties on the sale of goods at auction.

Seventh. To license, tax, and regulate hawkers and peddlers, and all itinerant vendors of medicines or other goods, wares, or merchandises, whether at auction or otherwise.

Eighth. To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind, by itinerant and other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

Ninth. To authorize the town clerk to grant and issue all licenses, except licenses to retail spirituous, vinous, or malt liquors, and direct the manner and time of issuing and registering thereof. No license shall be granted for more than one year, and not less than five dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents. All licenses shall be subject to a revocation by a majority of the council on the repayment of the pro rata amount of the license fee or tax for the unexpired part of the year or time the license was to run; but no license to retail spirituous, vinous, or malt liquors shall be granted to any person whatever, except upon the unanimous vote of the council, including the mayor; and before any license for that purpose shall have any validity or effect, it shall be signed by the mayor and each of the four councilmen in their own proper signatures, respectively, and attested by the clerk; and no such license shall authorize any person to sell such liquors under it on Sunday or holiday, any legal or primary election day, county, quarterly or circuit court day, or on the day of any circus show in said town; and the council shall have power to suspend the same on any public day it may deem proper, and to prohibit and punish the giving to a voter of any spirituous, vinous, or malt liquors, on any legal or primary election day in said town. No license shall be granted to retail such liquors to any person outside of the corporate limits.

Tenth. To prevent and suppress any riot, rout, breach of the peace, noise, or disturbance, or disorderly assemblage.

Eleventh. To suppress and restrain disorderly houses and grocers, and houses of ill-fame.

Twelfth. To establish and regulate markets and other public buildings, and provide for the erection and determine their location, and make crossings across the street.

Thirteenth. To regulate, license, or prohibit butchers, and to revoke their license for malconduct in the course of trade.

Fourteenth. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials.

Fifteenth. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize persons so riding or driving to be stopped by any person; and to compel persons to fasten their horses, mules, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the street.

Sixteenth. To prevent the encumbering the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, sleighs, sleds, wheelbar-
restrain and punish the running at large of horses and swine, and other domestic animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of such animals for a violation of any by law or ordinance in relation thereto.

Seventeenth. To prevent any obscene, indecent, or profane exhibition or conduct.

Eighteenth. To restrain and punish vagrants and prostitutes.

Nineteenth. To restrain, regulate, or prohibit the running at large of horses and swine, and other domestic animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of such animals for a violation of any by law or ordinance in relation thereto.

Twentieth. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances.

Twenty-first. To prevent and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.

Twenty-second. To make regulations to prevent the introduction of contagious diseases into the town.

Twenty-third. To have exclusive power over the streets and alleys and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.

Twenty-fourth. To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.

Twenty-fifth. To appoint watchmen and policemen, and prescribe their duties, power, and pay.

Twenty-sixth. To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.

Twenty-seventh. To inspect chimneys, flues, and stove-pipes in all buildings, and have them removed or repaired at the owner's expense when the public safety requires it.

Twenty-eighth. To do all acts, and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Twenty-ninth. To grant to any turnpike road company the right to construct and build a turnpike road or roads on the public roads or avenues within said town, or to contract with a turnpike company, on such terms and conditions as may be agreed upon, to use any macadamized road or street in said town, except Main street, as a part of the road of such company, or to repair or extend the same as such.

Thirtieth. To make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this State or of the United States, for the good government and order of said town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the council, or any officer of said town, by this act, and enforce observance of all rules, regulations, by-laws, and ordinances made in pursuance of this act, by penalties not exceeding, in any case, one hundred dollars fine, and thirty days' imprisonment for any offense against the same. In all cases where the
fine may exceed sixteen dollars, or the imprisonment five days, the defendant may demand and shall be entitled to a jury before the police court.

Thirty-first. To provide for the use of said town a fire engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.

Thirty-second. To prohibit and punish insurance agents doing business in said town from entering into combinations to fix minimum rates of insurance on the property in said town, for the purpose of preventing competition.

Thirty-third. That the council has exclusive power to grant all licenses for which provision is made by this act. That the amount to be paid for a license to keep a coffee-house or saloon, or other house, to sell ardent spirits by the drink, or otherwise, in said town, for one year, shall not exceed one hundred and fifty dollars, besides the State tax.

ARTICLE VI.

Taxation.

§ 1. That all dwelling-houses, business houses, store-houses, warehouses, hotels, shops, offices, stables, barns, cribs, or other buildings adjacent to either, together with any inclosed lot or lots upon which any such improvements may be situated, and all vacant lots of land now or which shall hereafter be laid off for the purpose of erecting any such buildings upon, including all yards, gardens, stable-lots, orchards, and vineyards, shall be subject to taxation for town purposes in said town, except such property as is exempt by the third section of this act.

§ 2. That all personal or mixed property owned by the citizens of said town, and all personal or mixed property located in said town owned by persons not citizens of said town, subject to State taxation, including that under the equalization laws, and all stock, capital, or money invested in any bank, shall also be subject to taxation for town purposes.

§ 3. That there shall be exempt from taxation under this act for town purposes all property belonging to and owned by said town. Bath county, the State of Kentucky, the United States, any church, seminary, college or public school, and all grounds attached thereto, dedicated solely to the uses thereof, and also all pasture or agricultural lands; but in case any road or street fronting or running through pasture or agricultural land is graded or macadamized by the council, then such lands, to the depth of three hundred feet from said road or street so graded or macadamized, shall be listed and taxed as other taxable property in said town, to aid in the payment of the expense incurred by such grading or macadamizing.

§ 4. The taxable property of said town shall be assessed at its market value, in currency, on the first day of May in each year. The assessor shall make his assessment between the tenth day of May and the tenth day of June in each year, and when completed, shall return the same to the council, who may correct and revise the same in such manner as shall do justice and secure equality to all as far as possible, giving ten days' public notice of the time of their revision.

§ 5. That in lieu of a town poll-tax, the council shall have power to require, and it is hereby made the duty of, every able-bodied male inhabitant of said town over sixteen and under fifty years of age, except ministers of the Gospel, to labor two days in each year upon the streets or alleys of said town, under the supervision and direction of the marshal.
a street commissioner, to be appointed by the council, and furnish such tools as may be required, on two days' verbal notice by the marshal or commissioner; but every such person may, at his option, instead of laboring, pay into the treasury of said town, at the rate of one dollar per day for each day he may be required to work: Provided, Such payment may be made before the first day of labor is required. But all persons over fifty years of age in said town, not exempted by the council, shall pay a poll-tax of two dollars per annum as long as such improvement is required by the council.

In default of payment or labor as aforesaid, the sum of four dollars and cost of suit before the police court shall be recovered by the council against each person so in default, unless excused by order of the council for good cause shown. Any and all persons who are so required to labor shall be exempt from working on any road in the county outside of the corporate limits as designated by this act. The marshal, if he acts, or the street commissioner, appointed by the council, shall be exempt from said tax and labor, and may be allowed reasonable compensation in addition for his services.

§ 6. It shall be the duty of the council to levy and collect a tax of not less than ten nor more than thirty cents on each hundred dollars' worth of taxable property of said town after the year 1874, annually, for the term of five years, which tax shall be applied to the grading and macadamizing of such of the streets of said town as the council may direct, and to no other purpose whatever; but no street shall have more than one year's taxes spent upon it until another year's tax has been spent upon another or other streets of said town.

§ 7. After the expiration of the time mentioned in the next preceding section, the same shall be in force for any time, not exceeding five years, if a majority of the legal voters of said town so direct, at an election to be held for that purpose; and said section may continue in force, from time to time, after that, as often and as long, not exceeding five years at any one time, as a majority of the legal voters of said town may direct, at elections held for that purpose.

§ 8. The council shall direct, by proper orders entered upon the record of the town, when, how, and by whom the elections provided for in the next preceding section shall be held, but shall give ten days' printed notice, posted in two or more public places in said town, of the time and place of holding any such election.

§ 9. The preceding three sections are not to apply to the sidewalks of said town, nor are they to prevent the collection of other lawful taxes for purposes other than grading and macadamizing the streets of said town.

§ 10. That the council may, instead of adopting the labor and street tax plan, as provided for in section five of this article, levy and collect a poll-tax, not exceeding two dollars on each male person residing in said town, over the age of sixteen years; and the parent or guardian of any such male person, over sixteen and under twenty-one years of age, shall be liable for said poll-tax, or for the failure to work upon the streets, as may be required under section five aforesaid.

§ 11. The boarding places shall constitute the place of residence of any person in said town who has no dwelling-house or fixed abode in said town.

§ 12. That every ordinance or by law or regulation imposing any penalty, fine, imprisonment, or forfeiture for its violation, shall, after its passage, before taking effect, be published one week in some newspaper...
published in said town, or by posting printed notices thereof in three or more public places in said town.

§ 13. There may be, in addition to the street taxes aforesaid, an ad valorem tax levied and collected each year, of not exceeding ten cents on each hundred dollars' worth of taxable property. For any tax levied under this act, there shall exist in favor of the council, upon all the property of the tax-payers until the same is paid, and in case the owner of any taxable property shall fail to pay his or her taxes on or before the first day of October in each year, it shall be the duty of the town marshal to sell, for cash in hand, at the court-house door in said town, after ten days' advertisement in some newspaper published in said town, or by printed advertisements posted in three or more public places in said town, one of which shall be at the court-house door on some county court day thereafter, so much of the real, personal, or mixed property of the person so in default as will pay off and discharge the taxes of such defaulter due to the council, and ten per cent damages thereon for the marshal, besides expenses of sale, and which shall vest the purchaser with the title and right to hold the same; and personal or mixed property so sold shall be delivered at once to the purchaser: Provided, however, That the owner of the real estate so sold may, within one year from the date of sale, redeem such estate by paying to the purchaser thereof, or to the town clerk for said purchaser, the purchase money and twenty per cent, thereon; but if he fails to redeem the real estate, as hereinbefore set forth, within one year, the said council shall cause the mayor to convey, by deed, to the purchaser, or his assignee, the estate so purchased, under his own hand and official title; and said deed shall vest the full fee-simple title to the purchaser, who, to obtain possession, shall be entitled to the same remedies as are prescribed by law in case of a purchase under a sheriff's deed. Said sales shall be made under the direction of the council, after the delinquent has failed to comply with this act, and such regulations as may be made under it.

§ 14. The council of said town shall have power to require the owners of real estate in said town to repair and keep in repair the sidewalks in said town in front of, or binding on, their real estate in said town; and if the owner of any real estate in said town shall fail to repair the sidewalks in front of, or binding on, their real estate in said town, for forty days after the owner or occupant of said real estate shall have been notified by the council, then the council shall have power to cause sidewalks to be made and repaired as aforesaid at their own expense, and may sue the owner of the property, whose duty it was to repair and keep the same in repair, and recover the amount so expended by them in repairing the same, and ten per cent thereon, and costs of suit, in any court of competent jurisdiction; and they may have all the remedies to recover the same that any other creditor has to recover and coerce all debts due him; and in all cases under this section the police judge shall have full jurisdiction.

ARTICLE VII.

Miscellaneous Provisions.

§ 1. That every person who is granted a license to retail spirituous, vinous, or malt liquors in said town, before presuming to sell, and before such license shall be in force, shall go before the Bath county court, and, together with two or more good and solvent securities, to be approved by said court, execute a covenant to the Commonwealth of Kentucky, conditioned that he will not sell or give to any person spirituous, vinous, or malt liquors, or any mixture thereof, contrary to the provisions of this
act, or any by-law or ordinance of said town concerning the sale or gift of such liquors made in pursuance of this act; and that he will pay all damages to any husband, wife, child, parent, guardian, employer, or other person who shall be injured in person, property, or means of support by any intoxicated person, or in consequence of any intoxication, habitual or otherwise, of any person whose intoxication shall have been caused by selling or giving such liquors by the principal to such bond, or his agents or employees.

§ 2. It shall be unlawful for any person to get intoxicated. Any person found in a state of intoxication shall, upon conviction thereof, be fined in the sum of five dollars. Any person convicted of intoxication shall be required, upon the trial, to designate the person or persons from whom the liquor, in whole or part, was obtained. In default of so designating such person, he or she shall, in addition to the fine above mentioned, as a part of his or her punishment for the offense, be imprisoned in the county jail not less than one day nor more than ten days, at the discretion of the court.

§ 3. That every husband, wife, child, parent, guardian, employer, or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, shall have the right of action against the principal to such bond, or his agents or employees.

§ 4. The chapter on towns of the General Statutes, so far as the same is consistent with this act, shall apply to said town.

§ 5. That all former acts relating to said town are hereby repealed.

§ 6. That this act shall take effect from its passage.

The question was first taken on the amendment proposed by the committee, and it was decided in the affirmative.

Said amendment reads as follows, viz:

Strike out in section 4 the word "white" wherever it occurs.

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

Those who voted in the affirmative, were—

Thos. J. Barker, H. S. Hale, R. B. Lovel,
James F. Clay, Geo. B. Hodge, E. W. Turner,
W. W. Culbertson, G. A. C. Holt, Thos. W. Varnon,
William P. Duvall, T. L. Jefferson, C. J. Walton,
Those who voted in the negative, were—

W. J. Berry, Thos. F. Hargis, Robt. Simmons,
D. R. Haggard,

Mr. Swoope then moved to amend said bill as follows, viz:

Amend section 5 by striking out so much thereof as requires that voters shall have paid their taxes on any fines due said town before they are allowed to vote or hold office in town elections of said town.

And 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. Swoope and Boyd, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, P. F. Edwards, R. B. Lovel,
Robert Boyd, W. C. Goodloe, G. W. Swoope,

Those who voted in the negative, were—

Thos. J. Barker, Thos. F. Hargis, O. D. McManama,
Robert A. Briggs, J. W. Hays, Robt. Simmons,
Scott Brown, G. A. C. Holt, E. W. Turner,
William P. Duvall, I. L. Hyatt, Thos. W. Varnon,
John J. Gatewood, D. H. Lindsay, W. L. Vories,
H. S. Hale,

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

The constitutional provision as to the third reading of said bill being dispensed with,

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, H. S. Hale, A. L. Martin,
Robert A. Briggs, Thos. F. Hargis, O. D. McManama,
Scott Brown, J. W. Hays, Robt. Simmons,
James F. Clay, G. A. C. Holt, E. W. Turner,
F. W. Darby, I. L. Hyatt, Thos. W. Varnon,
Wm. P. Duvall, T. L. Jefferson, W. L. Vories,
John J. Gatewood,

Those who voted in the negative, were—

W. J. Berry, P. F. Edwards, R. B. Lovel,
Robert Boyd, W. C. Goodloe, G. W. Swoope,
Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported, without amendment, by the several committees to whom they had been referred, viz:

By Mr. Turner, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
An act to amend section 740 of the Civil Code of Practice.
By Mr. Lindsay, from the Committee on Religion and Morals—
An act to incorporate the Masonic Mutual Benefit Association of Maysville.
By same—
An act to incorporate the Library Association in Cairo, Henderson county.
By same—
An act to prohibit the sale of spirituous, vinous, or malt liquors in Garnettsville, Meade county.
By same—
An act to amend an act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.
By Mr. Frazier, from the same committee—
An act to prohibit the sale of spirituous, malt, or vinous liquors in the town of Glenville, in Adair county, or within one mile thereof.
By same—
An act for the benefit of Green Ridge Church, in Logan county.
By Mr. Hodge, from the Committee on Railroads—
An act to amend an act, entitled “An act to establish tram-tracks or railways to navigable streams and railroads in Rockcastle county.”
By Mr. Duvall, from the Committee on Agriculture and Manufactures—
An act to provide for the establishment and measurement of brickwork.
By same—
An act to amend an act to incorporate the Louisville Cement and Water-power Company, approved January 13th, 1866.
By Mr. Martin, from the Committee on Banks and Insurance—
An act regulating the transfer of stock in the real estate associations of Jefferson county.
By Mr. McManama, from the Committee on Courts of Justice—
   An act to facilitate the collection of county levies and other
   county taxes.

Ordered, That said bills be read a third time.

The constitutional provision 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.

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

By Mr. Hodge, from the Committee on Railroads—
   A bill to amend an act, entitled "An act to incorporate the West-
   port, Carrollton, and Ghent Railway Company."

By same—
   A bill authorizing the city of Newport to increase her bonded
   indebtedness in aid of water-works.

By Mr. Clay, from the same committee—
   A bill to incorporate the Chicago and South Atlantic Railroad
   Company of Kentucky.

By Mr. Varnon, from the same committee—
   A bill to charter the Owensboro, Glasgow, and Tennessee Railroad,
   Mining, and Manufacturing Company

By Mr. Frazer, from the Committee on Banks and Insurance—
   A bill to amend an act incorporating the Farmers' and Drovers'
   Bank, approved February 18, 1869.

By Mr. McManama, from the Committee on Courts of Justice—
   A bill for the benefit of the marshals in the town of Morses, in
   Graves county, and in the town of Calvert City, in Marshall county.

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

The constitutional provision as to the second reading of said bills
being dispensed with,

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

The constitutional provision 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.

Bills from the House of Representatives, of the following titles,
were reported from the committees to whom they had been referred,
viz:
By Mr. Hodge, from the Committee on Railroads—
An act to amend an act to amend an act to incorporate the 
Frankfort, Paris, and Big Sandy Railroad Company.

By Mr. McManama, from the Committee on Courts of Justice—
An act to repeal an act, entitled "An act to amend an act to 
establish a levy and county court for Jefferson county."

Ordered, That the further consideration of said bills be postponed 
until Monday, the 16th inst.; the second bill was ordered to be 
printed.

The Senate took up for consideration a bill from the House of 
Representatives, entitled

An act to amend section 154 of the Criminal Code of Practice.

Mr. Gatewood moved to amend the bill so as to apply its provisions 
to prosecutions for misdemeanors and penal offenses.

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

The question was then taken on ordering said bill to be read a third 
time, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, Robert Simmons,
Robert A. Briggs, E. W. Turner,
F. W. Darby, Thos. W. Varnon,
Jesse C. Gilbert, W. L. Vories,

Those who voted in the negative, were—

Mr. Speaker (Carlisle) P. F. Edwards,
W. J. Berry, I. L. Hyatt,
Robert Boyd, T. L. Jefferson,
Scott Brown, R. B. Lovel,
James F. Clay, G. W. Swoope,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Ken-
ty, That section 154 of the Criminal Code be, and the same is hereby, 
so amended that the court or judge, in vacation, may authorize a defendant 
to take the deposition of a material witness, who is absent from the 
State, upon interrogatories propounded by the defendant or his attorney, 
and cross-interrogatories propounded by the Commonwealth's Attorney. 
The materiality of the witness and his non-residence must be shown by 
affidavit; and upon proof, other than the defendant's affidavit of the non-
70-s.
residence of the witness, such deposition may be read by the defendant on the trial as evidence.

§ 2. That this act shall take effect from its passage.

Mr. Frazer, from the Committee on Railroads, to whom was referred a bill from the House of Representatives, entitled

An act to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad Company;"

Reported the same without amendment.

Ordered, That the further consideration thereof be postponed until Monday, the 16th inst.

Mr. McManama, from the Committee on Courts of Justice, to whom was referred leave to bring in a bill, entitled

A bill to sell Augusta College, in Bracken county, for the benefit of the common schools therein,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. McManama moved the following resolution, which lies one day on the table, viz:

Resolved, That the 27th rule of the Senate be amended so as to read as follows: Every Senator who shall be in the Senate when the question is put shall give his vote, unless the Senate, for special reasons, or the Speaker, upon being satisfied that the motion or request is made for dilatory purposes, shall excuse him.

Mr. Gilbert moved the following resolution, viz:

Resolved, That a select committee of five Senators be appointed by the Speaker to investigate and report the actual cost of printing and binding such work as is done by the Public Printer and Binder; that said committee be empowered to send for persons and papers to enable them to report; and that said committee report to the Senate at their earliest convenience.

Which was adopted.

Whereupon, the Speaker appointed Messrs. Gilbert, Goodloe, Webb, Vories, and Gatewood said committee.

Mr. Gatewood, from the Committee on Courts of Justice, to whom had been referred a bill from the House of Representatives, entitled

An act to redistrict the county of Jessamine for justices' districts,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the justices' district of the county of Jessamine be, and the same are hereby, established as follows, to-wit:

§ 2. That the area embraced within the following limits shall constitute precinct No. 1: beginning at the residence of George Brown; thence to
the residence of John J. Baker; thence to the residence of Willaby Scott; thence to the residence of James Lyne; thence to the residence of Mrs. Hulda Arnott; thence to the residence of Mrs. Lucy Daniel; thence to the residence of John W. Wilmore; thence to the residence of B. F. Miles; thence to the residence of O. A. Wilmore; thence to the residence formerly occupied by J. Henry Gloss; thence to the residence of A. Didrick; thence to the residence formerly occupied by Wm. Lorrens, deceased; thence to residence of Isaac Bourne; thence to residence of John Simpson; thence to the beginning, including all of said mentioned residences in said precinct No. 1; and said line to touch at that part or portion of each of said residences fartherest removed from the centre of said precinct, and to be produced in a straight line between each of said residences.

§ 3. The following shall constitute the limits of precinct No. 2, to-wit: beginning at the intersection of the centre of the Lexington, Lancaster, and Danville Turnpike Road with the southern boundary of precinct No. 1, near the residence of A. Didrick; thence south with the centre of said road to the Kentucky river; thence down said river, with its meanderings, to the line between Jessamine and Woodford counties; thence north with said line to a point due west from the residence on the estate of W. Gwinn, deceased; thence by a straight line to the most northern portion of the residence of Joel White; thence due east to the centre of the old Frankfort road; thence with the centre of said road to the centre of the Lexington, Harrodsburg, and Perryville Turnpike Road; thence with the centre of said pike to the intersection of the same with the Nicholasville and Jessamine County Turnpike Road; thence with the centre of said last named road to the boundary of precinct No. 1; thence with said boundary to the beginning.

§ 4. The area bounded as follows shall constitute precinct No. 3, to-wit: beginning at the boundary of precinct No. 2, in the Jessamine and Woodford county line; thence north with said county line to the boundary of Fayette county; thence east with said boundary to the centre of the Lexington, Lancaster, and Danville Turnpike Road; thence south with said centre to the intersection of the northern boundary of precinct No. 1; thence with said boundary to the boundary of precinct No. 2; thence with the boundary of said precinct No. 2 to the beginning.

§ 5. The following shall constitute the boundaries of precinct No. 4, to-wit: beginning at the intersection of the Lexington, Lancaster, and Danville Turnpike Road with the northern boundary of precinct No. 1; thence north with the centre of said road to the Fayette county line; thence east with said line to the Kentucky river; thence down said river to Carver's Ferry; thence with the Carver's Ferry Road to the Nicholasville and Kentucky River Turnpike Road; thence with the centre of said pike to the eastern boundary of precinct No. 1; thence with the boundary of said precinct No. 1 to the beginning.

§ 6. Precinct No. 5 shall be composed of the remainder of said county, and shall be bounded as follows: beginning at the intersection of the southern boundary of precinct No. 4 with the Kentucky river at Carver's Ferry; thence down said river, with its meanderings, to the eastern boundary of precinct No. 2; thence north with said boundary to the southern boundary of precinct No. 1; thence with said boundary to the southern boundary of precinct No. 4; thence with said southern boundary to the beginning.

§ 7. That the place of voting in each of said precincts shall be, and the same is hereby, established as follows, to-wit: in precinct No. 1, the court-
house; in precinct No. 2, Lee's shop; in precinct No. 3, the school-house near Harry Huggins, on the Lexington and Harrodsburg and Perryville pike; in precinct No. 4, Coffman's shop, and in precinct No. 5, Woodard's shop, in Sulphur Well.

§ 8. All laws and parts of laws in conflict with this act are hereby repealed.

§ 9. This act shall take effect and be in force from and after its passage.

Mr. Goodloe moved to amend said bill as follows, viz:

Strike out the last section and substitute the following: If, at the first general election held in the county of Jessamine, a majority of the qualified voters of the county shall elect to have the changes made in the magisterial districts as contemplated by the provisions of this bill, then this act shall be in full force and effect; otherwise, it shall be null and void, and its provisions inoperative.

And 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. Goodloe and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Robert Boyd, W. C. Goodloe, G. W. Swoope,
W. W. Frazer,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, T. L. Jefferson,
Robt. A. Briggs, D. R. Haggard, O. D. McManana,
Scott Brown, H. S. Hale, Robert Simmons,
James F. Clay, Thomas F. Hargis, E. W. Turner,
F. W. Darby, J. W. Hays, Thos. W. Varnon,

Ordered, That the further consideration of said bill be postponed until to-morrow.

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

On motion of Mr. Martin—

1. A bill for the benefit of W. T. Havens and W. W. Cox, of Morgan county.

On motion of Mr. Goodloe—

2. A bill for the benefit of Mrs. E. J. Peas.

Ordered, That the Committee on Claims prepare and bring in the 1st, and the Committee on Charitable Institutions the 2d.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined sundry enrolled bills, which originated in the Senate, of the following titles, viz:
An act to amend the charter of the Springfield, Pleasant Run, and Mackville Turnpike Road Company;

An act to prohibit the sale of spirituous, vinous, or malt liquors within one and one half miles of S. J. Henz's store, in what is now known as Lewisburg, Logan county;

An act to incorporate the town of Garnettsville, in Meade county;

Also bills, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Mann & Rice and Miller & McDaniel, of Greenville;

An act allowing the jailer of Clay county an assistant;

An act for the benefit of John N. Howard, sheriff of Harlan county;

An act for the benefit of Wm. Sword and Fleming Justice, of Pike county;

An act to authorize the creation of a building committee for the town of Versailles, in Woodford county, and to define the powers and duties thereof;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

On motion of Mr. Brown,

A committee, consisting of Messrs. Brown, Barker, and Varnon, was appointed, to act in conjunction with a similar committee on the part of the House of Representatives, to withdraw, unsigned, from the hands of the Governor, a bill which originated in the Senate, and had passed the two Houses, entitled

An act to amend chapter 223, laws 1844, approved 27th February, 1844.

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

A message was received from the House of Representatives, asking leave to withdraw the announcement of their passage of said bill.

Which was granted.

Ordered, That said bill be recommitted to the Committee on the Judiciary.
On motion of Mr. Barker,
A message was sent to the House of Representatives, asking leave to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled
An act limiting the time of acceptance of a proposition by McCalfe county to subscribe stock to the Cumberland and Ohio Railroad Company.

Mr. Haggard moved to reconsider the vote by which the Senate had, on yesterday, disagreed to the passage of a bill, which originated in the House of Representatives, entitled
An act to amend chapter 84 of the General Statutes, title "Peddlers."

Which motion was simply entered.

Mr. Gatewood moved to reconsider the vote by which the Senate had, on yesterday, disagreed to the passage of a bill from the House of Representatives, entitled
An act to incorporate the Franklin Colored Benevolent Society of Franklin.

Which motion was adopted.

Ordered, That said bill be recommitted to the Committee on the Judiciary.

The Senate took up for consideration a bill, entitled
A bill to amend chapter 90 of the General Statutes, title "Public Printing and Binding;"

Ordered, That the further consideration of said bill be postponed and made the special order of the day for Monday next, the 16th inst.

The Senate then took up for consideration the special order, a bill from the House of Representatives, entitled
An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the institution heretofore erected and known as a State House of Reform for Juvenile Delinquents, and by an act of the General Assembly, entitled "An act concerning the various charitable institutions of this Commonwealth," approved 21st April, 1873, was partially changed into and called the Fourth Kentucky Lunatic Asylum, be, and the same is hereby, declared to be the Central Kentucky Lunatic Asylum, and by that name it shall hereafter be known and called, and shall not any longer
be used for the purpose of a State House of Reform for Juvenile Delinquents.

§ 2. For the purpose of erecting and providing buildings, rooms, and accommodations at said institution for colored lunatics separate and apart from the whites, and for the purpose of enlarging the buildings and providing suitable accommodations for one hundred additional white persons above the present capacity of said institution, there is hereby appropriated the sum of one hundred thousand dollars, one third of the amount to be used in providing accommodations for colored lunatics, to be paid out of the Public Treasury, the expenditure of which is confided to the Governor and two commissioners to be appointed by him and confirmed by the Senate.

§ 3. The Governor and commissioners shall secure an architect to prepare plans and specifications for said buildings and improvements, which may be adopted or rejected by them, or accepted in a modified form; they may employ him or another, or select one of themselves to superintend said work; they shall advertise the letting of said work upon contract, in parcels or in whole, by inviting sealed bids, and shall award the contracts to the lowest and best bidder; make written contracts, and always reserve thirty per cent. upon the estimates of work done until the undertaking is fully finished and accepted by them.

§ 4. The Auditor shall draw his warrant on the Treasurer for said money, from time to time, upon the written order of the Governor; and the Governor and commissioners shall report to the General Assembly how they have expended said money, showing a voucher for each amount paid out.

§ 5. So soon as said improvements have so far progressed as that additional lunatics can be received and lodged there, it shall be the duty of the Governor to give notice thereof, and have them removed accordingly, as provided in section fifteen of said act approved 21st April, 1873: Provided however, That the colored lunatics shall be kept separate and apart from the whites. And the First and Second and Central Kentucky Lunatic Asylums shall each hereafter be used for the reception and treatment of lunatics, without regard to whether the case is chronic or acute, and the said act approved 21st April, 1873, is amended accordingly.

§ 6. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Those who voted in the negative, were—

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

The Senate, according to order, took up for consideration a bill, entitled
A bill to amend chapter 92, title “Revenue and Taxation,” General Statutes.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That hereafter, each voting precinct in the several counties, cities, and towns in this Commonwealth shall, for the purpose of assessing taxes by the assessors of taxes, be and constitute a revenue district.

§ 2. Be it further enacted, That each assessor, immediately after his election and qualification to office, shall proceed to assess the property liable to taxation in his county, city, or ward, as the case may be, as required by law; and to this end it shall be his duty to commence at some corner or outside point of some one of his districts or wards, and assess the property in rotation as it joins or lies contiguous to property just assessed or about to be assessed; and he shall proceed in some regular manner until he shall have made the circuit of each district or ward, and assessed all the property and polls in said district or ward, in a separate book, and he shall proceed in the same way with each district or ward until he shall have assessed all the property and polls in the county, town, or city subject to taxation. Said assessor shall see each lot, tract, or parcel of land, or otherwise obtain satisfactory information in regard thereto, and shall enter each assessment in the precinct or ward where the tax-payer resides or in which the land or town lot is situated, in a separate book, to be furnished to him for that purpose by the Auditor of Public Accounts.

§ 3. Be it further enacted, For the more convenient and efficient assessment of taxes, it shall be the duty of the Governor, Auditor, and Attorney General to prescribe a form of blanks for assessment, to be furnished by the tax assessor to each tax-payer, which blanks shall have proper headings so as to enable the tax-payer to furnish a complete list or schedule of all his taxable estate, real, personal, and mixed, with a fair description of his lands and town lots, and the value of all his taxable property; upon which blanks shall be printed the questions which the tax assessor shall ask each tax-payer; and upon which blanks shall also be printed the oath that is required to be taken by each tax-payer, and they may make any changes in the blanks now furnished as to them may seem advisable; and it shall be the duty of the assessor, after the tax-payer has given in his list of taxable property and filled up the blanks, and made a full schedule of his taxable property and the value of the same, and has answered the questions propounded to him by the assessor, to then read over to the tax-payer the oath appended to said list (which shall be the oath now prescribed by law), and the tax-payer shall take and subscribe the same before the assessor, and he shall attest the same; and thereupon said assessor shall, from said schedule so made out and sworn to, make and enter upon his assessment-book said assessment, unless he has good and sufficient cause to doubt the correctness of the statement of said tax-
pater; in which case he shall thoroughly investigate the matter, and make such assessment as the facts may warrant; and it shall be his duty to return with his tax books, to the county court clerk, all of said schedules or lists, which shall be filed by the clerk of the county court in his office, and carefully preserve the same for the inspection of the county court, the grand jury, or any person claiming a right to examine them.

§ 4. Be it further enacted, That all persons acting as executors, administrators, guardians, trustees, agents, attorneys, or in any other fiduciary capacity whatever, shall make a return of all the property, money, credits, and effects held by them, in any or either of said capacities, separate from their individual returns; and if in more than one fiduciary capacity, they shall return each separately, and the same shall be listed separately for taxation.

§ 5. Be it further enacted, That in all cases where any person, company, firm, or corporation shall, after being furnished with one of the blanks, as herein provided for, and has been requested by the assessor to furnish a schedule or list of all his taxable estate, and the value thereof, willfully fail, neglect, or refuse to do so, or to aid the assessor in doing so by giving him the list to be put in said blank, or if said tax-payer refuses to be sworn to said lists as required by this act, and the act to which this is an amendment, it shall then be the duty of the assessor to make such assessment in every such case himself from the best information he can obtain, and shall add twenty-five per cent. to the value of said property assessed, as a penalty for such refusal on the part of the tax-payer.

§ 6. Be it further enacted, That if the assessor shall discover any property, subject to taxation in his county, which belongs to any non-resident, and no one appears before him to list the same for taxation, he shall ascertain the value of said property, whether real, personal, or mixed, and the name of the owner, if he can, and list the same for taxation at its value, unless he can notify the owner, and warn him to appear before him to list the same, or cause the same to be done; but if the owner, after being duly notified, fails or refuses to list said property, or cause the same to be done, then the assessor shall list the same, and shall add twenty-five per centum to the value, as a penalty for such refusal.

§ 7. Be it further enacted, The assessor shall complete his work and make return of his books and all of said lists and schedules, as herein provided, within the time now prescribed by law.

§ 8. Be it further enacted, After the Governor, Auditor, and Attorney General shall have agreed upon a form of blanks to be used by the assessor, and to be furnished to the tax-payers, the Auditor shall cause the same to be printed by the Public Printer, and forward them with the other blanks, as now required by law, to the clerks of the several county courts in this State; and he shall furnish the same to the several assessors of taxes, who shall furnish one to each tax-payer, as herein provided.

§ 9. Be it further enacted, If any person shall conceive himself aggrieved by any assessment, he shall present the matter to the board of supervisors of his county, by petition or otherwise, who shall hear all the evidence touching the matter, and make such changes in the assessment as to them may seem just; and said board shall have all the power to equalize the taxation in their county as they now have by law.

§ 10. Be it further enacted, The county court, composed of the county court judge and the justices of the peace in every county in this State, shall, at the court of claims in their county, held in October or November
in each year, appoint one discreet citizen and tax-payer, from each voting precinct in the county, a supervisor of tax of said county; and when they assemble, shall constitute a board of supervisors for said county, a majority of whom may act. They shall perform all the duties, and be subject to the same regulations, and receive the same compensation, as now provided by law: Provided, That no civil officer shall be eligible to be a supervisor of taxes for any voting precinct in any county in this State; and provided further, That if from any cause, any person so appointed a supervisor by the court shall fail to attend, the county court judge and the supervisors present shall fill the vacancy by appointing some other person qualified to act from said precinct.

§ 11. Be it further enacted, The assessor shall be ineligible to the same office for the succeeding term after the expiration of the term for which he was elected and served as such.

§ 12. Be it further enacted, That a State Board of Supervisors of Taxes is hereby created, to be composed of one discreet citizen tax-payer from each appellate judicial district in this State, and one additional from the city of Louisville, and the Governor of this State, who shall act as one of the Board, and be ex-officio President of the same. The Governor shall, by and with the advice and consent of the Senate, appoint and commission the other members of the board, and shall convene them at the Capitol, in the city of Frankfort, immediately after the county court clerks shall have filed with the Auditor the tax books from the several counties in this State. The commissioners so appointed and commissioned by the Governor shall be sworn to faithfully and impartially discharge their duties, and shall for their services receive —— dollars per day; but they shall not receive more than —— dollars for their services in any one year. They shall have power, and it is hereby declared to be their duty, to carefully examine the assessment of taxes in each county, as returned to the Auditor, and thoroughly and impartially equalize the taxable value of the property in the whole State among all the counties; and if it shall appear to them that the property of any county or counties has been assessed too high or too low, as compared with the assessment of other county or counties, they shall have power, and it is hereby declared to be their duty, to raise or reduce the taxable value of such county or counties, as to them may seem just; and they shall make an order, in writing, showing their acts, and cause the same to be recorded in a well-bound book to be kept for that purpose, and the order shall be signed by the President of said Board; and said book, after all the orders therein are duly recorded and signed, shall be filed with the Auditor, and it shall be his duty to send to the clerk of the county court a copy of any order made in reference to the assessment of any county, and the clerk of such county shall correct the assessment so as to conform to the order of the State Supervisors before he delivers the books to the collector of the revenue and county levy.

§ 13. Be it further enacted, The Governor may fill any vacancy which may occur in the board by reason of death, removal, or failure to attend.

§ 14. Be it further enacted, This act shall take effect from its passage.

The question was first taken on the amendment proposed by the Committee on Finance, and it was decided in the affirmative.

Said amendment reads as follows, viz:

Amend section 5 by striking out all after the word "obtain," in the 9th line, and inserting in lieu thereof the following, viz: "and he
shall, at the time he returns his tax-book, also return the names of all persons, companies, firms, and corporations who have so failed to furnish or be sworn to said list; and such delinquent shall be proceeded against and punished as prescribed in section 22, article 5, chapter 92, of the General Statutes."

Mr. Boyd then moved to amend said bill by striking out the 12th and 13th sections thereof.

And 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. Boyd and Haggard, were as follows, viz:

Those who voted in the affirmative, were—

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<tr>
<th>Thos. J. Barker</th>
<th>Jesse C. Gilbert</th>
<th>O. D. McManana</th>
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<tbody>
<tr>
<td>Robert Boyd</td>
<td>W. C. Goodloe</td>
<td>G. W. Swoope</td>
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<tr>
<td>Robert A. Briggs</td>
<td>H. S. Hale</td>
<td>E. W. Turner</td>
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<tr>
<td>F. W. Darby</td>
<td>Geo. B. Hodge</td>
<td>Thos. W. Varnon</td>
</tr>
<tr>
<td>William P. Duvall</td>
<td>G. A. C. Holt</td>
<td>C. J. Walton</td>
</tr>
</tbody>
</table>

Those who voted in the negative, were—

<table>
<thead>
<tr>
<th>W. J. Berry</th>
<th>Thos. F. Hargis</th>
<th>R. B. Lovel</th>
</tr>
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<tr>
<td>W. W. Culbertson</td>
<td>J. W. Hays</td>
<td>A. L. Martin</td>
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<tr>
<td>P. F. Edwards</td>
<td>I. L. Hyatt</td>
<td>Robt. Simmons</td>
</tr>
<tr>
<td>W. W. Frazer</td>
<td>T. L. Jefferson</td>
<td>W. L. Vories</td>
</tr>
<tr>
<td>D. R. Haggard</td>
<td>D. H. Lindsay</td>
<td>Ben. J. Webb</td>
</tr>
</tbody>
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Mr. Barker then moved to amend said bill by striking out, in line 8, section 6, all after the words "shall list the same."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. Hale then moved the following amendment to said bill, viz:

Amend 2d section by striking out, in line one, the word "immediately," and insert in line two, after the word "shall," and before the word "proceed," these words: "on the 10th day of January in each succeeding year thereafter during his term of office."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. Lovel then moved to amend said bill by striking out, in line 3, the words "October or November."

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

Mr. Briggs then moved to amend said bill by striking out the 11th section thereof.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.
Ordered, That said bill be engrossed and read a third time.

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

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

And then the Senate adjourned.

FRIDAY, FEBRUARY 13, 1874.

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

An act to amend an act, entitled "An act to amend the charter of Bacon College," approved January 15th, 1858.

An act to secure the payment into the Treasury of all fines, taxes, and license fees collected of the jury fund clerks and other officers.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be placed in the orders of the day.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend and repeal in part an act, entitled "An act to incorporate the Chestnut Street Presbyterian Church of Louisville," approved February 25th, 1848.

An act for the benefit of John M. Curry, ex-sheriff of Pendleton county.

An act for the benefit of the owners of the Mammoth Cave estate.

An act to incorporate the Mammoth Cave Hotel and Railroad Company.

An act to incorporate the Odd Fellows' Tabernacle Association of Louisville.
An act to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873.

An act to incorporate a police municipality in Jefferson county.

An act to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company."

An act to incorporate the town of Garnettsville, in Meade county.

The Senate resumed the consideration of the unfinished report of the Committee on Revised Statutes and Codes of Practice and General Statutes, being a bill, which originated in the House of Representatives, entitled

An act to redistrict the county of Jessamine for justices' districts.

Mr. Gatewood asked leave to withdraw the report of the committee.

Which was granted.

Mr. Hodge moved to reconsider the vote by which the Senate had, on yesterday, disagreed to the passage of a bill from the House of Representatives, entitled

An act to amend section 154 of the Criminal Code of Practice.

Which motion was simply entered.

The Senate took up for consideration the motion heretofore made by Mr. Darby to reconsider the vote by which the Senate had passed a bill from the House of Representatives, entitled

An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts."

Which motion was adopted.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, were reconsidered,

Mr. Darby then proposed an amendment to said bill.

Which was adopted.

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

The constitutional provision 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.

The Senate then took up a resolution from the House of Representatives, entitled

Resolution directing the Governor to purchase Hart's busts of Clay and Jackson.
Said resolution reads as follows, viz:

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor of this Commonwealth be, and he is hereby, directed to purchase the busts of General Andrew Jackson and Henry Clay, sculptured and now owned by Joel T. Hart; and that the sum of seventeen hundred dollars is appropriated for that purpose; and the Auditor is hereby authorized and directed to draw his warrant on the Treasurer for that sum.

2. This resolution shall take effect from its passage.

Mr. Hays then moved to amend said resolution by adding to the first section thereof the words “in favor of the said Joel T. Hart.”

Which was adopted.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Robert A. Briggs, Jesse C. Gilbert, D. H. Lindsay,
Scott Brown, W. C. Goodloe, A. L. Martin,
James F. Clay, D. R. Haggard, Robert Simmons,
F. W. Darby, Thos. F. Hargis, G. W. Swoope,
Wm. P. Duvall, J. W. Hays, E. W. Turner,
P. F. Edwards, George B. Hodge, Thos. W. Varnon,
W. W. Frazer, J. L. Hyatt, W. L. Vories,

Those who voted in the negative, were—

H. S. Hale, R. B. Lovel,

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

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill from the Senate, entitled An act to increase the jurisdiction of quarterly courts in the counties of Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, McCracken, Owen, Gallatin, Logan, Boyd, Barren, Boone, Monroe, Mecalfes, Edmonson, Breckinridge, Wayne, Pulaski, Marshall, and Cumberland.

The amendment proposed by the House of Representatives reads as follows, viz:

The provisions of this bill shall also apply to the counties of Livingston, Knox, Casey, Russell, Bath, Menifee, Garrard, Anderson, Lincoln, Greenup, Bell, Rockcastle, Laurel, Clinton, Morgan, Hopkins, McLean, Mercer, Butler, and Meade; also change the title by striking out the word “and,” between the words “Marshall and
Cumberland," and inserting after the word "Cumberland" the words "and other counties."

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


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

Mr. Hargis, from the Committee on the Judiciary, to whom was re-committed a bill, entitled

A bill to amend the penal laws of this Commonwealth, Reported the same with an amendment.

Ordered, That the further consideration of said bill be postponed and made the special order of the day for to-morrow.

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

By Mr. Darby, from the Committee on Courts of Justice—

A bill to amend the charter of the town of Princeton.

By same—

A bill to incorporate Louisa Lodge, No. 199, Independent Order of Odd Fellows.

By Mr. Barker, from the Committee on Claims—

A bill for the benefit of Sanford Goin.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That the further consideration of the last named bill be postponed indefinitely, and that all the rest be engrossed and read a third time.
The constitutional provision 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.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Barker, from the Committee on Claims—
An act for the benefit of Ulysses Garred, of Lawrence county.

By Mr. Darby, from the Committee on Courts of Justice—
An act to amend the charter of Jeffersontown, and to establish a police court for said town.

With an amendment to the last named bill.

Which was adopted

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

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

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

Mr. Barker, from the Committee on Claims, to whom had been referred a bill from the House of Representatives, entitled
An act for the benefit of W. R. Stringer, of Livingston county,
Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, W. R. Stringer was duly appointed and qualified as a committee for John W. Dunford, a pauper lunatic, and was by an act of the Legislature allowed compensation to the 28th day of March, 1872; and whereas, W. R. Stringer did, as such committee, continue to take charge of, support, and clothe said Dunford from the 28th day of March, 1872, to the 21st day of February, 1873, a period of ten months and twenty-four days; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, The Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for the sum of $180 in favor of W. R. Stringer, of Livingston county, out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:
Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
Robert Boyd, W. C. Goodloe, A. L. Martin,
Robert A. Briggs, D. R. Haggard, Robert Simmons,
Scott Brown, H. S. Hale, G. W. Swoope,
James F. Clay, Thos. F. Hargis, E. W. Turner,
W. W. Culbertson, J. W. Hays, Thos. W. Varnon,
F. W. Darby, G. A. C. Holt, W. L. Vories,
Wm. P. Duvall, I. L. Hyatt, C. J. Walton,

In the negative—none.

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

Mr. Barker, from the Committee on Claims, to whom was referred
a bill from the House of Representatives, entitled
An act for the benefit of Henderson Conlee, of Powell county,
Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Ken­
tucky, That the Auditor of Public Accounts be, and he is hereby, directed
to draw his warrant on the Treasury in favor of Henderson Conlee for the
sum of two hundred and fifty dollars, payable out of any money in the
Treasury not otherwise appropriated, being compensation to said Conlee
for arresting and placing in jail in the State of Virginia one James John­
son, an escaped convict from the Kentucky Penitentiary, and his expenses
attending his services in arresting said Johnson and placing him in jail.

§ 2. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a pro­
vision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
Robert A. Briggs, John J. Gatewood, R. B. Lovel,
Scott Brown, W. C. Goodloe, A. L. Martin,
James F. Clay, D. R. Haggard, Robert Simmons,
W. W. Culbertson, H. S. Hale, G. W. Swoope,
F. W. Darby, Thos. F. Hargis, E. W. Turner,
Wm. P. Duvall, J. W. Hays, Thos. W. Varnon,
P. F. Edwards, G. A. C. Holt, W. L. Vories,
W. W. Frazer, I. L. Hyatt, C. J. Walton,
72-s.
Those who voted in the negative, were—

W. J. Berry, H. S. Hale, G. W. Swoope,

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

Mr. Barker, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of Haly, Mahoney & Co.,

Reported the same without amendment, and without expression of opinion.

Said bill reads as follows, viz:

WHEREAS, The General Assembly of the Commonwealth of Kentucky, on the 2d day of February, 1869, appropriated $100,000 for the purpose of erecting Fire-proof Offices at the Seat of Government, and appointed G. W. Craddock, Hugh Rodman, S. I. M. Major, A. W. Dudley, John Mason Brown, Philip Swigert, George W. Anderson, Norvin Green, and I. T. Martin as commissioners, with direction to contract for, and superintend the erection of said Fire-proof Offices; by virtue of which act the said commissioners did contract with Haly, Mahoney & Co. for the building of said offices; and whereas, on the 8th day of March, 1871, the General Assembly of the State of Kentucky passed an act appropriating the additional sum of $55,000 for the construction of said building; and in said act empowered the said commissioners, appointed under said act of 1869 to close the contracts made by them for any work on said building as they thought just and proper, and giving them the right to reclamation for indifferent work, or violation of any contract made by them; said act providing that all debts should be presented and settled within thirty days after its passage, and the balance then remaining to be expended on said building; and whereas, in accordance with said act, a majority of said commissioners, to wit: S. I. M. Major, Hugh Rodman, Norvin Green, E. D. Standiford, G. W. Anderson (and the Governor as chairman), and J. W. H. Reynolds, completed the settlement with Haly, Mahoney & Co. on the 21st day of September, 1871, at their regular meeting (called for that purpose by the Governor), awarded the said Haly, Mahoney & Co. the sum of $8,834 66; and whereas, said sum was not paid Haly, Mahoney & Co. out of said $55,000, or any part thereof, the same having been expended on said building by the commissioners appointed under said act of 1871; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer, upon any funds not otherwise appropriated, in favor of Haly, Mahoney & Co. for $8,834 66, and the Treasurer is directed to pay same.

§ 2. This act to take effect from and after its passage.

Mr. Haggard proposed the following amendment as a substitute for said bill, viz:

WHEREAS, John Haly claims that the State of Kentucky is indebted to him $——, balance for work and material done and furnished on Fire-proof Public Offices; and it also appears that the Commissioners appointed to superintend the construction of that improvement, under whose auspices said Haly done the work, are divided, and disagree among themselves as
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§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Governor shall appoint three capable and discreet men, who shall, after being duly sworn to faithfully discharge the duties assigned them under this act, carefully examine all the accounts between the parties, and hear their evidence; and whether in fact there is any sum due said Haly in justice and equity; and if anything, how much, and make report thereof to the Governor in writing.

§ 2. If said report shall show any sum due said Haly, the Governor is hereby directed to order the Auditor to draw his warrant on the Treasurer in favor of said Haly, and the Treasurer is directed to pay the same.

§ 3. Said Commissioners are hereby clothed with power and authority to administer oaths to witnesses of both parties introduced before them on said investigation; and false swearing or perjury by any one before them shall be punished as provided now by law against such crimes; and said Commissioners are authorized to issue subpoenas for witnesses; and their summons for such witnesses shall be executed by any sheriff, constable, or town or city marshal, and the witnesses subject to same penalties for disobedience as in other cases.

§ 4. The Commissioners shall make full report, in writing, of the entire case, and all the evidence brought before them; said report shall be filed and preserved by the Governor in his office, and this settlement shall be final.

§ 5. The Commissioners shall be paid five dollars each per day for the time they are occupied, and their expenses, as well as also the witnesses and other officers for their services the fees allowed by law in such cases, all which shall be reported to the Governor by said Commissioners; and he shall direct the payment thereof by the Auditor and Treasurer. It shall also be the duty of the Governor to have the State represented throughout said investigation by counsel for the State.

§ 6. This act shall take effect from its passage.

And 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. Haggard and Clay, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, D. R. Haggard, G. A. C. Holt, T. L. Jefferson, T. L. Jefferson,
Robert A. Briggs, H. S. Hale, D. H. Lindsay,
W. W. Culbertson, J. W. Hays,
W. W. Frazer,
John J. Gatewood,

Those who voted in the negative, were—

Thos. Barker, W. C. Goodloe, Robert Simmons,
Robert Boyd, I. L. Hyatt, G. W. Swoope,
Scott Brown, R. B. Love, E. W. Turner,
Wm. P. Duvall, A. L. Martin, Thos. W. Varnon,
Mr. McManama then moved that the further consideration of said bill be postponed until to-morrow.

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


W. W. Frazer, J. W. Hays,

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

The constitutional provision as to the third reading of said bill being dispensed with,

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Jesse C. Gilbert, G. A. C. Holt,

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

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the House of Representatives, of the following titles, viz:
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An act for the benefit of Clinton county;
An act providing for the continuation of the geological, mineralogical, and botanical survey now in progress in Kentucky, and for the prosecution of other surveys;
An act for the benefit of Charles N. Hoskins, sheriff of Powell county;
An act to amend article 4 of chapter 52 of the General Statutes;
An act for the benefit of the sheriff of Hancock county;
An act for the benefit of Isaac K. Baker, late sheriff of Perry county;
An act regulating the practice of suits under section 12 of the city charter of Louisville, and amendments thereto;
An act to amend chapter 28, article 5, General Statutes;
An act for the benefit of E. M. Springfield, late sheriff of Webster county, and securities;
An act to amend an act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road, approved April 21st, 1873;
An act limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the Cumberland and Ohio Railroad Company;
An act for the benefit of L. B. Piercal, of Lewis county;
An act for the benefit of J. W. Shelby and wife, of Lincoln county;
Also bills, which originated in the Senate, of the following titles, viz: 
An act for the benefit of James Wallace, late sheriff of Christian county;
An act for the benefit of Wm. E. Clelland, late sheriff of Mercer county;
And had found the same truly enrolled.

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 approval and signature.

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

Leave was given to bring in the following bills, viz:
On motion of Mr. Boyd—
1. A bill for the benefit of George Brittain, of Bell county.
On motion of Mr. Holt—
2. A bill in relation to the sheriffs of Trigg and Calloway counties.

On motion of Mr. Culbertson—
3. A bill to authorize the trustees of school district No. 22, in
Greenup county, to levy an additional tax to pay for school-house.

On motion of same—
4. A bill to incorporate the town of Russell, in Greenup county.

On motion of Mr. Hargis—
5. A bill to establish a chancery court in the counties of Greenup,
Lewis, Fleming, Nicholas, Rowan, and Carter.

On motion of Mr. Turner—
6. A bill to amend an act, entitled "An act to incorporate the
Richmond Gas Company."

On motion of Mr. Edwards—
7. A bill for the benefit of H. P. Bozarth, late sheriff of Grayson
county.

On motion of Mr. Boyd—
8. A bill for the benefit of J. C. McFadden, sheriff of Laurel
county.

Ordered, That the Committee on the Judiciary prepare and bring
in the 1st and 5th; the Committee on Finance the 2d and 7th; the Committee on Education the 3d; the Committee on Internal Improve-
ment the 4th, and the Committee on Propositions and Grievances
the 8th.

The Senate then took up for consideration a bill, entitled
A bill to provide for election of special or pro tem. judges in
county courts.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Ken-
tucky, When, from any cause, the presiding judge of the county court fails
to attend and hold the regular term of the county court, or if, being in
attendance, cannot properly preside in any cause, or if either party shall
file with the clerk of the court an affidavit that the judge will not afford
him a fair and impartial trial, a special or pro tem. judge may be selected
or elected, as provided by law for such selection or election in circuit
courts: Provided, Any attorney of the court or justice of the peace of the
county shall be qualified to act as such special or pro tem. judge; and such
special or pro tem. judge shall be paid for his services out of county levy.

§ 2. This act shall be in force from its passage.

Mr. Darby then moved to amend said bill by inserting after
the word "trial," in the 5th line of 1st section, the following: "in any
action or proceeding pending in said court."
Which motion was adopted.
Mr. Swoope moved to amend said bill by striking out the 8th and 9th lines of section 1st.
And 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. Swoope and Turner, were as follows, viz:

Those who voted in the affirmative, were—
Robert Boyd, D. R. Haggard, Robert Simmons,
Robt. A. Briggs, Thomas F. Hargis, G. W. Swoope,
Scott Brown, J. W. Hays, Thos. W. Varnon,
P. F. Edwards, I. L. Hyatt,

Those who voted in the negative, were—
Thos. J. Barker, John J. Gatewood, R. B. Lovel,
W. W. Culbertson, Jesse C. Gilbert, A. L. Martin,
F. W. Darby, H. S. Hule, O. D. McManama,
Wm. P. Duvall, G. A. C. Holt, E. W. Turner,

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Swoope and Gatewood, were as follows, viz:

Those who voted in the affirmative, were—
Thos. J. Barker, John J. Gatewood, R. B. Lovel,
W. W. Culbertson, Jesse C. Gilbert, A. L. Martin,
F. W. Darby, W. C. Goodloe, O. D. McManama,
W. W. Frazer,

Those who voted in the negative, were—
Robert Boyd, P. F. Edwards, Robt. Simmons,
Robt. A. Briggs, D. R. Haggard, G. W. Swoope,
Scott Brown, Thos. F. Hargis, Thos. W. Varnon,

Said bill was then read a third time.
Pending the consideration of which, Mr. Gatewood moved that the Senate do now adjourn.
Which motion was adopted.
And then the Senate adjourned.
SATURDAY, FEBRUARY 14, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the eighth and ninth Congressional districts,'" approved 17th February, 1873.

An act to legalize certain orders of the Larue county court of claims.

An act to authorize the judges of the Bourbon and Elliott quarterly courts to appoint clerks of said courts.

An act for the benefit of L. D. Padgett, of Pulaski county.

An act to prohibit the use of intoxicating liquors in Lawrence and Elliott counties on election days.

An act to amend an act, entitled "An act for the benefit of the Cynthiana and Paddy's Run and Lair's Station Turnpike Road Company."

An act to authorize the creation of a building committee for the town of Versailles, in Woodford county, and to define the powers and duties thereof.

An act for the benefit of John N. Howard, sheriff of Harlan county.

An act for the benefit of Wm. Sword and Fleming Justice, of Pike county.

An act for the benefit of Mann & Rice and Miller & McDaniel, of Greenville.

An act allowing the jailer of Clay county an assistant.

That they had disagreed to bills, which originated in the Senate, of the following titles, viz:

An act to amend chapter 75, General Statutes.

An act to amend an act, entitled "An act to incorporate the Hartford Railroad and Mining Company," approved February 12th, 1869.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to incorporate the Carlisle Academy.
An act for the benefit of the sheriff of Cumberland county.

An act for the benefit of L. R. Thurman.

An act to incorporate the Kentucky Normal School at Carlisle.

An act for the benefit of the road system of the counties of Boyd and Carter.

An act for the benefit of Achilles Nelson, trustee for Stephen Richardson, a pauper lunatic of Russell county.

An act authorizing the city of Newport to increase her bonded indebtedness in aid of water-works.

An act for the benefit of the St. Louis and Southeastern Railway Company (consolidated).

An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler."

With amendments to the last two named bills.

That they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled

An act to incorporate the Paducah Railway Company.

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

An act for the benefit of James Herd, late sheriff of Clay county.

An act to establish a uniform system of common schools for the colored children of this Commonwealth.

An act to amend the charter of the town of Greenville, in Muhlenburg county.

An act to charter the South Carrollton Male and Female Institute.

An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg.

An act to prevent trespass in Madison county.

An act in relation to the Bardstown and Green River Turnpike Road Company.

An act for the benefit of A. Graham, of Clinton county.

An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

An act for the benefit of John H. Williams, assessor of Calloway county.


73-s.
An act for the benefit of T. W. Samuels, late sheriff of Nelson county.

An act to amend an act, entitled "An act to amend the charter of the Shelby and Oldham Turnpike Road Company."

An act to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county.

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

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be placed in the orders of the day.

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

- An act to incorporate the Mt. Sterling Coal Road Company;
- An act for the benefit of the devisees of Matthew Garrison, deceased;
- An act changing the time of the meeting of the General Assembly;
- An act for the benefit of Joseph Pearson, of Estill county;
- An act to amend section 14, article 4, chapter 52, General Statutes;
- An act to amend an act, entitled "An act to incorporate the trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky," approved January 28, 1854;
- An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts;"
- An act to amend section 740 of the Civil Code of Practice;
- An act to incorporate the Trustees of the Presbyterian Church at Columbus;
- An act to prohibit the sale of spirituous liquors in Fulton county;
- An act for the benefit of the Union Mills Turnpike Company;
- An act to amend an act, entitled "An act to establish tram-tracks or railways to navigable streams and railroads in Rockcastle county;"
- An act for the benefit of Green Ridge Church, in Logan county;
- An act to amend an act to incorporate the Louisville Cement and Water-power Company, approved January 13th, 1866;
An act regulating the transfer of stock in the real estate associations of Jefferson county;

An act to prohibit the sale of spirituous, malt, or vinous liquors in the town of Glenville, in Adair county, or within one mile thereof;

An act to prohibit the sale of spirituous, vinous, or malt liquors in Garnettville, Meade county;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

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

On motion of Mr. Edwards—

1. A bill for the benefit of R. W. Brandon and others, sureties of H. P. Bozarth, late sheriff of Grayson county.

On motion of Mr. Darby—

2. A bill to amend an act, entitled "An act to incorporate Princeton College," approved February 20, 1860, and to confer certain powers upon the board of trustees of the town of Princeton, in regard to the ownership, management, and control of the College.

On motion of Mr. Hale—

3. A bill to increase the jurisdiction of the quarterly court in Campbell county.

On motion of Mr. Lindsay—

4. A bill to amend an act, entitled "An act to incorporate the Odd Fellows' Tabernacle Association of Louisville," approved February 1, 1874.

Ordered, That the Committee on Finance prepare and bring in the 1st; the Committee on Education the 2d; the Committee on the Judiciary the 3d, and the Committee on Charitable Institutions the 4th.

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

By Mr. Briggs, from the Committee on Claims—

A bill for the benefit of H. L. Tye, of Whitley county.

By Mr. Jefferson, from the Committee on Finance—

A bill to authorize the Liederkranz Society to issue additional stock.
Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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. Walton, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of Mrs. Mary Davis, of Livingston county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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. Gatewood, from the Committee on Education, to whom was referred bills from the House of Representatives, of the following titles, viz:

An act for the benefit of B. L. C. Dorsey, of Monroe county;

An act for the benefit of school district No. 68, in Madison county;

Reported the same, with the expression of opinion that said bills ought not to pass.

And the question being taken on ordering said bills to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the affirmative.

Said bills were then read a third time.

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

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

The yeas and nays being required on the passage of the last named bill by Messrs. Turner and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, T. L. Jefferson,
W. J. Berry, W. W. Frazer, D. H. Lindsay,
Robert Boyd, Jesse C. Gilbert, A. L. Martin,
Robert A. Briggs, W. C. Goodloe, O. D. McManama,
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James F. Clay, H. S. Hale, Robt. Simmons,
W. W. Culbertson, Thos. F. Hargis, G. W. Swoope,
W. A. Cunningham, J. W. Hays, E. W. Turner,
F. W. Darby, G. A. C. Holt, Thos. W. Varnon,

Those who voted in the negative, were—


R. B. Lovel,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the school commissioner for Madison county be, and be is hereby, allowed to make his report for school district number 68, in Madison county, showing the number of children in said district within the school age, for the year 1873, to the Superintendent of Public Instruction; and when the same shall be made, the Superintendent of Public Instruction shall transmit a copy of same to the Auditor, whereupon the Auditor shall draw his warrant on the Treasurer in favor of the school commissioner of Madison county for the amount due said district number 68, in Madison county, for the school taught in 1873, as shown by the report herein authorized to be made. The aforesaid amount of money shall be paid out of any surplus belonging to Madison county; and if there be no such surplus, then to be paid out of the bonded surplus to the credit of said county; and when received by the school commissioner of Madison county, it shall be used in paying for the school taught in the year 1873.

§ 2. This act shall take effect from its passage.

Mr. Jefferson, from the Committee on Finance, reported the following resolution, viz:

WHEREAS, Information deemed reliable has been received by this General Assembly that the Asylum for colored lunatics, at Lexington, is full; and the three Asylums provided for white lunatics are very near full to their utmost capacity; that there are quite a number of colored lunatics confined in the jails through the State; and whereas, provision has already been made by this Legislature for the erection of buildings at the Central Asylum with a view to receiving therein colored lunatics, and enlarging the capacity of the Institution for whites; but it is not probable that such accommodations can be completed before the latter end of the present year; and it is desirable, if possible, to afford a more humane provision for the suffering lunatics than the common jail; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor is directed to see to it that each of the Asylums provided for by law for the reception and treatment of the insane are kept full to their utmost capacity so long as there are any lunatics in the State unprovided for; and he is authorized to procure a building or buildings, if he can do so, for the temporary reception, care, and treatment of any excess of such unfortunates, and have them removed thereto, and kept and treated and provided for until they can be received in the Asylums. He shall certify the additional cost incurred over the sums now allowed by law to the Auditor of Public Accounts, who shall draw his warrant upon the Treasurer for the same, and it shall be paid out of the Public Treasury; but the colored and white lunatics shall not be kept in the same buildings.
The rule of the Senate being dispensed with, said resolution was taken up, twice read, and adopted.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
Robert Boyd, Jesse C. Gilbert, A. L. Martin,
Robert A. Briggs, W. C. Goodloe, O. D. McManama,
Scott Brown, D. R. Haggard, Robert Simmons,
James F. Clay, H. S. Hale, E. W. Turner,
W. W. Cubertson, Thos. F. Hargis, Thos. W. Varnon,
W. A. Cunningham, J. W. Hayes, W. L. Vories,
F. W. Darby, George B. Hodge, C. J. Walton,

In the negative—G. W. Swoope—1.

Mr. Jefferson, from the Committee on Finance, to whom had been referred a bill from the House of Representatives, entitled

An act for the benefit of Wm. Green and his sureties, late sheriff of Elliott county.

Reported the same with an amendment.
Which amendment was adopted.

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

The constitutional provision 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. Jefferson, from the same committee, to whom was referred leave, reported a bill, entitled

A bill for the benefit of Samuel Orr, of Graves county.

Which bill was read the first time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That whenever the proceeds of a bond given in the case of the Commonwealth against G. W. Beavers, by him and his security, in the circuit court of Graves county, which said bond has been forfeited for the non-appearance of said Beavers, has been paid, or any portion thereof has been paid, to the trustee of the jury fund of said county, the said trustee of the jury fund is hereby directed to pay out of the proceeds of said bond to Samuel Orr any sum so paid to him, not exceeding three hundred dollars.

§ 2. This act shall take effect from its passage.

Ordered, That said bill be read a second time.
The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Hale moved to amend said bill, by way of substitute, as follows, viz:

WHEREAS, It appears from an account herewith presented that Samuel Orr, of Graves county, arrested one G. W. Beavers, charged with Ku-Kluxing D. W. Galbreath, in Graves county, on the night of 12th July, 1873; and whereas, it appears that the Governor offered a reward of three hundred dollars each for the arrest and conviction of the parties guilty of said Ku-Kluxing, dated July 25th, 1873; and whereas, the said Beavers, on an examining trial, was admitted to bail in the sum of five hundred dollars, to appear in answer to any indictment found against him in the Graves circuit court for said Ku-Kluxing; and whereas, the said Beavers failed to appear in discharge of said bond, which was therefore forfeited to the Commonwealth of Kentucky; and by reason of said non-appearance of said Beavers, he could not be convicted as required by law before said reward could be paid; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasurer, to be paid out of any money in the Treasury not otherwise appropriated, in favor of said Samuel Orr, for the sum of three hundred dollars.

§ 2. This act shall take effect from its passage.

And the question being taken on the adoption of said amendment, by way of substitute, it was decided in the negative.

The yeas and nays being taken thereon by Messrs. Hale and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

Robert A. Briggs, W. W. Frazer, O. D. McManama, E. W. Turner,
W. A. Cunningham, Jessie C. Gilbert, Thos. W. Varnon,
F. W. Darby, H. S. Hale, A. L. Martin,
P. F. Edwards,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
W. J. Berry, D. R. Haggard, R. B. Lovel,
Robert Boyd, Thos. F. Hargis, Robert Simmons,
James F. Clay, J. W. Hays, G. W. Swoope,
W. W. Culbertson, I. L. Hyatt, W. L. Varies,

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

The constitutional provision 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 he as aforesaid.

Mr. Frazer, from the Committee on Railroads, to whom was referred leave, reported a bill, entitled
A bill to amend the charter of the Guthrie City and Franklin Railroad Company.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 order, took up for consideration a bill, entitled

A bill to amend the penal laws of this Commonwealth,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That if the Governor of this Commonwealth shall be satisfied, from the affidavits of one or more reliable persons, that any of the offenses enumerated in sections one, two, three, and four of an act, entitled "An act to amend chapter 28 of the Revised Statutes, title 'Crimes and Punishments,'" approved April 11th, 1873, have been committed in any portion of this Commonwealth, within five years next preceding the filing of such affidavit or affidavits in his office, or that there are reasonable grounds to believe that said offenses, or any of them, have been committed, and that the guilty party or parties, or any of them, have not been arrested, examined, or tried therefor according to law, and that there has been no bona fide effort upon the part of the proper local civil officers to arrest and examine such offenders and bring them to trial, he shall have power to appoint a commissioner, who, after being commissioned and sworn, shall proceed to the county, district, or neighborhood where such offense or offenses are alleged to have been committed, and hold an examining court, touching such alleged offenses, and for securing the arrest and safe-keeping, for trial, of any person or persons charged with such offense.

§ 2. Said commissioner may issue subpoenas for witnesses supposed to have knowledge of any of said offenses, to appear before him, enforce their attendance by attachment, and compel them to testify, in case of refusal, by fine and imprisonment for contempt, as in similar cases upon inquisitions by a grand jury. He shall have the same power to recognize witnesses to appear and testify before the circuit court, or to appear on any succeeding day, and testify before him, as examining courts have by law. He may issue warrants for the arrest of such persons as he may have reasonable grounds to believe have been guilty of any of the offenses aforesaid, and cause them to be brought before him, and held for examination in conducting which he shall have and exercise all the powers conferred by law upon examining courts, and shall be governed by the same rules and regulations. After hearing the evidence, if satisfied that there are reasonable grounds to believe that the parties under examination, or either or any of them, are guilty of any of the offenses aforesaid, he shall com-
mit such person or persons to jail, or hold them to bail in any reasonable and proper sum, to await an indictment and trial in the circuit court of the county in which the offense was committed.

§ 3. Said commissioner shall reduce to writing the substance of all the testimony given before him in each case, with the names of the witnesses who testify, and lodge the same, together with a record of the orders and proceedings had by and before him, and all bail bonds or other recognizances taken by him, with the circuit court of the county in which the offense was committed, which statement of testimony and record of proceedings shall be laid before the grand jury at the next succeeding term of the circuit court.

§ 4. If, in any examination conducted before the said commissioner, it shall be disclosed that persons, not before him, have been guilty of any of the offenses aforesaid, but are absent from the State, or are secreting themselves, or evading the service of process, and process cannot be served on them, in such case it shall be the duty of the commissioner to reduce to writing the evidence tending to prove the guilt of such persons, and lay the same before the Governor of this Commonwealth, who shall, if he deem it proper, offer a reward for the arrest and delivery of such persons to the proper authorities of the county in which the alleged offense was committed.

§ 5. When it shall be deemed necessary for the protection of said commissioner, while engaged in the discharge of his duties, or to secure the execution of his warrants, process, or orders, the Governor may appoint and commission a guard of select, prudent men, who shall be sworn faithfully to perform the duties required of them, and who, and each of whom, shall have and exercise the same powers and functions, with regard to the arrest and detention of persons charged with crime, and the summoning and arrest of witnesses upon proper process, as are by law conferred upon the sheriff or other peace officer; and in addition to the guard as provided for in this section, the said commissioner shall have the power, if, in his judgment, the same is necessary, to summon the posse comitatus, as the sheriff may now do by law, to aid in the arrest and detention of persons charged with crime. The same penalties shall be inflicted against any person failing or refusing to obey such summons, as are by law imposed for refusing to obey a similar order from the sheriff.

§ 6. For his services, the said commissioner shall receive the sum of , and the said selected men each the sum of , for each day actually employed under the provisions of this act.

§ 7. The said commissioner shall certify, under his oath of office, the number of days actually employed by him in the discharge of the duties specified in this act, and the names of each and every guard on service under him, and the number of days served by each; upon which, after the same has been approved by the Governor, the Auditor shall issue his warrant for the compensation, as provided in the next preceding section of this act.

§ 8. This act shall be in force from its passage.

Mr. Hays moved to fill the first blank, in section 6, with "ten dollars."

Which was adopted.

74-s.
Mr. Hays moved to fill the second blank, in same section, with "three dollars."
Which was adopted.
Ordered, That said bill, as amended, be engrossed and read a third time.
The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:
Those who voted in the affirmative, were—

Robert Boyd, W. C. Goodloe, A. L. Martin,
Robert A. Briggs, D. R. Haggard, Robt. Simoons,
James F. Clay, Thos. F. Hargis, E. W. Turner,
W. W. Culbertson, J. W. Hays, Thos. W. Varnon,
W. A. Cunningham, I. L. Hyatt, W. L. Vories,
Wm. P. Duvall, T. L. Jefferson, C. J. Walton,
W. W. Frazer,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, Geo. B. Hodge,
W. J. Berry, Jesse C. Gilbert, D. H. Lindsay,
F. W. Darby,

The Senate then took up for consideration a resolution from the House of Representatives, entitled
Resolution to appoint a joint committee to inquire into the expediency of severing the Agricultural and Mechanical College from Kentucky University.
Mr. Vories moved to postpone, indefinitely, the further consideration of said resolution.
Which motion was adopted.
The yeas and nays being required thereon by Messrs. Barker and Swoope, were as follows, viz:
Those who voted in the affirmative, were—

Robert Boyd, Jesse C. Gilbert, D. H. Lindsay,
Robert A. Briggs, W. C. Goodloe, R. B. Lovel,
Jas. F. Clay, J. W. Hays, O. D. McManama,
W. W. Culbertson, G. A. C. Holt, W. L. Vories,
John J. Gatewood, T. L. Jefferson,
Those who voted in the negative, were—

Thos. J. Barker, D. R. Haggard, Robert Simmons,
Scott Brown, H. S. Hale, G. W. Swoope,
W. A. Cunningham, Thos. F. Hargis, E. W. Turner,
F. W. Darby, Geo. B. Hodge, Thos. W. Varnon,
W. W. Frazer,

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That a joint committee, consisting of two members of the Senate and three members of the House of Representatives, be appointed by the respective Speakers, whose duty it shall be to inquire into the expediency and propriety of severing the Agricultural and Mechanical College from the Kentucky University, and to select a suitable location for the said Agricultural and Mechanical College.

The Senate took up for consideration a bill, entitled A bill for the benefit of A. W. Dudley.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts draw his warrant on the Treasury in favor of Ambrose W. Dudley, for the sum of thirty-one hundred and thirty-eight dollars and seventy-one cents, which is hereby appropriated, and the Treasurer directed to pay, for money expended by said Dudley in payment of expenses of a suit brought against him growing out of duties performed by him for the State of Kentucky, under an appointment of commissioner to superintend the erection of Fire-proof Offices for the State.

§ 2. That this act take effect from and after its passage.

Mr. Swoope moved to postpone the further consideration of said bill indefinitely.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
W. J. Berry, J. W. Hays, O. D. McManama,
Robert Boyd, G. A. C. Holt, G. W. Swoope,
W. A. Cunningham, T. L. Jefferson, E. W. Turner,
F. W. Darby, R. B. Lovel, Ben. J. Webb—16,
P. F. Edwards,

Those who voted in the negative, were—

Robert A. Briggs, D. R. Haggard, Robert Simmons,
Scott Brown, H. S. Hale, Thos. W. Varnon,
James F. Clay, George B. Hodge, W. L. Vories,
W. W. Culbertson, I. L. Hyatt, C. J. Walton—14,
Wm. P. Duvall, D. H. Lindsay,
So said bill was rejected.

The Senate then took up the motion to reconsider the vote by which they had rejected a bill, entitled

A bill to provide means for the erection of public buildings for State purposes, for the purchase of grounds therefor, and for the permanent location of the Seat of Government.

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

*Ordered*, That said bill be recommitted to the Committee on Finance.

The Senate then took up for consideration a bill, entitled

A bill to provide for the punishment of railway employees for causing injury to or death of any person or persons, or injury or destruction to property.

*Ordered*, That said bill be recommitted to the Committee on Railroads.

The Senate then took up for consideration a bill, entitled

A bill to extend the time in which actions may be brought against railroad companies in this Commonwealth for injuries to person and property.

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

The constitutional provision 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 yeas and nays being required thereon by Messrs. Swoope and Boyd, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the time in which actions against railroad companies in this Commonwealth, for injuries to persons and property, may be brought, be, and is hereby, extended to the period of one year after final judgment has been rendered in said cause, unless said final judgment has been rendered on the facts and merits of the case: Provided, Said action was originally brought within twelve months from the date of the cause of action.

§ 2. This act shall take effect from and after its passage.

The Senate took up for consideration a bill from the House of Representatives, entitled

An act to amend the charter of the town of Mt. Carmel, in Fleming county.

Ordered, That said bill be read a third time.

The constitutional provision 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.

On motion of Mr. Martin,

A message was sent to the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the House of Representatives, entitled

An act to amend an act, entitled "An act to regulate the taking up of property found adrift on certain rivers in this Commonwealth."

Which was granted.

Mr. Martin then moved to reconsider the vote by which the Senate had disagreed to the passage of said bill.

Which motion was simply entered.

Mr. Barker moved to reconsider the vote by which the Senate had, on yesterday, rejected a bill, entitled

A bill for the benefit of Sanford Goin.

Which motion was simply entered.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT.
FRANKFORT, February 14th, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following named persons as suitable to be commissioned notaries public, viz:

Joseph Clemment, of Jefferson county.

W. B. Fleming, of Jefferson county.
Resolved, That the Senate advise and consent to said appointments.

A message was received from the House of Representatives, asking that a committee be appointed on the part of the Senate, to act in conjunction with a similar committee from the House of Representatives, to withdraw, unsigned, from the hands of the Governor, a bill which originated in the House of Representatives, and had passed the two Houses, entitled

An act for the benefit of the devisees of Matthew Garrison, deceased.

Whereupon the Speaker appointed Messrs. Jefferson, Boyd, and Webb said committee.

Mr. Hays moved to reconsider the vote by which the Senate had, on yesterday, concurred in the adoption of a joint resolution from the House of Representatives, with an amendment thereto, entitled

Resolution directing the Governor to purchase Hart’s busts of Clay and Jackson.

Which motion was simply entered.

And then the Senate adjourned.
MONDAY, FEBRUARY 16, 1874.

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

- An act to amend an act, entitled "An act to amend the charter of the town of Hartford."
- An act to establish a criminal court in the 11th judicial district.
- An act for the benefit of John P. Barrett, late sheriff of Ohio county.
- An act to authorize the Owen county court to levy a tax and issue bonds for bridge purposes.
- An act to amend an act, entitled "An act to protect the owners of land, and to punish certain trespassers, in Logan and Todd counties," approved March 20, 1872.
- An act for the benefit of L. P. Linley, late sheriff of McLean county.
- An act for the benefit of John Wallace, clerk of the Boone circuit court.
- An act to incorporate Petersburg Cemetery Company.
- With an amendment to the last named bill.
- Which was taken up, twice read, and concurred in.
- That they had passed bills of the following titles, viz:
  1. An act to provide for the payment of witnesses in Commonwealth cases.
  3. An act to amend article 3 of chapter 5 of the General Statutes.
  4. An act to prohibit the owners or operatives of any distillery, in Madison county, from emptying the slops into Silver creek, or any of its tributaries, after the first day of April, in each year.
  5. An act to reincorporate the town of Monterey, in Owen county.
  6. An act to increase the jurisdiction of justices of the peace in the counties of Warren, Christian, Edmonson, Carter, and Madison.
  7. An act to authorize the county court of Pendleton county to levy a tax to pay off the railroad debt of said county.
  8. An act enlarging the corporate limits of the town of Falmouth.
  9. An act to change the time of holding the Carter circuit court.
10. An act for the benefit of Obediah Dunham.
11. An act to incorporate the Blue Grass Manufacturing Company.
Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 2d, and 3d to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 4th to the Committee on Propositions and Grievances; the 5th, 6th, 8th, and 10th to the Committee on the Judiciary; the 7th and 9th to the Committee on Courts of Justice, and the 11th to the Committee on Agriculture and Manufactures.

Mr. Culbertson presented the petition of Kelsey N. Harris and others, asking for revival of amendments to charter of Circulating Library of Catlettsburg.

Which was received, the reading dispensed with, and referred to the Committee on Education.

The Speaker laid before the Senate the report of the Quarter-Master General.

Ordered, That five hundred copies thereof be printed, and that the same be referred to the Committee on Military Affairs.

Mr. Jefferson, from the joint committee appointed by the two Houses to withdraw; unsigned, from the Governor, a bill which originated in the House of Representatives, and had passed the two Houses, entitled
An act for the benefit of the devisees of Matthew Garrison, deceased,

Reported that the committee had performed the duty assigned them, and said bill was handed in at the Clerk's desk.

Mr. Jefferson then moved to reconsider the vote by which the Senate had passed said bill.

Which motion was simply entered.

Mr. Jefferson, from the Committee on Finance, reported a bill, entitled
A bill for the benefit of P. G. Smith and Alexander Hanchin, securities of O. G. Moore, late sheriff of Edmonson county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.
Said bill was read a third time as follows, viz:

That whereas P. G. Smith and Alexander Hauchin, together with several others, became the surety of O. G. Moore, late sheriff of Edmonson county, upon his revenue bond for the payment of the revenue for 1872; and whereas, the said O. G. Moore failed to pay off and discharge said bond as required by law, and in consequence of which judgment was taken in the Franklin circuit court by the Commonwealth of Kentucky, upon the aforesaid bond against O. G. Moore and his sureties, to-wit: W. C. Hauchin, O. P. Shackelford, J. B. Crump, Will. Self, L. W. Meredith, Edward Blair, J. H. Stice, S. K. Tarns, A. B. N. Miller, Alexander Hauchin, James A. Edwards, and P. G. Smith; and whereas, all of the above named securities of the said O. G. Moore on said bond, except P. G. Smith, James A. Edwards, and Alexander Hauchin, have taken the benefit of the bankrupt law, the most of whom, if not all, have received their discharges; and whereas, all the property owned by P. G. Smith and Alexander Hauchin, both real and personal, have been levied upon and sold under an execution which issued upon the aforesaid judgment from the Franklin circuit court, which leaves the said Smith and Hauchin, and their families, in a destitute and penniless condition; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That P. G. Smith and Alexander Hauchin, of Edmonson county, be, and they are hereby, relieved of any further responsibility as the securities of O. G. Moore, late sheriff of Edmonson county, for the payment of a balance of a judgment obtained by the Commonwealth of Kentucky against O. G. Moore, late sheriff of Edmonson county, and P. G. Smith, Alexander Hauchin, both real and personal, have been levied upon and sold under an execution which issued upon the aforesaid judgment from the Franklin circuit court, which leaves the said Smith and Hauchin, and their families, in a destitute and penniless condition; therefore,

§ 2. This act to take effect from and after its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

W. W. Culbertson, D. R. Haggard, R. B. Lovel,
  P. F. Edwards, Thos. F. Hargis, A. L. Martin,
  W. W. Frazer, George B. Hodge, O. D. McManana,
  Jesse C. Gilbert, I. L. Hyatt, E. W. Turner,
  W. C. Goodloe, D. H. Lindsay, W. L. Vories—15.

Those who voted in the negative, were—

Thos. J. Barker, James F. Clay, T. L. Jefferson,
  John S. Barlow, W. A. Cunningham, G. W. Swoope,
  W. J. Berry, F. W. Darby, C. J. Walton,
  Scott Brown, J. W. Hays,

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

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

Resolved, That the 79th rule of the Senate be amended by striking out all of said rule before the words "and bills," and insert in lieu thereof the following: "Bills and resolutions which have passed the House of Representatives, when reported to the Senate, shall be regarded as having their first reading on the report of the Clerk of the House. Immediately thereafter, the Clerk of the Senate shall read said bills by their titles, which shall be the second reading of said bills, whereupon the Clerk shall refer them to appropriate committees, unless otherwise ordered by the Senate."

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

Mr. Boyd, from the Committee on Finance, reported a bill, entitled

A bill to provide for the payment of traveling expenses of pauper mutes, lunatics, blind and feeble-minded children of this Commonwealth, to the respective Asylums provided for their accommodation.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Superintendents of the Lunatic Asylums of this Commonwealth pay to the persons conveying a pauper lunatic or lunatics to the Asylum of which he is Superintendent, at the rate of eight cents per mile, and one dollar and fifty cents per day, both going to and returning from said Asylums; that said Superintendents also pay to said person eight cents per mile in addition thereto going to the Asylum, to cover the expense of the lunatic; and if the court, before whom the inquest is held, should, in his discretion, deem it necessary for the safe conduct of any lunatic to the Asylum, he shall appoint not more than two persons to convey such lunatic to the Asylum, and upon the production of the order of the court, or a certified copy thereof, to the Superintendent, he shall pay to each of said persons eight cents per mile, and one dollar and fifty cents each per day, both going to and returning from the Asylum, and eight cents per mile going to the Asylum, to cover the expense of the lunatic. That the Superintendent of the Deaf and Dumb Asylum, the Superintendent of the Blind Asylum, and the Superintendent of the Asylum for the Education and Training of Feeble-minded Children, shall pay to the person conveying a pauper child or pupil to the Asylum of which he is Superintendent eight cents per mile, and one dollar and fifty cents per day both going to and returning from said Asylum, and eight cents per mile for each pauper pupil so conveyed, to cover the expense of conveying such pupil to the Asylum. That the Superintendent shall pay nothing for the conveyance of any person to either of said Asylums, unless
such person has been found to be a pauper by the verdict of a jury and judgment of a court of competent jurisdiction. That this act shall extend to and cover all cases for conveying lunatics to the Asylums from the 3d day of November, 1873. That the Superintendents of said Asylums shall, from time to time, certify to the Auditor of Public Accounts the amount required, by their respective Asylums, to meet the expenditures provided for in this bill; and the Auditor shall thereupon draw his warrant on the Treasurer in favor of said Superintendent for the amount designated in his certificate, to be paid out of any money in the Treasury not otherwise appropriated. That the Superintendent of each of said Asylums shall keep a book or books, in which shall be entered the name of each inmate, and the time of his arrival at and departure from such Asylums; also the name of the person or persons conveying such inmates thereto, and the amounts paid under the provisions of this bill, as to whom and for what paid; a complete transcript of said book or books, over the certificate of the Superintendent, shall be furnished by the 1st day of December in each year, and the same shall be by the Auditor laid before the General Assembly at each session, if desired.

§ 2. This act shall be in force from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were —

Thos. J. Barker, W. C. Goodloe, R. B. Lovel,
John S. Barlow, D. R. Huggard, A. L. Martin,
W. J. Berry, H. S. Hale, O. D. McManama,
Robert Boyd, Thos. F. Hargis, Robert Simmons,
Robert A. Briggs, J. W. Hays, G. W. Swoope,
Scott Brown, Geo. B. Hodge, E. W. Turner,
W. W. Culbertson, G. A. C. Holt, Thos. W. Vernon,
W. A. Cunningham, I. L. Hyatt, W. L. Vories,
F. W. Darby, T. L. Jefferson, C. J. Walton,

In the negative — none.

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

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr Simmons, from the Committee on Finance —
An act for the benefit of Wiley J. Coffee and his sureties.

By Mr. Barker, from the Committee on Claims —
An act for the benefit of Bennett Madison.

Ordered, That said bills be read a third time.

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

Mr. Goodloe, from the Committee on the Judiciary, reported a bill, entitled

A bill to amend an act, entitled "An act to create a court of common pleas in Fayette, Woodford, Bourbon, Bath," &c.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 then took up for consideration the special order, a bill from the House of Representatives, entitled

An act to repeal an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county."

Ordered, That the further consideration of said bill be postponed and made the special order of the day for to-morrow.

The Senate, according to order, took up for consideration a bill, entitled

A bill to amend chapter 90 of the General Statutes, title "Public Printing and Binding."

Ordered, That the further consideration thereof be postponed, and made the special order of the day for to-morrow.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled

An act to amend an act to amend an act to incorporate the Frankfort, Paris, and Big Sandy Railroad Company.

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

So said bill was disagreed to.

The Senate took up for consideration a bill, entitled

A bill to further regulate proceedings in quarterly courts.

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the negative.

So said bill was rejected.
Mr. McManama moved to reconsider the vote by which the Senate had rejected a bill, entitled
A bill for the benefit of A. W. Dudley.
Which motion was simply entered.
The Senate took up for consideration a bill, entitled
A bill to amend article 3, chapter 63, of the General Statutes.
Sundry amendments were proposed to said bill.
Which were rejected.
The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the negative.
The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had rejected a bill, entitled
A bill to provide for the care and protection of the public grounds and property of the State of Kentucky at the Capital.
The question was then taken on reconsidering said vote, and it was decided in the affirmative.
The question was then taken on the passage of said bill, and it was decided in the affirmative.
The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Robert A. Briggs, Jesse C. Gilbert, D. H. Lindsay,
Scott Brown, W. C. Goodloe, R. B. Lovel,
James F. Clay, D. R. Haggard, A. L. Martin,
W. W. Culbertson, H. S. Hule, O. D. McManama,
W. A. Cunningham, Thos. F. Hargis, Robt. Simmons,
F. W. Darby, J. W. Hays, E. W. Turner,
William P. Duvall, Geo. B. Hodge, Thos. W. Varnon,
P. F. Edwards, G. A. C. Holt, W. L. Vories,
John J. Gatewood, T. L. Jefferson,

Those who voted in the negative, were—

John S. Barlow, Robert Boyd,

Resolved, That the title of said bill be as aforesaid.
The Senate then took up a resolution from the House of Representatives, entitled
Resolution directing the Governor to have offices prepared for the Superintendent of Public Instruction in the Fire-proof Offices in Frankfort, Kentucky.
The question was then taken on the adoption of said resolution, and it was decided in the affirmative.
The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,                Jesse C. Gilbert,          D. H. Lindsay,
John S. Barlow,                W. C. Goodloe,            R. B. Lovel,
Robert Boyd,                   D. R. Haggard,           A. L. Martin,
Robert A. Briggs,              H. S. Hale,              O. D. McManama,
James F. Clay,                 Thos. F. Hargis,          Robert Simmons,
W. W. Culbertson,              J. W. Hays,              E. W. Turner,
W. A. Cunningham,              George B. Hodge,          Thos. W. Varvon,
F. W. Darby,                   G. A. C. Holt,            W. L. Vories,
Wm. P. Duvall,                 I. L. Hyatt,              C. J. Walton,
W. W. Frazer,                   

In the negative—G. W. Swoope—1.

Said resolution reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That for the purpose of fitting up two rooms as an office for the Superintendent of Public Instruction in the building known as the Fireproof Offices in the city of Frankfort, there is hereby appropriated, out of any money in the Treasury, the sum of $1,200. The Governor is authorized to have said work done on the best terms that he can make (not to exceed said amount); and, upon his order, the Auditor of Public Accounts shall draw his warrant on the Treasury in payment for the same.

The Senate then took up for consideration the special order, a bill from the House of Representatives, entitled

An act to amend an act, entitled “An act to charter the Owensboro and Russellville Railroad Company.”

Said bill reads as follows, viz:

Whereas, The Owensboro and Russellville Railroad Company, by a vote of a majority of the stockholders of said company, have authorized a consolidation with, and purchase of, the rights and franchises of the Evansville, Owensboro, and Nashville Railroad Company, and have authorized a change of the corporate name of said company from the Owensboro and Russellville Railroad Company to the Evansville, Owensboro, and Nashville Railroad Company; and whereas, said company, by a vote of the stockholders, have authorized the issuing of mortgage bonds to the amount of twenty-two thousand dollars a mile upon the entire road from Evansville, in Indiana, to Nashville, in Tennessee.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section one of an act, entitled “An act to amend an act, entitled ‘An act to charter the Owensboro and Russellville Railroad,’” approved March 28, 1873, be, and is hereby, so amended as to authorize said railroad company, under their present name, to unite the Evansville, Owensboro, and Nashville Railroad Company; to issue and sell the bonds of said company to any amount over and above the one million five hundred thousand dollars authorized by their charter, and amendments there-
Mr. Swoope moved the following amendment to said bill, viz:

Provided always, That the stockholders accept this amendment within ninety days by entering his, her, or their names under the following written statement attached to a copy of this act: "We hereby accept the accompanying amendment to the charter of the Owensboro and Russellville Railroad Company." And in case of the refusal of any stockholder to accept same in the manner above-said, the said company may tender to such stockholder the amount of his stock; and the refusal of such stockholder to accept same when tendered shall have the same effect as if he, she, or they had, in the manner provided accepted this amendment to the charter of said railroad company.

And 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. Swoope and Frazer, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, Geo. B. Hodge, W. L. Vories, Geo. B. Hodge, W. L. Vories—6.

Those who voted in the negative, were—

Mr. Swoope then proposed the following amendment to said bill, viz:

That this act shall be in force from and after the date at which two thirds of the present stockholders accept, in writing, this amendment to the charter of said company.

And the question being taken on the adoption of said amendment, it was decided in the negative.

Mr. Swoope then proposed the following amendment to said bill, viz:

This act shall be in force from and after the date at which a majority of the present stockholders in each county accept, in writing, this amendment to the charter of said company.

And the question being taken on the adoption of said amendment, it was decided in the affirmative.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


So said bill was disagreed to.

Mr. Hodge then moved to reconsider the vote by which the Senate had disagreed to the passage of said bill.

Which motion was simply entered.

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

On motion of Mr. Varnon—

1. A bill to amend the charter of the Danville and Hustonville Turnpike Road Company.
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On motion of same—
On motion of Mr. McManama—
3. A bill to amend the charter of Catawba, in Pendleton county.
On motion of same—
4. A bill to suppress the issue of the Louisville Courier-Journal of date February 16, 1874.
On motion of Mr. Vories—
5. A bill to change the time of holding the county court of Carroll county.
On motion of same—
6. A bill to amend the charter of the New Castle and Eminence Turnpike Road Company.
On motion of Mr. Martin—
7. A bill to amend the charter of the town of Prestonsburg.
On motion of same—
8. A bill for the benefit of Andrew Mitchell, of Floyd county.
On motion of Mr. Boyd—
9. A bill to enforce the criminal laws of this Commonwealth.
On motion of Mr. Goodloe—
10. A bill to amend an act to incorporate the Transylvania Street Railroad Company of the city of Lexington.
On motion of Mr. Cunningham—

Ordered, That the Committee on Internal Improvement prepare and bring in the 1st, 6th, and 11th; the Committee on Revised Statutes and Codes of Practice and General Statutes the 2d, 7th, and 9th; the Committee on Propositions and Grievances the 3d; the Committee on Penitentiary and House of Reform the 4th; the Committee on Courts of Justice the 5th; the Committee on Claims the 8th, and the Committee on Railroads the 10th.

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

An act to amend an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of North Middletown, in Bourbon county, approved March 28, 1872; 76-8.
An act to incorporate the town of Parkland, Jefferson county;
An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum;
An act to amend an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county;"
An act to incorporate the Library Association in Cairo, Henderson county;
An act to amend the charter of Lebanon, in Marion county;
An act to amend the charter of West Covington, Kenton county;
An act to amend an act, entitled "An act to amend the charter of the city of Covington, Kenton county;"
An act to incorporate the Paducah Railway Company;
An act to incorporate the Masonic Mutual Benefit Association of Maysville;
An act to amend and revise the charter of the city of Newport;
Also bills, which originated in the Senate, of the following titles, viz:
An act to incorporate the Carlisle Academy;
An act for the benefit of the sheriff of Cumberland county;
An act for the benefit of L. R. Thurman;
An act to incorporate the Kentucky Normal School at Carlisle;
An act to amend the road laws of the counties of Boyd and Carter;
An act to increase the jurisdiction of quarterly courts in the counties of Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, McCracken, Owen, Gallatin, Logan, Boyd, Barren, Boone, Monroe, Metcalfe, Edmonson, breckinridge, Wayne, Pulaski, Marshall, Cumberland, and other counties;
An act for the benefit of Achilles Nelson, trustee for Stephen Richardson, a pauper lunatic of Russell county;
An act authorizing the city of Newport to increase her bonded indebtedness in aid of water-works;
And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

And then the Senate adjourned.
TUESDAY, FEBRUARY 17, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

- An act to amend chapter 28, article 5, General Statutes.
- An act to amend article 4 of chapter 52 of the General Statutes.
- An act regulating the practice in suits under section 12 of the city charter of Louisville, and amendments thereto.
- An act to amend an act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road, approved April 21st, 1873.
- An act for the benefit of Charles N. Hoskins, sheriff of Powell county.
- An act limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the Cumberland and Ohio Railroad Company.
- An act for the benefit of J. W. Shelby and wife, of Lincoln county.
- An act for the benefit of the sheriff of Hancock county.
- An act for the benefit of Clinton county.
- An act for the benefit of Isaac K. Baker, late sheriff of Perry county.
- An act for the benefit of E. M. Springfield, late sheriff of Webster county, and securities.
- An act for the benefit of L. B. Piercel, of Lewis county.
- An act providing for the continuation of the geological, mineralogical, and botanical survey now in progress in Kentucky, and for the prosecution of other surveys.

That they had passed a bill, which originated in the Senate, entitled

- An act to apportion representation in the Senate and House of Representatives.

That they had passed a bill, entitled

- An act to protect the citizens of this Commonwealth from empiricism.
Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be referred to the Committee on Propositions and Grievances.

Mr. Boyd presented the petition of sundry citizens of Bell county, asking a change in the location of the Wilderness Turnpike Road, in said county.

Which was received, the reading dispensed with, and referred to the Committee on Propositions and Grievances.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, FEBRUARY 17TH, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent J. W. Goslee and Sydney J. Hobbs as Commissioners under the act passed by the General Assembly, entitled "An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum," approved February 16, 1874.

P. H. LESLIE.

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

A message was received from the House of Representatives, announcing that they had refused to recede from their proposed amendment to a bill, which originated in the Senate, entitled

An act to amend article 1 of chapter 59 of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1870, and March 8, 1870, and further regulate the inspection and gauging burning fluids,

And asking that a committee be appointed on the part of the Senate, to act in conjunction with a similar committee on the part of the House of Representatives, to take into consideration the disagreement between the two Houses in relation to said bill.

Whereupon the Speaker appointed Messrs. Varnon and Barker said committee.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Turner, from the Committee on Internal Improvement—
A bill for the benefit of the turnpike roads of the State of Kentucky.

By same—
A bill to amend an act, entitled "An act to incorporate the Richmond Gas-light Company."

By same—
A bill to amend and continue in force an act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Company."

By same—
A bill to amend the charter of the Danville and Hustonville Turnpike Road Company.

By Mr. Duvall, from the same committee—
A bill to amend the charter of the New Castle and Eminence Turnpike Road Company.

By Mr. Haggard, from the Committee on Finance—
A bill for the benefit of Walter G. Saunders, sheriff of Lincoln county.

By Mr. Vories, from the same committee—
A bill for the benefit of the assessor and county court clerk of Henry county.

By Mr. Hays, from the Committee on the Judiciary—
A bill to amend the charter of the town of Loretto, in Marion county.

By same—
A bill to increase the jurisdiction of the quarterly court in Campbell county.

By Mr. Clay, from the same committee—
A bill to repeal an act, entitled "An act to abolish the court of common pleas in Union county."

By same—
A bill to define the jurisdiction of the circuit and common pleas courts of Union county, and to extend the terms of the latter court.

By same—
A bill for the benefit of J. F. Orr, of Webster county.

By same—
A bill to incorporate the town of Corydon, in Henderson county.
By same—
A bill to incorporate the town of Spottsville, in Henderson county.
By Mr. Goodloe, from the same committee—
A bill to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

By same—
A bill for the benefit of Mrs. E. J. Peers, of Fayette county.
By Mr. Hodge, from the Committee on Railroads—
A bill to incorporate the Henderson Street Railway Company.
By same—
A bill to amend an act to incorporate the Transylvania Street Railway Company, approved April 19th, 1873.
By same—
A bill to amend an act, entitled "An act for the protection of counties and cities subscribing stock in railroads, turnpikes, and other improvements," approved February 24th, 1873.

By same—
A bill to amend and construe an act, entitled "An act to incorporate the Marble City Mining and Manufacturing Company," approved March 15th, 1869, and an amendment thereto, approved February 24th, 1873.

By Mr. Haggard, from the Committee on Propositions and Grievances—
A bill to define the county line between the counties of Morgan and Wolfe.

By Mr. Hodge, from the Committee on Railroads—
A bill to amend an act to incorporate the Kentucky and Great Eastern Railway Company.

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

The constitutional provision as to the second reading of said bills being dispensed with, the first named bill was ordered to be printed, and made the special order of the day for Thursday, the 19th inst.; the last named bill was postponed, and made the special order of the day for to-morrow, and all the rest were severally ordered to be engrossed and read a third time.

The constitutional provision 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. Clay, from the Committee on the Judiciary, reported a bill, entitled

A bill for the benefit of the sheriffs of certain counties of this Commonwealth.

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

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriffs of the counties of Ballard, Trigg, Todd, and Calloway be, and each of them are, allowed the further time until the first day of July next, in which to pay into the Treasury the revenue due from said counties: Provided, That this act shall be inoperative unless the sureties of each of said sheriffs, respectively, shall, at the April or May terms of the county court of said counties, enter therein consent of record to this extension of time.

§ 2. This act to take effect from its passage.

Mr. Swoope then moved the following amendment to said bill, viz:

Amend by including in the provisions thereof the counties of Nelson, Allen, Edmonson, Washington, Marion, Taylor, Morgan, Magoffin, Elliott, Ohio, Butler, McLean, Wolfe, Owsley, Lee, Breathitt, Johnson, Cumberland, Clinton, Adair, Russell, Barren, Monroe, Metcalfe, Grant, Pendleton, Bracken, Hancock, Daviess, Floyd, Pike, Perry, Letcher, Clay, and Harlan.

Pending the consideration of which, Mr. Briggs moved to postpone the further consideration of said bill indefinitely.

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

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

Those who voted in the affirmative, were—

W. J. Berry, D. R. Haggard, A. L. Martin,
Robert A. Briggs, Thos. F. Hargis, Robt. Simmons,
Jas. F. Clay, I. L. Hyatt, Thos. W. Varnon,
W. W. Culbertson, T. L. Jefferson, W. L. Vories,
W. A. Cunningham, D. H. Lindsay, C. J. Walton,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, Geo. B. Hodge,
John S. Barlow, John J. Gatewood, G. A. C. Holt,
Robert Boyd, Jesse C. Gilbert, O. D. McManama,
John E. Cooper, W. C. Goodloe, G. W. Swoope,
So said bill was rejected.

The Senate then took up for consideration the motion to reconsider the vote by which the Senate had passed a bill from the House of Representatives, entitled

An act to amend an act, entitled “An act to incorporate the Columbia and Burksville Turnpike Road Company.”

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

The vote dispensing with the third reading of said bill, as also that ordering it to be read a third time, was reconsidered.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of section seventeen of an act, entitled “An act to incorporate the Columbia and Burksville Turnpike Road Company,” approved February 16th, 1864, be, and the same are hereby, extended and continued in force for three years from the 1st day of January, 1874.

§ 2. This act to take effect from its passage.

Mr. Walton then proposed the following amendment as a substitute for said bill, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the proceeds of the Muldrough’s Hill Turnpike Road shall be paid over to the Green and Taylor Turnpike Road Company in the same manner as now required to be paid to the Columbia and Burksville Turnpike Road; and to the extent that such payments are made, the State shall be a stockholder in said Green and Taylor County Turnpike Road.

§ 2. This act to be in force for five years from and after its passage.

And 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. Haggard and Walton, were as follows, viz:

Those who voted in the affirmative, were—

Robert A. Briggs, G. W. Swoope, W. C. Goodloe,

Those who voted in the negative, were—

John S. Barlow, P. F. Edwards, T. L. Jefferson,
W. J. Berry, W. W. Frazer, D. H. Lindsay,
James F. Clay, John J. Gatewood, R. B. Lovel,
John E. Cooper, D. R. Haggard, A. L. Martin,
W. W. Culbertson, H. S. Hale, Robt. Simmons,
F. W. Darby, Thos. F. Hargis, Thos. W. Varnon,
Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

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

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

Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
James P. Clay, W. C. Goodloe, A. L. Martin,
John E. Cooper, D. R. Haggard, Robert Simmons,
F. W. Darby, Thomas F. Hargis, Thos. W. Varnon,
P. F. Edwards, T. L. Jefferson,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Culbertson, G. W. Swoope,
Robert Boyd, H. S. Hale, C. J. Walton,

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

The Senate then took up for consideration the motion heretofore made to reconsider the vote by which they had concurred in the adoption of a resolution from the House of Representatives, entitled Resolution directing the Governor to purchase Hart's busts of Clay and Jackson.

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

Mr. Hays then moved to reconsider the vote by which the Senate had adopted an amendment to said resolution.

Which was adopted.

The question was then taken on the adoption of the amendment heretofore proposed by Mr. Hays to said resolution, and it was decided in the affirmative.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, D. H. Lindsay,
John S. Barlow, Jesse C. Gilbert, A. L. Martin,
W. J. Berry, W. C. Goodloe, O. D. McManama,

77-8.
Robert A. Briggs,  D. R. Haggard,  Robert Simmons,  
James F. Clay,  H. S. Hale,  G. W. Swoope,  
John E. Cooper,  Thos. F. Hargis,  E. W. Turner,  
W. A. Cunningham,  J. W. Hays,  Thos. W. Varnon,  
Wm. P. Duvall,  George B. Hodge,  W. L. Vories,  
P. F. Edwards,  I. L. Hyatt,  C. J. Walton,  
W. W. Frazer,  

Those who voted in the negative, were—


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

The Senate, according to order, took up for consideration a bill, entitled

A bill to amend chapter 90 of the General Statutes, title "Public Printing and Binding."

Sundry amendments were proposed to said bill.

Pending the consideration of which,

Ordered, That the further consideration of said bill and pending amendments be postponed, and made the special order of the day for Thursday, the 19th inst., at 11 o'clock, A. M.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled "An act to amend the charter of the town of Hartford;"

An act to establish a criminal court in the 11th judicial district;

An act for the benefit of John P. Barrett, late sheriff of Ohio county;

An act to authorize the Owen county court to levy a tax and issue bonds for bridge purposes;

An act to incorporate Petersburg Cemetery Company;

An act to amend an act, entitled "An act to protect the owners of land, and to punish certain trespassers, in Logan and Todd counties," approved March 20, 1872;

A act for the benefit of L. P. Linley, late sheriff of McLean county;

An act for the benefit of John Wallace, clerk of the Boone circuit court;

Also a bill, which originated in the House of Representatives, entitled

An act for the benefit of Wiley J. Coffee and his sureties;

And had found the same truly enrolled.
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 approval and signature.

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

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

On motion of Mr. Swoope—
1. A bill to amend the charter of the city of Owensboro.

On motion of Mr. Cooper—
2. A bill for the benefit of Stephen Howard, late sheriff of Magoffin county.

On motion of Mr. Hodge—
3. A bill to amend an act, entitled "An act to incorporate the Kentucky and Great Eastern Railway Company."

On motion of Mr. Martin—
4. A bill for the benefit of James Turner, late sheriff of Perry county.

On motion of Mr. Briggs—
5. A bill for the benefit of Wm. Durrett; of Taylor county.

On motion of Mr. Cunningham—
6. A bill to incorporate the Farmers' Exchange Bank of Winchester.

On motion of Mr. Simmons—
7. A bill to incorporate the German Mutual Fire Insurance Company of Covington.

On motion of Mr. McManama—
8. A bill for the benefit of W. W. Ireland, judge of the Pendleton county count.

On motion of Mr. Hale—
9. A bill for the benefit of common schools in Graves and Calhoun counties.

On motion of Mr. Brown—
10. A bill to amend an act, entitled "An act for the benefit of W. E. Clelland, late sheriff of Mercer county."

Ordered, That the Committee on the Judiciary prepare and bring in the 1st, 9th, and 10th; the Committee on Finance the 2d and 4th; the Committee on Railroads the 3d; the Committee on Claims the 5th; the Committee on Banks and Insurance the 6th and 7th, and the Committee on Courts of Justice the 8th.
Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Turner, from the Committee on Internal Improvement—
An act to amend an act, entitled "An act to incorporate the Kingston and Boone's Gap Turnpike Road Company, in Madison county."

By same—
An act to amend an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company."

By same—
An act for the benefit of Minerva and Beasley Creek Turnpike Road Company.

By same—
An act to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Road Company.

By same—
An act to amend the charter of the Maysville, Paris, and Lexington Turnpike Road.

By Mr. Briggs, from the same committee—
An act to amend an act, entitled "An act to amend the charter of the Bloomfield and Springfield Turnpike Road Company," approved February 22, 1860.

By same—
An act to amend an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1st, 1872.

By same—
An act to amend the act, entitled "An act to incorporate the River Road Company," approved March 3d, 1860.

By same—
An act to amend an act, entitled "An act to incorporate the Ashbottom Turnpike Road Company," approved March 22d, 1871.

By Mr. Duvall, from the Committee on Internal Improvement—
An act to provide for the construction and completion of turnpike roads in Pendleton county.

By Mr. Haggard, from the Committee on Finance—
An act for the benefit of the administrator of F. M. Weeden, late sheriff of Mason county.
By Mr. Hays, from the Committee on the Judiciary—
An act for the benefit of J. G. White, of Elliott county.

By same—
An act to extend the limits of the town of Greenville, in Muhlenburg county.

By same—
An act to punish trespassers on real estate in the county of Shelby.

By Mr. Clay, from the same committee—
An act to extend the town limits of the town of Dover, in Mason county.

By Mr. Goodloe, from the same committee—
An act for the benefit of the Maysville Manufacturing Association.

By Mr. Gilbert, from the same committee—
An act to amend an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties."

By Mr. Clay, from the same committee—
An act to amend the charter of the city of Lexington.

With an amendment to the last named bill.

Which was adopted

Ordered, That said bills be read a third time.

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

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

Mr. Clay, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled
An act for the benefit of Lexington Lodge, No. 1, of Ancient York Masons,

Reported the same, with the expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Clay, from the same committee, to whom was recommitted a bill, entitled
A bill to amend chapter 228, laws 1844,

Reported the same back to the Senate, with an expression of opinion that said bill ought not to pass.
And the question being taken on ordering said bill to be engrossed and read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Hays, from the Committee on the Judiciary, to whom was referred leave to bring in a bill, entitled

A bill to regulate the transfer of stock in real estate associations incorporated by the laws of this State,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Clay, from the same committee, to whom was referred leave to bring in a bill, entitled

A bill for the benefit of George Brittain, of Bell county,

Asked to be discharged from the further consideration of the same.

Which was granted.

Mr. Briggs, from the Committee on Claims, to whom was referred leave, reported a bill, entitled

A bill for the benefit of Wm. Durrett, of Taylor county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,  
W. J. Berry,  
Robert Boyd,  
Robert A. Briggs,  
James F. Clay,  
John E. Cooper,  
W. A. Cunningham,  
F. W. Darby,  
William P. Duvall,  
P. F. Edwards,  
Walter Evans,  
John J. Gatewood,  
Jesse C. Gilbert,  
W. C. Goodloe,  
D. R. Haggard,  
H. S. Hale,  
Thos. F. Hargis,  
J. W. Hays,  
Geo. B Hodge,  
I. L. Hyatt,  
T. L. Jefferson,  
D. H. Lindsay,  
R. B. Lovel,  
A. L. Martin,  
Robert Simmons,  
G. W. Swoope,  
E. W. Turner,  
Thos. W. Varnon,  
W. L. Vories,  
C. J. Walton,  

In the negative—none.
Said bill reads as follows, viz:

WHEREAS, By the verdict of a jury of Taylor county, Harriet Durrett, of said county, was, in October, 1870, found to be a pauper lunatic; and whereas, by an order of the court which held the inquest, she was directed to be conveyed to the Lunatic Asylum at Lexington, there to be confined, and was conveyed to said Asylum, but not received for want of accommodation; and whereas, since that time William Durrett has supported and maintained said pauper, who is now, and since said inquest has continued to be, a lunatic.

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of State is hereby directed to issue his warrant upon the Treasury in favor of said William Durrett for the sum of three hundred and thirteen dollars and fifty cents, being for the support of said pauper lunatic from March 28th, 1872, to October 1st, 1873.

§ 2. This act to be in force from its passage.

Mr. Haggard, from the Committee on Finance, to whom was referred leave, reported a bill, entitled

A bill for the benefit of the sheriff of Crittenden county.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, D. R. Haggard, A. L. Martin,
Robert Boyd, H. S. Hale, O. D. McManama,
W. W. Culbertson, Thos. E. Hargis, Robt. Simmons,
W. A. Cunningham, J. W. Hays, E. W. Turner,
F. W. Darby, Geo. B. Hodge, Thos. W. Varnon,
William P. Duvall, G. A. C. Holt, W. L. Vories,
W. W. Frazier, I. L. Hyatt, C. J. Walton,
John J. Gatewood, T. L. Jefferson, Ben. J. Webb—26,
Jesse C. Gilbert, D. H. Lindsay,

Those who voted in the negative, were—

W. J. Berry, Scott Brown, R. B. Lovel,

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sheriff of Crittenden county shall have the further time until the first day of July, 1874, to pay into the Treasury one third of the
State revenue for said county, for year 1873: Provided, He shall, on or before the first day of April, 1874, pay into the Treasury two thirds of said revenue: And provided further, That the sureties of said sheriff on bond for collection of State revenue shall, on or before April 1st, 1874, in writing, in Crittendon county court, agree to such extension.

§ 2. This act shall be in force from its passage.

Mr. Hays, from the Committee on the Judiciary, to whom was referred leave, reported a bill, entitled

A bill for the benefit of common schools in Marshall, Livingston, and McCracken counties.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, D. H. Lindsay,
John S. Barlow, Walter Evans, A. L. Martin,
W. J. Berry, Jesse C. Gilbert, O. D. McManama,
Robert A. Briggs, W. C. Goodloe, Robert Simmons,
James F. Clay, H. S. Hale, E. W. Turner,
John E. Cooper, J. W. Hays, Thos. W. Varnon,
W. W. Culbertson, George B. Hodge, W. L. Vories,
W. A. Cunningham, G. A. C. Holt, C. J. Walton,

Those who voted in the negative, were—


Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the common school commissioners of Marshall, Livingston, and McCracken counties shall each be, and he is hereby, authorized and empowered to draw from the State Treasury the amount and bonded surplus of school fund in the State Treasury to the credit of his county, upon being directed so to do by order of his county court. But before such order shall be made by court, the commissioner shall execute covenant to the Commonwealth, with surety worth at least double the amount to be drawn, that he will safely keep, invest or pay out, or otherwise dispose of said fund for common school purposes in his county, as the court of claims for his county may order; which covenant shall be executed in and approved by the county court, and filed in the clerk’s office of said
§ 1. No person shall, in or before any court or tribunal of said
jurisdiction, be compelled to answer or be concerned in the enforcement of a bond
given as a condition of bail, without the authority of the court.

§ 2. Upon the written order of the commissioner, accompanied by a
copy of the order of his county court directing him to draw said fund, it
shall be the duty of the Auditor to draw his warrant upon the Treasurer
for the full amount of such surplus due or belonging to the county of the
commissioner so ordering the same.

§ 3. This act shall take effect from its passage.

The Senate took up for consideration a resolution, entitled

Resolution directing the Secretary of State not to sell any copies
of the General Statutes now on hand.

Said resolution reads as follows, viz:

The committee to whom was referred the communication of the Secre-
tary of State, in response to a resolution of the Senate respecting the dis-
tribution of the General Statutes, respectfully ask leave to submit the
following report:

It appears from the response of the Secretary of State that, of the
edition of four thousand copies which were directed by law to be printed
and bound for the use of the State, he had distributed, including the ex-
changes with the States and Territories, the whole edition, except about
twelve hundred and forty copies.

Since the date of the Secretary's communication to the Senate afo-
said, he has been compelled to send out other copies to cover mistakes in
respect to the number of officers in some of the counties. It cannot be
determined with certainty what number of copies will be necessary to
supply the future wants of the State. It is not unreasonable to assume
that there will not be another revision of the statute law of the State
short of fifteen or twenty years, within which time it will require, in the
opinion of your committee, all of the copies now on hand to supply the
demand arising from the loss and damage of those which have already
been distributed. Besides, the number of justices of the peace every year
is increased by the formation of new districts or the creation of new
counties, so that it is evident there will be a constant demand for the
book from year to year—a demand which, in the course of ten or twelve
years, will require every copy of the work now on hand to supply it.

If the State shall dispose of the entire edition, or so large a portion
of it as hereafter to make it necessary to go into the market to purchase for
the use of its officers, it will be found, doubtless, that a much higher price
will have to be paid than the State will realize by the sale of those now
on hand. As a measure of economy, it will be found, we have no doubt,
unwise and improvident.

Your committee is, therefore, of the opinion that the remaining copies
of the General Statutes in the hands, or subject to the control of the Sec-
retary of State, ought to be retained to supply the future wants of the
State for said work; wherefore, we report the following resolution:

Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Secretary of State, be, and he is hereby, directed not to sell any
copy of the General Statutes now in his possession or under his control,
but to hold the same for distribution as is now or may hereafter be di-
rected by law.

78-s.
The question was then taken on the adoption of said resolution, and it was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, Wm P. Duvall, D. H. Lindsay,
John S. Barlow, Jesse C. Gilbert, A. L. Martin,
James F. Clay, D. R. Haggard, O. D. McManama,
F. W. Darby, I. L. Hyatt,

Those who voted in the negative, were—

Robert Boyd, W. C. Goodloe, Robert Simmons,
W. W. Culbertson, H. S. Hale, G. W. Swoope,
W. A. Cunningham, J. W. Hays, E. W. Turner,
P. F. Edwards, G. A. C. Holt, Thos. W. Varnon,
Walter Evans, T. L. Jefferson, W. L. Vories,
John J. Gatewood,

Mr. Hodge, from the Committee on Railroads, to whom was re-committed a bill, entitled

A bill to provide for the punishment of railway employees for causing injury to or death of any person or persons, or injury or destruction to property,

Reported the same with amendments.

Pending the consideration thereof, the hour of 12 o'clock arrived, when the orders of the day were taken up, and further action thereon was cut off.

The Senate then took up for consideration the special order, a bill from the House of Representatives, entitled

An act to repeal an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county."

Ordered, That the further consideration of said bill be postponed until to-morrow.

The Senate then took up for consideration a bill, entitled

A bill for the benefit of George R. Hinds and Thomas D. Carson.

Ordered, That the further consideration of said bill be postponed until to-morrow, at half-past 10 o'clock, A. M.

And then the Senate adjourned.
WEDNESDAY, FEBRUARY 18, 1874.

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, which originated in the House of Representatives, of the following titles, viz.:

An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum.
An act to amend an act, entitled "An act for the benefit of the officers and soldiers of the 31st regiment enrolled militia," approved February 7, 1866.
An act to incorporate the Trustees of the Presbyterian Church at Columbus.
An act to incorporate the Mt. Sterling Coal Road Company.
An act to amend section 740 of the Civil Code of Practice.
An act to amend an act, entitled "An act to incorporate the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky," approved January 28, 1854.
An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts."
An act to amend section 14, article 4, chapter 52, General Statutes.
An act changing the time of the meeting of the General Assembly.
An act for the benefit of Joseph Pearson, of Estill county.
An act to prohibit the sale of spirituous, malt, or vinous liquors in the town of Glenville, in Adair county, or within one mile thereof.
An act to prohibit the sale of spirituous liquors in Fulton county.
An act regulating the transfer of stock in the real estate associations of Jefferson county.
An act to prohibit the sale of spirituous, vinous, or malt liquors in Garnettsville, Meade county.
An act to amend an act to incorporate the Louisville Cement and Water-power Company, approved January 13th, 1866.
An act for the benefit of Green Ridge Churches, in Logan county.
An act to amend an act, entitled "An act to establish tram- 
tracks or railways to navigable streams and railroads in Rockcastle 
county."

An act for the benefit of the Union Mills Turnpike Company.

That they had concurred in Senate amendments proposed to bills, 
which originated in the House of Representatives, of the following 
titles, viz:

An act to amend and reduce into one the several acts in relation 
to the town of Owingsville.

An act to amend section 5, article 5, chapter 28, of the General 
Statutes, title "Courts."

An act for the benefit of the lessees of the "Gem," in the town of 
Franklin.

An act to amend an act, entitled "An act to reduce into one all 
acts in relation to Barbourville;"

An act to amend an act, entitled "An act to incorporate the town 
of Glenville, in Adair county;"

An act for the benefit of Wm. Green and his sureties, late sheriff of 
Elliott county.

An act to amend the charter of Jeffersontown, and to establish a 
police court for said town.

That they had passed bills, which originated in the Senate, of the 
following titles, viz:

An act to create the Bullitt County Turnpike Corporation.

An act for the benefit of Sarah Virginia Musselman and her infant 
children.

An act for the benefit of the creditors of the Institution for the Edu-
cation and Training of Feeble-minded Children.

An act to authorize a sale of the Georgetown, Oxford, and Lees-
burg Turnpike Road.

An act to amend an act, entitled "An act to authorize a sale of 
the Stamping Ground and Lecompt's Run Turnpike Road;"

An act to revive an act to incorporate the Springfield and Har-
rodsburg Turnpike Road Company.

An act to amend the charter of the Hustonville and Bradfordsville 
Turnpike Road Company.

An act to amend an act, entitled "An act for the benefit of the 
Union county court," approved December 20th, 1871, and to enable 
the county court of Union county to provide means for building a 
jal.
An act to supply the General Statutes to the justices of the peace of Trigg county.

An act to amend an act, entitled "An act to incorporate and reduce into one all acts in regard to the town of Richmond."

An act to incorporate the Richmond Gas-light Company.

An act to incorporate the Chicago and South Atlantic Railroad Company of Kentucky.

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

1. An act for the benefit of the Commercial Bank of Kentucky.
2. An act to incorporate the Auburn High School.
3. An act for the benefit of common school district No. 1, known as Auburn district, in Logan county.
5. An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district.
6. An act to increase the jurisdiction of justices of the peace in the counties of Warren, Madison, and Simpson.
7. An act to authorize the county court of Simpson county to levy an additional tax in said county.
8. An act for the benefit of the commissioners of the sinking fund of Hardin county.
9. An act submitting a proposition to the voters in district No. 4, Todd county, whether or not spirituous, vinous, or malt liquors shall be sold therein.
10. An act to repeal an act, entitled "An act to legalize the proceedings of the Casey county court," approved January 14, 1860.
11. An act regulating the return of executions in Trigg county.
12. An act for the benefit of sheriffs of Union county.
13. An act to amend the charter of the Caseyville Deposit Bank.
14. An act to amend the charter of the city of Bowling Green.
16. An act to amend the charter of Paint Lick and Copper Creek Turnpike Road Company.
17. An act for the benefit of the Sugar Creek Baptist Church, of Garrard county.
19. An act prescribing the election of school trustees for the counties of Wayne and Warren.
20. An act to amend the charter of Sebree City, in Webster county.
21. An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe.
22. An act to amend an act, entitled "An act to incorporate the town of Providence, in Webster county."
23. An act for the benefit of the Williamsburg Masonic Institute.
24. An act to amend an act, entitled "An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses."
25. An act to incorporate the Woodford Driving Park.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 8th was ordered to be read a third time, and all the rest were referred—the 1st and 13th to the Committee on Banks and Insurance; the 2d, 3d, 17th, and 19th to the Committee on Education; the 4th, 7th, 14th, 18th, 20th, 21st, 22d, and 23d to the Committee on the Judiciary; the 5th, 6th, 10th, and 11th to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 9th to the Committee on Religion and Morals; the 12th to the Committee on Finance; the 15th to the Committee on Claims; the 16th to the Committee on Internal Improvement, and the 24th and 25th to the Committee on Agriculture and Manufactures.

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

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

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

An act to amend the charter of the town of Mt. Carmel, in Fleming county;
An act for the benefit of W. R. Stringer, of Livingston county;
An act for the benefit of Mrs. Mary Davis, of Livingston county;
An act for the benefit of Ulysses Garred, of Lawrence county;
An act for the benefit of school district No. 68, in Madison county;
An act to amend an act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county;
An act to provide for the payment of the expenses incurred by the Ohio county court in taking care of a pauper lunatic;

An act for the benefit of B. L. C. Dorsey, of Monroe county;

Also a bill, which originated in the Senate, entitled

An act to apportion representation in the Senate and House of Representatives;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

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

By Mr. Lindsay, from the Committee on Religion and Morals—
A bill to incorporate Harmony Lodge, No. 125, Independent Order of Odd Fellows, at Hamilton, in Boone county.

By same—
A bill for the benefit of the trustees of common school district No. 1, in Morgan county.

By Mr. Frazer, from the Committee on Banks and Insurance—
A bill to incorporate the Farmers' Exchange Bank.

By Mr. Holt, from the Committee on Finance—
A bill for the benefit of the sheriff of Trigg county.

By Mr. Gatewood, from the Committee on Education—
A bill to amend an act, entitled "An act to incorporate Princeton College," approved February 20th, 1860, and to confer certain powers on the board of trustees of the town of Princeton.

By Mr. Martin, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill to amend the charter of the town of Princeton.

By Mr. Varnon, from the same committee—
A bill for the benefit of the Danville Classical and Military Academy.

By Mr. Barker, from the same committee—
A bill to amend chapter 49, General Statutes.

By same—
A bill to amend section 9, article 28, chapter 29, General Statutes.
By same—
A bill to amend section 11, chapter 89, General Statutes.

By same—
A bill to amend article 15, chapter 29, of General Statutes.
Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

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

The constitutional provision 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. Turner, from the Committee on Revised Statutes and Codes of Practice and General Statutes, reported a bill, entitled
A bill to amend sections 9 and 11 of chapter 31 of the General Statutes.

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

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That section nine (9) of chapter 31 of the General Statutes be, and the same is hereby, amended by adding to said section the following proviso, to-wit: Provided, That the real estate of such infant derived by descent from an infant brother or sister shall pass as if derived direct from the common parent.

§ 2. That subsection 1 of section 11 of same chapter be amended so as to read: The personal estate of an infant who dies unmarried and without issue shall be distributed as directed by the law of descents in regard to the real estate of such infant.

§ 3. This act shall take effect from its passage.

Mr. Evans moved to amend said bill by striking out the second section thereof.
Which motion was adopted.

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

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

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

The yeas and nays being required thereon by Messrs. Swoope and Turner, were as follows, viz:
Mr. Hays, from the Committee on the Judiciary, reported a bill, entitled
A bill for the benefit of common schools in Graves and Calloway counties.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the common school commissioners of Graves and Calloway counties shall each be, and be is hereby, authorized and empowered to draw from the State Treasury the amount and bonded surplus of school fund in the State Treasury to the credit of his county, upon being directed so to do by order of his county court, and a majority of the justices of the peace of his county concurring therein. But before such order shall be made by the court, the commissioner shall execute covenant to the Commonwealth, with surety worth at least double the amount to be drawn, that he will safely keep, invest or pay out, or otherwise dispose of said fund for common school purposes in his county, as the court of claims for his county may order; which covenant shall be executed in and approved by the county court, and filed in the clerk's office of said county; and for any breach of the bond, the county court or any person or persons aggrieved may maintain an action thereon.

§ 2. Upon the written order of the commissioner, accompanied by a copy of the order of his county court directing to draw said fund, it shall be the duty of the Auditor to draw his warrant upon the Treasurer for the full amount of such surplus due or belonging to the county of the commissioner so ordering the same.

§ 3. This act shall take effect from its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

79-s.
Those who voted in the affirmative, were—
Scott Brown, James F. Clay, John E. Cooper, W. W. Culbertson, W. A. Cunningham, F. W. Darby, Wm. P. Duvall, 
P. F. Edwards, W. W. Frazer, Jesse C. Gilbert, W. C. Goodloe, H. S. Hale, George B. Hodge, 

Those who voted in the negative, were—
John S. Barlow, W. J. Berry, Robert A. Briggs, John J. Gatewood, 
Thos. F. Hargis, R. B. Lovel, G. W. Swoope, 

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

Mr. Hays, from the Committee on the Judiciary, to whom was referred the petition of sundry citizens of Meade county, praying an amendment to the General Statutes,

Asked to be discharged from the further consideration of the same. Which was granted.

Leave of absence, indefinitely, was granted Mr. Evans.

The Senate, according to order, took up for consideration a bill, entitled

A bill to amend an act to incorporate the Kentucky and Great Eastern Railway Company.

Ordered, That said bill be recommitted to the Committee on Railroads.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes—

An act to amend an act, entitled "An act to regulate the taking up of property found adrift on certain rivers in this Commonwealth."

By Mr. Gilbert, from the Committee on the Judiciary—

An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

By Mr. Duvall, from the Committee on Agriculture and Manufactures—

An act to incorporate the Blue Grass Manufacturing Company.
By same—
An act to amend an act to incorporate the Mercer County Me­
chanical and Agricultural Association.

By Mr. Haggard, from the Committee on Propositions and Griev­
ances—
An act to insure and facilitate the payment of wages to laborers
in the city of Louisville.
With an amendment to the last named bill.
Which was adopted

Ordered, That the first named bill be postponed until to-morrow,
and all the rest, the last as amended, be read a third time.
The constitutional provision as to the third reading of said bills
being dispensed with,

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

Mr. Evans, from the Committee on the Judiciary, to whom was re­
ferred a bill from the House of Representatives, entitled
An act to increase the jurisdiction of justices of the peace in the
counties of Warren, Christian, Edmonson, Carter, and Madison,
Reported the same with an amendment.
Which amendment was adopted.

Ordered, That said bill be placed in the orders of the day.

Mr. Haggard, from the Committee on Propositions and Grievances,
to whom had been referred a bill from the House of Representa­
tives, entitled
An act to prohibit the owners or operatives of any distillery, in
Madison county, from emptying the slops into Silver creek, or any of
its tributaries, after the first day of April, in each year,
Reported the same, with the expression of opinion that said bill
ought not to pass.
And the question being taken on ordering said bill to be read
a third time, the opinion of the committee to the contrary notwith­
standing, it was decided in the negative.
So said bill was rejected.

Mr. Lindsay, from the Committee on Claims, to whom was referred
a bill from the House of Representatives, entitled
An act for the benefit of James M. Bolton, jailer of Knox county,
Reported the same without amendment.

Ordered, That said bill be read a third time.
Said bill was read a third time as follows, viz:

WHEREAS, It appears to the satisfaction of this General Assembly that James J. Hart, of Knox county, Kentucky, has been found by the verdict of a jury and judgment of a court, on two occasions, to be a lunatic, and on the last inquest was found to be a pauper lunatic; and whereas, it appears that said James J. Hart was, in fact, a pauper lunatic from the finding of the first inquest; and whereas, it appears that said lunatic could not be received into any of the asylums of the State at that time for want of room; and whereas, from his condition it became necessary to confine him and put him under a committee or in the custody of the jailer of said county; and whereas, it appears, by the order of the Knox county court, that he was placed in the custody of James M. Bolton, jailer of Knox county, and that said Bolton had to keep him for one year; and whereas, this General Assembly has heretofore, by an act approved on the 28th day of March, 1872, made provision for the support and care of this class of unfortunate people; and whereas, in consequence of an oversight in the court holding the first inquest, the question as to whether he was a pauper or not was overlooked; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor draw his warrant upon the Treasurer of the State for the sum of two hundred dollars in favor of James M. Bolton, jailer of Knox county, Kentucky.

§ 2. This act shall take effect from and after its passage.

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

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, Walter Evans, I. L. Hyatt,
Robert Boyd, W. W. Frazer, T. L. Jefferson,
Robert A. Briggs, John J. Gatewood, D. H. Lindsay,
James F. Clay, Jesse C. Gilbert, R. B. Lovel,
John E. Cooper, W. C. Goodloe, A. L. Martin,
W. W. Culbertson, D. R. Haggard, O. D. McManama,
W. A. Cunningham, H. S. Hale, Robert Simmons,
P. W. Darby, Thos. F. Hargis, W. L. Vories,
William P. Duvall, J. W. Hays, C. J. Walton,

In the negative—none.

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

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled

An act to amend an act, entitled "An act to amend the charter of Bacon College," approved January 15th, 1858.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Treasurer of Kentucky University shall not be a member
of or Chairman of the Executive Committee, and the Treasurer being a
member of or Chairman of the Executive Committee shall operate as a
vacation of and removal from the office of Treasurer.
§ 2. Be it further enacted, That the second section of the act, entitled
"An act to amend the charter of Bacon College," approved January 15th,
1858, be, and the same is hereby, repealed; and wherever in said act the
word Curator or Curators is used, the word Trustee or Trustees shall be
substituted in place thereof.
§ 3. Be it further enacted, That the individual living donors to the
several funds of Kentucky University, and the several organized congre-
gations in this State of the Disciples of Christ, usually
Denominated Christians, by their delegates, be, and they are hereby, authorized and
empowered to elect thirty persons as Trustees of Kentucky University.
The first election shall be held in the city of Lexington, Kentucky, on
the first Wednesday in April, 1874, and every five years thereafter, the
elections to be held separately; the delegates of such of said congregations
as may attend electing twenty of said trustees, and such of the said living
donors as may attend electing ten trustees. Each of said congregations
shall in said elections be entitled to one vote, and to one additional vote
for every one hundred members over and above the first one hundred
members, and each of said living donors shall be entitled to one vote.
The number of Trustees of Kentucky University shall never exceed
thirty, and not more than five, at any one time, of the thirty Trustees,
shall ever be ministers of the Gospel.
§ 4. Be it further enacted, That the thirty persons that shall be
elected on the first Wednesday in April, 1874, as hereinbefore pro-
vided, shall be, and they are hereby, as soon as they shall be elected as
aforesaid, constituted a body-politic and corporate, in as full, ample, and
effectual manner as if they and each of them were herein individually
mentioned by name, under the corporate name and style of the Trustees
of Kentucky University; and they and their successors in office shall
have perpetual succession and existence, and a common seal; and by the
aforesaid name and in their corporate capacity may sue and be sued, plead
and be imploaded, in all the courts of law and equity in this State; and
the same in their corporate capacity and name are hereby invested, as
soon as they shall be elected as aforesaid, with the legal right and title to
all the property and estate, real, personal, and mixed, that at that date
may be vested in or held by the present Board of Curators of Kentucky
University; and shall in all things become their successors, and shall be
substituted to all their rights, franchises, privileges, and obligations; and
shall assume and be bound by and faithfully carry out all the trusts, con-
ditions, and obligations imposed on the Curators of Kentucky University
by the act establishing an Agricultural College in Kentucky, approved
February 22d, 1865, and by the act consolidating Kentucky University
and Transylvania University, approved February 28th, 1865.
§ 5. Be it further enacted, That the trustees who shall be elected on
the first Wednesday in April, 1874, shall meet in the city of Lexington, Ken-
tucky, on the third Wednesday in April, 1874, or as soon thereafter as
possible, and organize by the election of the officers mentioned in the fifth
section of the act of which this act is an amendment; and the officers of
the present Board of Curators shall, on demand, immediately turn over to
the Executive Committee that shall be elected by the Board of Trustees
all the books, papers, stocks, bonds, money, and all other property in their
possession or under their control as officers of the Board of Curators, and
shall be responsible to the Board of Trustees for the same until the whole of the same is delivered; and the bond of the treasurer shall remain in full force and effect, and may be enforced by the Board of Trustees the same as if it had originally been made payable to them.

§ 6. Be it further enacted, That when the living donors, including those who may hereafter subscribe to any fund of the University, shall be reduced so that they in the aggregate only represent fifty thousand dollars of subscriptions, then the alumni of the College of Arts of Kentucky University, in connection with such living donors, shall elect the ten trustees which the living donors are hereinbefore authorized to elect, and each living donor and alumnus shall be entitled to one vote in such elections.

§ 7. Be it further enacted, That all the provisions of the act to which this act is an amendment, that are inconsistent with or in conflict with this act, be, and the same are hereby, repealed; and this act shall take effect and be in force from and after its passage, except the second section, which shall take effect and be in force on and after the first Wednesday in April, 1874.

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

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

Those who voted in the affirmative, were—  
Thos. J. Barker, D. R. Haggard, Robert Simmons,  
Scott Brown, H. S. Hale, G. W. Swoope,  
John E. Cooper, Thos. F. Hargis, E. W. Turner,  
W. A. Cunningham, George B. Hodge, Thos. W. Varnon,  
W. W. Frazer,

Those who voted in the negative, were—  
John S. Barlow, Walter Evans, T. L. Jefferson,  
Robert Boyd, John J. Gatewood, D. H. Lindsay,  
Robert A. Briggs, Jesse C. Gilbert, R. B. Lovel,  
James E. Clay, W. C. Goodloe, O. D. McManama,  
W. W. Culbertson, J. W. Hays, W. L. Vorles,  
P. F. Edwards, I. L. Hyatt,

So said bill was rejected.

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

An act to amend the charter of the Kentucky Land Company.  
An act for the benefit of James Sullenger, sheriff of Carroll county.  
An act for the benefit of the Deaf and Dumb Asylum at Danville.  
An act for the benefit of George W. Bradburn, tax assessor of Allen county.  
An act to authorize M. Duke to erect a mill-dam across Big Barren river at or near Holton's Ford, in Allen county.  
An act for the benefit of Joseph Mitchell, jailer of Gallatin county.  
An act to amend an act, entitled "An act to authorize the James-town justices' district, in Campbell county, to issue bonds."  
An act to amend an act, entitled "An act to incorporate the War-saw Turnpike Company."  
An act to amend an act, entitled "An act to incorporate the Mt. Sterling Coal Road Company."  
An act to establish and provide for a colored school in the city of Owensboro, Kentucky.  
An act to amend and continue in force an act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Company."  
An act to amend the charter of the Elizabethtown and Paducah Railroad Company.  

With an amendment to the last named bill.
That they had passed bills of the following titles, viz:
1. An act to regulate the sale of medicines and poisons.
2. An act to repeal an act to amend the act to incorporate the Hartford Railroad and Mining Company, approved March 22, 1871.
4. An act, entitled "An act for the benefit of John Pierce, of Trimble county."
6. An act for the benefit of R. J. Bush.
7. An act for the benefit of the sheriff of Daviess county.
8. An act to incorporate the Milton Baptist Church of Trimble county.
10. An act for the benefit of D. S. Carroll, of Grayson county.
11. An act for the benefit of John Taliaferro, clerk of the Clark circuit court.
12. An act to amend the charter of the city of Dayton.
13. An act to incorporate the Campbell County and Queen City Bridge Company.
14. An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg."
15. An act to prohibit the sale, gift, loan, or procurement of spirituals, vinous, or malt liquors on election days in the county of Greenup.
16. An act to amend an act incorporating the town of Milford, in Bracken county.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st, 5th, and 10th were referred to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 2d and 13th to the Committee on Railroads; the 3d to the Committee on Claims; the 6th and 7th to the Committee on Finance; the 8th and 15th to the Committee on Religion and Morals; the 9th to the Committee on Banks and Insurance; the 14th and 16th to the Committee on the Judiciary, and the 4th, 11th, and 12th were ordered to be read a third time.

The constitutional provision as to the third reading of said 4th, 11th, and 12th bills being dispensed with,

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

On motion of Mr. Hale,

Leave was given to bring in a bill for the benefit of John M. Hester, of Graves county.

Ordered, That the Committee on Finance prepare and bring in the same.
Mr. Hays presented the petition of sundry citizens of Hardin county, praying the passage of an act to protect wool-growers in Kentucky.

Which was received, the reading dispensed with, and referred to the Committee on Agriculture and Manufactures.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, February 19th, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following named persons as suitable to be commissioned notaries public, viz:

Emmet Field, of Jefferson county.
Lewis Nohn, of Jefferson county.
W. L. Twyman, of Hopkins county.
P. Allen Montague, of Boyd county.
Joseph Thomas, of Daviess county.
Geo. W. Vrelence, of Meade county.
Robert Gibson, of Pulaski county.
Thomas P. Whereatt, of Garrard county.

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

P. H. LESLIE.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of James Wallace, late sheriff of Christian county.
An act for the benefit of Wm. E. Clelland, late sheriff of Mercer county.
An act for the benefit of I. L. Hyatt.
An act for the benefit of L. R. Thurman.
An act for the benefit of Achilles Nelson, trustee for Stephen Richardson, a pauper lunatic of Russell county.
An act to amend the road laws of the counties of Boyd and Carter.
An act to incorporate the Kentucky Normal School at Carlisle.
An act to incorporate the Carlisle Academy.
An act to increase the jurisdiction of quarterly courts in the counties of Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, McCracken, Owen, Gallatin, Logan, Boyd, Barren, 80-s.
Boone, Monroe, Metcalfe, Edmonson, Breckinridge, Wayne, Pulaski, Marshall, Cumberland, and other counties.

An act for the benefit of the sheriff of Cumberland county.

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

An act to amend an act, entitled "An act to incorporate the Columbia and Burksville Turnpike Road Company;"

An act to enable associations of persons for raising funds, to be loaned among their members for building them homesteads and other purposes, to become bodies-corporate;

An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts;"

An act for the benefit of the lessees of the "Gem," in the town of Franklin;

An act to incorporate the Shiloh Church and Pittman's Creek Turnpike Road Company;

An act to amend an act, entitled "An act to incorporate the town of Glenville, in Adair county;"

An act to facilitate the collection of county levies and other county taxes;

An act for the benefit of Henderson Conlee, of Powell county;

An act to amend an act, entitled "An act to reduce into one all acts in relation to Barbourville;"

An act to amend the charter of Jeffersontown, and to establish a police court for said town;

An act to amend the act, entitled "An act to incorporate the River Road Company," approved March 3d, 1860;

An act to punish trespassers on real estate in the county of Shelby;

An act to amend an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company;"

An act to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Road Company;

An act to amend an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties;"

An act to amend the charter of the Maysville, Paris, and Lexington Turnpike Road;

An act for the benefit of Minerva and Beasley Creek Turnpike Road Company;

An act for the benefit of the Maysville Manufacturing Association;
An act for the benefit of Bennetti Madison;
An act for the benefit of J. G. White, of Elliott county;
Resolution directing the Governor to purchase Hart’s busts of Clay and Jackson;
Resolution directing the Governor to have offices prepared for the Superintendent of Public Instruction in the Fire-proof Offices in Frankfort, Kentucky;
Also bills, which originated in the Senate, of the following titles, viz:
An act to create the Bullitt County Turnpike Corporation;
An act for the benefit of Sarah Virginia Musselman and her infant children;
An act for the benefit of the creditors of the Institution for the Education and Training of Feeble-minded Children;
An act to authorize a sale of the Georgetown, Oxford, and Leesburg Turnpike Road;
An act to amend an act, entitled “An act to authorize a sale of the Stamping Ground and Lecompt’s Run Turnpike Road;”
An act to revive an act to incorporate the Springfield and Harrodsburg Turnpike Road Company;
An act to supply the General Statutes to the justices of the peace of Trigg county;
An act to amend an act, entitled “An act to incorporate and reduce into one all acts in regard to the town of Richmond;”
An act to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company;
An act to amend an act, entitled “An act to incorporate the Richmond Gas-light Company;”

And had found the same truly enrolled.

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 approval and signature.

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

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

By Mr. Simmons, from the Committee on Charitable Institutions—
1. A bill to incorporate the German Evangelical Church of Covington, Kentucky.
By Mr. Gatewood, from the Committee on Courts of Justice—
2. A bill to regulate legal advertisements in Gallatin county.
By same—
3. A bill changing the time of holding the county courts in Carroll county.
By Mr. McManama, from the same committee—
4. A bill to provide for defining and marking the line between the counties of Fayette and Scott.
By Mr. Gatewood, from the Committee on Education—
5. A bill allowing additional tax to be levied for building schoolhouses in district No. 22, in Greenup county.
By same—
6. A bill for the benefit of Fannie Moore, of Henderson county.
By Mr. Lovel, from the same committee—
7. A bill in relation to D. W. Padgett, late common school commissioner of Calloway county.
By Mr. Jefferson, from the Committee on Finance—
8. A bill to re-enact and to continue in force an act, entitled "An act for the benefit of A. W. Nickels, late sheriff of Johnson county, and his securities," approved February 3d, 1871.
By same—
9. A bill for the benefit of the assessor of Caldwell county.
By Mr. Turner, from the Committee on Internal Improvement—
10. A bill to incorporate the Power Manufacturing, Agricultural, and Water Utilizing Company.
By Mr. Gilbert, from the Committee on the Judiciary—
11. A bill to amend the charter of the town of Briensburg, in Marshall county.
By Mr. Haggard, from the Committee on Propositions and Grievances—
12. A bill authorizing the Governor to appoint an agent of the State to superintend the inspection and weighing of tobacco in the city of Louisville warehouses.
By same—
By same—
14. A bill to prevent accidents and provide for escapes in case of collisions in tunnels on railroads.
By same—
15. A bill to change the location of the Wilderness Turnpike Road.
By same—
16. A bill to incorporate the town of Russell, in Greenup county.
By Mr. Gilbert, from the Committee on Immigration and Labor—
17. A bill to amend article 3, chapter 14, of the General Statutes.
Which bills were severally read the first time and ordered to be
read a second time.

The constitutional provision as to the second reading of said bills
being dispensed with, the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th,
11th, 13th, 14th, 15th, and 16th were severally ordered to be engrossed
and read a third time; the 12th and 17th were ordered to be
printed, and made special orders for to-morrow, the 12th bill at 12
o'clock, and the 17th bill at 10½ o'clock, A. M.

The constitutional provision as to the third reading of said 1st, 2d,
3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 13th, 14th, 15th, and 16th
bills being dispensed with, and the same being engrossed,

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

On motion of Mr. Briggs, leave of absence, indefinitely, was
granted Messrs. Brown and Hyatt.

A message was received from the House of Representatives, ask­
ing leave to withdraw the announcement of their passage of a bill,
which originated in the Senate, entitled

An act to amend an act, entitled "An act for the benefit of the
Union county court," approved December 20th, 1871, and to enable
the county court of Union county to provide means for building a
jail.

Which was granted.

Mr. Gatewood moved to suspend rule 81 for the purpose of allow­
ing the Committee on Courts of Justice to report a bill from the
House of Representatives, entitled

An act to redistrict the county of Jessamine for justices' districts.
And the question being taken on the adoption of said motion, it
was decided in the negative.

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

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, O. D. McManama,
John S. Barlow, John J. Gatewood, Robert Simmons,
Robt. A. Briggs, D. R. Haggard, G. W. Swoope,
Scott Brown, Thos. F. Hargis, E. W. Turner,
John E. Cooper, J. W. Hays, Thos. W. Varnum,
W. A. Cunningham, Geo. B. Hodge, W. L. Vories—20.
Wm. P. Duvall, D. H. Lindsay.

Those who voted in the negative, were—

W. J. Berry, Jesse C. Gilbert, T. L. Jefferson,
Robert Boyd, W. C. Goodloe, R. B. Lovel,
W. W. Culbertson, H. S. Hale, C. J. Walton,

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

Resolved by the General Assembly of the Commonwealth of Kentucky,
That a committee of three members of the House of Representatives
and two members of the Senate be appointed, whose duty it shall be
to communicate with the Curators or Trustees of Kentucky University,
and the donors to the real estate and building fund of said University who
reside in the county of Fayette, and ascertain the terms and conditions
on which the "Ashland estate" can be obtained by the State of Kentucky
as the permanent site of the Agricultural and Mechanical College, with
a view to the severance of the connection now existing between the Agricultural
and Mechanical College and Kentucky University, and the permanent location and establishment of the Agricultural and Mechanical
College and a State Normal School, to be exclusively under the control
of the State of Kentucky, on the Ashland estate; and that said committee
report the result of their investigations, with such suggestions as they may
demn advisable, to the next session of the General Assembly.

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

WHEREAS, The people of the Commonwealth of Kentucky are deeply
interested in the administration of the laws of the United States within
this State; and whereas, there are certain grave abuses existing in said
administration, whereby the rights of citizens in certain cases have been
grossly infringed upon; now, therefore, be it

1. Resolved by the General Assembly of the Commonwealth of Kentucky,
That the Senators and representatives in Congress from the State of Ken-
tucky be, and they are hereby, instructed to bring before their respective
Houses, by resolution or otherwise, for the purpose of investigation,
whether or not the Judge of the District Court of the United States for
the District of Kentucky is the president and a stockholder in the Ken-
tucky National Bank doing business in the city of Louisville, and State
of Kentucky; and also whether or not said judge, immediately upon and
after the organization of said Kentucky National Bank, by order of the
court of which he is the judge, directed that all bankrupt funds, which,
prior thereto, had been, by order of said court, deposited in National
Banks of the several Congressional Districts of the State of Kentucky, be
transferred to, and deposited in, said Kentucky National Bank, of which
the said judge was and is president.

2. That the amounts of money so transferred to, and deposited in, said
bank, in obedience to the orders of the judge of said court, be ascertained
and reported; and also the amounts of money which have been deposited
in said bank since the order aforesaid, and how long the same has re-
mained in the custody of said bank without a distribution and payment

3. Resolved by the General Assembly of the Commonwealth of Kentucky,
That an order be transmitted to the Clerk of the United States
District Court of the State of Kentucky, to cause a return to be
made of the names of the individuals, who have at any time
made deposits in the said bank, and the amount of money deposited, with
the funds in said bank, the names of the individuals to whom the
money deposited, was paid, and the date of the payment.
of the same to the parties to whom it rightfully belongs; and also whether said bank used the said funds, either in whole or in part, in the discount of bills in the ordinary transaction of its business; and if so, the discount earned thereon; and also whether or not said bank paid interest upon and for the use of said funds.

3. Whether or not the officers of said court connected with the execution of the laws of the United States, whether judicial, executive, or ministerial, are interested as stockholders in said bank; and if so, the names of said officers, and the amount of stock owned by each of them.

4. Whether or not the judge of said court, since the deposit of said funds as aforesaid, has not kept said funds, or a portion of them, in certain cases, for an unusually long time, under the control of said bank, after the said cases had been prepared, argued, and submitted by competent counsel; and if so, the styles of said causes, with the numbers thereof, and the amount of money in each cause, and also how long said money remained in said bank after the said causes were submitted.

5. Whether or not the Clerks of the Federal Courts for the District of Kentucky, since January 1st, 1867, have fairly and truly settled their accounts with the Government of the United States; and if so, the amount reported and settled for each year respectively, and the name or names of the officer who certified to the truthfulness of said accounts.

6. Whether there has been a bargain and sale of the fees and emoluments of the office of Clerk of the Federal Courts in Kentucky, since the 27th of January, 1867, and if so, whether said parties shall be disqualified to hear and determine the cases in which suits the said judge who was and is president of said bank as aforesaid, shall be disqualified to hear and determine the same.

7. That the Senators and Representatives from Kentucky in Congress be, and they are hereby, instructed to move for the appointment of a committee to investigate the matters herein contained, with full power and authority to send for persons and papers.

8. That the Senators and Representatives from Kentucky in Congress be, and they are hereby, instructed to move for the appointment of a committee to investigate the matters herein contained, with full power and authority to send for persons and papers.

The rule being dispensed with, said resolutions were taken up, ordered to be printed, and placed in the orders of the day.

The Senate then took up for consideration a resolution hereinafter proposed by Mr. McManama.

Resolved, That the 27th rule of the Senate be amended so as to read as follows: "Every Senator who shall be in the Senate when the question is put shall give his vote, unless the Senate, for special reasons, or the Speaker, upon being satisfied that the motion or request is made for dilatory purposes, shall excuse him."
Mr. Goodloe moved to lay said resolution on the table. And the question being taken on the adoption of said motion, it was decided in the negative.

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

Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, G. W. Swoope,
Robert Boyd, Jesse C. Gilbert, W. L. Vories,
John E. Cooper, W. C. Goodloe, C. J. Walton,
P. F. Edwards,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, R. B. Lovel, A. L. Martin,
W. J. Berry, D. R. Haggard, O. D. McManama,
Robert A. Briggs, Thos. F. Hargis, Robt. Simmons,
Jas. F. Clay, J. W. Hays, E. W. Turner,
William P. Duvall, T. L. Jefferson,

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
W. J. Berry, D. R. Haggard, O. D. McManama,
Robert A. Briggs, Thos. F. Hargis, Robt. Simmons,
Jas. F. Clay, J. W. Hays, Thos. W. Varnon,

Those who voted in the negative, were—

John S. Barlow, W. W. Frazer, G. W. Swoope,
Robert Boyd, Jesse C. Gilbert, E. W. Turner
John E. Cooper, W. C. Goodloe, W. L. Vories,
P. F. Edwards, R. B. Lovel,

The Senate then took up for consideration the motion to reconsider the vote by which the Senate had disagreed to the passage of a bill from the House of Representatives, entitled

An act to amend chapter 84 of the General Statutes, title "Peddlers."

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

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

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
James F. Clay, John J. Gatewood, E. W. Turner,
John E. Cooper, W. C. Goodloe, Thos. W. Varnon,
W. A. Cunningham, D. R. Haggard, C. J. Walton,

Those who voted in the negative, were—

John S. Barlow, Jesse C. Gilbert, A. L. Martin,
Robert Boyd, J. W. Hays, G. W. Swoope,
Robert A. Briggs, George B. Hodge, W. L. Vories—11.
W. W. Culbertson, G. A. C. Holt, 

Said bill reads as follows, viz:

[For bill—see Acts present session.]

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

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

Those who voted in the affirmative, were—

Thos. J. Barker, Wm. P. Duvall, Thos. F. Hargis,
John S. Barlow, P. F. Edwards, R. B. Lovel,
Robert Boyd, W. W. Frazer, Robt. Simmons,
Robert A. Briggs, W. C. Goodloe, E. W. Turner,
John E. Cooper, 

Those who voted in the negative, were—

W. J. Berry, Jesse C. Gilbert, O. D. McManama,
W. W. Culbertson, J. W. Hays, G. W. Swoope,
W. A. Cunningham, Geo. B. Hodge, W. L. Vories,
F. W. Darby, T. L. Jefferson, C. J. Walton,

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

The Senate then took up a bill from the House of Representatives, entitled

An act to regulate and fix the pay of special judges in circuit, chancery, criminal, and common pleas courts.

Mr. Martin moved to lay said bill upon the table.

Which motion was adopted.

So said bill was disagreed to.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill from the House of Representatives, entitled

An act to amend section 154 of the Criminal Code of Practice.

81-s.
Mr. Martin moved to lay the motion to reconsider said vote on the table.

Which was adopted.

The Senate then took up for consideration a bill from the House of Representatives, entitled

An act to establish a uniform system of common schools for the colored children of this Commonwealth.

Ordered, That said bill be committed to the Committee on Education, with instructions to report thereon to-morrow, at 10½ o'clock, A. M.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had disagreed to the passage of a bill from the House of Representatives, entitled

An act to amend an act, entitled "An act to regulate the taking up of property found adrift on certain rivers in this Commonwealth."

The question was then taken on reconsidering said vote, and it was decided in the affirmative.

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

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

The Senate then took up for consideration bills of the following titles, viz:

A bill to provide for the election of special or pro tem. judges of county courts.

A bill for the benefit of the turnpike roads of the State of Kentucky.

Ordered, That the first named bill be recommitted to the Committee on Courts of Justice, and that the last be postponed, and made the special order of the day for to-morrow, at 10½ o'clock, A. M.

The Senate took up for consideration a bill, entitled

A bill for the benefit of George R. Hinds and Thomas D. Carson. Said bill was amended.

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

The constitutional provision 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. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled
An act to prevent stock from running at large in Campbell county,
Reported the same with an amendment.
Mr. Lovel moved to lay said bill and pending amendment on the table.
Which was adopted.
So said bill was disagreed to.

Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. McManama, from the Committee on Courts of Justice—
An act to authorize the county court of Pendleton county to levy a tax to pay off the railroad debt of said county.
By same—
An act to change the time of holding the Pulaski circuit court.
By Mr. Turner, from the Committee on Internal Improvement—
An act to amend the charter of the Paint Lick and Copper Creek Turnpike Road Company.
By Mr. Hays, from the Committee on the Judiciary—
An act to incorporate the Franklin Colored Benevolent Society of Franklin.
By Mr. Haggard, from the Committee on Propositions and Grievances.
An act declaring Blackberry creek, in Pike county, a navigable stream.
By Mr. Hodge, from the Committee on Railroads—
An act to amend the charter of the Cumberland and Ohio Railroad Company
By Mr. Martin, from the Committee on Banks and Insurance—
An act to incorporate the Central Kentucky Banking Company.

Ordered, That said bills be read a third time.
The constitutional provision 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.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled
An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the provisions of an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22, 1873, be, and the same are hereby, applied to Licking, Cumberland, and Barren rivers: Provided, however, That this act shall not apply to Cumberland above the falls thereof.

§ 2. This act shall take effect from and after its passage.

Mr. Haggard proposed to amend said bill by striking out the words "Cumberland river" wherever they occur therein.

Mr. Gatewood proposed to amend said bill by striking out the words "Barren and Licking rivers" where they occur therein.

Pending the consideration of which,

Mr. McManama moved to lay said bill and pending amendments on the table.

Which motion was adopted.

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

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, Robert Simmons,
John S. Barlow, Jesse C. Gilbert, G. W. Swoope,
W. J. Berry, W. C. Goodloe, Thos. W. Varnon,
Robert Boyd, George B. Hodge, W. L. Vories,
James F. Clay, R. B. Lovel, C. J. Walton,

Those who voted in the negative, were—

John E. Cooper, W. W. Frazer, J. W. Hays,
W. A. Cunningham, D. R. Haggard, T. L. Jefferson,
F. W. Darby, H. S. Hale, A. L. Martin,

So said bill was rejected.

Mr. Haggard, from the Committee on Propositions and Grievances, reported a bill, entitled

A bill to encourage persons to improve themselves in the use of fire-arms.

Which bill was read the first time and ordered to be read a second time.
Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall not be regarded as an infraction upon the laws of gaming for any person to practice the use of fire-arms in shooting at quails, pigeons, or birds flushed from the grass, bush, or box; neither shall it be regarded as gaming to shoot for beef, as has been the practice time immemorial in Kentucky: Provided, There is no money or other thing shot for when shooting for beef.

§ 2. This act shall take effect from and after its passage, and shall apply to the counties of Clinton and Cumberland only.

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

Which was adopted.

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

Those who voted in the affirmative, were—

Thos. J. Barker, H. S. Hale, Robert Simmons,
John S. Barlow, J. W. Hays, G. W. Swoope,
W. J. Berry, George B. Hodge, W. L. Vories,
James F. Clay, T. L. Jefferson, C. J. Walton,
W. W. Frazer, 

Those who voted in the negative, were—

Robert Boyd, Jesse C. Gilbert, A. L. Martin,
John E. Cooper, W. C. Goodloe, O. D. McManama,
W. W. Culbertson, D. R. Haggard, E. W. Turner,
John J. Gatewood, G. A. C. Holt,

So said bill was rejected.

The Senate took up for consideration bills from the House of Representatives of the following titles, viz:

1. An act for the benefit of James Herd, late sheriff of Clay county.
2. An act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers.
3. An act to amend the charter of the town of Greenville, in Muhlenburg county.
4. An act to charter the South Carrollton Male and Female Institute.
5. An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg.
6. An act to prevent trespass in Madison county.
7. An act in relation to the Bardstown and Green River Turnpike Road Company.
8. An act for the benefit of A. Graham, of Clinton county.
9. An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."
10. An act for the benefit of John H. Williams, assessor of Calloway county.
13. An act to amend an act, entitled "An act to amend the charter of the Shelby and Oldham Turnpike Road Company."
14. An act to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county.

Ordered, That said bills be referred—the 1st and 12th to the Committee on Finance; the 2d, 9th, 11th, and 14th to the Committee on Revised Statutes; the 3d, 5th, and 6th to the Committee on the Judiciary; the 4th to the Committee on Education; the 7th and 13th to the Committee on Internal Improvement, and the 8th and 10th to the Committee on Claims.

And then the Senate adjourned.

FRIDAY, FEBRUARY 20, 1874.

A message was received from the House of Representatives, announcing that they had adopted the report of the joint committee of conference, to take into consideration the disagreement between the two Houses in relation to the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend article 1 of chapter 59 of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally
The question was then taken on concurring in the adoption of said report, and it was decided in the affirmative.

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

- An act to amend an act to incorporate the Ohio River Valley Railroad Company.
- An act to amend the charter of the town of Concord, in Lewis county.
- An act for the benefit of Robert Barlow, colored pauper idiot of Hart county.
- An act to incorporate the town of Hamilton, in the county of Ohio.
- An act to amend the charter of the town of Pembroke, in Christian county.
- An act for the benefit of the commissioners of the turnpike fund in Henry county.
- An act to incorporate the Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company.
- An act repealing an act, entitled "An act repealing an act creating the office of town marshal of Independence, and concerning the police laws of said town."
- An act to amend the charter of the Planters' Bank of Kentucky.
An act to amend the charter of the town of Princeton.
An act to incorporate the Owensboro, Glasgow, and Tennessee Railroad, Mining, and Manufacturing Company.
An act to authorize the Liederkranz Society to issue additional stock.
An act for the benefit of Wm. Durrett, of Taylor county.
An act for the benefit of common schools in Marshall, Livingston, and McCracken counties.
An act to amend the charter of the town of Loretto, in Marion county.
An act to amend an act to incorporate the Transylvania Street Railway Company, approved April 19th, 1873.
An act to amend an act, entitled "An act to incorporate Princeton College," approved February 20th, 1860, and to confer certain powers on the board of trustees of the town of Princeton.
An act to allow an additional tax to be levied for building schoolhouses in district No. 22, Greenup county.
An act to amend chapter 85 of the General Statutes, title "Penitentiary."
An act to amend an act, entitled "An act for the benefit of the Union county court," approved December 20, 1871, and to enable the county court of Union county to provide means for building a jail.
With amendments to the last two named bills.
That they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:
An act for the benefit of Haly, Mahoney & Co.
An act to insure and facilitate the payment of wages to laborers in the city of Louisville.
That they had adopted a resolution, entitled Resolution in regard to the rolls of Kentucky soldiers in the Mexican war.
That they had passed bills of the following titles, viz:
1. An act providing for the payment of certain expenses of investigating the contested election case from Jessamine county.
2. An act to incorporate the Taylor County College.
3. An act to provide for the conveyance of pauper lunatics to the various asylums in this Commonwealth.
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5. An act for the benefit of J. B. Gore, of Larue county.

6. An act for the benefit of R. W. Brandon and others, of Grayson county.

7. An act to incorporate the town of Golden Pond, in the county of Trigg.

8. An act to incorporate the town of Wallonia, in Trigg county.

9. An act to incorporate Hudsonville Lodge, No. 262, of Free and Accepted Masons.

10. An act for the benefit of J. W. Pickering, of Crittenden county.

11. An act for the benefit of Pulaski county.

12. An act to amend the charter of Crab Orchard, in Lincoln county.

13. An act to authorize the trustees of Morgantown to sell part of Hobson street, in said town.


15. An act to incorporate the Ohio and Kentucky River Packet Company.

16. An act to amend the charter of the city of Ludlow, of Kenton county.

17. An act for the benefit of the Ludlow and Pleasant Run Turnpike Road Company.

18. An act to repeal an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license," approved February 17, 1866.

19. An act to amend an act, entitled "An act to reduce into, amend, and digest the acts and amendatory acts incorporating the city of Paris."

20. An act to incorporate the Fleming, Mason, Robertson, Nicholas, and Bath County Agricultural and Mechanical Association.

21. An act to amend and revise the charter of Millersburg, Bourbon county.

22. An act to amend an act, entitled "An act to incorporate the Louisville and Jeffersonville Ferry Company," approved March 16, 1869.

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


25. An act to amend the charter of the city of Maysville.

26. An act to incorporate the Kentucky and Montana Gold Mining Company.

s2-s.
27. An act for the benefit of S. E. G. Cole, of Todd county.


29. An act to amend chapter 18 of General Statutes, entitled "Common Schools."


31. An act to incorporate the Lexington Agricultural and Industrial Exposition Company.

32. An act to incorporate the Catholic Cemetery of Lexington, Kentucky.

33. An act to repeal an act, entitled "An act authorizing the county judge of Muhlenburg county to change the South Carrollton and Madisonville Road, as the same passes over the lands of C. L. Morchard.”

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

The constitutional provision as to the second reading of said bills being dispensed with, they were referred—the 1st, 5th, and 6th to the Committee on Claims; the 2d to the Committee on Education; the 3d to the Committee on Charitable Institutions; the 4th, 9th, 12th, 14th, 22d, and 29th to the Committee on Revised Statutes and Codes of Practice and General Statutes; the 7th, 8th, 13th, 16th, 18th, and 27th to the Committee on the Judiciary; the 10th and 11th to the Committee on Finance; the 17th and 33d to the Committee on Internal Improvement; the 20th, 26th, 30th, 31st, and 32d to the Committee on Agriculture and Manufactures; the 23d, 24th, and 28th to the Committee on Courts of Justice; the 25th to the Committee on Propositions and Grievances, and the 15th, 19th, and 21st were ordered to be read a third time.

The constitutional provision as to the third reading of said 15th, 19th, and 21st bills being dispensed with,

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

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

An act to incorporate the Paducah Street Railway Company.
An act to amend the charter of the city of Covington, Kenton county.

An act to amend an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county."

An act to incorporate the Library Association in Cairo, Henderson county.

An act to incorporate the Masonic Mutual Benefit Association of Maysville.

An act to amend the charter of Lebanon, in Marion county.

An act to amend and revise the charter of the city of Newport.

An act authorizing the city of Newport to increase her bonded indebtedness in aid of water-works.

An act to amend an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of North Middletown, in Bourbon county, approved March 28, 1872.

On motion of Mr. Hays, leave of absence, indefinitely, was granted Messrs. Cooper, Hale, and Holt.

The Senate took up for consideration the motion heretofore made by Mr. Hodge to reconsider the vote by which they had disagreed to the passage of a bill from the House of Representatives, entitled

An act to amend an act, entitled "An act to charter the Owensboro and Russellville Railroad Company."

And the question being taken on reconsidering said vote, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

John S. Barlow,  Robert Boyd,  F. W. Darby,  W. W. Frazer,
James F. Clay,  W. C. Goodloe,  D. R. Haggard,  A. L. Martin,
W. W. Culbertson,  Robert Simmons,  E. W. Turner,

Those who voted in the negative, were—

Thos. J. Barker,  John J. Gatewood,  O. D. McManama,
Robert A. Briggs,  Jesse C. Gilbert,  Thos. W. Varnon,

Mr. Swoope then moved that the further consideration of said bill be postponed, and made the special order of the day for to-morrow, at half-past 10 o'clock, A. M.

Which was adopted.
The yeas and nays being required thereon by Messrs. Swoope and 
Hargis, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, R. B. Lovel,
W. J. Berry, Jesse C Gilbert, O. D. McManama,
Robert Boyd, Thomas F. Hargis, Robert Simmons,
Robert A. Briggs, Geo. B Hodge, G. W Swoope,
P. F. Edwards, D. H. Lindsay,

Those who voted in the negative, were—

John S. Barlow, W. C. Goodloe, Thos. W. Varnon,
James F. Clay, D. R. Haggard, W. L. Vories,
W. W. Frazer, E. W. Turner,

The Senate, according to order, took up for consideration a bill, 
entitled

A bill for the benefit of turnpike roads of the State of Kentucky
Ordered, That said bill be engrossed and read a third time.
The constitutional provision 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. Simmons moved to reconsider the vote by which the Senate 
had, on yesterday, laid upon the table a bill, entitled
A bill to encourage persons to improve themselves in the use of 
fire-arms.
Which motion was adopted.
Mr. Haggard then moved to amend said bill "so that the provisions 
thereof shall only apply to the counties of Cumberland and Clinton."
Which was adopted.
Ordered, That said bill, as amended, be engrossed and read a third 
time.

The constitutional provision 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 following bills were reported by Mr. Hodge, from the Commit-
tee on Railroads, who were directed to prepare and bring in the 
same, viz:

A bill to prevent the sale of forged certificates and altered tickets 
of railroads and other public conveyances, and to prevent frauds 
upon travelers.
A bill to incorporate the Salem Gemeinde, of Newport.
Which bills were severally read the first time and ordered to be
read a second time.

The constitutional provision as to the second reading of said bills
being dispensed with,

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

The constitutional provision 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. Hyatt, from the Committee on Enrollments, reported that the
committee had examined sundry enrolled bills, which originated in the
House of Representatives, of the following titles, viz:

An act to amend an act, entitled "An act for the benefit of keepers
of licensed stud-horses, jacks, and bulls;"

An act to amend the charter of the city of Lexington;

An act for the benefit of James M. Bolton, jailer of Knox county;

An act for the benefit of Haly, Mahoney & Co.;

An act to provide for the establishment and measurement of brick-
work;

An act to insure and facilitate the payment of wages to laborers
in the city of Louisville;

An act to amend an act, entitled "An act to incorporate the Ash-
bottom Turnpike Road Company," approved March 22d, 1871;

An act to incorporate the Warren Presbyterian Church of Louis-
ville;

An act to amend an act, entitled "An act to incorporate the King-
ston and Boone's Gap Turnpike Road Company, in Madison
county;"

An act to provide for the construction and completion of turnpike
roads in Pendleton county;

An act for the benefit of the administrator of F. M. Weeden, late
sheriff of Mason county;

An act to amend an act, entitled "An act to incorporate the Paducah
and North Ballard Turnpike Road Company," approved
March 1st, 1872;

An act to amend an act, entitled "An act to amend the charter
of the Bloomfield and Springfield Turnpike Road Company," ap-
proved February 22, 1860;
An act to amend an act to incorporate the Mercer County Mechanical and Agricultural Association;
An act to extend the limits of the town of Greenville, in Muhlenburg county;
An act for the benefit of the commissioners of the sinking fund of Hardin county;
An act to amend the charter of the city of Dayton;
An act to amend and reduce into one the several acts in relation to the town of Owingsville;
Also bills, which originated in the Senate, of the following titles, viz:
An act to amend the charter of the Kentucky Land Company;
An act for the benefit of James T. Sullenger, sheriff of Carroll county.
An act for the benefit of the Deaf and Dumb Asylum at Danville;
An act for the benefit of George W. Bradburn, tax assessor of Allen county;
An act to authorize M. Duke to erect a mill-dam across Big Barren river at or near Holton's Ford, in Allen county;
An act for the benefit of Joseph Wilcher, jailer of Gallatin county;
An act to amend an act, entitled "An act to authorize the Jamestown justices' district, in Campbell county, to issue bonds;"
An act to amend an act, entitled "An act to incorporate the Mt. Sterling Coal Road Company;"
An act to amend and continue in force an act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Company;"
An act to amend an act, entitled "An act to incorporate the War saw Turnpike Company;"
An act for the benefit of common schools in Marshall, Livingston, and McCracken counties;
An act to establish and provide for a colored free school in the city of Owensboro, Kentucky;
An act to incorporate the Chicago and South Atlantic Railroad Company of Kentucky;
And had found the same truly enrolled.
Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.
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After a short time, Mr. Hyatt reported that the committee had performed that duty.

Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred leaves to bring in the following bills, viz:

A bill to authorize county judges to appoint trustees or express trusts;

A bill to repeal subsection 2 of section 349 of article 2 of chapter 9 of the Criminal Code of Practice;

Asked to be discharged from the further consideration of the same. Which was granted.

Mr. Varnon, from the same committee, to whom was referred a bill from the House of Representatives, entitled

An act to amend article 18, chapter 38, of General Statutes,

Reported the same without amendment.

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

So said bill was rejected.

Mr. Varnon, from the same committee, to whom was referred a bill from the House of Representatives, entitled

An act to regulate the sale of medicines and poisons,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

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

Those who voted in the affirmative, were—

John S. Barlow, Jesse C. Gilbert, D. H. Lindsay,
W. J. Berry, D. R. Haggard, E. W. Turner,
Scott Brown, Thos. F. Hargis, Thos. W. Varnon,
W. W. Culbertson, Geo. B. Hodge, W. L. Vories,
W. A. Cunningham, G. A. C. Holt, C. J. Walton,
P. F. Edwards,

Those who voted in the negative, were—

Robert Boyd, J. W. Hays, Robt. Simmons,
John J. Gatewood,
Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, It shall be unlawful for any person, unless a registered pharmacist, or registered assistant pharmacist in the employ of a registered pharmacist, or unless acting as an aid under the immediate supervision of a registered pharmacist, or a registered assistant pharmacist, within the meaning of this act, to retail, compound, or dispense medicines or poisons, except as hereinafter provided.

§ 2. Any person, in order to be a registered pharmacist or a registered assistant pharmacist, in the meaning of this act, shall be either a graduate in pharmacy, a practicing pharmacist, or a practicing assistant in pharmacy. Graduates in pharmacy shall be such as have obtained a diploma from a regularly incorporated college of pharmacy. Practicing pharmacists shall be such persons as, at or prior to the passage of this act, have kept, and continue to keep, open shops for compounding and dispensing the prescriptions of medical practitioners, and for the retailing of drugs and medicines, and who shall have declared their intentions, in writing, of keeping open shops for the compounding of prescriptions of medical practitioners and the retailing of drugs and medicines, and all other persons who, after the passage of this act, shall have declared their intentions, in writing, to open a shop for compounding and dispensing the prescriptions of medical practitioners and for retailing of drugs and medicines, and shall have passed a satisfactory examination before the State Board of Pharmacy. Practicing assistants in pharmacy shall be such persons as shall have served five years, immediately preceding the passage of this act, in a shop or shops where the prescriptions of medical practitioners are compounded, and such other persons as have served three years' apprenticeship in a shop or shops where the prescriptions of medical practitioners are compounded, and shall have passed a satisfactory examination before the State Board of Pharmacy.

§ 3. The State Board of Pharmacy shall consist of seven persons, and, immediately after the passage of this act, the Governor shall appoint, from among the most skillful pharmacists of the State, the first Board of Pharmacy; and on the first day of July of every third year thereafter, the Governor shall appoint the State Board of Pharmacy from the registered pharmacists of the State, the Louisville College of Pharmacy to recommend to the Governor ten persons, members of said College of Pharmacy, four of whom shall be appointed on the State Board of Pharmacy. All vacancies by death, resignation, or removal from the State, shall be filled by the board from the registered pharmacists of the State.

§ 4. Four members of said board shall constitute a quorum. Said board shall organize by the election of a president and secretary, both of whom shall sign all certificates and other official documents. Said board shall meet twice a year, on the fifteenth day of January and on the fifteenth day of July, and shall have power to make by-laws and all necessary regulations for the proper fulfillment of their duties under this act. The secretary of said board shall also be registrar of pharmacists. The duties of said board shall be to examine all applicants for registration, to direct the registration by the registrar of all persons properly qualified or entitled thereto, and report annually to the General Assembly on the condition of pharmacy, together with the names of all registered pharmacists and assistant pharmacists.

§ 5. The duties of the registrar of pharmacists shall be to keep a book in which shall be entered, under the supervision of the State Board of
Pharmacy; the name and place of business of every person who shall apply for registration. It shall also be the duty of the registrar to duly note the fact against the name of any registered pharmacist or assistant pharmacist who may have died or removed from the State or disposed of or relinquished his business, and to make all necessary alterations in the location of persons registered under this act.

§ 6. Every person applying for examination and registration under this act shall pay to the State Board of Pharmacy five dollars, and, on passing the examination required, shall be furnished, free of expense, with a certificate of registration. Any registered assistant pharmacist may, with the consent of said board, be entitled to registration as a registered pharmacist, and shall be furnished with a certificate of registration, for which certificate he shall pay the registrar one dollar. Every registered pharmacist and registered assistant pharmacist shall be furnished, by the registrar of pharmacists, with a renewal certificate annually, for which renewal certificate he shall pay one dollar.

§ 7. Any person not a registered pharmacist, who shall, after the passage of this act, keep open shop for the retailing of medicines and poisons, or who shall take, use, or exhibit the title of registered pharmacist, or any person who shall violate any of the provisions of this act, shall, upon the first conviction, be sentenced to pay a fine of fifty dollars, and upon the second and every subsequent conviction, shall be sentenced to pay a fine of one hundred dollars.

§ 8. The fees received for examination, registration, and certificates, and renewal certificates, and all fines under this act, shall be appropriated to defray the expenses of the State Board of Pharmacy.

§ 9. This act shall not apply to any town or city of less than five thousand inhabitants.

§ 10. Nothing in this act shall be construed to apply to any practitioner of medicine who does not keep open shop for compounding and dispensing medicines; nor shall it interfere with the making and dealing in proprietary medicines (popularly called patent medicines).

§ 11. This act to take effect on and after its passage.

Mr. Webb moved to reconsider the vote by which the Senate had, on yesterday, refused to dispense with rule 81 for the purpose of considering a bill from the House of Representatives, entitled

An act to redistrict the county of Jessamine for justices' districts.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

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

Those who voted in the affirmative, were—

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<td>Thos. J. Barker,</td>
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Wm. P. Duvall, W. L. Vories—19.
P. F. Edwards,

Those who voted in the negative, were—

W. J. Berry, W. C. Goodloe, G. W. Swoope,
Robert Boyd, R. B. Lovel, C. J. Walton,
W. W. Culbertson, A. L. Martin,
F. W. Darby,
The question was then taken on suspending rule 81.

Pending the consideration of which,
Mr. Goodloe moved a call of the Senate.

And the question being taken on ordering a call of the Senate, it
was decided in the negative.

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

Those who voted in the affirmative, were—

W. J. Berry, W. A. Cunningham, D. H. Lindsay,
W. W. Culbertson,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, O. D. McManama,
John S. Barlow, W. C. Goodloe, Robt. Simmons,
Robert A. Briggs, D. R. Haggard, E. W. Turner,
Scott Brown, Thos. F. Hargis, Thos. W. Varnon,
F. W. Darby, Geo. B. Hodge, W. L. Vories,
William P. Duvall, T. L. Jefferson, C. J. Walton,
W. W. Frazer, A. L. Martin,

Mr. Goodloe moved that the Senate do now adjourn.

And the question being taken on the adoption of said motion, it
was decided in the negative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
John S. Barlow, Jesse C. Gilbert, A. L. Martin,
Robert A. Briggs, W. C. Goodloe, O. D. McManama,
Scott Brown, Thos. F. Hargis, G. W. Swoope,
W. A. Cunningham, J. W. Hays, E. W. Turner,
Wm. P. Duvall, Geo. B. Hodge, Thos. W. Varnon,

Mr. Swoope then moved to reconsider the vote by which the Sen-
ate had refused to adjourn.
And the question being taken thereon, it was decided in the negative.

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

Those who voted in the affirmative, were—
Jesse C. Gilbert,

Those who voted in the negative, were—
Thos. J. Barker, P. F. Edwards, O. D. McManama, Robert Simmons,
John S. Barlow, W. W. Frazier, E. W. Turner,
W. J. Berry, Thomas F. Hargis, W. L. Vories,
Robert Boyd, D. H. Lindsay, C. J. Walton
W. A. Cunningham, A. L. Martin,

The question was then taken on suspending rule 81, and it was decided in the affirmative.

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

Those who voted in the affirmative, were—
Thos. J. Barker, W. W. Frazier, D. H. Lindsay,
John S. Barlow, John J. Gatewood, O. D. McManama,
Robert A. Briggs, D. R. Haggard, Robt. Simmons,
Scott Brown, Thos. F. Hargis, E. W. Turner,
W. A. Cunningham, Geo. B. Hodge, Thos. W. Varnon,
P. F. Edwards, T. L. Jefferson,

Those who voted in the negative, were—
W. J. Berry, J. W. Hays, G. W. Swoope,
Robert Boyd, R. B. Lovel, C. J. Walton,
W. C. Goodloe,

The hour of 12 o'clock, M., having arrived, further action on said bill was cut off by the orders of the day.

Mr. Walton moved to dispense with the orders of the day in order to allow the Committee on Revised Statutes and Codes of Practice and General Statutes to report two bills from the House of Representatives, of the following titles, viz:

An act to repeal chapter 93 of the General Statutes.
An act to amend article 3 of chapter 5 of the General Statutes.

And the question being taken on the adoption of said motion, it was decided in the negative.

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


Those who voted in the negative, were—


Mr. Walton moved that the Senate do now adjourn, and stand adjourned till 3 o'clock this afternoon.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

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

Those who voted in the affirmative, were—


Those who voted in the negative, were—


The Senate met at three o'clock, pursuant to adjournment.

Mr. Hodge, from the Joint Committee on Apportionment, reported a bill, entitled

A bill supplemental to, and to amend an act, entitled "An act to apportion representation in the Senate and House of Representatives," approved February 19, 1874.

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

The constitutional provision as to the second reading of said bill being dispensed with,

The question was then taken on ordering said bill to be engrossed and read a third time, and it was decided in the affirmative.
The yeas and nays being required thereon by Messrs. Boyd and Cunningham, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,  P. F. Edwards,  D. H. Lindsay,
John S. Barlow,  W. W. Frazer,  R. B. Lovel,
W. J. Berry,  John J. Gatewood,  A. L. Martin,
Robert A. Briggs,  Jesse C. Gilbert,  O. D. McManama,
Scott Brown,  Thos. F. Hargis,  Robt. Simmons,
James F. Clay,  J. W. Hays,  E. W. Turner,
W. W. Culbertson,  George B. Hodge,  Thos. W. Varnon,
W. A. Cunningham,  G. A. C. Holt,  W. L. Vories,
F. W. Darby,  I. L. Hyatt,  C. J. Walton,

In the negative—Robert Boyd—1.

Mr. Boyd then moved to reconsider the vote by which said bill was ordered to be engrossed and read a third time, and it was decided in the negative.

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

Those who voted in the affirmative, were—

W. J. Berry,
Robert Boyd—2.

Those who voted in the negative, were—

Thos. J. Barker,  John J. Gatewood,  A. L. Martin,
John S. Barlow,  Jesse C. Gilbert,  O. D. McManama,
Robert A. Briggs,  D. R. Haggard,  Robert Simmons,
Scott Brown,  Thos. F. Hargis,  G. W. Swoope,
Jas. F. Clay,  J. W. Hays,  E. W. Turner,
W. W. Culbertson,  I. L. Hyatt,  Thos. W. Varnon,
W. A. Cunningham,  T. L. Jefferson,  W. L. Vories,
F. W. Darby,  D. H. Lindsay,  C. J. Walton,

W. W. Frazer,

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the fourth section of an act entitled "An act to apportion representation in the Senate and House of Representatives," approved 19th day of February, 1874, be, and the same is hereby, so amended that in the Sixth Senatorial District an election for Senator shall be held on the first Monday in August, 1875, and on same day in each fourth year thereafter; and in the Sixteenth Senatorial District an election for Senator shall be held on the first Monday in August, 1877, and not before; and a similar election shall be held on the same day in each fourth year thereafter. So much of said act as is in conflict with this act is repealed.

§ 2. This act shall take effect from its passage.

Resolved, That said bill do pass, and that the title thereof be as aforesaid.
The yeas and nays being required thereon by Messrs. Boyd and Berry, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
John S. Barlow, John J. Gatewood, A. L. Martin,
W. J. Berry, Jesse C. Gilbert, O. D. McManama,
Robert A. Briggs, W. C. Goodloe, Robert Simmons,
Scott Brown, Thos. F. Hargis, G. W. Swoope,
James E. Clay, Jas. W. Hays, E. W. Turner,
W. W. Culbertson, George B. Hodge, Thos. W. Varnon,
W. A. Cunningham, G. A. C. Holt, W. L. Vories,
F. W. Darby, T. L. Jefferson, C. J. Walton,

In the negative—Robt. Boyd—1.

Mr. McManama then moved to reconsider the vote by which said bill was passed.

Mr. Gilbert then moved to lay said motion to reconsider on the table.

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

Mr. Clay, from the Committee on the Judiciary, to whom was referred leave, reported a bill, entitled

A bill to prevent the obstructions of the creeks and other watercourses in Henderson county, and to provide for removing obstructions therefrom.

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

The constitutional provision as to the second reading of said bill being dispensed with,

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

The constitutional provision 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 foresaid.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which the Senate passed a bill from the House of Representatives, entitled

An act to abolish the court of common pleas in Caldwell county.

On motion of Mr. Darby, the motion to reconsider said vote was withdrawn.
The Senate then took up the motion entered by Mr. Clay to reconsider the vote by which the bill passed, entitled

A bill to incorporate the Henderson and Evansville Short-line Railroad Company.

On motion of Mr. Clay, the motion entered to reconsider said vote was withdrawn.

The Senate took up for consideration the motion heretofore made to reconsider the vote by which they had passed a bill from the House of Representatives, entitled

An act for the benefit of the devisees of Matthew Garrison, deceased.

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

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

So said bill was rejected.

The Senate then took up for consideration a bill, entitled

A bill to provide for the punishment of railway employees for causing injury to or death of any person or persons, or injury or destruction to property.

On motion of Mr. Hays,

Ordered, That said bill be recommitted to the Committee on Revised Statutes and Codes of Practice and General Statutes.

The Senate then took up a bill from the House of Representatives, entitled

An act to increase the jurisdiction of justices of the peace in the counties of Warren, Christian, Edmonson, Carter, and Madison.

The question was taken upon the amendment of Mr. Evans, "to strike out the county of Christian from the provisions of the bill," and it was decided in the affirmative.

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

The constitutional provision as to the third reading of said bill, as amended, being dispensed with,

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

The Senate then took up the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend chapter 85 of the General Statutes, title "Penitentiary."
On motion of Mr. Gatewood,

Ordered, That the further consideration of said bill and amendments be postponed until to-morrow, at 10½ o'clock.

The Senate then took up the amendment proposed by the House of Representatives to a bill from the Senate, entitled

An act to amend an act, entitled "An act for the benefit of the Union county court," approved December 20th, 1871, and to enable the county court of Union county to provide means for building a jail.

Which amendment was concurred in.

The Senate then took up the resolutions offered by Mr. Barker, on yesterday, entitled

Resolutions requesting our Senators and Representatives in the Congress of the United States to urge the appointment of a committee to investigate the conduct of certain Federal officials in this State.

Mr. Goodloe moved the following amendment to said resolutions, viz:

1. Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of two from the Senate and three from the House of Representatives be appointed, whose duty it shall be to inquire whether or not "there has been a bargain and sale of the fees and emoluments of the office of Public Printer," and what interest —— Baber has in said "fees and emoluments," and what services, if any, the said Baber has rendered the Public Printer.

2. It shall be the further duty of the said committee to inquire whether or not there has been "a bargain and sale of the fees and emoluments of the office of Public Binder," and what interest, if any, —— Kendall has in said "fees and emoluments," and what service, if any, the said Kendall has rendered the Public Binder. Also the nature of a suit brought by —— Holland in the Franklin circuit court against the Public Binder for an alleged violation of agreement upon the part of said binder to pay said Holland §— for his influence in procuring the election of said binder.

§ 3. It shall be the further duty of the said committee to inquire whether or not there has been a bargain and sale of the fees and emoluments of the office of Keeper of the Penitentiary; and said committee shall have power to send for persons and papers, and determine whether or not the present Keeper of the Penitentiary was guilty of bribery and corruption in procuring his election for the term he is now serving by paying §— to a then member of the General Assembly from Louisville for his vote, or any other sum to any other person for any such purpose.

On motion of Mr. Goodloe,

Ordered, That the further consideration of said resolutions and amendment be postponed until to-morrow.
The Senate then took up the resolution offered by Mr. Gatewood yesterday, entitled

Resolution in relation to the Kentucky University.

Ordered, That the further consideration of said resolution be postponed until to-morrow, at 10½ o'clock, A. M.

The Senate, according to order, took up for consideration a bill, entitled

A bill authorizing the Governor to appoint an agent of the State to superintend the inspection and weighing of tobacco in the city of Louisville warehouses.

Said bill reads as follows, viz:

WHEREAS, The inspectors and weighers of tobacco sold in the warehouses in the city of Louisville are selected by the warehouse-keepers and the purchasers of tobacco. The farmers have no person to represent their interest, except the purchaser and the warehousemen; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, the Governor is hereby directed to appoint a competent man, a resident of this State, who shall be known as the agent of the State, who shall hold his office for four years, unless for good cause shown shall be removed at any time by said Governor.

§ 2. The fees of said agent shall be fifteen cents for each hogshead of tobacco weighed and sold by the tobacco warehousemen in the city of Louisville, to be paid out of the proceeds of the sales of each hogshead, and retained by the warehouse-keepers, and paid to agent.

§ 3. The duty of said agent is to be present at the weighing of each hogshead and the inspecting of each hogshead of tobacco sold in said warehouses in said city. That the warehouse-keepers, and their inspectors and weighers, shall, at all times, be willing to submit to the examinations of the agent; when said agent may think it is right and proper to adjust the scales and weights at each warehouse, that it shall be done. If the agent shall not be satisfied, then the city agent, whose duty it is to adjust the scales in the warehouses; and a refusal on the part of the keepers of the warehouses to submit to this mode of adjustment, shall forfeit the sum of five hundred dollars, to be collected as other fines, and shall be paid one half to the State agent, the balance shall go into the State Treasury.

§ 4. If said agent shall be interested in the sale or purchase of tobacco in either warehouse in the city of Louisville during his agency, he shall be subject to a fine and imprisonment—a fine of one thousand dollars for each offense, and confinement in the jail of Jefferson county twelve months from the day of conviction; and that said agent shall not, at any time, take a fee, or receive from any person any thing as a reward for his services from any person owning warehouses or tobacco stored therein. If he shall receive a bonus, fee, or reward, other than his fee upon each hogshead sold, inspected, or weighed in said warehouses in the city of Louisville, it shall be sufficient cause for his displacement by the Governor of this Commonwealth.

§ 5. Said agent shall look after all the loose tobacco that is belonging to each hogshead inspected, and see that it is replaced in the hogshead to
which it belongs; and also to see that the tobacco is not permitted to lay
upon the streets in wet weather, and be damaged by carelessness of the
owners of warehouses. If so, it shall be the duty of said agent at once
to ascertain the owner of said tobacco so injured, and inform said owner
of the fact.
§ 6. It is hereby made the duty of the warehouse-keepers to furnish the
State agent with the weights of each hogshead of tobacco weighed in each
warehouse, both gross and net weights, and the price sold for, and to whom
sold. It is also made the duty of the warehouse-keepers to allow the
agent to look over their sales at any time it may be necessary, in his
judgment, to do so, to correct mistakes in the account of sales, or in the
account rendered to the producer. When a sale of tobacco is made, and
the producer is not satisfied with the account rendered, in that event the
agent shall have full access to all the books of each warehouse that will
throw any light on the subject of the sale complained of; and a refu­
asal shall subject the parties to the same penalty, and to be recovered as
provided in section — as to a refusal to the adjustment of the weights
and scales. Said agent shall report to the Governor, at the end of each
three months, the amount of sales, and the number of hogsheads of tobacco
sold, and the name of the owner, to whom sold, and the price paid.
§ 7. If said agent shall be sick or disabled, thereby unfit for the per­
fomance of said duties, he shall furnish a competent person to fill his
place and perform his duties, and pay him for his services out of his own
receipts or money, and that he shall not be allowed to charge the pro­
ducer for his assistant's service. Said agent may be allowed to employ a
clerk, if necessary, but not to charge more per hogshead than the sum
specified.
§ 8. That the sample taken from each hogshead of tobacco inspected in
the warehouses in the city of Louisville shall not exceed in weight six
pounds, and that a greater sum than that shall not be deducted in cal­
culating the tare of each hogshead. Any failure on the part of any ware­
house-keeper to comply with the requirements of the provisions of this
act shall work a forfeiture of their right to sell any tobacco, upon which
sale a commission is charged, and pay a fine of one thousand dollars for
each hogshead sold.
§ 9. This act shall be in force from and after the 1st day of April, 1874.

Mr. Frazer moved to amend said bill by striking out the word
"agent" in section one, and inserting the word "agents" in lieu
thereof.

Which motion was adopted.

Mr. Frazer also moved to amend said bill by striking out all after
the word "scales," in line 11 of section 6.

Which motion was adopted.

Mr. Haggard moved to amend said bill by changing the word
"agent" to "agents," wherever it occurs, and also amend first sec­
tion by striking out "fifteen cents," and insert in lieu thereof "seven
and one half cents each."

Which motion was adopted.

Ordered, That said bill, as amended, be engrossed and read a third
time.
The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

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

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

Those who voted in the affirmative, were—

John S. Barlow,  W. W. Frazer,  Geo. B. Hodge,
W. J. Berry,      John J. Gatewood,  D. H. Lindsay,
P. F. Edwards,

Those who voted in the negative, were—

Thos. J. Barker,  Jesse C. Gilbert,  R. B. Lovel,
Robert Boyd,     W. C. Goodloe,     O. D. McManama,
Robert A. Briggs, Thomas F. Hargis,  G. W. Swoope,
James F. Clay,   J. W. Hays,        E. W. Turner,
W. W. Culbertson, G. A. C. Holt,     Thos. W. Varnon,
Wm. P. Duvall,   T. L. Jefferson,

So said bill was rejected.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

A bill to amend the charter of the Elizabethtown and Paducah Railroad Company.

The question was then taken on concurring in the adoption of said amendment, and it was decided in the negative.

Mr. Hays then moved to reconsider the vote by which the Senate had refused to concur in said amendment.

Which motion was simply entered.

The Senate took up for consideration the amendments proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act for the benefit of the St. Louis and Southeastern Railway Company (consolidated).

And the question being taken on the adoption of said amendments, it was decided in the negative.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled
An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler."

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

The Senate then took up for consideration a resolution from the House of Representatives, entitled

Resolution in regard to the rolls of Kentucky soldiers in the Mexican war.

Which was twice read and concurred in.

Mr. Gilbert, 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 Monterey, in Owen county,

Reported the same with an amendment.

Which was adopted.

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

The constitutional provision as to the third reading of said bill, as amended, 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. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act to incorporate Petersburg Cemetery Company.

An act for the benefit of John Wallace, clerk of the Boone circuit court.

An act to amend an act, entitled "An act to authorize a sale of the Stamping Ground and Lecompt's Run Turnpike Road."

An act to authorize a sale of the Georgetown, Oxford, and Leesburg Turnpike Road.

An act to amend an act, entitled "An act to reduce into one all acts in relation to Barbourville."

An act to apportion representation in the Senate and House of Representatives.

An act for the benefit of John P. Barrett, late sheriff of Ohio county.

An act to amend an act, entitled "An act to protect the owners of land, and to punish certain trespassers, in Logan and Todd counties," approved March 20, 1872.
FEB. 21.]

JOURNAL OF THE SENATE.

A act for the benefit of L. P. Linley, late sheriff of McLean county.

An act to amend an act, entitled "An act to amend the charter of the town of Hartford."

An act to authorize the Owen county court to levy a tax and issue bonds for bridge purposes.

And then the Senate adjourned.

SATURDAY, FEBRUARY 21, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act for the benefit of Wiley J. Coffee and his sureties.

An act to provide for the payment of the expenses incurred by the Ohio county court in taking care of a pauper lunatic.

An act for the benefit of school district No. 68, in Madison county.

An act to amend the charter of the town of Mt. Carmel, in Fleming county.

An act for the benefit of Mrs. Mary Davis, of Livingston county.

An act for the benefit of W. R. Stringer, of Livingston county.

An act for the benefit of Ulysses Garred, of Lawrence county.

An act to amend an act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act to amend the charter of the town of Hartford, approved March 2d, 1867.

An act to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Taylorsville."

An act to amend an act, entitled "An act to incorporate the town of Mayfield."
An act to incorporate Harmony Lodge, No. 125, Independent Order of Odd Fellows, at Hamilton, in Boone county.
An act to incorporate the town of Russell, in Greenup county.
An act to amend an act, entitled "An act to create a court of common pleas in Fayette, Woodford, Bourbon, Bath," &c.
An act for the benefit of the estate of Richard H. Lansdale, deceased.
An act to authorize and establish a system of public schools in the town of Ashland.
An act supplemental to, and to amend an act, entitled "An act to apportion representation in the Senate and House of Representatives," approved February 19, 1874.
An act to amend article 3, chapter 14, of the General Statutes.
An act for the benefit of the Bank of Louisville.
An act to extend and to re-enact an act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills.
An act changing the time of holding the county courts in Carroll county.
An act for the benefit of John H. Carrier, late jailer of Laurel county.
An act for the benefit of the Paducah Savings Bank.
An act to authorize the city of Owensboro to subscribe stock to the Vincennes and Owensboro Railroad Company.
An act for the benefit of the sheriff of Henry county.
An act to provide for the reimbursement and compensation of Geo. R. McKee for expenses incurred and services performed in the prosecution of the claim of Kentucky against the Government of the United States, known as the War Claim.
An act to create the office of street commissioner in Newport, Campbell county.
An act to re-establish the Institution for the Education and Training of Feeble-minded Children.
An act to amend an act, entitled "An act to incorporate the Evansville and Jackson Railroad Company," approved March 28th, 1872.
With amendments to the last two named bills.
Which were taken up, twice read, and concurred in.
That they had concurred in the amendment proposed by the Senate to a bill, which originated in the House of Representatives, entitled
An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873.

That they had adopted a resolution, entitled Resolution to provide for the removal of the remains of John C. Mason to the State Cemetery.

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

1. An act for the appropriation of money.
2. An act to amend an act, entitled "An act to change the name and extend the limits of the town of Berry Station, in Harrison county," approved March 15, 1869.
3. An act to amend the charter of the Louisville and Taylorsville Turnpike Road Company.
4. An act to change the place of voting of the Elk Spring precinct, of Warren county.
5. An act for the benefit of the common school districts of Trigg county.
6. An act to apply the provisions of an act, entitled "An act to incorporate a police municipality in Jefferson county," to other precincts.
7. An act to amend an act, entitled "An act for the organization of public schools in the town of Claysville, in Webster county."
8. An act to amend the charter of the city of Cynthiana.
10. An act to incorporate the Independent Printing Company.
11. An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Claysville Male and Female Academy."
12. An act to cause certain books to be indexed belonging to the office of the Whitley quarterly court.
13. A bill to amend the charter of the city of Cynthiana.
15. An act to incorporate the town of New Columbus, in Owen county.
16. An act to repeal an act, entitled "An act to restrict the granting of license to sell spirituous, vinous, or malt liquors, and the sale thereof, in the town of Litchfield, or within two miles of the courthouse thereof."
17. An act for the benefit of S. M. Goble, of Carter county.
18. An act to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1, 1870.
19. An act for the benefit of keepers of licensed stud-horses, jacks, and bulls in Simpson and Pendleton counties.
20. An act to enable the president and board of managers of the Claysville Turnpike Road Company to borrow money, and mortgage their road for the payment of the loan.
21. An act to incorporate the Elizaville Station and Maysville Turnpike Road Company.
22. An act for the benefit of school districts Nos. 30 and 65, in Pendleton county.
23. An act to prevent stock from running at large in Foster precinct, in Bracken county.
24. An act to prohibit the sale of spirituous, vinous, or malt liquors in the town of Auburn, in Logan county, or within three miles of the corporate limits thereof.
25. An act prohibiting the sale of ardent spirits in the county of Powell on the Sabbath and election days.
26. An act to protect certain citizens of the county of Daviess from trespass by hunters.
27. An act for the benefit of the Garrard county court.
28. An act to establish an additional justices' district in Rockcastle county.
29. An act for the benefit of William Bowe, committee for Edward Parker, lunatic of Lawrence county.
30. An act to amend the charter of the city of Owensboro.
31. An act to create additional voting places in the 2d and 3d voting districts in Kenton county.
32. An act to amend an act, entitled "An act to incorporate the Louisville Brick and Building Company."
33. An act to prevent trespasses in Pendleton county.
34. An act to incorporate the Lexington and Cumberland Gap Railroad Company.

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

The constitutional provision as to the second reading of said bills being dispensed with, the 1st and 17th were referred to the Committee on Claims; the 3d to the Committee on Internal Improvement;
the 5th and 22d to the Committee on Education; the 15th, 16th, and 24th to the Committee on Religion and Morals; the 34th to the Committee on Railroads, and all the rest of said bills were severally ordered to be read a third time.

The constitutional provision 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.

That they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to redistrict the county of Jessamine for justices' districts.  
An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district.

That they had disagreed to bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Merrill Hardin, of Garrard county.  
An act to prevent the sale of forged certificates and altered tickets of railroads and other public conveyances, and to prevent frauds upon travelers.  
An act for the benefit of common schools in Graves and Calloway counties.

That they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend the charter of the city of Mayfield.  
An act for the benefit of A. T. Keene, late sheriff of Cumberland county.  
An act to prevent persons from fraudulently selling, concealing, or disposing of mortgaged personal property.  
An act for the benefit of the owners of Wabash Island.  
An act exempting Hart county from the provisions of the law authorizing the appointment of a commissioner of claims for said county.  
An act to incorporate the Kentucky Odd Fellows' Insurance Company.  
An act to amend an act incorporating the Farmers and Drovers' Bank, approved February 18, 1869.  
An act for the benefit of P. G. Smith and Alexander Hauchin, securities of O. G. Moore, late sheriff of Edmonson county.

85-s.
An act for the benefit of the assessor and county court clerk of Henry county.

An act to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

An act to incorporate the Farmers' Exchange Bank.

An act for the benefit of the Danville Classical and Military Academy.

An act to incorporate the German Mutual Fire Insurance Company of Covington.

An act to prevent the selling or giving of spirituous, vinous, or malt liquors within two miles of the Academy of E. J. Murphy, in Pembroke, Christian county.

An act for the benefit of Walter G. Saunders, sheriff of Lincoln county.

An act to create and incorporate a clearing-house in the city of Louisville.

With an amendment to the last named bill.

Which was taken up, twice read, and concurred in.

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

An act to amend chapter 84 of the General Statutes, title "Peddlers;"

An act to regulate the sale of medicines and poisons;

An act to amend an act, entitled "An act to regulate the taking up of property found adrift on certain rivers in this Commonwealth;"

An act to amend the charter of the Cumberland and Ohio Railroad Company;

An act declaring Blackberry creek, in Pike county, a navigable stream;

An act to extend the town limits of the town of Dover, in Mason county;

An act to incorporate the Central Kentucky Banking Company;

An act to amend the charter of the Paint Lick and Copper Creek Turnpike Road Company;

An act, entitled "An act for the benefit of John Pearce, of Trimble county;"
An act for the benefit of John Taliaferro, clerk of the Clark circuit court;
An act to incorporate the Ohio and Kentucky River Packet Company;
An act for the benefit of Stephen Nethercutt, of Carter county;
An act for the benefit of S. M. Goble, of Carter county;
Also bills, which originated in the Senate, of the following titles, viz:
An act to amend an act to incorporate the Ohio River Valley Railroad Company;
An act to amend the charter of the town of Concord, in Lewis county;
An act for the benefit of Robert Barlow, colored pauper idiot of Hart county;
An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler;"
An act to incorporate the town of Hamilton, in the county of Ohio;
An act to amend the charter of the town of Pembroke, in Christian county;
An act to amend the charter of the Planters' Bank of Kentucky;
An act for the benefit of the commissioners of the turnpike fund in Henry county;
An act to incorporate the Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company;
An act to amend an act, entitled "An act for the benefit of the Union county court," approved December 20, 1871, and to enable the county court of Union county to provide means for building a jail;
An act repealing an act, entitled "An act repealing an act creating the office of town marshal of Independence, and concerning the police laws of said town;"
An act to incorporate the Owensboro, Glasgow, and Tennessee Railroad, Mining, and Manufacturing Company;
An act to amend the charter of the town of Princeton;
An act to authorize the Liederkranz Society to issue additional stock;
An act for the benefit of Wm. Durrett, of Taylor county;
An act to amend the charter of the town of Loretto, in Marion county;
An act to amend an act to incorporate the Transylvania Street Railway Company, approved April 19th, 1873;

An act to allow an additional tax to be levied for building school-houses in district No. 22, Greenup county;

An act to amend article 1 of chapter 59 of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1873, and March 8, 1873, and further regulate the inspection and gauging burning fluids;

An act to amend an act, entitled "An act to incorporate Princeton College," approved February 20th, 1860, and to confer certain powers on the board of trustees of the town of Princeton;

An act to amend an act, entitled "An act to incorporate the Evansville and Jackson Railroad Company," approved March 28th, 1872;

An act to amend an act to amend the charter of the town of Hartford, approved March 2d, 1867;

An act to amend an act, entitled "An act to incorporate the town of Mayfield;

An act to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Taylorsville;

An act for the benefit of the Paducah Savings Bank;

An act to incorporate Harmony Lodge, No. 125, Independent Order of Odd Fellows, at Hamilton, in Boone county;

An act to create the office of street commissioner in Newport, Campbell county;

An act to re-establish the Institution for the Education and Training of Feeble-minded Children;

And had found the same truly enrolled.

Said bills having been signed by the Speaker of the House of Representatives, the Speaker of the Senate affixed his signature thereto, and the same were delivered to the committee to be presented to the Governor for his approval and signature.

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

Mr. Hays withdrew the motion made by himself, on yesterday, to reconsider the vote by which the Senate had refused to concur in the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled
Feb. 21, 1874.

JOURNAL OF THE SENATE.

An act to amend the charter of the Elizabethtown and Paducah Railroad Company.

Mr. Hays moved to reconsider the vote by which the Senate had, on yesterday, rejected a bill, which originated in that body, entitled A bill authorizing the Governor to appoint an agent of the State to superintend the inspection and weighing of tobacco in the city of Louisville warehouses.

Which motion was simply entered.

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

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, February 21st, 1874.

Gentlemen of the Senate:

I nominate for your advice and consent the following named persons as suitable to be commissioned notaries public, viz: John W. Woodworth, of Lewis county. R. W. Meredith, of Jefferson county. W. J. Duncan, of Jefferson county. D. D. Sublett, of Magoffin county, State at large. Wm. S. Parker, of Jefferson county. W. F. Berry, of Union county.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said appointments.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, FRANKFORT, February 21, 1874.

Gentlemen of the Senate and House of Representatives:

In compliance with the provisions of an act, entitled "An act appropriating money to the Fourth Kentucky Lunatic Asylum," approved 22d December, 1873, I have the honor to submit the following report, showing the application and disposition of the money appropriated by said act:

Pay-roll for days' work of bricklayers and laborers in changing the workshop building .................................................. $268 70
Böhler Bros., for warm air conductors ........................................... 883 44
Anzeiger Company, for advertising ........................................... 55 00
P. Thomas, for cut stone work ........................................... 16 20
Utica Lime Company, for lime, &c ........................................... 306 52
Newkirk & McRimes, contract for carpenter's work in changing workshop. $1,689 71
John Mitchell, contract for work and materials on center building, boiler-house, and school building. $16,282 14
B. J. Campbell, for plasterer's work and jobbing. $1,694 35
Sneed & Co, for wrought iron window-guards. $3,197 18
McDonald, for sewers and drainage. $150 20
Sneed & Sayer, for cast iron columns. $77 00
Johnston & Cox, for lightning rods. $35 00
Holt & Frisky, for painting, glass, and jobbing. $1,056 61
Geo. B. Bahr & Co., for locks, &c. $998 92
J. O. Escott & Son, paper-hanging, &c. $237 89
Rohr Biggs, for plumbing, &c. $29 25
W. S. Magens & Co., engines, boilers, piping, and other plumbing, &c. $22,997 75
W. Edwards, bricklaying. $103 00
John Andrewartha, architect for Commissioners, &c. $2,507 94

$52,666 86

Fifty-two thousand six hundred and sixty-six dollars and eighty cents for labor and materials furnished. The balance of the sum appropriated by said act has been, and is being, consumed by the Commissioners, under my direction, in the purchase of furniture and supplies essential to the comfort of the inmates and attendants of the Institution, and other fixtures thereto—such as ice-house, bakery, &c., &c. Vouchers showing an itemized account of the entire expenditure are on file in this office, and will be recorded in a book for more certain preservation.

Respectfully,

P. H. LESLIE.

Ordered, That said message be printed, and referred to the Committee on Charitable Institutions.

A message was received from the Governor by Mr. Botts, Assistant Secretary of State, announcing that he had approved and signed sundry enrolled bills, which originated in the Senate, of the following titles, viz:

An act for the benefit of Sarah Virginia Musselman and her infant children.

An act to create the Bullitt County Turnpike Corporation.

An act to revive an act to incorporate the Springfield and Harrodsburg Turnpike Road Company.

An act for the benefit of the creditors of the Institution for the Education and Training of Feeble-minded Children.

An act to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company.
An act to supply the General Statutes to the justices of the peace of Trigg county.

An act to amend an act, entitled "An act to incorporate and reduce into one all acts in regard to the town of Richmond."

An act to amend an act, entitled "An act to incorporate the Richmond Gas-light Company."

Mr. Varnon, from the Committee on Revised Statutes and Codes of Practice and General Statutes, reported a bill, entitled

A bill to establish a chancery court for the counties of Boyle, Mercer, Washington, Marion, Lincoln, Garrard, Rockcastle, and Laurel.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was then read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there is hereby established a court of record, to be styled the chancery court, for the counties of Boyle, Mercer, Washington, Marion, Lincoln, Garrard, Rockcastle, and Laurel, which shall have a seal and clerk in each county, and be held by one judge, to be styled the chancellor of said counties, having all the qualifications of a judge of the circuit court of this State, who shall be elected by the qualified voters of said counties at the same time, in the same manner, and for the same term, as judges of the circuit courts; and in causes within its jurisdiction it shall have all the powers, rights, privileges, and immunities that circuit courts now have in like cases, and be governed by the Code of Practice in civil cases, and the several amendments thereto, except so far as the practice in said chancery court shall be herein otherwise regulated.

§ 2. The chancellor shall be commissioned by the Governor, and shall receive the same salary as may, from time to time, be payable to judges of the circuit courts of this Commonwealth, to be paid in like manner, and which may be increased, but not diminished, during the official term.

§ 3. There shall be a seal for said court for each county, to be provided as seals for circuit courts, with the devise and motto of the Commonwealth, and the words "chancery court," and the name of the county engraved thereon.

§ 4. The clerk of the circuit court for each of the counties shall be the clerk of said chancery court, and shall, in his official acts as clerk, be so styled; and he may, with the consent of said chancery court, appoint and quality deputy clerks thereof.

§ 5. It shall be the duty of the sheriff and other ministerial county officers to execute processes and orders for, and attend on said chancery court, in the same manner as they are now required to perform like services for the circuit courts, and they and the clerk shall be responsible upon their official bonds for all breaches of duty connected with said chancery court; and all processes and orders of said chancery court to other counties in the State shall be executed under like responsibilities by the ministerial officers of said counties.
§ 6. The chancellor shall be a conservator of the peace, and shall have power to grant injunctions, orders of arrest, attachments, and other provisional remedies, and to issue writs of habeas corpus, and hear and determine the same; to administer oaths in like manner with judges of the circuit courts, and in all proceedings in the chancery court may do such things out of court as circuit judges may do in like proceedings pending in circuit courts.

§ 7. The said chancery court shall have exclusive jurisdiction in each of said counties of all actions by equitable proceedings of which the circuit courts have heretofore had jurisdiction, and concurrent jurisdiction with the circuit court in writs of mandamus and injunction, and summary proceedings against public officers and attorneys at law; and shall have like power and authority with circuit courts to enforce its judgments and orders, and to punish contempts of its authority. It shall have exclusive jurisdiction in said counties of appeal, where the circuit court now has from inferior tribunals, of all matters of exclusively equitable conveyance; to empanel juries to try such issues of fact in any proceeding in equity pending before it as may be directed to be tried by ordinary proceedings, and to summon and compel the attendance of witnesses when oral evidence is admissible.

§ 8. No ordinary action shall be commenced or prosecuted in said chancery court; and, if any such action or proceeding be commenced in same, the court shall, upon proper motion, order the same transferred at the cost of the plaintiff to the circuit court of the proper county; but if judgment shall be rendered in any such action, and the error as to the kind of proceedings adopted shall have been waived, as provided in the Civil Code of Practice, such judgment shall not be vacated on the ground of such error, but be enforced as if the same had been rendered in the circuit court.

§ 9. The said chancery court may make rules for the dispatch of business not contrary to law, and enforce them; the first three days of any term of said court may be devoted to calling over the appearance docket and making up issues; and causes and motions shall be heard at such times as the court may fix, unless for any reason the same may be passed or continued by agreement or for cause. All actions shall be docketed in the order in which they may be instituted, and days shall be fixed by the court of ordinary issues and actions in ordinary proceedings which may be transferred from the circuit court. And the court may, by rule, require counsel to file briefs of authorities and points relied on at least one day before the hearing of any action which may be contested.

§ 10. Examiners to take depositions in such county shall be appointed by said chancery court. The said chancery court shall have power to appoint and remove its own master commissioner and receiver, and appoint such special commissioner or receiver as may be necessary, governed by the general laws relating thereto.

§ 11. The rules of evidence in said chancery court shall be the same as in like proceedings in the circuit court; but the court may, where the parties consent or justice demands, or where reasonable notice shall have been given to the opposite party by filing the same in open court, and lodging it among the papers in the case, hear oral testimony on the trial of any action or proceeding in equity, and shall have power to summon and compel the attendance of witnesses for the purpose of testifying in such cases; and all exceptions thereto may be made part of the record by bills of exceptions, as provided by law in ordinary actions.
§ 12. The record books and necessary furniture for the clerk’s office of said chancery court shall be furnished as in case of circuit courts.

§ 13. Every proceeding may be transferred from the circuit court to the chancery court, or from the chancery court to the circuit court, by the consent of the parties, filed in writing, or continued upon the record of either; and in relation to all transfers from the circuit court to the chancery court, and all petitions of review, or in the nature thereof, or to vacate judgments in equity, the provisions of the second section of an act, entitled “An act to amend an act concerning the Louisville chancery court,” approved March 7th, 1854, shall apply to the chancery court hereby established.

§ 14. When juries shall be necessary in said chancery court, the court shall direct orders to issue to the sheriff or other proper officer to summon the same, and they shall be summoned accordingly; and the court may make orders for the payment of jurors who have been empanelled and served more than one day, and such jurors shall be paid accordingly by the trustees of the jury fund; but in making such order, the first day of service shall be excluded.

§ 15. The said chancery court shall have power to allow and certify to the Auditor all claims against the Treasury of this State connected with said court.

§ 16. The judge of the circuit court may hold the chancery court in any of the counties before named, or preside for the trial of any action pending therein, if the chancellor be absent or cannot properly preside. In case neither the chancellor or circuit judge be present, or if incompetent to preside, an election of a special chancellor to try any particular case or cases may be held in the manner prescribed by law for the election of a special judge in the circuit court.

§ 17. The regular term of said court shall be held as follows: In the county of Boyle, commencing on the first Mondays in January and July; in the county of Garrard on the third Mondays in January and July; in the county of Washington on the second Mondays in February and August; in the county of Rockcastle on the first Mondays in March and September; in the county of Lincoln on the third Mondays in March and September; in the county of Mercer on the second Mondays of April and October; in the county of Marion on the second Mondays of June and December; in the county of Laurel on the first Mondays of March and December; and each term shall continue as many juridical days as may be necessary to complete its business, so as not to conflict with any other regular term of said court. And the regular term of said court in any county may be changed by the court by an order of record at any regular term, to take effect more than sixty days thereafter: And provided, That the chancellor may order special terms as in the case of circuit courts.

§ 18. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, D. H. Lindsay,
John S. Barlow, W. W. Frazer, R. B. Lovel,
Resolved, That the title of said bill be as aforesaid.

The Senate then took up for consideration a resolution from the House of Representatives, entitled

Resolution to provide for the removal of the remains of John C. Mason to the State Cemetery.

Said resolution reads as follows, viz:

WHEREAS, From time immemorial every civilized people have had an instinctive desire to revere and honor the memory of their illustrious dead, and to beautify and adorn their graves, and in no country has that desire prevailed to a greater or more laudable extent than in our own; and whereas, the late John C. Mason was for many years an honored Representative in the Kentucky Legislature; three times elected to the Congress of the United States from Kentucky, and a gallant officer in the Mexican war, where, under the bold and fearless McCullough, he distinguished himself as a brave and daring soldier in the bloody conflict at Monterey, whereby, in consideration of his services to his State and country, his memory is dear to the people of Kentucky, and his history is inseparably connected with that of our most distinguished statesmen and soldiers, whose remains have found a fit resting-place in the beautiful cemetery that overlooks our Capitol; and whereas, it is just and right that he should rest in death in the company of those who were his associates in life; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Governor is directed to have his remains removed from their present obscure resting-place in Louisiana, and have them interred in the State cemetery, and that a suitable monument be erected to perpetuate his memory; and to enable the Governor to perform the duties hereby required of him, the sum of three hundred dollars is appropriated for that purpose out of any money in the Treasury not otherwise appropriated.

The question was then taken on concurring in the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, T. L. Jefferson,
John S. Bardlow, Jesse C. Gilbert, R. B. Lovel,
Scott Brown, W. C. Goodloe, A. L. Martin,
W. W. Culbertson, Thos. F. Hargis, E. W. Turner,
Resolved, That the title of said resolution be as aforesaid.

Mr. McManama moved the following resolution, viz:

Resolved, That the use of the Senate Chamber be tendered Mrs. Meeker on the evening of the 21st for a lecture. Subject: "Sphere and Mission of Woman."

Which was adopted.

Mr. Barker moved the following resolution, viz:

Resolved, That the Public Printer print, envelop, and mail, postage prepaid, 200 copies of a synopsis of the acts of the present General Assembly to each member and officer of the Senate.

Which was adopted.

Mr. Jefferson, from the Committee on Finance, reported the following resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of S. I. M. Major, Public Printer, for the sum of one hundred and fifty dollars, that being the discrepancy between his account as rendered to General Assembly for copies of the Yeoman furnished the members of the present session, and the sum allowed him as compensation by the general appropriation bill.

The rule of the Senate being dispensed with, said resolution was taken up, twice read, and adopted.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—


Those who voted in the negative, were—


Resolved, That the title of said resolution be as aforesaid.
The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Martin, from the Committee on Revised Statutes and Codes of Practice and General Statutes—
A bill for the benefit of James Turner, late sheriff of Perry county.
By same—
A bill to regulate the landing of steamboats and other crafts upon the Ohio river.
By Mr. Gilbert, from a select committee—
A bill to amend section 2 of chapter 90 of the General Statutes.
By Mr. Barlow, from the Committee on Agriculture and Manufactures—
By Mr. Jefferson, from the Committee on Banks and Insurance—
A bill to incorporate the German Mutual Fire Insurance Company of Covington.
By Mr. Martin, from the same committee—
A bill to amend chapter 26, title "Costs," of the General Statutes, as regards incorporated banks and national banks of this State.
By Mr. Simmons, from the Committee on Charitable Institutions—
A bill for the benefit of A. Perrin, of Harrison county.
By same—
A bill to change the name of the different charitable institutions of Kentucky.
By Mr. Barker, from the Committee on Claims—
A bill for the benefit of Andrew Mitchell, of Floyd county.
By same—
A bill for the benefit of W. T. Havens, clerk of the Morgan circuit court.
By Mr. Haggard, from the same committee—
A bill for the benefit of W. W. Cox.
By Mr. Jefferson, from the Committee on Finance—
A bill to amend an act, entitled "An act for the benefit of W. E. Clelland, late sheriff of Mercer county."
By Mr. Turner, from the Committee on Internal Improvement—
A bill to amend an act, entitled "An act to incorporate the Vanceburg, Salt Lick, Tollsboro, and Maysville Turnpike Road Company."
By Mr. Briggs, from the same committee—
A bill to amend an act, entitled "An act for the benefit of the Cynt­thiana and Cornishville Turnpike Road Company."

By Mr. Hays, from the Committee on the Judiciary—
A bill to amend the charter of the city of Owensboro.

By same—
A bill amendatory of, and supplemental to, an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 11th, 1867, and the several acts amendatory thereto, passed at the present session of the General Assembly.

By same—
A bill to amend the charter of the Kentucky Union Railway Company.

By Mr. Clay, from the same committee—
A bill to amend section 4, article 31, of chapter 29, of the General Statutes, title "Crimes and Punishments."

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision 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. Holt read and laid on the table a joint resolution.

The rule of the Senate being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That whereas the great producing industries of the West and Northwest are prostrated and almost paralyzed by the high tariff of freight on all their products seeking the markets of the world, amounting in many cases to absolute prohibition of export; and whereas, with cheap trans­portation to the seaboard, the fertile and teeming lands of the Mississippi valley could feed all the hungry millions of the Old World, and fill with gold the coffers of the new; and whereas, the American railway system is a thing that has been born and grown up since our Government was established, and therefore was not provided for at its formation, but, managed chiefly in the interest of rings and chartered monopolies, has assumed such gigantic proportions as to defy the power of the separate States to control it; therefore, be it
Resolved, That our Senators in Congress be instructed, and our Representatives requested, to urge upon the General Government the construction (with the consent of the States through which it may pass) of a grand double-track railroad highway, for transportation of freight alone, from the Atlantic seaboard, say from New York city, on the shortest line, to the valley of the Ohio—branching on the west of the Allegheny Mountains—so as to pass through Kentucky via Louisville to St. Louis, and via Cincinnati and Indianapolis to Chicago. The road to be built, owned, and controlled by the Federal Government as a public highway of commerce, free to all individuals and companies who may choose to run their own freight trains upon it, by paying only such tolls as may be necessary to pay the cost of management and repairs, in the same manner that boats are run upon rivers and canals.

Mr. Hodge moved to lay said resolution on the table.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Holt and Hale, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
John S. Barlow, John J. Gatewood, A. L. Martin,
W. J. Berry, Jesse C. Gilbert, O. D. McManama,
Scott Brown, Thomas F. Hargis, Robt. Simmons,
W. A. Cunningham, J. W. Hays, G. W. Swoope,
F. W. Darby, Geo. B. Hodge, E. W. Turner,
Wm. P. Duvall, I. L. Hyatt, Thos. W. Varnon,

Those who voted in the negative, were—

Robert Boyd, W. C. Goodloe, D. H. Lindsay,
Robert A. Briggs, D. R. Haggard, W. L. Vories,
W. W. Culbertson, G. A. C. Holt,  

Mr. Vories, when his name was called to vote upon laying said resolution on the table, arose and said:

In explanation of my vote I will say, that I am well satisfied that something must be done to move the products of the great West; and, by mutual understanding with the Senator from Calloway, intended to offer an amendment to perfect the resolution, so as to serve the best interests of the agricultural interests of the country. As this motion cuts off any amendment or effort at perfection of the resolution, I vote No.

Mr. Briggs moved the following resolution, viz:

Resolved, That during to-day and Monday next (the last two days of the session) no new matter for legislation will be received.

Which was rejected.
Mr. Goodloe read and laid on the table the following joint resolution. The rule being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That at 12 o'clock, M., on Monday, February 23d, the General Assembly will adjourn sine die.

Mr. Clay moved to amend said resolution by striking out "12 o'clock, M.," and inserting in lieu thereof "12 o'clock, P. M.," and 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. Edwards and Clay, were as follows, viz:

Those who voted in the affirmative, were—

Scott Brown, Jesse C. Gilbert, O. D. McManama,
Jas. F. Clay, D. R. Haggard, Robert Simmons,
W. A. Cunningham, Thos. F. Hargis, E. W. Turner,
F. W. Darby, I. L. Hyatt, Thos. W. Varnon,
William P. Duvall, T. L. Jefferson, W. L. Vories,
John J. Gatewood, A. L. Martin,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, G. A. C. Holt,
John S. Barlow, W. C. Goodloe, R. B. Lovel,
W. J. Berry, H. S. Hale, G. W. Swoope,
W. W. Culbertson,

The question was then taken on the adoption of said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Briggs and Clay, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, R. B. Lovel,
John S. Barlow, John J. Gatewood, A. L. Martin,
W. J. Berry, W. C. Goodloe, O. D. McManama,
Robert A. Briggs, Thos. F. Hargis, Robt. Simmons,
Scott Brown, J. W. Hays, G. W. Swoope,
James F. Clay, Geo. B. Hodge, E. W. Turner,
W. W. Culbertson, Thos. W. Varnon,
F. W. Darby, W. L. Vories,
Wm. P. Duvall, C. J. Walton,

Those who voted in the negative, were—

Mr. Hargis, from the Committee on the Judiciary, reported a resolution, entitled
Resolution in relation to Collins' Historical Sketches of Kentucky. Which resolution was read the first time and ordered to be read a second time.

Said resolution was read a second time as follows, viz:

WHEREAS, On the 20th day of March, 1871, a law was enacted directing the purchase, for the use of the children in the common schools of this Commonwealth, of Collins' Historical Sketches of Kentucky, under which law said Richard H. Collins has gone forward to prepare said work, and now has the same in type, much of it printed, and all nearly ready for delivery, and in the preparation of which he claims to have already expended over twenty thousand dollars; and whereas, under one section of said act, a portion of the school tax, collected in 1871 and 1872, in amount nearly twenty thousand dollars, has been reserved in the Treasury to pay for said books; and whereas, grave doubts existed as to the constitutionality of said provision, which provided for the payment for said books out of the school tax or fund; and whereas, consistent with a resolution which passed the House of Representatives on December — 1873, "requesting the Superintendent of Public Instruction not to pay for Collins' History of Kentucky, as authorized by a former act of the Legislature, until compelled to do so by a court of competent jurisdiction," two suits were brought in the Franklin circuit court (one by the school commissioner of Franklin county, and the other by the Superintendent of Public Instruction) to test the constitutionality of said act, which suits cannot possibly be decided in said court, and in the Court of Appeals, until after the adjournment of this Legislature; and whereas, a decision against the constitutionality of said act, or against the payment for said books out of the school fund already reserved for said purpose, would leave said Collins unpaid, and without remedy of any kind until the meeting of another General Assembly, nearly two years hence; therefore, be it

Resolved by the General Assembly of the Commonwealth of Kentucky, That it shall and may be lawful for said Richard H. Collins, of Kenton county, to institute a suit in the Franklin circuit court against the State of Kentucky, to decide the liability of same to him under said act of March 20, 1871; or he may, by interpleading or cross-petition, or by an agreed statement of facts in the said suit of the Superintendent of Public Instruction against him, set up his claim against the State of Kentucky, and have the same adjudicated and the ultimate liability of the State to him tried and ascertained in said court and in the Court of Appeals. If the final decision of said courts shall be adverse to the payment for said books out of the School Fund, as directed in said act of March 20, 1871, but to the effect that said act is a valid contract, and that the State is liable for the purchase of said books, then the Auditor shall draw his warrant, in payment therefor, upon the Treasurer, payable out of any moneys in the Treasury not otherwise appropriated, instead of out of the School Fund, as now provided in said act.

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:
JOURNAL OF THE SENATE.

Those who voted in the affirmative, were—

Thos. J. Barker, D. R. Haggard, A. L. Martin,
Scott Brown, Thos. F. Hargis, O. D. McManama,
W. W. Culbertson, Geo. B. Hodge, Robert Simmons,
Wm. P. Duvall, I. L. Hyatt, E. W. Turner,
W. W. Frazer, T. L. Jefferson, Thos. W. Varnon,
John J. Gatewood, D. H. Lindsay, W. L. Vories,
W. C. Goodloe,

Those who voted in the negative, were—

John S. Barlow, Robt. A. Briggs, G. W. Swoope,
Robert Boyd,

Resolved, That the title of said resolution be as aforesaid.

A message was received from the House of Representatives, announcing their concurrence in resolutions, which originated in the Senate, of the following titles, viz:

Resolution appropriating one hundred and fifty dollars to S. I. M. Major.

Resolution directing the Governor to provide for the care of such pauper lunatics as cannot be accommodated in the several asylums of this State.

Mr. Lindsay, from the Committee on Claims, reported a bill, entitled

A bill to establish and fix the per diem pay of officers and employees of the General Assembly.

Which bill was read the first time and ordered to be read a second time.

Said bill was read a second time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the per diem pay of officers and employees of the General Assembly shall hereafter be as follows, to wit: Speaker of Senate and Speaker of House of Representatives, each ten dollars; the Principal and Assistant Clerks of Senate, and the Principal and Assistant Clerks of the House of Representatives, each ten dollars; the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives, each eight dollars; Door-keeper of Senate and Door-keeper of the House of Representatives, each five dollars; Pages, each three dollars; employees of the General Assembly, each three dollars; Clerks of Enrollments, each eight dollars.

§ 2. This act shall take effect from its passage.

Mr. Swoope moved to amend said bill by striking out the words "three dollars to other employees," and inserting in lieu thereof "two dollars to other employees."

87-s.
Which motion was rejected.

Mr. Haggard moved to amend said bill by striking out all that portion providing for the pay of Enrolling Clerks.

Which motion was rejected.

Mr. Walton moved to amend said bill by striking out "five dollars" to the Door-keepers, and inserting in lieu thereof "eight dollars."

Which motion was rejected.

Ordered, That said bill be engrossed and read a third time.

The constitutional provision as to the third reading of said bill being dispensed with, and the same being engrossed,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

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<th>Thos. J. Barker</th>
<th>W. W. Frazer</th>
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<td>John S. Barlow</td>
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<td>Scott Brown</td>
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<td>F. W. Darby</td>
<td>T. L. Jefferson</td>
<td>W. L. Vorries</td>
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<td>Wm. P. Duvall</td>
<td>D. H. Lindsay</td>
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<td>P. F. Edwards</td>
<td>R. B. Lovel</td>
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Those who voted in the negative, were—

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<th>W. J. Berry</th>
<th>D. R. Haggard</th>
<th>G. W. Swoope</th>
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<tr>
<td>Robert Boyd</td>
<td>Thos. F. Hargis</td>
<td>C. J. Walton</td>
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<tr>
<td>Robert A. Briggs</td>
<td>G. A. C. Holt</td>
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Resolved, That the title of said bill be as aforesaid.

Mr. Barker, from the Committee on Claims, reported a bill, entitled

A bill for the benefit of the jailer of Webster county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz.:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of two hundred and eighty-six dollars and thirty-five cents is hereby appropriated to Charles S. Cobb, jailer of Webster county, for the support and traveling expenses of two pauper lunatics of said.
county; and that the Auditor of Public Accounts be directed to issue his
warrant upon the Treasury for the sum, to be paid out of any money in
the Treasury not otherwise appropriated.
§ 2. This act to take effect from and after its passage.
The question was then taken on the passage of said bill, and it was
decided in the affirmative.
The yeas and nays being required thereon in pursuance of a pro-
vision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

| Thos. J. Barker, | F. W. Darby, | T. L. Jefferson, |
| John S. Barlow, | W. W. Frazier, | D. H. Lindsay, |
| W. J. Berry,    | John J. Gatewood, | R. B. Lovel, |
| Robert Boyd,    | W. C. Goodloe, | Robert Simmons, |
| Scott Brown,    | D. R. Haggard, | E. W. Turner, |
| James F. Clay,  | Thos. F. Hargis, | Thos. W. Varnon, |
| W. W. Culbertson, | J. W. Hays, | W. L. Vories, |

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Barker, from the Committee on Claims, reported a bill, en-
titled

A bill for the benefit of John L. Chevis, of Lexington.

Which bill was read the first time and ordered to be read a second
time.
The constitutional provision as to the second reading of said bill
being dispensed with,
Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time.
The question was then taken on the passage of said bill, and it
was decided in the affirmative.
The yeas and nays being required thereon in pursuance of a pro-
vision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

| Thos. J. Barker, | P. F. Edwards, | T. L. Jefferson, |
| John S. Barlow, | W. W. Frazier, | D. H. Lindsay, |
| W. J. Berry,    | John J. Gatewood, | R. B. Lovel, |
| Robert Boyd,    | W. C. Goodloe, | O. D. McManama, |
| Scott Brown,    | D. R. Haggard, | Robert Simmons, |
| W. W. Culbertson, | H. S. Hale, | E. W. Turner, |
| W. A. Cunningham, | Thos. F. Hargis, | Thos. W. Varnon, |
| F. W. Darby,    | J. W. Hays, | C. J. Walton, |

In the negative—none.
Resolved, That the title of said bill be as aforesaid.

Mr. Simmons, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of J. M. Hester, of Graves county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Ordered, That said bill be engrossed and read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, It appears that J. M. Hester became the surety of one W. G. Beck in the sum of two hundred dollars, in the year 1861, to answer an indictment in the Christian circuit court for stabbing with intent to kill; and whereas, it appears that said W. G. Beck entered the Confederate army in May, 1861, in a few days after said Hester had become his surety to answer said indictment, and continued in said army for three years and upwards, and finally died in prison in Camp Douglas, Illinois; in consequence of all which said Beck could not appear to answer to said indictment; and whereas, in consequence of the failure of said Beck to appear in answer to said indictment, the said J. M. Hester, who is a good citizen and in quite straitened circumstances, with a wife and two children dependent upon him for a support, was required by force of law to pay to the Commonwealth of Kentucky the amount of the recognizance, two hundred dollars, with interest and costs, as shown by a written statement of the clerk of the Christian circuit court, herewith filed and marked (A); therefore, be it

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That upon satisfactory proof to the Auditor that the proceeds of said bond have been paid into the Treasury, the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury, payable to J. M. Hester, for the sum of two hundred dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, T. L. Jefferson,
John S. Barlow, Jesse C. Gilbert, R. B. Lovel,
W. J. Berry, D. R. Haggard, O. D. McManama,
Scott Brown, H. S. Hale, Robert Simmons,
James F. Clay, Thos. F. Hargis, E. W. Turner,
W. W. Culbertson, J. W. Hays, Thos. W. Varnon,
W. A. Cunningham, Geo. B. Hodge, W. L. Vories,
P. F. Edwards, I. L. Hyatt,
Those who voted in the negative, were—

Robert A. Briggs,  G. W. Swoope—2.

Resolved, That the title of said bill be as aforesaid.

Mr. Darby, from the Committee on Courts of Justice, to whom was recommitted a bill, entitled

A bill to provide for the election of special or pro tem. judges of county courts,

Reported the same with an amendment.

Which was adopted.

Ordered, That said bill, as amended, be engrossed and read a third time.

The constitutional provision 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. Haggard, from the Committee on Propositions and Grievances, to whom had been referred a bill from the House of Representatives, entitled

An act to protect the citizens of this Commonwealth from empiricism,

Reported the same without amendment.

Sundry amendments exempting certain counties from the provisions of the bill were proposed.

Which were rejected.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

WHEREAS, The people are liable to be imposed upon by charlatans and incompetent physicians and surgeons; and whereas, it is of the highest importance that none but persons with competent qualifications should be allowed to practice a profession to whose skill and ability the life of the individual is intrusted; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That it shall be unlawful for any person, for reward or compensation, within the limits of this State, to practice medicine in any of its departments, or prescribe, or attempt to prescribe, medicine for any sick person, or perform, or attempt to perform, any surgical operation upon any person within said limits, who has not graduated at some chartered school of medicine in this or some foreign country, or who cannot produce a certificate of qualification from some one of the boards of examiners provided for in this act, and is not a person of good moral character.

§ 2. Any person who has been regularly and honorably engaged in the practice of medicine, or any of its departments, for ten years, shall be deemed to have complied with the provisions of this act. Any person
having been so engaged for five years shall be allowed one year in which to comply with said provisions.

§ 3. The Governor shall, within sixty days from the passage of this act, appoint five citizens in each and every judicial district in this State—said citizens shall be practicing physicians of acknowledged learning and ability, and regular graduates of some chartered medical college, who shall constitute and be styled “The Board of Medical Examiners” for said district, three of whom shall constitute a quorum for the transaction of business. Their term of office shall be four years, beginning the first day of April, 1874; and it shall be the duty of the Governor each four years thereafter, and prior to the first day of April, to appoint their successors, who shall have the qualifications herein required.

§ 4. It shall be the duty of each of said boards to meet and hold annual sessions in their respective districts, at some central convenient place easy of access, to be by them selected, commencing on the first Monday in June of each year, for the purpose of examining all applicants who desire to practice medicine in any of its departments. The examination shall be conducted in such manner and to such extent as the examiners may deem most conducive to the interests and wants of the people and the advancement of learning in the medical profession, and to embrace the following branches of medical science, viz: Chemistry, Anatomy, Physiology, Obstetrics, Surgery, and so much of Practical Medicine as relates to the nomenclature, history, and symptoms of disease. The several boards may hold extra sessions (if they deem it necessary) at any time and place in their respective districts they may think proper.

§ 5. The examiners shall require all applicants to produce satisfactory evidence of good moral character, and to pay an examination fee of not more than twenty dollars. The sessions of the several boards shall continue long enough to give all who desire it an opportunity to undergo a fair and impartial examination.

§ 6. The examiners shall grant all applicants who shall be found, upon examination, to possess a fair practical knowledge of the branches named in section four of this act a certificate of qualification, signed by at least three members of said board, which shall entitle the holder thereof, for the time specified, to practice any or all of the branches named in said certificate anywhere in said district or adjoining district.

§ 7. The members of the several boards shall receive, as a compensation for their services, all of the fees paid by applicants for examination before said board. Certificates shall designate the time and the branches the holder thereof shall be entitled to practice, and shall not be granted for a longer period than five years nor a less period than one year.

§ 8. Any person living in this State, or any person coming into this State, who shall practice medicine, or attempt to practice medicine, in any of its departments, or who shall perform, or attempt to perform, any surgical operation for or upon any person within the limits of this State for reward or compensation, in violation of the provisions of this act, shall, upon conviction thereof, be fined fifty dollars, and upon each and every subsequent conviction be fined one hundred dollars and imprisoned thirty days, or either or both, in the discretion of the jury; and in no case where the provision of this act has been violated shall the person so violating be entitled to receive compensation for services rendered.

§ 9. Provided, That nothing herein shall be so construed as to apply to persons practicing dentistry.

§ 10. This act shall be in force from its passage.
The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Swoope and Hays, were as follows, viz:

Those who voted in the affirmative, were—

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<td>W. W. Gilbertson,</td>
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<td>W. C. Goodloe,</td>
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<td>H. S. Hale,</td>
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<td>Thomas F. Hargis,</td>
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<td>R. B. Lovel,</td>
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<td>O. D. McManama,</td>
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<td>C. J. Walton</td>
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<td>Ben. J. Webb—18</td>
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Those who voted in the negative, were—

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<td>John S. Barlow,</td>
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<td>A. L Martin,</td>
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<td>E. W. Turner,</td>
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<td>Thos. W. Varnon,</td>
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<td>W. L. Vories—10</td>
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Resolved, That the title of said bill be as aforesaid.

Bills from the House of Representatives, of the following titles, were reported, without amendment, by the several committees to whom they had been referred, viz:

By Mr. Turner, from the Committee on Revised Statutes and Codes of Practice and General Statutes—

An act to increase the jurisdiction of justices of the peace in the counties of Warren, Madison, and Simpson.

By same—

An act to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county.

By Mr. Barker, from the same committee—

An act for the protection of livery stable-keepers in the town of Milton, Trimble county.

By same—

An act for the benefit of D. S. Carroll, of Grayson county.

By same—


By same—

An act to incorporate Eginton Lodge, No. 490, F. A. M., in Whitley county.

By same—

An act to incorporate Hudsonville Lodge, No. 262, of Free and Accepted Masons.
By same—
An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

By same—
An act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers.

By same—
An act to incorporate the Lebanon Gas-light Company.

By Mr. Varnon, from the same committee—
An act to amend the charter of Crab Orchard, in Lincoln county.

By Mr. Martin, from the same committee—
An act to amend article 3 of chapter 5 of the General Statutes.

By Mr. Lindsay, from the Committee on Religion and Morals—
An act to incorporate the Milton Baptist Church, of Trimble county.

By same—
An act submitting the proposition to the voters of district No. 4, Todd county, whether or not spirituous, vinous, or malt liquors shall be sold therein.

By same—
An act to prohibit the sale, gift, loan, or procurement of spirituous, vinous, or malt liquors on election days in the county of Greenup.

By Mr. Barlow, from the Committee on Agriculture and Manufactures—
An act to incorporate the Kentucky and Montana Gold Mining Company.

By same—
An act to amend an act, entitled "An act to incorporate the World's Fair Association of Woodford county," approved February 19, 1873.

By Mr. Duvall, from the same committee—
An act to amend an act, entitled "An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses."

By same—
An act to incorporate the Woodford Driving Park.

By same—
An act to incorporate the Catholic Cemetery of Lexington, Kentucky.
By same—
An act to incorporate the Lexington Agricultural and Industrial Exposition Company.

By same—
An act to incorporate the Fleming, Mason, Robertson, Nicholas, and Bath County Agricultural and Mechanical Association.

By Mr. Martin, from the Committee on Banks and Insurance—
An act to amend the charter of the Caseyville Deposit Bank.

By same—
An act to charter the People's Savings Bank of Kentucky.

By same—
An act incorporating and for the benefit of building and loan associations in the county of Jefferson and city of Louisville.

By Mr. Barker, from the Committee on Claims—
An act for the benefit of J. B. Gore, of Larue county.

By same—
An act for the benefit of R. W. Brandon and others, of Grayson county.

By Mr. Haggard, from the Committee on Claims—
An act for the benefit of A. Graham, of Clinton county.

By same—
An act for the benefit of T. D. Rutledge, of Daviess county.

By Mr. McManama, from the Committee on Courts of Justice—
An act for the benefit of the Bath circuit court clerk.

By same—
An act for the benefit of Stephen Nethercutt, of Carter county.

By same—
An act to change the time of holding the Owen county court.

By Mr. Gatewood, from the Committee on Education—
An act to amend chapter 18 of General Statutes, entitled "Common Schools."

By same—
An act to incorporate the Taylor County College.

By Mr. Lovel, from the Committee on Education—
An act to incorporate the Auburn High School.

By same—
An act for the benefit of common school district No. 1, known as, Auburn district, in Logan county.

88-s.
By same—
An act for the benefit of the Sugar Creek Baptist Church, of Garrard county.

By same—
An act to charter the South Carrollton Male and Female Institute.

By Mr. Turner, from the Committee on the Judiciary—
An act to amend the charter of the city of Bowling Green.

By Mr. Boyd, from the Committee on Finance—
An act for the benefit of James Herd, late sheriff of Clay county.

By Mr. Jefferson, from the same committee—
An act for the benefit of R. Y. Bush.

By same—
An act for the benefit of the sheriff of Daviess county.

By Mr. Vories, from the same committee—
An act for the benefit of T. W. Samuels, late sheriff of Nelson county.

By same—
An act for the benefit of J. W. Pickering, of Crittenden county.

By Mr. Turner, from the Committee on Internal Improvement—
An act in relation to the Bardstown and Green River Turnpike Road Company.

By same—
An act to amend an act, entitled "An act to amend the charter of the Shelbyville and Oldham Turnpike Road Company."

By Mr. Briggs, from the same committee—
An act for the benefit of the Ludlow and Pleasant Run Turnpike Road Company.

By Mr. Hays, from the Committee on the Judiciary—
An act to prevent trespasses in Madison county.

By same—
An act for the benefit of T. S. Ward, jailer of Harlan county.

By same—
An act enlarging the corporate limits of the town of Falmouth.

By same—
An act to incorporate the Shelbyville Gas-light Company.

By same—
An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg."
By Mr. Hargis, from the same committee—
An act to amend the charter of the city of Ludlow, of Kenton county.

By Mr. Clay, from the same committee—
An act to amend an act incorporating the town of Milford, in Bracken county.

By same—
An act to repeal an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license," approved February 17, 1866.

By same—
An act for the benefit of the gunsmiths of Henderson county.

By Mr. Gilbert, from the same committee—
An act to authorize the county court of Simpson county to levy an additional tax in said county.

By same—
An act to amend the charter of Sebree City, in Webster county.

By Mr. Goodloe, from the same committee—
An act to amend the charter of the town of Greenville, in Muhlenburg county.

By same—
An act to authorize the trustees of Morgantown to sell part of Hobson street, in said town.

By Mr. Turner, from the same committee—
An act for the benefit of the Williamsburg Masonic Institute.

By same—
An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe.

By same—
An act to amend an act, entitled "An act to incorporate the town of West Providence, in Webster county."

By Mr. Turner, from the Committee on Internal Improvement—
An act to repeal an act, entitled "An act authorizing the county judge of Muhlenburg county to change the South Carrollton and Madisonville Road, as the same passes over the lands of C. L. Morehead."

By Mr. Love, from the Committee on Propositions and Grievances—
An act to amend the charter of the city of Maysville.
Ordered, That said bills be read a third time.

The constitutional provision as to the third reading of said bills being dispensed with,

Resolved, That said bills do pass, and that the titles thereof be as aforesaid.

Mr. McManama read and laid on the table a joint resolution.

The rule being dispensed with, said resolution was taken up and read as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the sum of fifteen dollars is hereby appropriated to Wash. Conley, out of any money in the Treasury not otherwise appropriated, for repairs done in the Senate Chamber; and the Auditor is directed to draw his warrant on the Treasurer for the same. This resolution to take effect from its passage.

The question was then taken on the adoption of said resolution, and it was decided in the affirmative.

Mr. Barker, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the appropriation of money,

Reported the same without amendment.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the following sums of money are hereby appropriated to the following persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor.

§ 2. To the Speakers of the Senate and House of Representatives, ten dollars, each, per day, during the present session.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present session, and the same for such time as may be necessary, not exceeding ten days after adjournment, for preparing the acts for publication; and to the Assistant Clerk of the House the same, for such time as may be necessary, not exceeding ten days after adjournment, for preparing acts for publication.

§ 4. To the Assistant Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present session; to the Assistant Clerk appointed instead of the Chief Clerk, during his illness, the sum of ten dollars per day.

§ 5. To the Sergeant at Arms of the Senate and House of Representatives, each, eight dollars per day, during the present session.

§ 6. To the Door-keepers of the Senate and House of Representatives, each, eight dollars per day, during the present session.

§ 7. To Isaac Wingate, jr., Clerk of the Enrolling Committee of the Senate, eight dollars per day, during the present session.

§ 8. To the Pages of the Senate and House of Representatives, three dollars, each, per day, during the present session.

§ 9. To the Ministers of the Gospel of Frankfort, who have opened the Senate and House of Representatives with prayer during the present sess-
sion, three hundred dollars, to be drawn and distributed equally among them by James Lobban, Sergeant at Arms of the House of Representatives.

§ 10. To D. D. Sublett, Sergeant at Arms of the Senate, for the benefit of J. W. Conly and Lewis Harris, each, three dollars per day, during the present session, for making fires and waiting on the Senate Chamber and cloack-room during the present session.

§ 11. To the Sergeant-at-arm of the House of Representatives, for the benefit of Brown Durham, John Walsh, and Jack Glor, each, three dollars per day, during the present session, for waiting on cloak-room and House of Representatives.

§ 12. To the principal Clerks of the Senate and House of Representatives, such sums as they may each certify to the Auditor as paid by them for enrolling bills and resolutions at the present session, not exceeding twenty-five cents per page.

§ 13. To Breathitt Phythian, Assistant Librarian, three dollars per day, during the present session, for extra services in the Library.

§ 14. To D. D. Sublett, forty dollars, for services as Clerk to the Committee on Privileges and Elections, in the contested election case of Goodlee and Woodrige.

§ 15. To Miss Hopkins, three dollars per day, during the present session, for extra services in enrolling engrossed bills and assistance at the Clerks.

§ 16. To the Courier Journal Printing Company, four hundred and eighty dollars, for papers furnished the General Assembly during the present session.

§ 17. To the Louisville Ledger Printing Company, three hundred and seventy-five dollars, for papers furnished General Assembly.

§ 18. To the Lexington Press Printing Company, thirty-three dollars and seventy-five cents, for papers furnished General Assembly.

§ 19. To Guy Barret, three hundred and fifty-eight dollars and seventy-five cents, for papers furnished General Assembly.

§ 20. To the Louisville Commercial, forty-nine dollars and seventy-five cents, for papers furnished General Assembly.

§ 21. To the Kentucky Yeoman, three hundred dollars, for papers furnished General Assembly.

§ 22. To the Carlisle Mercury, one dollar and twenty-five cents; to Flemingsburg Democrat, one dollar and twenty-five cents; to Vanceburg Kentuckian, one dollar and twenty-five cents, for papers furnished General Assembly.

§ 23. To O. W. Grimes, for the benefit of Robert Loomis, two dollars and fifty cents per day for seventy-two days, and Henry Rodman, one dollar per day for seventy-two days, for waiting on back capitol during present session.

§ 24. To the Maysville Eagle, one dollar, and the Maysville Bulletin, three dollars, for papers furnished General Assembly.

§ 25. To the Murray Gazette, two dollars, for papers furnished General Assembly.

§ 26. To the Kentucky Sentinel, two dollars, for papers furnished General Assembly.

§ 27. To the Cynthiana Democrat, two dollars, for papers furnished General Assembly.

§ 28. To J. B. McCreary, Speaker of the House of Representatives, ten dollars and fifty cents, for official telegraph messages.

§ 29. To L. Tobin, twenty-three dollars and seventy-five cents, for sundries furnished General Assembly.
§ 30. To Gray & Rodman, fifty-eight dollars and ten cents, for sundries furnished General Assembly.

§ 31. To Rodman & Bro., seventeen dollars and forty cents, for sundries furnished General Assembly.

§ 32. To G. W. Miller, eighteen dollars and thirty-five cents, for sundries furnished General Assembly.

§ 33. To Reading & Dehoney, twelve dollars and forty-five cents, for sundries furnished General Assembly.

§ 34. To Dennis Griffin, forty dollars, for repairs and erecting flag on State Capitol.

§ 35. To Brent Moore, two dollars and forty cents, for sundries furnished General Assembly.

§ 36. To Sanford Goin, eighty-six dollars and twenty-five cents, for ice furnished General Assembly.

§ 37. To Dennis Haly, ten dollars and forty-five cents, for sundries furnished Senate.

§ 38. To Albert Read, one hundred and fourteen dollars, for articles furnished and carpenter's work done in House of Representatives.

§ 39. To Philip Selbort, five dollars, for repairs on clocks in the Senate and House of Representatives.

§ 40. To Hughes & Berry, two dollars and twenty-five cents, for sundries furnished General Assembly.

§ 41. To John Griffin, eight dollars and fifty cents, for repairs on gas-burners for General Assembly.

§ 42. To the Owensboro Monitor, nine dollars, for papers furnished General Assembly.

§ 43. To D. R. Haggard, D. H. Lindsey, E. W. Turner, and I. L. Hyatt, ten dollars, each, for expenses incurred in visiting Fourth Lunatic Asylum, at Louisville, as committee of Senate.

§ 44. That the Sergeants-at-Arms of the Senate and House of Representatives be required to deliver to the Librarian all articles of furniture, &c., of their respective Houses, and take his receipt for the same.

§ 45. To Letitia Harris, seven dollars and fifty cents, for washing towels for Senate and House of Representatives.

§ 46. To the Big Sandy Herald, three dollars, for papers furnished General Assembly.

§ 47. To the Paducah Kentuckian, thirty-three dollars and sixty cents, for papers furnished the General Assembly.

§ 48. To the Central Kentucky News, three dollars; to the Mountain Echo, seven dollars, and to the Murray Gazette, two dollars, for papers furnished the General Assembly.

§ 49. To J. W. Warren, for services to the Capitol building, seventy-one days, at two dollars and fifty cents per day, one hundred and seventy-seven dollars and fifty cents.

§ 50. To J. G. Hatchitt, Postmaster, twelve dollars and fifty cents, postage on newspapers for General Assembly during present session.

§ 51. This act shall take effect from its passage.

Mr. Briggs moved to amend said bill, in section six, by striking out "$8," and inserting in lieu thereof "$5."

And 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. Briggs and Webb, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry,                  Robert A. Briggs,                  R. B. Lovel,

Those who voted in the negative, were—

Thos. J. Barker,               P. F. Edwards,                  T. L. Jefferson,
John S. Barlow,                W. W. Frazer,                  D. H. Lindsay,
Scott Brown,                  John J. Gatewood,                  A. L. Martin,
James F. Clay,                 D. R. Haggard,                  O. D. McManama,
W. W. Culbertson,              Thos. F. Hargis,                  Robert Simmons,
W. A. Cunningham,              J. W. Hays,                  E. W. Turner,
F. W. Darby,                  Geo. B. Hodge,                  W. L. Vories,

Mr. Briggs then moved to amend said bill by striking out "$3," in section eight, and inserting in lieu thereof "$2.50."

And 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. Briggs and Swoope, were as follows, viz:

Those who voted in the affirmative, were—

Robert A. Briggs,

Those who voted in the negative, were—

Thos. J. Barker,               John J. Gatewood,                  R. B. Lovel,
John S. Barlow,                Jesse C. Gilbert,                  A. L. Martin,
W. J. Berry,                  W. C. Goodloe,                  O. D. McManama,
Scott Brown,                  D. R. Haggard,                  Robert Simmons,
Jas. F. Clay,                 Thos. F. Hargis,                  E. W. Turner,
W. W. Culbertson,             George B. Hodge,                  Thos. W. Varnon,
W. A. Cunningham,             I. L. Hyatt,                  W. L. Vories,
P. F. Edwards,                  D. H. Lindsay,

Mr. Briggs also moved to amend said bill by striking out "$3," in section ten, and inserting in lieu thereof "$2.50."

Which amendment was rejected.

Mr. Briggs also moved to amend said bill by striking out "$3," in section eleven, and inserting in lieu thereof "$2.50."

Which was rejected.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,
The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

| Thos. J. Barker, | W. W. Frazer, | D. H. Lindsay, |
| John S. Barlow, | John J. Gatewood, | R. B. Lovel, |
| W. J. Berry, | W. C. Goodloe, | A. L. Martin, |
| Robert A. Briggs, | D. R. Haggard, | O. D. McManama, |
| Scott Brown, | H. S. Hale, | Robt. Simmons, |
| James P. Clay, | Thomas F. Hargis, | G. W. Swoope, |
| W. A. Cunningham, | J. W. Hays, | E. W. Turner, |
| F. W. Darby, | G. A. C. Holt, | Thos. W. Varnon, |
| Wm. P. Duvall, | I. L. Hyatt, | W. L. Vories, |

Those who voted in the negative, were—


Resolved, That the title of said bill be as aforesaid.

Mr. Clay, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled

An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was then read a third time as follows, viz:

[For bill—see Acts present session.]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

| Thos. J. Barker, | P. F. Edwards, | R. B. Lovel, |
| John S. Barlow, | W. W. Frazer, | A. L. Martin, |
| W. J. Berry, | John J. Gatewood, | Robert Simmons, |
| Scott Brown, | Jesse C. Gilbert, | G. W. Swoope, |
| James P. Clay, | D. R. Haggard, | E. W. Turner, |
| W. W. Culbertson, | H. S. Hale, | Thos. W. Varnon, |
| W. A. Cunningham, | Thomas F. Hargis, | W. L. Vories, |
| Wm. P. Duvall, | D. H. Lindsay, | |

Those who voted in the negative, were—

Resolved. That the title of said bill be as aforesaid.

The Senate, according to order, took up for consideration a bill from the House of Representatives, entitled An act to redistrict the county of Jessamine for justices' districts.

Mr. Gilbert proposed an amendment to said bill.

Which was adopted

Ordered, That said bill, as amended, be read a third time.

The constitutional provision as to the third reading of said bill, as amended, being dispensed with,

Resolved, That said bill do pass, and that the title thereof be as aforesaid.

Mr. Martin, from the Committee on Education, to whom had been referred a bill from the House of Representatives, entitled An act for the benefit of school districts Nos. 30 and 65, in Pendleton county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz: [For bill—see Acts present session.]

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, Jesse C. Gilbert, R. B. Lovel,
Robert Boyd, W. C. Goodloe, A. L. Martin,
Robert A. Briggs, D. R. Haggard, O. D. McManama,
Scott Brown, Thos. F. Hargis, G. W. Swoope,
James F. Clay, J. W. Hays, E. W. Turner,
W. W. Culbertson, George B. Hodge, Thos. W. Varnon,
F. W. Darby, T. L. Jefferson, C. J. Walton,

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Haggard, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled An act for the benefit of John H. Williams, assessor of Calloway county,

Reported the same without amendment.

Ordered, That said bill be read a third time.
Said bill was read a third time as follows, viz:

WHEREAS, John N. Williams, assessor of Calloway county, did faithfully and fully perform all the duties of said office according to law, except taking the oath required by law, to enable him to draw his compensation; therefore,

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer for the compensation of said assessor, John N. Williams, for his services as such officer for the year 1873.

§ 2. This act to take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. C. Goodloe, A. L. Martin,
John S. Barlow, D. R. Haggard, O. D. McManama,
W. J. Berry, Thos. F. Hargis, Robt. Simmons,
Robert A. Briggs, J. W. Hays, E. W. Turner
Scott Brown, Geo. B Hodge, Thos. W. Varner,
W. W. Culbertson, I. L. Hyatt, W. L. Vories,
F. W. Darby, T. L. Jefferson, C. J. Walton,
Jesse C. Gilbert, R. B. Lovel,

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

The Senate then took up a bill from the House of Representatives, entitled

An act to repeal an act, entitled “An act to amend an act to establish a levy and county court for Jefferson county.”

Ordered, That said bill be read a third time.

The constitutional provision 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. Simmons, from the Committee on Charitable Institutions, to whom had been referred a bill from the House of Representatives, entitled

An act to provide for the conveyance of pauper lunatics to the various asylums in this Commonwealth,

Reported the same without amendment.

Ordered, That said bill be read a third time.
Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That all expenses for the conveyance of pauper lunatics to the asylums of this Commonwealth shall be paid to the persons so conveying said lunatics by warrant of the Auditor of Public Accounts upon the Treasurer of the State, the sum for conveyance to be certified by the superintendent of the asylum to which the patient is carried: Provided, That but one person shall be paid for conveying such lunatic; the cost in no case to exceed six cents per mile going, and patient each, and six cents per mile for guard returning, distance to be estimated by the nearest usual route of travel.

§ 2. That patients denied admittance or not received by superintendents of asylums for want of room, shall receive the same compensation returning to their homes that they are entitled to under the foregoing section of this act for going to said asylums.

§ 3. Where a certificate has been issued by the superintendent of any lunatic asylum since the 15th day of October, 1873, for the conveyance of a pauper lunatic to the asylum, it shall be lawful for the Auditor to draw his warrant on the Treasurer for the amount of such certificate, not exceeding the amount due upon the certificate under the law in force on the 1st day of December, 1873.

§ 4. This act shall take effect on its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, D. B. Lindsay,
John S. Barlow, Jesse C. Gilbert, R. B. Lovel,
W. J. Berry, W. C. Goodloe, Robert Simmons,
Robert Boyd, D. R. Haggard, E. W. Turner,
Robert A. Briggs, Thos. F. Hargis, Thos. W. Varnon,
Scott Brown, J. W. Hays, W. L. Vories,
James F. Clay, G. A. C. Holt, G. J. Walton,

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Barker, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act providing for the payment of costs and expenses of investigating the contested election case from Jessamine county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of the Sergeant-at-Arms of
the present House of Representatives for the sum of one hundred and thirteen dollars and one cent, to be paid out of any money in the Treasury not otherwise appropriated, and the Sergeant at Arms will pay out the same as hereinafter directed. To L. H. Willis, examiner of Jessamine county, for taking depositions, sixty-five dollars and eighty-five cents; to George R. Pryor, examiner of Jessamine county, for taking depositions, twenty-five dollars; to Lewis Hemphill, of Jessamine county, for two days' attendance as a witness and traveling one hundred and eight miles, six dollars and thirty-two cents; to John Cobb, for two days' attendance as a witness and traveling one hundred and fifteen miles, six dollars and sixty cents; to James Logan, for two days' attendance as a witness and traveling one hundred and fifteen miles, six dollars and sixty cents; to J. C. Coleman, one day's attendance as a witness, one dollar; to S. E. Riley, one day's attendance as a witness and traveling sixteen miles, one dollar and sixty-four cents.

§ 2. This act shall take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, A. L. Martin,
John S. Barlow, Jesse C. Gilbert, O. D. McManama,
W. J. Berry, Thos. F. Hargis, Robt. Simmons,
Robt. A. Briggs, J. W. Hays, E. W. Turner,
Scott Brown, George B. Hodge, Thos. W. Varnon,
W. A. Cunningham, I. L. Hyatt, W. L. Vories,
Wm. P. Duvall, T. L. Jefferson, C. J. Walton,

In the negative—none.

Mr. Barker, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of S. M. Goble, of Carter county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of S. M. Goble, of Carter county, for one hundred and twenty-seven dollars, for taking care of Bird Goble, colored pauper lunatic, from the 10th day of January, 1873, till the 30th day of August, 1873, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.
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The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, P. F. Edwards, T. L. Jefferson,
John S. Barlow, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, R. B. Lovel,
Robert Boyd, Jesse C. Gilbert, A. L. Martin,
Robert A. Briggs, D. R. Haggard, Robert Simmons,
Scott Brown, Thos. F. Hargis, E. W. Turner,
W. W. Culbertson, J. W. Hays, W. L. Vories,
F. W. Darby, G. A. C. Holt, C. J. Walton,

In the negative—none.

Resolved, That the title of said bill be as aforesaid.

Mr. Gatewood, from the Committee on Education, to whom was referred a bill from the House of Representatives, entitled

An act to establish a uniform system of common schools for the colored children of this Commonwealth,

Reported the same without amendment, and without expression of opinion.

Said bill reads as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That there shall be a uniform system of common schools for the education of the colored children of this Commonwealth.

§ 2. That the school fund for this purpose shall be known as the colored school fund, and shall consist of the following provisions, viz:

1. The present annual revenue tax of twenty-five cents, and twenty cents in addition, on each one hundred dollars in value of the taxable property owned or held by colored persons, which tax shall be devoted to no other purpose whatever.

2. A capitation tax of one dollar on each male colored person above the age of twenty-one years.

3. All taxes levied and collected on dogs owned or kept by colored persons.

4. All State taxes on deeds, suits, or on any license, collected from colored persons.

5. All the fines, penalties, and forfeitures imposed upon and collected from colored persons due the State, except the amount thereof allowed by law to attorneys for the Commonwealth.

6. All sums of money hereafter received by this Commonwealth under or by virtue of any act of the Congress of the United States distributing public lands, or the proceeds of the sales thereof: Provided, The pro rata share to each colored pupil child shall not exceed, in any one year, the apportionment made to each white pupil child of this Commonwealth.

7. All sums arising from any donation, gift, grant, or devise, by any person whatsoever, wherein the intent is expressed that the same is designed to aid in the education of the colored children of this Commonwealth, or of any county or school district therein.
§ 3. The revenue arising annually from the resources provided by this act shall constitute the sum to be distributed each year, by the Superintendent of Public Instruction, as now provided by the common school law. It shall be the duty of all clerks or judges of courts wherein such fines, penalties, and forfeitures, or taxes on deeds, suits, and licenses are imposed, to collect and pay the same into the Treasury, by the first day of January in each year, deducting five per cent. thereof for collection.

§ 4. The assessor of each county shall keep a separate column in his book, showing the enlistment of capitation and taxable property of all colored persons therein subject to taxation by the provisions of this act.

§ 5. The sheriff of each county shall be allowed five per cent. of the taxes collected and paid into the Treasury by him for the colored school fund.

§ 6. The sheriff shall appropriate the taxes, or any part thereof, collected from any colored person, to whatever fund said colored person may designate, in all cases wherein he is not able to pay the entire tax assessed against him for State, county, school, and municipal purposes.

§ 7. The Auditor shall keep a separate account for the colored school fund, which shall constitute a basis for the Superintendent's annual pro rata distribution to the colored children of this Commonwealth.

§ 8. That the number of colored children in each district, between the ages of six and sixteen years, shall be taken and reported at the same time and in the same manner as required by law for taking the census of white children; and the distribution of the colored school fund shall be made at the same time, and in the same manner, as provided by law for the distribution of the school fund for white children.

§ 9. The county school commissioner shall be responsible, on his official bond, for the proper distribution of whatever portion of the colored school fund may come into his possession, and, for his compensation, shall receive three dollars for each colored common school taught in his county, and visited while in session, and one per cent. on all the moneys disbursed by him in the support of the colored common schools of his county.

§ 10. The commissioner shall lay off the county into suitable districts, most convenient to the greatest number of colored children in each county, so that no district shall contain more than one hundred nor less than twenty colored children of pupil age.

§ 11. In counties where there are not a sufficient number of colored children to form various schools, a single school may be organized and taught in the locality where the greatest number of colored children reside, and all the colored children of pupil age in the county shall have the privilege of attending said school.

§ 12. That the commissioner, at the beginning of each school year, shall appoint three colored school trustees to each colored school district. These trustees shall have the management of the colored school of their district, employ a teacher therein, and shall notify the parents of the colored children in the district that it is their privilege to send their children to said school free of charge. They shall also report to the commissioner the length of time said school was taught by a qualified teacher, not less than thirty months in each year, except where there are not more than sixty colored children in a district, then the school may be taught for two months, with the consent of the commissioner. Appeals from the decision of the trustees, upon the petition of any dissatisfied colored person in the district, may be taken to the county commissioner, whose decision in the case shall be final.
§ 13. That the trustees of each district may obtain a site for a school-house, and erect a house thereon, by purchase, gift, devise, or donation, and hold and preserve the same for the use and benefit of said school district.

§ 14. That applicants to teach the schools provided for in this act shall obtain certificates in the same manner as now provided by law for applicants to teach white schools, except that the examination may not be extended beyond spelling, reading, writing, and common arithmetic; and a school taught by a teacher competent to teach these branches shall be a lawful school.

§ 15. That the Superintendent, commissioners, and trustees may receive gifts, donations, and devises for the benefit of colored schools in the State, a particular county or district respectively, and shall hold and use the same as requested by donor or devise.

§ 16. That it shall not be lawful for any colored child to attend a common school provided for white children, nor for a white child to attend a common school provided for colored children.

§ 17. The teacher of each colored common school shall teach at least six hours each day, keep a register of the school, and within ten days after the close of the session report to the commissioner the highest, lowest, and average number of pupils in attendance during the session.

§ 18. No school-house erected for a colored school shall be located nearer than one mile of a school house erected for white children, except in cities and towns, where it shall not be nearer than six hundred feet.

§ 19. The Superintendent of Public Instruction shall provide and furnish the commissioner of each county with the necessary blanks, and perform all other duties similar to those he performs for the white children under the common school law. He shall be allowed a clerk, who shall be paid a salary of seven hundred dollars a year to assist him in his duties pertaining to colored common schools; and said salary and all other expenses incident to a proper conduct of the colored common school system shall be paid out of the colored school fund.

§ 20. The colored school officers and teachers may organize for themselves a State association and auxiliary county institutes, under similar provisions to those made for the officers and teachers of white schools in chapter 18 of the General Statutes.

§ 21. The State Board of Education shall prescribe a course of study and adopt rules for the government of the colored common schools.

§ 22. That all the provisions of chapter 18 of the General Statutes, which may be deemed necessary for the government of colored common schools, not in conflict with this act, shall apply to the same, which shall be determined by the State Board of Education; and when said board have determined upon the provisions of said chapter essential to the government of colored common schools, and adopted such text books and regulations as it may deem proper for the interest of said schools, the Superintendent of Public Instruction shall compile and publish them, and shall furnish to the commissioner of each county a sufficient number for the use of the colored school trustees of the same.

§ 23. That all unexpended surplus remaining over at the expiration of the school year shall be returned to the Treasury, and shall be distributed by the Superintendent the ensuing year: Provided, Any portion of it that may not be necessary to make the per capita equal to that of a white pupil child may be invested, by the State Board of Education, for the benefit of colored schools in this Commonwealth, the interest upon which shall be annually distributed.
§ 24. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 25. That this act shall take effect from its passage.

Mr. Haggard then proposed to amend said bill by inserting the following as a substitute therefor, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the sum of two dollars per capita be levied upon each colored voter in this State, and that the further sum of twenty cents be levied upon each one hundred dollars' worth of taxable property owned by the colored population of Kentucky, in addition to the per capita tax: Provided, That a majority of the colored voters of Kentucky shall, at the next regular election for Representatives, vote therefor; and that the election officers shall open a poll at each precinct or voting places in this State, at which time and place each colored voter shall be asked the question: Are you for or against the levying the aforesaid tax? If answered affirmatively or yea, the clerk of the election shall enter his vote in the yea column; if he answers negatively or no, his vote shall be entered in the column of noes; and shall be certified to by the officers at each precinct or voting place in this State, and forwarded to the Secretary of State.

§ 2. There shall also be a column opened on each poll-book in each county, district, or precinct at the same election, and the question shall be propounded to each white voter in the State who shall vote in each county, district, or precinct in this State: What sum he is willing to pay annually in money to aid in raising a fund for the education of the colored children in this State.

§ 3. That the sum thus agreed to be paid by each white voter shall be collected by the sheriff as other school money is now collected for the education of the white children in this State, and shall be paid over into the Treasury by the sheriffs of this State as other school moneys are now paid.

§ 4. That the Superintendent of Public Instruction be required to distribute the same to the several districts or schools that are taught in which colored children are being educated; and that in no state of case shall there be any disposition or use made of the above sums thus raised but for the benefit of the colored children: Provided, however, That no part of the money thus agreed to be paid by the white population shall be collected until it shall appear, as aforesaid, that a majority of the voters of the colored population shall agree to pay the per capita and ad valorem tax as described in section one in this act.

§ 5. This act shall take effect from and after its passage, and be in force for five years. All acts inconsistent with the provisions of this act are hereby repealed.

And 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. Haggard and Edwards, were as follows, viz:

Those who voted in the affirmative, were—

P. F. Edwards, Thomas F. Hargis, E. W. Turner,
D. R. Haggard, G. W. Swoope,
Those who voted in the negative, were—

John S. Barlow, W. W. Frazer, D. H. Lindsay,
W. J. Berry, John J. Gatewood, A. L. Martin,
Robert Boyd, H. S. Hale, O. D. McManama,
Scott Brown, J. W. Hays, Robert Simmons,
W. W. Culbertson, G. A. C. Holt, C. J. Walton,

Mr. Swoope then moved that the further consideration of said bill be postponed until Monday, the 23d inst., at 10½ o’clock, A. M.

Which motion was rejected.

Mr. Briggs moved to amend said bill by striking out the 6th section thereof.

Which motion was rejected.

Ordered, That said bill be read a third time.

The constitutional provision as to the third reading of said bill being dispensed with,

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Turner and Clay, were as follows, viz:

Those who voted in the affirmative, were—

W. J. Berry, Wm. P. Duvall, A. L. Martin,
Robert Boyd, W. W. Frazer, O. D. McManama,
Scott Brown, John J. Gatewood, Robert Simmons,
James F. Clay, I. L. Hyatt, C. J. Walton,

W. A. Cunningham,

Those who voted in the negative, were—

Thos. J. Barker, H. S. Hale, G. A. C. Holt,
John S. Barlow, Thos. F. Hargis, R. B. Love,
P. F. Edwards, Jas. W. Hays, G. W. Swoope,

D. R. Haggard,

Resolved, That the title of said bill be as aforesaid.

Mr. Barker, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of William Bowe, committee for Edward Parker, a pauper lunatic of Lawrence county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

90-s.
Said bill was read a third time as follows, viz:

§ 1. Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the Auditor of Public Accounts be directed to draw his warrant for $200 upon the Treasurer, to be paid out of any money not otherwise appropriated, in favor of Wm. Bowe, committee for Edward Parker, a pauper lunatic of Lawrence county.

§ 2. This act shall take effect from and after its passage.

The question was then taken on the passage of said bill, and it was decided in the affirmative.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,         D. R. Haggard,    A. L. Martin,
John S. Barlow,          Thos. F. Hargis,    O. D. McManama,
W. J. Berry,             J. W. Hays,       Robert Simmons,
Robert Boyd,             Geo. B. Hodge,    E. W. Turner,
Robert A. Briggs,        I. L. Hyatt,      Thos. W. Varnon,
James F. Clay,           T. L. Jefferson,  W. L. Vories,
W. W. Culbertson,        D. H. Lindsay,    C. J. Walton,
Jesse C. Gilbert,        

In the negative—G. W. Swoope—1.

Resolved, That the title of said bill be as aforesaid.

Mr. Turner, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred a bill from the House of Representatives, entitled

An act regulating the return of executions in Trigg county; reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

The yeas and nays being required thereon by Messrs. Swoope and Boyd, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker,         P. F. Edwards,    D. H. Lindsay,
John S. Barlow,          W. W. Frazer,     R. B. Lovel,
Robt. A. Briggs,         Jesse C. Gilbert,  Robert Simmons,
W. W. Culbertson,        D. R. Haggard,    E. W. Turner,
F. W. Darby,             G. A. C. Holt,    Thos. W. Varnon,
Those who voted in the negative, were—

W. J. Berry, W. A. Cunningham, G. W. Swoope,
Robert Boyd, John J. Gatewood, C. J. Walton,

Said bill reads as follows, viz:

[For bill—see Acts present session.]

Mr. Turner, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred a bill from the House of Representatives, entitled

An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district,

Reported the same without amendment.

Mr. McManama offered an amendment.

Which was adopted.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision 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. Martin, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred a bill from the House of Representatives, entitled

An act to repeal chapter 93 of the General Statutes,

Reported the same without amendment.

Mr. Hyatt moved to amend said bill by omitting Jefferson county from the provisions thereof.

And the question being taken thereon, it was decided in the negative.

Ordered, That said bill be read a third time.

The constitutional provision 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.

The yeas and nays being required thereon by Messrs. Hyatt and Goodloe, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow, W. C. Goodloe, T. L. Jefferson,
W. J. Berry, D. R. Haggard, R. B. Lovel,
Robert Boyd, H. S. Hale, A. L. Martin,
Robert A. Briggs, Thos. F. Hargis, G. W. Swoope,
Jas. F. Clay, J. W. Hays, E. W. Turner,
W. W. Culbertson, George B' Hodge, W. L. Vorries,
F. W. Darby,

Those who voted in the negative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
Scott Brown, John J. Gatewood, Robert Simmons,
P. F. Edwards, I. L. Hyatt,

Mr. Martin, from the Committee on Revised Statutes and Codes of Practice and General Statutes, to whom was referred a bill from the House of Representatives, entitled

An act to provide for the payment of witnesses in Commonwealth cases,

Reported the same, with an expression of opinion that said bill ought not to pass.

Mr. Gilbert offered an amendment.

Which was adopted.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Walton, from the Committee on Claims, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of J. W. Valentine, jailer of Warren county,

Reported the same without amendment.

Ordered, That said bill be read a third time.

The constitutional provision 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.

The yeas and nays being required thereon in pursuance of a provision of the Constitution, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, John J. Gatewood, R. B. Lovel,
John S. Barlow, Jesse C. Gilbert, A. L. Martin,
W. J. Berry, W. C. Goodloe, O. D. McManama,
Scott Brown, D. R. Haggard, Robt. Simmons,
James F. Clay, Thomas F. Hargis, E. W. Turner,
W. W. Culbertson, J. W. Hays, Thos. W. Varnon,
W. A. Cunningham, G. A. C. Holt, W. L. Vorries,
Said bill reads as follows, viz:

[For bill—see Acts present session.]

Mr. Lovel, from the Committee on Education, to whom was referred a bill from the House of Representatives, entitled

An act prescribing the election of school trustees for the counties of Wayne and Warren,

Reported the same, with an expression of opinion that the same ought not to pass.

Mr. Martin moved to amend by striking out the county of Warren from the provisions of said bill.

And the question being taken thereon, it was decided in the affirmative.

Ordered, That said bill, as amended, be read a third time.

The constitutional provision 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. Lindsay, from the Committee on Education, to whom had been referred a bill from the House of Representatives, entitled

An act for the benefit of the common school districts of Trigg county,

Reported the same, with an expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.

Mr. Jefferson, from the Committee on Finance, to whom was referred a bill from the House of Representatives, entitled

An act for the benefit of Pulaski county,

Reported the same, with an expression of opinion that said bill ought not to pass.

And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.

So said bill was rejected.
Mr. Jefferson, 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 without amendment.
Ordered, That said bill be read a third time.
The constitutional provision 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. Goodloe, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled
An act for the benefit of S. E. G. Cole, of Todd county,
Reported the same, with an expression of opinion that said bill ought not to pass.
And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.
So said bill was rejected.

Mr. Turner, from the Committee on the Judiciary, to whom was referred a bill from the House of Representatives, entitled
An act for the benefit of Obediah Dunham,
Reported the same, with an expression of opinion that said bill ought not to pass.
And the question being taken on ordering said bill to be read a third time, the opinion of the committee to the contrary notwithstanding, it was decided in the negative.
So said bill was rejected.

Mr. Hays, from the Committee on the Judiciary, to whom was referred bills from the House of Representatives, of the following titles, viz:
An act to incorporate the town of Golden Pond, in the county of Trigg;
An act to incorporate the town of Wallonia, in Trigg county;
Reported the same with amendments to each bill.
Which amendments were adopted.
Ordered, That said bills, as amended, be read a third time.
The constitutional provision as to the third reading of said bills, as amended, being dispensed with,
Resolved, That said bills do pass, and that the titles thereof be as aforesaid.
The Senate then took up for consideration the special order, the amendment proposed by the House of Representatives to a bill from the Senate, entitled An act to amend chapter 85 of the General Statutes, title “Penitentiary.”

Ordered, That the further consideration of said bill be postponed until 10½ o’clock Monday morning.

And then, at 10 minutes to 12 o’clock, the Senate adjourned until Monday morning, at 9 o’clock.

MONDAY, FEBRUARY 23, 1874.

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, which originated in the House of Representatives, of the following titles, viz:

An act to insure and facilitate the payment of wages to laborers in the city of Louisville.

An act for the benefit of the administrator of F. M. Weeden, late sheriff of Mason county.

An act to amend an act, entitled “An act to amend the Charter of the Bloomfield and Springfield Turnpike Road Company,” approved February 22, 1860.

An act to extend the limits of the town of Greenville, in Muhlenburg county.

An act to amend an act, entitled “An act to incorporate the Ashbottom Turnpike Road Company,” approved March 22d, 1871.

An act to amend the charter of the city of Lexington.

An act to provide for the establishment and measurement of brickwork.

An act to provide for the construction and completion of turnpike roads in Pendleton county.
An act to amend an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1st, 1872.

An act for the benefit of the commissioners of the sinking fund of Hardin county.

An act to amend an act to incorporate the Mercer County Mechanical and Agricultural Association.

An act for the benefit of James M. Bolton, jailer of Knox county.

An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

An act to amend an act, entitled "An act to incorporate the Kingston and Boone's Gap Turnpike Road Company, in Madison county."

An act for the benefit of Haly, Mahoney & Co.

An act to amend and reduce into one the several acts in relation to the town of Owingsville.

An act to regulate the sale of medicines and poisons.

An act for the benefit of S. M. Goble, of Carter county.

An act for the benefit of Stephen Nethercutt, of Carter county.

An act to incorporate the Central Kentucky Banking Company.

An act to amend chapter 84 of the General Statutes, title "Peddlers."

An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth," approved March 22d, 1873.

An act declaring Blackberry creek, in Pike county, a navigable stream.

An act to amend the charter of the Cumberland and Ohio Railroad Company.

An act to extend the town limits of the town of Dover, in Mason county.

An act to amend the charter of the Paint Lick and Copper Creek Turnpike Road Company.

An act, entitled "An act for the benefit of John Pearce, of Trimble county."

An act for the benefit of John Taliaferro, clerk of the Clark circuit court.

An act to incorporate the Ohio and Kentucky River Packet Company.
That they had disagreed to a bill which originated in the Senate, entitled
An act to further amend the charter of the Kentucky River Navigation Company.

Mr. Hyatt, from the Committee on Enrollments, reported that the committee had examined enrolled bills and resolutions, which originated in the House of Representatives, of the following titles, viz:
An act for the benefit of the gunsmiths of Henderson county;
An act to repeal an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county;"
An act for the benefit of John H. Williams, assessor of Calloway county;
An act to incorporate the Auburn High School;
An act to authorize the county court of Simpson county to levy an additional tax in said county;
An act to amend the charter of Sebree City, in Webster county;
An act to amend the charter of the city of Ludlow, of Kenton county;
An act for the appropriation of money;
An act for the benefit of school districts Nos. 30 and 65, in Pendleton county;
An act to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1, 1870;
An act to incorporate the Elizaville Station and Maysville Turnpike Road Company;
An act to establish an additional justices' district in Bath county;
An act for the benefit of William Bowe, committee for Edward Parker, a pauper lunatic of Lawrence county;
An act to abolish the court of common pleas in Caldwell county;
An act to protect the citizens of this Commonwealth from empiricism;
An act to establish a uniform system of common schools for the colored children of this Commonwealth;
An act to incorporate the Franklin Colored Benevolent Society of Franklin;
An act to redistrict the county of Jessamine for justices' districts;
An act incorporating and for the benefit of building and loan associations in the county of Jefferson and city of Louisville;
An act for the benefit of Wm. Green and his sureties, late sheriff of Elliott county;
An act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers;
An act to amend the charter of the town of Greenville, in Muhlenburg county;
An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg;
An act in relation to the Bardstown and Green River Turnpike Road Company;
An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls;"
An act to incorporate Nelson Lodge, No. 96, Independent Order of Odd Fellows, at Deatsville, Nelson county;
An act to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county;
An act to authorize the county court of Pendleton county to levy a tax to pay off the railroad debt of said county;
An act enlarging the corporate limits of the town of Falmouth;
An act to change the time of holding the Pulaski circuit court;
An act to incorporate the Blue Grass Manufacturing Company;
An act to increase the jurisdiction of justices of the peace in the counties of Warren, Madison, and Simpson;
An act for the benefit of common school district No. 1, known as Auburn district, in Logan county;
An act to incorporate the Shelbyville Gas-light Company;
An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district;
An act submitting the proposition to the voters of district No. 4, Todd county, whether or not spirituous, vinous, or malt liquors shall be sold therein;
An act to amend the charter of the Caseyville Deposit Bank;
An act to amend the charter of the city of Bowling Green;
An act for the benefit of J. W. Valentine, jailer of Warren county;
An act for the benefit of the Sugar Creek Baptist Church, of Garrard county;
An act for the benefit of T. S. Ward, jailer of Harlan county;
An act for the benefit of the Williamsburg Masonic Institute;
An act to amend an act, entitled "An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses;"
An act to incorporate the Woodford Driving Park;
An act to incorporate the Milton Baptist Church, of Trimble county; 
An act to charter the People's Savings Bank of Kentucky;
An act for the benefit of D. S. Carroll, of Grayson county;
An act to prohibit the sale, gift, loan, or procurement of spirituous, vinous, or malt liquors on election days in the county of Greenup;
An act to incorporate the Taylor County College;
An act to provide for the conveyance of pauper lunatics to the various asylums in this Commonwealth;
An act to incorporate Eginton Lodge, No. 490, F. A. M., in Whitley county;
An act for the benefit of R. W. Brandon and others, of Grayson county;
An act to incorporate Hudsonville Lodge, No. 263, of Free and Accepted Masons;
An act to amend the charter of Crab Orchard, in Lincoln county;
An act to incorporate the Lebanon Gas-light Company;
An act for the benefit of the Ludlow and Pleasant Run Turnpike Road Company;
An act to amend an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Paris;"
An act for the benefit of the Bath circuit court clerk;
An act to incorporate the Kentucky and Montana Gold Mining Company;
An act to amend an act, entitled "An act to change the name and extend the limits of the town of Berry Station, in Harrison county," approved March 15, 1869;
An act to change the place of voting of the Elk Spring precinct, of Warren county;
An act to amend the charter of the city of Cynthiana;
An act to repeal an act, entitled "An act authorizing the county judge of Muhlenburg county to change the South Carrollton and Madisonville Road, as the same passes over the lands of C. L. Morehead;"
An act to amend an act, entitled "An act incorporating the Sherburn Bridge Company," approved March 9, 1854;
An act to amend chapter 18 of General Statutes, entitled "Common Schools;"

An act to amend an act, entitled "An act to incorporate the World's Fair Association of Woodford county," approved February 19, 1873;

An act to cause certain books to be indexed belonging to the office of the Whitley quarterly court;

An act to amend the charter of the city of Cynthiana;

An act to incorporate the Catholic Cemetery of Lexington, Kentucky;

An act for the benefit of W. E. Tipton's administrator;

An act prohibiting the sale of ardent spirits in the county of Powell on the Sabbath and election days;

An act to protect certain citizens of the county of Daviess from trespass by hunters;

An act to incorporate the Fleming, Mason, Robertson, Nicholas, and Bath County Agricultural and Mechanical Association;

An act to enable the president and board of managers of the Claysville Turnpike Road Company to borrow money, and mortgage their road for the payment of the loan;

An act to create additional voting places in the 2d and 3d voting districts in Kenton county;

An act to prevent trespasses in Pendleton county;

An act to amend an act, entitled "An act to incorporate the Louisville Brick and Building Company;"

An act for the benefit of James Herd, late sheriff of Clay county;

An act to charter the South Carrollton Male and Female Institute;

An act for the benefit of A. Graham, of Clinton county;

An act for the benefit of T. W. Samuels, late sheriff of Nelson county;

An act to amend an act, entitled "An act to amend the charter of the Shelbyville and Oldham Turnpike Road Company;"

An act to repeal chapter 93 of the General Statutes;

An act to amend article 3 of chapter 5 of the General Statutes;

An act regulating the return of executions in Trigg county;

An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe;

An act to amend an act, entitled "An act to incorporate the town of West Providence, in Webster county;"
An act for the benefit of T. D. Rutledge, of Daviess county;
An act for the protection of livery stable-keepers in the town of Milton, Trimble county;
An act for the benefit of the sheriff of Daviess county;
An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg;"
An act to amend an act incorporating the town of Milford, in Bracken county;
An act for the benefit of J. B. Gore, of Larue county;
An act for the benefit of J. W. Pickering, of Crittenden county;
An act to authorize the trustees of Morgantown to sell part of Hobson street, in said town;
An act to repeal an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license;" approved February 17, 1866;
An act to amend and revise the charter of Millersburg, Bourbon county;
An act to change the time of holding the Owen county court;
An act to amend the charter of the city of Maysville;
An act to apply the provisions of an act, entitled "An act to incorporate a police municipality in Jefferson county," to other precincts;
An act to amend an act, entitled "An act for the organization of public schools in the town of Claysville, in Webster county;"
An act to amend an act, entitled "An act to amend an act, entitled "An act to incorporate the Claysville Male and Female Academy;"
An act for the benefit of W. E. Tipton's administrator;
An act to incorporate the town of New Columbus, in Owen county;
An act for the benefit of keepers of licensed stud-horses, jacks, and bulls in Simpson and Pendleton counties;
An act to amend the charter of the city of Owensboro;
An act to incorporate the Lexington and Cumberland Gap Railroad Company;
An act to prevent trespasses in Madison county;
An act to prevent stock from running at large in Foster precinct, in Bracken county;
An act providing for the payment of costs and expenses of investigating the contested election case from Jessamine county;
An act to increase the jurisdiction of justices of the peace in the counties of Warren, Edmonson, Carter, and Madison;
An act to incorporate the Independent Printing Company;
An act to incorporate the town of Monterey, in Owen county;
An act for the benefit of R. Y. Bush;
An act for the benefit of the Garrard county court;
Resolution in regard to the rolls of Kentucky soldiers in the Mexican war;
Resolution to provide for the removal of the remains of John C. Mason to the State cemetery;
Also bills and resolutions, which originated in the Senate, of the following titles, viz:
An act to extend and to re-enact an act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills;
An act to prevent the selling or giving of spirituous, vinous, or malt liquors within two miles of the Academy of E. J. Murphy, in Pembroke, Christian county;
An act for the benefit of John H. Carrier, late jailer of Laurel county;
An act for the benefit of A. T. Keene, late sheriff of Cumberland county;
An act to provide for the reimbursement and compensation of Geo. R. McKee for expenses incurred and services performed in the prosecution of the claim of Kentucky against the Government of the United States, known as the War Claim;
An act to prevent persons from fraudulently selling, concealing, or disposing of mortgaged personal property;
An act for the benefit of the Bank of Louisville;
An act to authorize and establish a system of public schools in the town of Ashland;
An act for the benefit of the owners of Wabash Island;
An act exempting Hart county from the provisions of the law authorizing the appointment of a commissioner of claims for said county;
An act for the benefit of the estate of Richard H. Lansdale, deceased;
An act to create and incorporate a clearing-house in the city of Louisville;
An act to authorize the city of Owensboro to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company;

An act for the benefit of the sheriff of Henry county;

An act to amend an act, entitled “An act to create a court of common pleas in Fayette, Woodford, Bourbon, Bath,” &c.;

An act to provide for the payment of the traveling expenses of pauper mutes, lunatics, blind and feeble-minded persons of this Commonwealth to the respective asylums provided for their accommodation;

An act for the benefit of Walter G. Saunders, sheriff of Lincoln county;

An act for the benefit of the assessor and county court clerk of Henry county;

An act to amend an act, entitled “An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county,” approved February 9th, 1872;

An act for the benefit of the Danville Classical and Military Academy;

An act changing the time of holding the county courts in Carroll county;

An act to incorporate the town of Russell, in Greenup county;

An act to amend article 3, chapter 14, of the General Statutes;

An act supplemental to, and to amend an act, entitled “An act to apportion representation in the Senate and House of Representatives,” approved February 19, 1874.

An act to amend the charter of the city of Mayfield;

An act to incorporate the Kentucky Odd Fellows’ Insurance Company;

An act for the benefit of P. G. Smith and Alexander Hauchin, securities of O. G. Moore, late sheriff of Edmonson county;

An act to incorporate the Farmers’ Exchange Bank;

An act to incorporate the German Mutual Fire Insurance Company of Covington;

An act to amend the law concerning the State lunatic asylums and persons of unsound mind;

An act supplemental to an act, passed at the present session of the General Assembly, entitled “An act to incorporate the Chicago and South Atlantic Railroad Company;”

An act providing for the payment of the cost and expenses incurred before the Senate Committee on Privileges and Elections in the invest-
tigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the 27th Senatorial District;

An act to amend the charter of the Elizabethtown and Paducah Railroad Company;

An act to amend chapter 85 of the General Statutes, title "Penitentiary;"

An act to amend chapter 92, General Statutes, title "Revenue and Taxation;"

An act to amend section 2, chapter 90, of the General Statutes;

An act to amend an act, entitled "An act to authorize the Pendleton county court to raise money to build bridges," &c., approved March 7, 1868;

Resolution appropriating one hundred and fifty dollars to S. I. M. Major;

Resolution directing the Governor to provide for the care of such pauper lunatics as cannot be accommodated in the several asylums of this State;

And had found the same truly enrolled.

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 approval and signature.

After a short time, Mr. Hyatt reported that the committee had performed that duty.

A message was received from the House of Representatives, asking leave to withdraw the announcement of their disagreement to the passage of a bill, which originated in the Senate, entitled

An act for the benefit of common schools in Graves and Calloway counties.

Which was granted.

That they had concurred in the amendments proposed by the Senate to bills, which originated in the House of Representatives, of the following titles, viz:

An act to increase the jurisdiction of justices of the peace in the counties of Warren, Edmonson, Carter, and Madison.

An act to incorporate the town of Monterey, in Owen county.

That they had passed bills, which originated in the Senate, of the following titles, viz:
An act to amend chapter 92, title "Revenue and Taxation," of the General Statutes.

An act to amend section 2, chapter 90, of the General Statutes.

An act to amend the law concerning State lunatic asylums and persons of unsound mind.

An act for the benefit of common schools in Graves and Calloway counties.

With an amendment to the last named bill.

A message was received from the House of Representatives, announcing that they had concurred in the adoption of a resolution, which originated in the Senate, entitled Resolution in relation to adjournment.

That they had passed a bill, entitled An act to incorporate the Funeral Aid Association of Maysville. Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

The question was then taken on ordering said bill to be read a third time, and it was decided in the negative.

So said bill was disagreed to.

Mr. Edwards asked leave to record his vote on the passage of a bill, which originated in the House of Representatives, entitled An act to protect the citizens of this Commonwealth from empiricism.

Which was granted, and his vote was recorded in the negative.

Mr. Gilbert moved that a committee be appointed to ask the consent of the House of Representatives to withdraw the announcement of their passage of a bill, which originated in the House of Representatives, entitled An act to protect the citizens of this Commonwealth from empiricism.

Which motion was adopted.

The yeas and nays being required thereon by Messrs. McManama and Gilbert, were as follows, viz:

Those who voted in the affirmative, were—

John S. Barlow,   P. F. Edwards,   D. H. Lindsay,
Robert Boyd,      W. W. Frazer,    A. L. Martin,
Scott Brown,      Jesse C. Gilbert, O. D. McManama.
Those who voted in the negative, were—


A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, \{ FRANKFORT, February 23d, 1874.\}

Gentlemen of the Senate:

I nominate for your advice and consent George S. Bryant, to be Superintendent of the First Kentucky Lunatic Asylum.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said appointment.

A message in writing was received from the Governor by Mr. Botts, Assistant Secretary of State.

Said message was taken up and read as follows, viz:

STATE OF KENTUCKY, EXECUTIVE DEPARTMENT, \{ FRANKFORT, February 23d, 1874.\}

Gentlemen of the Senate:

In pursuance to the provisions of an act, entitled "An act to re-establish the Institution for the Education and Training of Feebleminded Children," approved 23d February, 1874, I nominate for your advice and consent Dr. E. H. Black to be Superintendent, and Dr. Walter Chenault to be Assistant Physician, Richard Tobin to be Steward, and Grant Green, Green Clay Smith, James W. Tate, N. L. Sawyier, Sam. C. Bull, W. S. Dehoney, Joseph Rodman, Stephen Black, and B. F. Duvall, to be a Board of Commissioners for said Institution.

P. H. LESLIE.

Resolved, That the Senate advise and consent to said appointments.

Mr. Barker moved the following resolution, viz:

Resolved, That the Public Printer be, and he is hereby, directed to mail, post-paid, to the officers and members of the Senate, the sheets of the Journals not yet printed and distributed.

Which resolution was twice read and adopted.

The Senate then took up for consideration a resolution, entitled
Resolution in relation to the Kentucky University.

Resolved by the General Assembly of the Commonwealth of Kentucky, that a committee of three members of the House of Representatives and two members of the Senate be appointed, whose duty it shall be to communicate with the Curators or Trustees of Kentucky University, and the donors to the real estate and building fund of said University who reside in the county of Fayette, and ascertain the terms and conditions on which the "Ashland estate" can be obtained by the State of Kentucky as the permanent site of the Agricultural and Mechanical College, with a view to the severance of the connection now existing between the Agricultural and Mechanical College and Kentucky University, and the permanent location and establishment of the Agricultural and Mechanical College and a State Normal School, to be exclusively under the control of the State of Kentucky, on the Ashland estate; and that said committee report the result of their investigations, with such suggestions as they may deem advisable, to the next session of the General Assembly.

Mr. Gatewood then proposed the following amendment as a substitute for said resolution.

Said amendment reads as follows, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, that a committee of three discreet and competent persons shall be appointed by the Governor of this Commonwealth, whose duty it shall be to communicate and confer with the Curators or Trustees of the Kentucky University, and the donors who contributed the means to purchase the real estate now belonging to said University, and ascertain upon what conditions the subscriptions were made for the benefit of said College, and what interest, if any, the State has in said fund or property; and if it shall appear that the State has no interest in said fund or property, then to ascertain what conditions the Curators and donors will submit to the State for the permanent location of the Agricultural and Mechanical College and a Normal School on the Ashland estate, to be exclusively under the control of the State; and that said committee report the result of their investigation, with all the facts, together with such suggestions as they deem advisable, to the next General Assembly of this Commonwealth. Said committee will also investigate and report upon the expediency and propriety of separating the Agricultural and Mechanical College from the Kentucky University, with the facts upon which said report or suggestions are based; they may also report any and all propositions for the location of said College and State Normal School at any point in the State.

Which amendment was adopted.

The question was then taken on the adoption of said resolution, as amended, and it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gatewood and McManama, were as follows, viz:

Those who voted in the affirmative, were—

Thos. J. Barker, W. W. Frazer, D. H. Lindsay,
John S. Barlow, John J. Gatewood, R. B. Lovel,
W. J. Berry, Jesse C. Gilbert, A. L. Martin,
Robert Boyd, W. C. Goodloe, O. D. McManama,

In the negative—none.

Resolved, That the title of said resolution be as aforesaid.

The Senate took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act to amend chapter 85 of the General Statutes, title "Penitentiary."

The question was then taken on concurring in the amendment proposed by the House of Representatives, and it was decided in the affirmative.

Mr. Edwards read and laid on the table the following joint resolution, viz:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the Secretary of State be authorized to furnish the members of this Legislature with one copy each of the General Statutes, at the price of two dollars and fifty cents per copy.

The rule of the Senate being dispensed with, said resolution was taken up, twice read, and adopted.

The Senate, according to order, took up for consideration the resolutions heretofore proposed by Mr. Barker, entitled

Resolutions requesting our Senators and Representatives in the Congress of the United States to urge the appointment of a committee to investigate the conduct of certain Federal officials in this State,

Together with the substitute for said resolutions heretofore proposed by Mr. Goodloe.

Mr. Goodloe then, by consent, withdrew his proposed substitute.

Mr. Gilbert moved to postpone the further consideration of said resolutions indefinitely.

And the question being taken on the adoption of said motion, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Gilbert and Barker, were as follows, viz:
Those who voted in the affirmative, were—

John S. Barlow, W. W. Frazer, R. B. Lovel,  
W. J. Berry, Jesse C. Gilbert, A. L. Martin,  
James F. Clay, W. C. Goodloe, Thos. W. Varnon,  
W. W. Culbertson, J. W. Hays, C. J. Walton,  
Wm. P. Duvall, D. H. Lindsay,

Those who voted in the negative, were—

Thos. J. Barker, John J. Gatewood, I. L. Hyatt,  
Robt. A. Briggs, D. R. Haggard, O. D. McManama,  
Scott Brown, Thos. F. Hargis, G. W. Swoope,  

So said resolutions were rejected.

The following bills were reported from the several committees directed to prepare and bring in the same, viz:

By Mr. Hodge, from the Committee on Railroads—

A bill supplemental to an act, passed at the present session of the General Assembly, entitled “An act to incorporate the Chicago and South Atlantic Railroad Company.”

By same—

A bill to incorporate the Kentucky Car-wheel and Railway Supply Company.

By Mr. Turner, from the Committee on Internal Improvement—

A bill to charter the South Fork Turnpike Road Company.

By Mr. McManama, from the Committee on Courts of Justice—

A bill to amend an act, entitled “An act to authorize the Pendleton county court to raise money to build bridges,” &c., approved March 7th, 1867.

By same—

A bill to repeal an act, entitled “An act to authorize the Pendleton county court to borrow money for certain purposes,” approved March 7th, 1871.

By same—

A bill to incorporate the Farmers and Mechanics’ Building and Savings Association.

By Mr. Vories, from the Committee on Finance—

A bill to amend the charter of the town of Ghent, in Carroll county.

By Mr. Martin, from the Committee on Banks and Insurance—

A bill to incorporate the Scottsville Deposit Bank.
By Mr. Lindsay, from the Committee on Religion and Morals—
A bill to amend an act, entitled “An act to incorporate the Odd Fellows' Tabernacle Association of Louisville,” approved February 11th, 1874.

Which bills were severally read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bills being dispensed with,

Ordered, That said bills be engrossed and read a third time.

The constitutional provision 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. Jefferson, from the Committee on Finance, reported a bill, entitled

A bill for the benefit of Henry H. Field, sheriff of Perry county.

Which bill was read the first time and ordered to be read a second time.

The constitutional provision as to the second reading of said bill being dispensed with,

Mr. Jefferson moved to lay said bill on the table.

Which motion was adopted.

So said bill was rejected.

A message was received from the House of Representatives, announcing that they had passed bills, which originated in the Senate, of the following titles, viz:

An act to amend an act, entitled “An act to authorize the Pendleton county court to raise money to build bridges, &c.,” approved March 7th, 1868.

An act supplemental to an act, passed at the present session of the General Assembly, entitled “An act to incorporate the Chicago and South Atlantic Railroad Company.”

An act providing for the payment of the costs and expenses incurred before the Senate Committee on Privileges and Elections in the investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the 27th Senatorial District.

An act for the benefit of common schools in Graves and Calloway counties.

With amendments to the last two named bills.
Which amendments were taken up, twice read, and concurred in.
Bills from the House of Representatives, of the following titles, were reported from the several committees to whom they had been referred, viz:

By Mr. Duvall, from the Committee on Agriculture and Manufactures—
An act to incorporate the town of New Columbus, in Owen county.

By Mr. Hodge, from the Committee on Railroads—
An act to amend the charter of the Portsmouth and Pound Gap Railroad Company.

By Mr. Hyatt, from the same committee—
An act to more effectually secure the collection of railroad taxes in Bourbon county.

Ordered, That said bills be engrossed and read a third time.
The constitutional provision 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. Barker moved to reconsider the vote by which the Senate had passed the last named bill.

Bills from the House of Representatives, of the following titles, were reported by the several committees to whom they had been referred, with the expression of opinion that said bills ought not to pass, viz:

By Mr. Hodge, from the Committee on Railroads—
An act to repeal an act to incorporate the Hartford Railroad and Mining Company, approved March 22, 1871.

By Mr. Turner, from the Committee on Internal Improvement—
An act to amend the charter of the Louisville and Taylorsville Turnpike Road Company.

By Mr. Lindsay, from the Committee on Religion and Morals—
An act to repeal an act, entitled "An act to restrict the granting of license to sell spirituous, vinous, or malt liquors, and the sale thereof, in the town of Litchfield, or within two miles of the courthouse therein."

And the question being taken on ordering said bills to be read a third time, the opinion of the committees to the contrary notwithstanding, it was decided in the negative.

So said bills were disagreed to.
The Senate then took up for consideration the amendment proposed by the House of Representatives to a bill, which originated in the Senate, entitled

An act for the benefit of common schools in Graves and Calloway counties.

Mr. Culbertson moved to amend said proposed amendment by striking out thereof the counties of Boyd and Pendleton.

Which was adopted.

The question was then taken on concurring in said amendment, as amended, and it was decided in the affirmative.

A message was received from the House of Representatives, announcing that they had receded from their proposed amendment to a bill, which originated in the Senate, entitled

An act for the benefit of common schools in Graves and Calloway counties.

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 the House of Representatives, of the following titles, viz:

An act to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county.

An act to incorporate the Elizaville Station and Maysville Turnpike Road Company.

An act for the appropriation of money.

An act to redistrict the county of Jessamine for justices' districts.

An act for the benefit of the Williamsburg Masonic Institute.

An act to create additional voting places in the 2d and 3d voting districts in Kenton county.

An act to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1, 1870.

An act prohibiting the sale of ardent spirits in the county of Powell on the Sabbath and election days.

An act enlarging the corporate limits of the town of Falmouth.

An act for the benefit of T. S. Ward, jailer of Harlan county.

An act to incorporate the Catholic Cemetery of Lexington, Kentucky.

An act for the benefit of D. S. Carroll, of Grayson county.

An act to cause certain books to be indexed belonging to the office of the Whitley quarterly court.
An act to amend an act, entitled “An act to incorporate the World’s Fair Association of Woodford county,” approved February 19, 1873.

An act to amend an act, entitled “An act incorporating the Sherburn Bridge Company,” approved March 9, 1854.

An act to amend an act, entitled “An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses.”

An act to incorporate Hudsonville Lodge, No. 262, of Free and Accepted Masons.

An act to incorporate Eginton Lodge, No. 490, F. A. M., in Whitley county.

An act to amend the charter of the city of Cynthiana.

An act to amend chapter 18 of General Statutes, entitled “Common Schools.”

An act to incorporate the Lexington Agricultural and Industrial Exposition Company.

An act for the benefit of W. E. Tipton’s administrator.

An act to incorporate the Shelbyville Gas-light Company.

An act for the benefit of the Garrard county court.

An act for the benefit of common school district No. 1, known as Auburn district, in Logan county.

An act to change the time of holding the Pulaski circuit court;

An act for the benefit of Wm. Green and his sureties, late sheriff of Elliott county.

An act to incorporate the Franklin Colored Benevolent Society of Franklin.

An act to amend an act, entitled “An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Paris.”

An act to amend the charter of the town of Greenville, in Muhlenburg county.

An act to provide for the conveyance of pauper lunatics to the various asylums in this Commonwealth.

An act in relation to the Bardstown and Green River Turnpike Road Company.

An act to change the time of holding the circuit, chancery, and criminal courts in the 12th judicial district.

An act for the benefit of B. L. C. Dorsey, of Monroe county.

93-s.
An act for the benefit of the lessees of the "Gem," in the town of Franklin.

An act to facilitate the collection of county levies and other county taxes.

An act for the benefit of Bennetti Madison.

An act to punish trespassers on real estate in the county of Shelby.

An act to amend an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties."

An act to amend an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company."

An act to amend the act, entitled "An act to incorporate the River Road Company," approved March 3d, 1860.

An act to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Road Company.

An act to amend an act, entitled "An act to incorporate the Columbia and Burksville Turnpike Road Company."

An act to incorporate the Shiloh Church and Pittman's Creek Turnpike Road Company.

An act for the benefit of J. G. White, of Elliott county.

An act to amend section 5, article 5, chapter 28, of the General Statutes, title "Courts."

An act to amend an act, entitled "An act to incorporate the town of Glenville, in Adair county."

An act for the benefit of Minerva and Beasley Creek Turnpike Road Company.

An act for the benefit of the Maysville Manufacturing Association.

An act for the benefit of Henderson Conlee, of Powell county.

An act to amendment the charter of the Maysville, Paris, and Lexington Turnpike Road.

Resolution directing the Governor to purchase Hart's busts of Clay and Jackson.

An act to increase the jurisdiction of justices of the peace in the counties of Warren, Madison, and Simpson.

An act to change the place of voting of the Elk Spring precinct, of Warren county.

An act for the benefit of J. W. Valentine, jailer of Warren county.

An act to amend the charter of the city of Bowling Green.

An act to incorporate the Kentucky and Montana Gold Mining Company.

An act to amend the charter of the city of Cynthiana.
An act to incorporate the Fleming, Mason, Robertson, Nicholas, and Bath County Agricultural and Mechanical Association.
An act to amend the charter of the Caseyville Deposit Bank.
An act to incorporate the Taylor County College.
An act to amend the charter of Crab Orchard, in Lincoln county.
An act to incorporate the Lebanon Gas-light Company.
An act for the benefit of the Bath circuit court clerk.
An act to amend an act, entitled "An act to change the name and extend the limits of the town of Berry Station, in Harrison county," approved March 15, 1869.
An act to incorporate the Lexington and Cumberland Gap Railroad Company.
An act to amend an act, entitled "An act to incorporate the town of West Providence, in Webster county."
An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe.
An act to repeal chapter 93 of the General Statutes.
An act to amend article 3 of chapter 5 of the General Statutes.
An act for the benefit of T. W. Samuels, late sheriff of Nelson county.
An act to amend an act, entitled "An act to amend the charter of the Shelbyville and Oldham Turnpike Road Company."
An act to charter the South Carrollton Male and Female Institute.
An act to establish a uniform system of common schools for the colored children of this Commonwealth.
An act for the benefit of A. Graham, of Clinton county.
An act to increase the jurisdiction of justices of the peace in the counties of Warren, Edmonson, Carter, and Madison.
An act to prevent trespasses in Madison county.
An act for the benefit of the sheriff of Daviess county.
An act for the protection of livery stable-keepers in the town of Milton, Trimble county.
An act for the benefit of T. D. Rutledge, of Daviess county.
An act to amend the charter of the Portsmouth and Pound Gap Railroad Company.
An act to amend section 2, chapter 92, of the General Statutes.
An act to amend the charter of Jeffersontown, and to establish a police court for said town.
An act to charter the People's Savings Bank of Kentucky.
An act regulating the return of executions in Trigg county.
An act for the benefit of R. Y. Bush.

An act to amend an act, entitled "An act to authorize the Pendleton county court to raise money to build bridges," &c., approved March 7, 1868.

An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg."

An act for the benefit of J. B. Gore, of Larue county.

An act to incorporate the town of Monterey, in Owen county.

An act to amend an act incorporating the town of Milford, in Bracken county.

An act to authorize the trustees of Morgantown to sell part of Hobson street, in said town.

An act to repeal an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license," approved February 17, 1866.

An act for the benefit of W. E. Tipton's administrator.

An act for the benefit of J. W. Pickering, of Crittenden county.

An act to incorporate the town of New Columbus, in Owen county.

Resolution to provide for the removal of the remains of John C. Mason to the State cemetery.

An act for the benefit of James Herd, late sheriff of Clay county.

An act to amend the charter of the city of Owensboro.

An act to change the time of holding the Owen county court.

An act to amend the charter of the city of Maysville.

An act to apply the provisions of an act, entitled "An act to incorporate a police municipality in Jefferson county," to other precincts.

An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Claysville Male and Female Academy.'"

An act to amend an act, entitled "An act for the organization of public schools in the town of Claysville, in Webster county."

An act to amend and revise the charter of Millersburg, Bourbon county.

An act for the benefit of keepers of licensed stud-horses, jacks, and bulls in Simpson and Pendleton counties.

An act to incorporate the Independent Printing Company.
An act to prevent stock from running at large in Foster precinct, in Bracken county.

An act providing for the payment of costs and expenses of investigating the contested election case from Jessamine county.

An act to authorize the county court of Pendleton county to levy a tax to pay off the railroad debt of said county.

An act for the benefit of William Howe, committee for Edward Parker, a pauper lunatic of Lawrence county.

An act to incorporate the Blue Grass Manufacturing Company.

An act to amend the charter of the city of Ludlow, of Kenton county.

An act to abolish the court of common pleas in Caldwell county.


An act submitting the proposition to the voters of district No. 4, Todd county, whether or not spirituous, vinous, or malt liquors shall be sold therein.

An act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers.

An act to incorporate the Auburn High School.

Resolution in regard to the rolls of Kentucky soldiers in the Mexican war.

An act to incorporate the Woodford Driving Park.

An act to protect the citizens of this Commonwealth from empiricism.

An act to prohibit the sale, gift, loan, or procurement of spirituous, vinous, or malt liquors on election days in the county of Greenup.

An act to incorporate the Milton Baptist Church, of Trimble county.

An act to enable the president and board of managers of the Claysville Turnpike Road Company to borrow money, and mortgage their road for the payment of the loan.

An act for the benefit of R. W. Brandon and others, of Grayson county.

An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

An act to prevent trespasses in Pendleton county.

An act for the benefit of the Ludlow and Pleasant Run Turnpike Road Company.
An act for the benefit of the Sugar Creek Baptist Church, of Gar­
rard county.

An act to repeal an act, entitled "An act authorizing the county
judge of Muhlenburg county to change the South Carrollton and
Madisonville Road, as the same passes over the lands of C. L. More-­
head."

An act for the benefit of school districts Nos. 30 and 65, in Pen­
dleton county.

An act for the benefit of John H. Williams, assessor of Calloway
county.

An act to establish an additional justices' district in Rockcastle
county.

An act to authorize the county court of Simpson county to levy
an additional tax in said county.

An act to amend the charter of Sebree City, in Webster county.

An act for the benefit of the gunsmiths of Henderson county.

An act to amend an act, entitled "An act to incorporate the Louis­
ville Brick and Building Company."

An act to protect certain citizens of the county of Daviess from
trespass by hunters.

An act to repeal an act, entitled "An act to amend an act to
establish a levy and county court for Jefferson county."

An act to extend the common pleas court of Warren county to the
counties of Butler, Edmonson, and Muhlenburg.

An act to increase the jurisdiction of justices of the peace in Ed-­monson and other counties.

A message was received from the Governor by Mr. Botts, As­
sistant Secretary of State, announcing that he had approved and
signed sundry enrolled bills and resolutions, which originated in the
Senate, of the following titles, viz:

An act to incorporate the town of Hamilton, in the county of Ohio.

An act to amend chapter 85 of the General Statutes, title "Pen-­itentiary."

An act to amend chapter 92, General Statutes, title "Revenue and
Taxation."

An act to amend the law concerning the State lunatic asylums
and persons of unsound mind.

An act to amend the charter of the Elizabethtown and Paducah
Railroad Company.
An act providing for the payment of the cost and expenses incurred before the Senate Committee on Privileges and Elections in the investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the 27th Senatorial District.

An act to incorporate the Chicago and South Atlantic Railroad Company of Kentucky.

An act to incorporate the town of Parkland, Jefferson county.

An act to amend the charter of West Covington, Kenton county.

An act to incorporate the Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company.

An act supplemental to an act, passed at the present session of the General Assembly, entitled "An act to incorporate the Chicago and South Atlantic Railroad Company."

Resolution directing the Governor to have offices prepared for the Superintendent of Public Instruction in the Fire-proof Offices in Frankfort, Kentucky.

An act to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

An act for the benefit of the Danville Classical and Military Academy.

An act to incorporate the Kentucky Odd Fellows' Insurance Company.

An act to re-establish the Institution for the Education and Training of Feeble-minded Children.

An act for the benefit of John H. Carrier, late jailer of Laurel county.

An act to incorporate the Farmers' Exchange Bank.

An act for the benefit of the assessor and county court clerk of Henry county.

An act to authorize and establish a system of public schools in the town of Ashland.

An act to incorporate the town of Russell, in Greenup county.

An act to amend the charter of the city of Mayfield.

An act to authorize the city of Owensboro to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company.

An act for the benefit of P. G. Smith and Alexander Hauchin, securities of O. G. Moore, late sheriff of Edmonson county.
An act for the benefit of Walter G. Saunders, sheriff of Lincoln county.

An act supplemental to, and to amend an act, entitled "An act to apportion representation in the Senate and House of Representatives," approved February 19, 1874.

An act to provide for the reimbursement and compensation of Geo. R. McKee for expenses incurred and services performed in the prosecution of the claim of Kentucky against the Government of the United States, known as the War Claim.

An act exempting Hart county from the provisions of the law authorizing the appointment of a commissioner of claims for said county.

An act for the benefit of the owners of Wabash Island.

An act to create and incorporate a clearing-house in the city of Louisville.

An act to amend an act incorporating the Farmers and Drovers' Bank, approved February 18, 1869.

An act for the benefit of A. T. Keene, late sheriff of Cumberland county.

An act to prevent the selling or giving of spirituous, vinous, or malt liquors within two miles of the Academy of E. J. Murphy, in Pembroke, Christian county.

An act for the benefit of the estate of Richard H. Lansdale, deceased.

An act to amend an act, entitled "An act to create a court of common pleas in Fayette, Woodford, Bourbon, Bath," &c.

An act to prevent persons from fraudulently selling, concealing, or disposing of mortgaged personal property.

An act for the benefit of the Bank of Louisville.

An act to extend and to re-enact an act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills.

An act changing the time of holding the county courts in Carroll county.

An act to amend article 3, chapter 14, of the General Statutes.

Resolution appropriating one hundred and fifty dollars to S. I. M. Major.

Resolution directing the Governor to provide for the care of such pauper lunatics as cannot be accommodated in the several asylums of this State.
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An act to incorporate the German Mutual Fire Insurance Company of Covington.

An act for the benefit of common schools in Marshall, Livingston, and McCracken counties.

An act to amend an act to incorporate the Transylvania Street Railway Company, approved April 19th, 1873.

An act to establish a criminal court in the 11th judicial district.

An act to amend the charter of the town of Loretto, in Marion county.

An act to allow an additional tax to be levied for building schools in district No. 22, Greenup county.

An act for the benefit of Wm. Durrett, of Taylor county.

An act to authorize the Liederkranz Society to issue additional stock.

An act to amend the charter of the town of Pembroke, in Christian county.

An act for the benefit of Robert Barlow, colored pauper idiot of Hart county.

An act for the benefit of the commissioners of the turnpike fund in Henry county.

An act repealing an act, entitled "An act repealing an act creating the office of town marshal of Independence, and concerning the police laws of said town."

An act to amend the charter of the town of Princeton.

An act to amend the charter of the town of Concord, in Lewis county.

An act to amend an act to incorporate the Ohio River Valley Railroad Company.

An act to amend the charter of the Planters' Bank of Kentucky.

An act to amend an act, entitled "An act for the benefit of the Union county court," approved December 20, 1871, and to enable the county court of Union county to provide means for building a jail.

An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler."

An act to incorporate the Owensboro, Glasgow, and Tennessee Railroad, Mining, and Manufacturing Company.

An act to amend article 1 of chapter 59 of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and
storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21, 1870, and the acts amendatory thereto, severally approved February 24, 1873, and March 8, 1873, and further regulate the inspection and gauging burning fluids.

An act to amend an act, entitled "An act to incorporate Princeton College," approved February 20th, 1860, and to confer certain powers on the board of trustees of the town of Princeton.

An act for the benefit of the Deaf and Dumb Asylum at Danville.

An act to amend an act, entitled "An act to authorize the Jamestown justices' district, in Campbell county, to issue bonds."

An act to authorize M. Duke to erect a mill-dam across Big Barren river at or near Holton's Ford, in Allen county.

An act for the benefit of James T. Sullenger, sheriff of Carroll county.

An act for the benefit of Joseph Wilcher, jailer of Gallatin county.

An act to amend and continue in force an act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Company."

An act for the benefit of George W. Bradburn, tax assessor of Allen county.

An act to amend an act, entitled "An act to incorporate the War-
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An act to establish and provide for a colored free school in the city of Owensboro, Kentucky.

An act to create the office of street commissioner in Newport, Campbell county.

An act to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Taylorsville."

An act to amend an act to amend the charter of the town of Hartford, approved March 24, 1867.

An act to amend an act, entitled "An act to incorporate the town of Mayfield."

An act to amend an act, entitled "An act to incorporate the Evans-
ville and Jackson Railroad Company," approved March 28th, 1872.

An act for the benefit of the Paducah Savings Bank.

An act to incorporate Harmony Lodge, No. 125, Independent Order of Odd Fellows, at Hamilton, in Boone county.
Mr. Cunningham moved the following resolution, viz:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. John G. Carlisle for the able, dignified, and impartial manner in which he has discharged his duties as presiding officer of this body.

Which was unanimously adopted.

Mr. Hargis moved the following resolution, viz:

Resolved, That the thanks of this Senate are hereby tendered to Hon. A. L. Martin, Hon. G. A. C. Holt, Hon. Thomas W. Varnon, and Hon. J. W. Hays, for the dignified and able manner in which they presided over the deliberations of the Senate in the absence of the regular Speaker, the Hon. John G. Carlisle.

Which was unanimously adopted.

Mr. Gatewood moved the following resolution, viz:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. K. F. Prichard, Clerk of the Senate, and his Assistant, J. L. Sneed, to D. D. Sublett, Sergeant-at-Arms, B. P. Turner, Doorkeeper, and Isaac Wingate, Enrolling Clerk, for the faithful discharge of their respective duties during the present session.

Which was unanimously adopted.

Mr. Barker moved the following resolution, viz:

Resolved, That the thanks of the Senate are hereby tendered to L. L. Carlisle, Luke Hays, Willie Frazier, and Cabbie Berry, for the faithful and prompt discharge of the duties incumbent upon them as pages during the present session.

Which was adopted.

Mr. Jefferson moved the following resolution, viz:

Resolved, That the thanks of the Senate are hereby tendered to the Ministers of the Gospel of the different denominations of this city, who have so kindly opened our daily sessions with prayer.

Which was adopted.

Mr. Hargis moved the following resolution, viz:

Resolved, That the thanks of the Senate are due, and hereby tendered, to Hon. W. T. Samuels, for the valuable assistance he has rendered the Clerks of the Senate during the present session.

Which was adopted.

Messrs. Goodloe, Turner, and Varnon were appointed a committee on the part of the Senate, to act in conjunction with a similar committee appointed on the part of the House of Representatives, to wait upon the Governor and ascertain whether he had any further communication to make to this General Assembly.
After a short time, Mr. Goodloe reported that the committee had performed that duty, and that the Governor had no further communication to make.

After an interchange of messages between the two Houses in relation to the completion of their legislative business and their readiness to adjourn, the Speaker, after having delivered a short but very appropriate farewell address, at 5 minutes to 12 o'clock, P. M., on motion, declared the Senate adjourned sine die.
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