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Missouri 6

JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

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OF THE

STATE OF MISSOURI,

AT THE FIRST SESSION OF THE

FIFTH GENERAL ASSEMBLY:

BEGAN AND HELD AT THE

CITY OF JEFFERSON,

ON THE THIRD MONDAY, BEING THE SEVENTEENTH DAY OF NOVEMBER, IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND TWENTY-EIGHT.

CITY OF JEFFERSON:

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JOURNAL.

At the Fifth Session of the General Assembly of the State of Mis-
uri, began and held at the City of Jefferson, on the third Monday,
ing the seventeeth day of November, in the year of our Lord one
ousand eight hundred and twenty-eight—the following Members of
e House of Representatives appeared, produced their credentials,
re severally duly qualified, and took their seats, viz:—
From the County of Jackson, Mr. Smallwood V. Noland, Clay,
. John Thornton. Lafayette, Mr. David Ward. Ray, Mr. Isaac
rtin. Saline, Mr. William Becknell. Chariton, Mr. Daniel Ashby.
ward, Messrs. David R. Drake, Charles Canole and John J. Low-
Cooper, Messrs. Archibald Kavanaugh and David Jones. Boon,
ssrs. William S. Burch and Sinclair Kirtley. Ralls, Mr. Stephen
ascock. Marion, Mr. William Blakey. Pike, Messrs. William Bell
Richard Kerr. Lincoln, Mr. Elijah Collard. St. Louis, Messrs.
muel Magill, James B. Neill and Thornton Grimsley. St. Charles,
ssrs. Stephen Hempstead and Wilson S. Overall. Montgomery,
Jacob Groom. Callaway, Mr. Israel B. Grant. Cole, Mr. John
glish. Gasconade, Mr. Jonathan Holliway. Wayne, Mr. Richard
Cowan. Cape Girardeau, Messrs. John Martin, Abraham Byrd
William Garner. Franklin, Mr. Robert Brock. Scott, Mr. Felix
Allen. Washington, Messrs. Philip Cole and Joseph N. Reyburn.
ferson, Mr. Falkland H. Martin. Ste. Genevieve, Mr. John S.
rett. St. Francois, Mr. David Murphy. Madison, Mr. Caleb
. Perry, Mr. Richard S. Dorsey. New-Madrid, Mr. Hannaniah
Maulsbey.

A quorum being present, the House proceeded to the election of a
aker for the present General Assembly; and Mr. John Thornton
unanimously elected, and conducted to the chair.

The House then proceeded to the election of a chief Clerk to the
ent General Assembly. James H. Birch, Samuel C. Owens and
mpson Douglass being severally nominated, the votes were,
or James H. Birch, Messrs. Allen, Ashby, Byrd, Becknell, Barrett,
an, Collard, Canole, Dorsey, Drake, Garner, Hempstead, Inglish,
s, Kavanaugh, Lowry, Martin of Jefferson, Martin of Cape Gir-
au, Murphy, Magill, Neill, Reyburn and Ward—23.
or Samuel C. Owens, Messrs. Brock, Bell, Blakey, Burch, Cole,
isley, Grant, Groom, Glascock, Holliway, Kirtley, Maulsby, Mar-
Ray, Noland, Overall and Thornton—16.
r Thompson Douglass, Messrs. Cox and Kerr—2.

Thereupon, James H. Birch was declared duly elected; was quali-
nd entered upon the duties of his office.

The House then proceeded to the election of a Door-keeper. Eli-
app, William Botts, A. Storrs, McDaniel Dorris, John B. Seats,

Moses Batterton and Abraham Hays being severally nominated, the votes, were,

For Elijah Stapp, Messrs. Byrd, Bell, Blakey, Barrett, Collard Grant, Groom, Glascock, Kerr, Maulsby, Martin of Jefferson, Marti of Cape Girardeau, Magill, Neill, Noland, Overall, Reyburn an Thornton—18.

For William Botts, Messrs. Ashby, Canole, Drake, Lowry and Ma tin of Ray—5.

For A. Storrs, Messrs. Brock, Becknell, Cox, Cole, Grimsley an Hempstead—6.

For McDaniel Dorris, Messrs. Allen, Cowan, Dorsey, Garner an Murphy—5.

For John B. Seats, Messrs. Jones, Kavanaugh and Ward—3.

For Moses Batterton, Messrs. Burch, Holliway, Inglish, Kirtley—

A majority of votes not having been given to any one candidate, second vote of the House was ordered, when Mr. Cole moved that the next ballot, a plurality of votes should elect the person obtainin them—which being decided in the negative,

On motion of Mr. Brock, it was

Resolved, That on the next ballot, the two candidates lowest on t list, be dropped.

On the second vote of the House, the votes were,

For Elijah Stapp, Messrs. Bell, Blakey, Burch, Barrett, Collar Garner, Grant, Groom, Glascock, Kerr, Kirtley, Maulsby, Martin Jefferson, Martin of Cape Girardeau, Murphy, Magill, Neill, Nola Overall, Reyburn, Ward and Thornton—21.

For William Botts, Messrs. Ashby, Canole, Drake, Lowry and M tin of Ray—5.

For A. Storrs, Messrs. Brock, Becknell, Cox, Grimsley and Hem stead—5.

For McDaniel Dorris, Messrs. Allen, Byrd, Cowan, Dorsey, Ho way and Inglish—6.

For John B. Seats, Messrs. Cole, Jones, Kavanaugh and Ward—

Whereupon, Elijah Stapp was declared duly elected; was qualifi and entered upon the duties of his office.

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

Resolved, That the chief Clerk be, and he is hereby authorized required to procure for the use of this house, such stationary as be required, during this present session, to be paid for out of the tingent fund of this house.

Mr. Cole moved the following resolution:

Resolved, That a committee of three be appointed to inform the ate that a quorum of the House of Representatives have assemb have elected John Thornton Speaker, James H. Birch chief C and Elijah Stapp Door-keeper of the House of Representatives, the present General Assembly, and are now ready to proceed to ness.

Which resolution was adopted, and Messrs. Grant, Lowry and tin of Ray, were appointed the committee.

A message from the Senate by Mr. Gentry.

Mr. Speaker: I am instructed to inform the House of Representatives, that the Senate have formed a quorum; have elected Mr. Bollinger President pro tem. William Wright Secretary, and Markham Fristoe Door-keeper to the Senate, and are now ready to proceed to business.

On motion of Mr. Cole, the following resolution was adopted.

Resolved, That a committee of three be appointed to draft and report Rules for the government of this House. Messrs. Cole, Grant and Hempstead were appointed the committee.

On motion of Mr. Grant, the House adjourned until two o'clock.

The House met pursuant to adjournment, and received from the Senate, by Mr. Gentry, the following message:

Mr. Speaker: I am instructed to inform the House of Representatives, that Messrs. Gentry and Young have been appointed on the part of the Senate, to join such committee as the House of Representatives may appoint, to wait upon the Governor and inform him that the two houses of the General Assembly are organized. Messrs. Brock, Garner and Dorsey were appointed on the part of the House, to join said committee.

Mr. Lowry submitted the following resolution:

Resolved, That a committee of three be appointed to join such committee as may be appointed by the Senate, to draft and report joint Rules, for the government of both houses of the General Assembly.

Which resolution was adopted, and Messrs. Lowry, Murphy and Bell oppointed the committee.

Mr. Grant moved the following resolution:

Resolved, That a committee be appointed on the part of this House, to join such committee as may be appointed on the part of the Senate, to obtain an abstract of the votes for Governor and Lieutenant Governor.

Which resolution was adopted, and Messrs. Magill, Overall and Becknell appointed the committee.

Mr. Cole, from the committee appointed to draft rules for the government of this House, made the following report:

The committee appointed to draft rules for the government of this House, at their present session, beg leave to report the rules which have heretofore governed the House at the session of 1824 and 1826, with an amendment of the fifth section, article fifth, by striking out all of that section from the word "order," in the eighth line, until the word "but," in the twelfth line thereof; which is respectfully submitted.

Which report was read and adopted.

Mr. Grant moved that the House have a recess, which was agreed to.

When the House had convened. Mr. Boggs, from the Senate, reported the following message:

Mr. Speaker: I am instructed to inform the House of Representatives, that the Senate do not concur in the adoption of the resolution from the House of Representatives, appointing a committee to obtain from the Secretary of State, an abstract of the votes for Governor and Lieutenant Governor.

The Speaker laid before the House, certain papers in relation to the circuit courts of Lincoln and Perry; the reading of which, on motion of Mr. Magill was dispensed with, and the papers ordered to lie on the table.

Mr. Grant moved the following resolution:

Resolved, That the Secretary of State be requested to furnish for the use of the members of this House, twenty copies of the revised code, and forty-tow copies of the journals of the session of 1824 and 25; which was adopted.

The Speaker laid before the House certain papers in relation to the circuit courts of Washington and Boon—which were laid upon the table.

Mr. Magill moved the following resolution:

Resolved, That the Senate be informed that this House will be ready to-morrow at ten o'clock in the forenoon, to meet the Senate in the Hall of the House of Representatives, and proceed to count the votes for Governor and Lieutenant Governor of this State, if it be the pleasure of the Senate to act thereon—which resolution was adopted.

The Speaker laid before the House a communication from the Secretary of State, in relation to the election of Governor and Lieutenant Governor; the reading of which was dispensed with, and the communication laid upon the table.

Mr. Brock, from the joint committee appointed to wait upon the Governor, made the following report:

Mr. Brock of the joint committee appointed by the Senate and House of Representatives, to wait upon the Governor of this State, and to inform him that both Houses are organized, and ready to proceed to business, reports that they have performed that duty—which is respectfully submitted.

On motion of Mr. Magill, the House adjourned until to-morrow morning nine o'clock.

TUESDAY, November 18.

The House met pursuant to adjournment.

The reading of the journal of yesterday's proceedings being dispensed with, Mr. Boggs, from the Senate, reported the following message:

Mr. Speaker: I am instructed to inform the House of Representatives, that the Senate concur in the resolution adopted by the House of Representatives, to meet in their Hall for the purpose of counting the votes for Governor and Lieutenant Governor.

The Speaker laid before the House a list of members elect to the present General Assembly—which was read and laid on the table.

Mr. John Bent, a representative elect from the county of St. Louis appeared, produced his credentials, was qualified and took his seat.

The Speaker communicated the proposals of James H. Burch, for the execution of public printing; which on motion of Mr. Grant, were referred to a select committee of three—upon which, the Speaker appointed Messrs. Grant, Burch and Cox, to compose said committee.

On motion of Mr. Brock, Mr. Glascock was added to the select committee, on the proposals for public printing.

Mr. Lowry from the joint committee appointed to draft joint rules for the government of the two houses, made a report.

Mr. Lowry asked leave to amend; which was granted—but, subsequently asked and obtained leave to withdraw the report.

The Senate, preceded by the President pro tempore and Secretary, assembled in the Hall of the House of Representatives, pursuant to the resolution of yesterday, for the purpose of counting the votes for Governor and Lieutenant Governor.

On counting the votes for Governor and Lieutenant Governor, it appeared that John Miller had, for Governor, eleven thousand nine hundred and fifty-eight—Justus Post sixteen—Andrew Jackson one—Robert P. Clark one.

Daniel Dunklin, had for Lieutenant Governor, six thousand two hundred and fifty-eight—Samuel Perry, had four thousand and seventy-two—Alexander Stuart, had three hundred and ninety-seven—Felix Scott, had six hundred and three—Alexander Buckner, had five hundred and thirty-five. And thereupon it was declared that John Miller was duly elected Governor, and Daniel Dunklin, Lieutenant Governor. Whereupon, the following certificate was made, *to wit:*

The undersigned President of the Senate protempore, and Speaker of the House of Representatives, do certify that we have, in the presence of the Senate and House of Representatives, assembled in joint meeting in the Hall of the House of Representatives, on Tuesday, the 18th day of November, 1828, cast up and arranged the returns of the votes given for Governor and Lieutenant Governor of the State of Missouri, at a general election, held in the several counties of this State, on the 1st Monday in August last, and do find that the whole number of votes given for Governor is eleven thousand nine hundred and seventy-six, and for Lieut. Governor, eleven thousand eight hundred and sixty-four. And that of the votes given for Governor, John Miller had eleven thousand nine hundred and fifty eight—Justus Post, sixteen—Andrew Jackson, one—Robert P. Clark, one. And of the votes given for Lieut. Governor, Daniel Dunklin had six thousand two hundred and fifty-eight—Samuel Perry had four thousand and seventy-two—Alexander Stuart, had three hundred and ninety-seven—Felix Scott, had six hundred and three—and Alexander Buckner, had five hundred and thirty-four.

We therefore certify, that John Miller is duly elected Governor of this State, and that Daniel Dunklin is duly elected Lieutenant Governor of this State, each for the term of four years, and until his successor be duly elected and qualified.

GEORGE F. BOLLINGER,
President of the Senate protempore.

JOHN THORNTON,
Speaker of the House of Representatives.

Mr. Boggs moved the following joint resolution:

That a committee of three members of the House of Representatives, and two of the Senate, be appointed to wait on the Governor and Lieutenant Governor, and inform them of their election; and also, to know at what time it will be convenient for them to meet both houses of the General Assembly to be qualified.

Mr. Magill moved an amendment, to strike out all after the word "resolved," and insert in lieu thereof the following:

That a joint committee of three from the Senate and six from the House of Representatives, be appointed to wait on the Governor and Lieutenant Governor elect, and inform them of their election; and, also, to ascertain at what time it will be convenient for them to attend and be qualified. Which amendment was agreed to, and Messrs. Boggs, Gentry and Hensely of the Senate, and Messrs. Lowry, Cole, Drake, Magill, Dorsey and Garner of the House of Representatives, appointed the committee.

Mr. Boggs from the joint committee appointed to wait upon the Governor and Lieutenant Governor elect, reported that they were in attendance and ready to meet the two houses; whereupon John Miller, Governor elect, and Daniel Dunklin, Lieutenant Governor elect, appeared and were duly qualified.

The Senate withdrew.

On motion of Mr. Cole, a committee consisting of Messrs. Magill, Kavanaugh and Inglish was appointed to wait upon the Governor and notify him that the House was ready to receive any communication he might wish to make.

Mr. Speaker appointed the following standing committees, viz:

On the Judiciary, Messrs. Cole, Martin of J. Kirtley, Maulsby, Hempstead, Garner, Kavanaugh.

Of ways and means, Messrs. Grant, Magill, Lowry, Byrd, Glascock, Kirtley, Barrett.

Of claims, Messrs. Martin of C. G. Groom, Jones, Cowan. Holliway.

On the militia, Messsrs. Brock, Canole, Collard, Overall, Grimsley.

On internal improvement, Messrs. Magill, Blakey, Reyburn, Drake, Martin of Jefferson.

On the permanent Seat of Government, Messrs. Burch, Inglish, Neill, Bell, Cox.

Of Elections, Messrs. Dorsey, Ward, Murphy.

On education, Messrs. Glascock, Magill, Cole.

On Public Salines, Messrs. Hempstead, Ashby, Grant.

On Justices of the Peace, Messrs. Garner, Drake, Martin of Ray.

On revisal and unfinished business, Messrs. Lowry, Allen, Becknell.

Of accounts, Messrs. Kavanaugh, Byrd. Kerr.

On Engrossed Bills, Messrs. Kirtley, Magill, Lowry.

Mr. Magill from the committee appointed to wait upon the Governor, made the following report:

The committee appointed to wait upon the Governor, and inform him that the House is now ready to receive any communication which he may think proper to make, have received for answer, that he will make his communication at twelve o'clock this day.

On motion, Mr. Ward was added to the committee on education. Mr. Bent was added to the committee on the judiciary and internal improvement.

On motion of Mr. Grant, the credentials of the several members elect, were referred to the committee on elections.

Messrs. Lowry and Kavanaugh were added to the committee on education. Mr. Drake was added to the committee on public salines.

Mr. Cole moved a reference of the papers in relation to the several circuit courts, to the committee on the judiciary; when Mr. Magill moved they be taken up and so referred—which was adopted.

Mr. Hempstead was added to the committee on the militia.

Mr. Neill was added to the committee on education.

The Governor, by the hand of P. H. McBride, his private Secretary, communicated the following Message:

Fellow-Citizens of the Senate,
and of the House of Representatives:

My first Executive term having expired, and the second about to commence, I am flattered with the belief, that it will not be deemed improper, to avail myself of the present occasion, to express my deep sense for the honor again conferred on me, by the almost unanimous vote of my fellow-citizens. I have endeavored to discharge my duties faithfully, and with a single eye to the welfare and prosperity of the State And whatever may have been my errors and imperfections, the result of the late election, is a highly gratifying proof, that the integrity of my motives and sincerity of my endeavors, have been indulgently appreciated To continue to enjoy the confidence of the people of Missouri, is my most anxious wish; and every effort within my power, shall be exerted to deserve it, by promoting, as far as in me lies, their best interests.

Two years having elapsed since I had the honor of addressing you, it is with peculiar satisfaction, that I again meet you, to perform our various and respective duties to the republic Coming as you do, immediately, from the body of our constituents, you bring an intimate knowledge of their wishes and interests; and will be enabled, therefore, to supply any and every omission, on my part, in laying before you for your legislative consideration, an exposition of the affairs of the State, which established usage and the terms of the Constitution impose upon me.

The severe drought which has prevailed in different parts of our State, during the past summer, has, in some degree, curtailed the usual abundance of our crops; but the surplus in some districts, will more than balance the deficiency in others, and the aggregate will not only be sufficient for the present population and the large influx of emigrants, but also afford much for exportation.

We continue to be favored with a rapidly increasing population, the evidence of whose industry and intelligence, is distinctly seen in the greatly increased wealth of the country, the improvement and advancement in Agriculture, and in the additional number of comfortable and commodious dwellings that are every where to be seen, throughout the state. When to these causes of congratulation is added, the unusual good health which has been enjoyed by our citizens, during the present year, we have abundant cause for gratitude to that all wise and beneficent Providence, the giver of all good.

I have the satisfaction to inform you, that the Revenue of the State, is in a rapidly improving condition From the sum of from $40 to $44.000 per annum, between which it oscillated from 1821 to 1826, it is now estimated at from $55 to $60,000. This flattering result has arisen without any increase of the rate of taxation; principally, from the improved condition of the revenue laws. The act of the last session, placed it in the power of the Auditor of Public Accounts, to procure and furnish to the Assessors of the different counties, lists of all the taxable lands in their respective counties, and enabled them to bring the whole under the operation of the revenue laws. Heretofore, this was not the case; the Assessors not having the means of ascertaining what lands were subject to taxation, (except those returned by citizens residing on their farms) hundreds of thousands of acres, chiefly belonging to non residents, annually escaped taxation. Want of time, since the lists were furnished the Auditor, has prevented the complete operation of the law, being extended to every county; and it will not be, until the ensuing year, that its entire effect will be produced on the revenue of the State.

In the communication which I made to the last general assembly, the amount of the State debt, on the first day of July 1826, was stated to be about $140,331 48 exclusive of interest. I have now the gratification to inform you, that on the 21st day of December next, (after paying all the expences incident to the present session, as well as other current expences of the year) the debt of the State, exclusive of interest may be estimated at $75,000. It will therefore be seen, that from the first day of July 1826, up to the thirty first day of December, eighteen hundred and twenty eight, the debt will have been reduced $65,331 48. and that but $75,000 will then remain to be liquidated. In the communication before referred to, I then gave it as my opinion, that by a due regard to economy and the improvement of the revenue laws, without any increase of the rates of taxation, the state debt might be entirely discharged by the year 1832. That calculation, now appears to have been more than well founded; for unless some unforeseen cause of increased disbursement, should occur, it is now apparent that the debt may be discharged in a shorter period of time, than then supposed, and the Legislature which may assemble in the year 1830, will have the gratification of finding the debt of the State entirely paid off, or reduced to so inconsiderable a sum, that they may then perform the pleasing task of reducing the taxes, which have pressed so heavily upon our fellow-citizens.

The paper issued by the State, under the law establishing Loan-Offices, amounting to the sum of $184,783 has been redeemed, as appears from the Auditor's statement to me, with the exception of the inconsiderable sum of about $1,142 57 1 2. This unfortunate transaction, so injurious in its results to the State and its citizens, may be considered, so far as it has been chargeable as a debt against the state, as closed. The debt due to the state, from the borrowers of this paper, amounts to the sum of about $50 000 exclusive of interest; the greater part of which, may be considered as lost, owing in some instances to the insufficiency of the security taken, and in others, to the inability of the borrowers to comply with their engagements. That portion due from persons who are able to pay, depends upon the decision of the Supreme Court of the United States, in cases taken up to that court by writs of Error. They came on for argument at the last term, and were argued, as I am advised, upon their merits, by counsel employed on the part of the State, and taken under advisement by the court, until the ensuing term in February next.

I submit to the wisdom and consideration of the legislature, the propriety of revising and modifying that part of the criminal laws of the State, which prescribes the punishment for perjury and subornation of perjury on trials for felony. The 56th section of the act concerning crimes and misdemeanors, approved February 12th, 1825. provides "that if any person shall wilfully and corruptly commit perjury on his or her oath or affirmation, or shall procure any person to commit wilful and corrupt perjury, on a trial for a felony, with an intent or design to charge the party on trial with such felony, or discharge him therefrom, every such person on conviction, shall suffer the same punishment which is due to the crime with which he has charged or attempted to charge, or from which he has discharged or attempted to discharge the other," &c. Previous provisions of the same act, prescribe the punishment of death for certain felonies; then, according to the section recited, a person may be punished with death for perjury or subornation of perjury, in discharging or attempting to discharge another from a felony which is itself punishable with death. It is to this part of the criminal law I invite the attention of the legislature. The object of criminal law, in a civilized country, is not cruelty or vengeance, but justice, and the prevention of crimes, and to this end *only*, should all punishments be directed. The crimes of perjury and subornation of perjury, are infamous in their character and pernicious in their consequences, and should be severely punished; but it is respectfully suggested whether the punishment of death, for those crimes, are not so unusual and severe, as to cause the feelings to revolt and shrink from its enforcement, thereby defeating the object and intention of the law. It is certainly better for society, that laws should be mild, but fairly proportioned to the enormity of crimes and their application certain, than to have them disproportionately severe, and their application uncertain. I therefore invite your attention to the existing provision of our law, for the punishment of perjury or subornation of perjury in discharging or attempting to discharge a person charged with felony, (if not in every case) and submit it to you to say, whether a milder punishment may not be prescribed, which will be more proportionate to the nature of the offence—more compatible with a sense of public justice, and more certain in its application to the guilty.

I am of opinion that the 6th section of the Act concerning Merchants and Pedlars, approved Feb. 19th 1825. and the 2d section of an act to license retailers of wines and spiritous liquors, approved Feb. 15th, 1825, requires some amendment. The first imposes a fine of $500 on any and every person who shall vend merchandize within the state, without license; the second, a fine of $100 on those who shall retail wines and spiritous liquours without license. I beg leave to suggest the propriety of so altering those parts of said acts, which imposes a fine in both instances, that the amount of the fines may, in some degree, be regulated by the important considerations, of the wealth or poverty of the viola-

for and the wilfulness or inadvertency of the offence. The operation of the present law is so very unequal, that offenders often escape justice; and a violation of the laws, induced either by ignorance or inadvertence, or by the poorest retailer, is punished no less than the wilful perpetration of the offence by the most wealthy

The Militia laws of the State, also call for some amendment, particularly, on the subject of the annual returns, required to be made, exhibiting the military strength of the State. A compliance with this requisition of the law, has been neglected to a most injurious extent. The quotas of arms furnished by the United States, to the respective States, are proportioned to the number of the Militia, as ascertained by the annual reports made by the respective Adjutant Generals to the department of War; and as the returns from this State, have not usually, it is believed, exhibited more than one fourth of our Military strength, we have not received more than one fourth of the Public arms to which the State is entitled. This consequence has resulted to the State, from the omission, on the part of many of those, whose duty it is, to make to the Adjutant General, the returns required of them by law. I therefore submit to the legislature the propriety of so amending the law, as to *ensure* full and complete annual returns to be made. As the law now stands, there is no specific fine imposed for such offences, yet the importance of this subject is at once manifest, and it becomes the more particularly so, when we consider that ours is a frontier State, and at all times liable to Indian depredations. In furtherance of this object, I would respectfully suggest the propriety of authorising by law, the printing of a number of copies of the Militia laws of the State, sufficient to supply every officer, down to the commandants of companies; and that blank forms of the several returns, as are required by law to be made, be thereto attached. This plan would supercede the expensive one now required, of causing these forms to be annually printed and distributed by the Adjutant General

The provision of the Militia law, passed at the last session of the General Assembly, requiring a board of Field officers to supply vacancies in Company officers, where a majority of the members of a company fail to attend an election, is considered defective — The law does not point out the number of officers required to constitute a board, nor does it prescribe the duties of the board, in making their returns of such officers as may be thus appointed

By an act of the 24th January 1827, Congress made it the duty of the President of the United States, to cause to be selected, by sections, the several townships of land heretofore secured by compact to this State, for the support of seminaries of learning. This selection not having been made, a correspondence was opened, with the general government, calling its attention to the subject, which resulted in a request to me, to cause the selection of these lands to be made. Knowing as I did, that nearly all the bodies of first rate land in the State, had been offered at public sale and the most valuable purchased, and expecting furthermore, that the most desirable tracts of country, which had not as yet been offered for sale, would very shortly be brought into market, I immediately accepted the invitation and appointed commissioners to make the selections. The gentlemen appointed, performed the duties assigned them, with a promptness highly creditable to themselves—to my entire satisfaction, and I have no hesitation in saying, in a manner very much to the interest of the state. To insure a selection of the best lands, remaining unsold, it became necessary to traverse and examine the whole extent of the State, from its western boundary to New Madrid, as well as the country on the upper Mississippi— this was done at their own individual expense, (there being no appropriation,) and during a very inclement season of the year.

It is believed, that the government of the United States are bound to defray the expenses incurred in making these selections, and the accounts were accordingly transmitted for payment; but it appears that no final decision has yet been made. This being the case, the claims of the gentlemen who acted as commissioners, for services, so meritorious to a liberal compensation, so justly due them, should not, I think, depend on the contingencies of payment by the general government; I therefore recommend their claims to your most favorable consideration, and respectfully suggest the propriety of making an appropriation to meet them. The selection of these lands having been completed in the month of March last, I immediately caused a report to be made, to the Secretary of the Treasury of the United States, specifying the seventy two sections chosen. The selections have been sanctioned by the general government and the lands reserved from sale. A report shewing the lands selected, will be made to the Legislature, during the early part of the session.

A designation of the seminary lands having been made, it becomes necessary to inquire, what disposition of them will most contribute to the effective support of those institutions, the object of their grant? Two modes present themselves to me; the first, is the plan of leasing, the second that of absolute sale. In a country like ours, I consider it impolitic to encourage a system of tenancy, whether it be by individuals, the United States, or

this State. It is doubtless the interest of *all*, to encourage the acquisition of fee simple estates; and experience has proven, that in this state, where there is such a vast quantity of land, yet to be settled, a system of profitable leasing, is wholly impracticable. The leasing of our salt springs, together with the lands adjoining as also the sixteenth sections, in the respective townships, is found to be entirely unprofitable and in a great degree ruinous to the property thus leased. It is true that the State might hold up those lands for a higher price, at some future day; but I should not consider such a policy, in accordance with the true spirit and object of the grant, nor with the wishes and interests of her citizens. The primary object of the grant, was to promote the dissemination of useful knowledge; and to effect this, a plan to render these lands available, cannot be too speedily commenced.

Intimately connected with the foregoing subject, is the grant made by Congress, to this state, of twelve salt springs with six entire sections of land adjoining each. This grant was made without any specific object; it is therefore within the power of the state, to apply the proceeds, arising from any disposition which may be made of those lands, to that object which may be regarded as most meritorious. What object then, is more so, or more imperiously demands the fostering care of wise and liberal legislators, than that of facilitating the means of acquiring useful knowledge? To provide the means, and afford an opportunity to every citizen, of acquiring a useful, if not a liberal education, ought to be a paramount object with every free and republican government; for it has been truly said, by one of the wisest and purest patriots of whom our country can boast, that without a general diffusion of knowledge, "*The blessings of liberty cannot be fully enjoyed, or long preserved.*" With the view therefore, of promoting this desirable object, I earnestly recommend to the consideration of the Legislature, immediately upon their being authorized so to do, the sale, not only of the seminary lands but likewise, the salt springs and lands contiguous thereto, belonging to the State. That the proceeds arising from the sales, be vested in some safe and profitable stock, and the interest accruing therefrom, be applied, *exclusively* to the use and support of seminaries of learning; this would in a short time, enable the State to erect a college on a highly respectable footing, and afford likewise some assistance, to the individual exertions of our fellow citizens in different parts of the state, in establishing preparatory seminaries or schools.

The compact with the United States, prohibits, in express terms, the sale of the salt springs and lands contiguous, without the consent of Congress,—and as it is considered questionable, whether a sale of the seminary lands can lawfully be made, without such consent; should the legislature concur in opinion with me, on the subject, I would suggest the propriety of making early application to Congress, to pass a law, vesting in this state, the right of disposing of the lands herein mentioned.

The establishment of a State library, is an object in which the state, to my mind, is also deeply interested. From an extensive and well selected library, to which members of the legislature and officers of the government generally, could have access, the most happy influence over the business of legislation and the general affairs of government, might be expected. By means of a library, we might the more easily appropriate to the interest of the state, the experience of the wise and the good, and avail ourselves of the lights afforded by other states and nations. Besides, the facilities which would be derived from a library thus established, to the acquisition of practical and just views of government and the adoption of wise and salutary measures, we might reasonably expect, if made free, under suitable regulations, to every citizen who might visit the seat of government, its good effects would shew themselves in the general intellectual improvement of society;—I submit, therefore, to the consideration of the legislature, the propriety of providing by law, for the gradual establishment of such a library, with as much despatch, as the finances of the state, having a just regard to other objects, will justify; and that the books now belonging to the state, be arranged with a view to its commencement.

The amount of the three per cent. fund, applicable to objects of internal improvement is estimated at about $20,000. Should you think it advisable to make appropriation of this sum during the present session, I would recommend its exclusive application to the erection of durable bridges, under suitable regulations, on the most public highways and across the most difficult streams. Applied to the construction and improvement of roads generally, its effects would scarcely be seen or felt; but expended in the erection of bridges, it would overcome the most obvious obstacles to intercourse and be most generally useful to the people of the state. The counties generally, are not in a condition to bridge that class of streams which are the largest and most difficult, and require this means of crossing them; but the aid afforded by the state, derivable from this fund, would stimulate their exertions and supply their deficiencies.

The importance to this state, of opening the great national road from Cumberland to its ultimate termination at the capitol of Missouri will be my apology for introducing that subject to you. It is now upwards of twenty years since that road was commenced,

and several years since different acts of Congress were passed, authorizing it to be continued to the seat of government in this state; but from the slow progress made, it is evident that the present generation cannot hope to see that great work, ascend the bank of the Missouri river unless some great change be adopted in its construction. Heretofore, in the mountainous regions through which it had to pass, I imagine the mode pursued was the best, the whole road made complete as it went; but having now reached the Muskingum river in Ohio, and being about to enter on vast plains, where stone and other materials for paving are scarce, (which may still more retard its progress,) it is believed, that the mode of making the road might be beneficially changed; and, instead of making it complete as it proceeds, it would answer a better and more valuable purpose to the public, and be of no more ultimate cost to the General Government, to have it laid out at once, throughout its whole extent from the Muskingum in Ohio, to this place;—and to have it graduated, and the small streams permanently bridged. This would give at once to the citizens of Indiana, Illinois and Missouri, the immediate use of a road, which passing generally through a level country, would answer a great and valuable purpose. It would accommodate and invite emigration to our country, and promote and facilitate that intercourse so much to be desired between the citizens of the Western and the Atlantic States.

The two per cent fund which is applicable to the making of the Cumberland road, is a tax paid by the people of the Western States, through which it is to pass, and is secured to that use by compact between those States and the General Government; it is a part of the consideration which the States are to receive, for consenting not to tax the lands of the United States, within their limits, but will avail them nothing for ages to come, unless the mode of making the road be changed. The completion of this road being an object therefore, in which the state has a deep interest, her Legislature has an unquestionable right to make its wishes known to Congress, without incurring the imputation of intruding upon the national councils.

Extensive grants of land have been made by the Congress of the United States, to nearly all the Western States in which public lands lie, to aid them in the construction of roads and canals, within their respective limits. No such grant has yet been made to this State. We have, at considerable expense, caused various State roads to be located and surveyed, and it is of no small importance to our citizens, that these roads should be opened and improved, suitable grants of land would go far toward enabling us to effect this highly important object, and from the just and laudable liberality manifested towards other States, we have a right to expect that Congress will extend to us the like aid. I have considered it my duty to call the attention of the Legislature to this subject, that if it be thought advisable, application may be made to Congress for such a grant as may be considered equitable, when contrasted with those made to other States.

Our trade to the internal provinces of Mexico has received a severe check during the present fall, in the murder of three of our most respectable citizens, and in the loss of from $30 to $40,000 worth of property. These outrages were perpetrated near the Arkansas river, & it is believed by parties of the *Camanche* tribe of Indians. Similar outrages have been committed before, and may be expected in future. The General Government has been applied to for protection—for *even* the establishment of a military post on the Arkansas. It has not been granted. Protection to our maritime trade is extended by the Government, to our merchants and other adventurers in all parts of the world, and we have a right to expect and demand it, for our inland trade to Mexico. That trade is one of much importance to this State; the principal part of the silver coin in circulation, particularly in the western part of the State, is derived from that quarter; an outlet is also there found, for vast quantities of cotton goods, the double production of our industry.—For the nature and extent of the protection, to which this trade is entitled, according to my view of its consequence and importance, I beg leave to refer you to my communication, made to the last Legislature.

In close connection with this branch of trade, is another of great and growing interest to Missouri—the fur trade in and beyond the Rocky Mountains. Here disasters and murders have been experienced, ten or more of our citizens have been lately killed there, and robberies committed on their property. At present, the British traders are permitted to come upon our territories in that quarter, to trade with the Indians; and the consequence is, what it always has been under like circumstances—*the robbery and murder of our citizens*. On the general government it depends, to give protection to this branch of trade, also; and our interest, no less than the safety of our citizens engaged in that hazardous, but profitable pursuit, requires that protection be extended, *and that all British traders be excluded from our territories.*

In a former communication, addressed to your predecessors, I recommended to their consideration the subject of the lead mineral lands in the State, reserved from sale by order of the General Government; also the subject of the iron ore lands, of which every alternate section has been reserved from sale; and other public lands, with a view to obtain

a graduation of prices adapted to the various qualities, especially the inferior qualities, which now cheifly remain to be sold. The reservation of alternate sections in the iron mineral district, is a policy of the most injurious character to Missouri. It operates as a positive prohibition to the construction of iron works, in that section of country.

A graduation of the price of the public lands is a policy, as just, as it is imperiously called for, by the best interest, not only of this, but of all the States in which those lands lie; and there is little doubt now entertained of its ultimate adoption. These being subjects of the first importance to the prosperity of this State, I again recommend them to your early consideration, and suggest the propriety of making known to Congress, by memorial, the wishes of the state in respect to them.

The geographical position of Missouri, makes agriculture the chief occupation of her inhabitants, and the principal source of her future wealth and power. It is therefore, no less our duty than our interest, to give to this highly important and honorable branch of industry, all the encouragement which fairly falls within the scope of legislative protection. By the tariff of the last session of Congress, additional duties were imposed upon imported hemp, iron, wool and distilled spirits; each of which may be produced in great quantities in this State; and for the raising of hemp, particularly, Missouri may be considered, in point of soil and climate, as its most favorite region. The propriety of promoting the growth and manufacture of this great staple, is therefore submitted to you; and for that purpose, I would suggest that premiums be offered at different points in the State, for the best ton of water rotted hemp; and likewise that some officer of the State Government be authorised and required to compile from the most approved authorities, and publish for distribution, among our citizens a manuel of directions for cultivating, *water rotting*, and preparing, this valuable article for market. The latter suggestion is also respectfully submitted, with respect to the culture and curing of tobacco.

The increase of wool, and the manufacture of that article, ought to be encouraged by every means within our power. From the operation of the tariff, imposing a high duty upon imported woollen goods, a home supply becomes desirable, if not indispensably necessary. New England is at present, the great manufacturer; but that section of the Union will want none of the wool, and but inconsiderable quantities of the agricultural products of this State. Sound policy, and a due regard to our own interest, therefore require, that we should exert our energies to produce a supply, at least, of common woolen goods at home.

The propriety of proposing an amendment to the Constitution of the United States, relating to the election of President and Vice President, a subject which imperiously demands the consideration of the Legislature. That the will of the people shall control the choice of the person, to whom so important a trust is confided, as that of the Chief Magistracy of the United States; is a principle supported by the *spirit* of the Constitution and held sacred by a large majority of the citizens of the Union. In practice however, it has in some instances been disputed, if not disregarded; and if the principle be true, it must be admitted that the Constitution is in its letter, in this particular, defective. If therefore, we wish to settle a question, which strikes at the peace and happiness of society, and threatens the permanency of our free institutions—if we desire to remove a cause of extraordinary political excitement; let the constitution be so amended, as to secure to the people, the important right of selecting their own Chief Magistrate. The present, appears to be a most fit and propitious time, for the consideration and accomplishment of an object, so desirable and important to the American people. There is now no election, to influence and excite our minds on this subject, and we may fairly promise ourselves the satisfaction of seeing the question settled, before another Presidential canvass can so engross our attention and interests as to influence our deliberations. If it be said that it is not the province of the Legislature to propose amendments to the Constitution of the United States; it may be answered, that the consideration alone, of our being one of the federative branches of the national government, is a sufficient justification of our course; but the Consitution itself has distinctly pointed out this, as one of the modes of originating amendments. It is, therefore, your prerogative as guardians of the public liberty, to urge upon Congress and the Legislatures of our sister States such amendments to the Constitution of the United States, on this subject, as you in your wisdom may deem requisite and proper; providing for a uniform mode of electing the President and Vice President by the people, and preventing in *any event*, an election being made by the House of Representatives.

At the last session of the Legislature, but five hundred copies of the laws of that session were authorized to be printed. This number falling far short of that found necessary to furnish the various officers of the State, and to comply with the other requisitions of the law, and having been applied to from different parts of the State, for copies, by officers who were entitled to them; I took upon myself, the responsibility of purchasing from the printer, three hundred additional copies, and caused them to be distributed to such officers

as had not previously been furnished. Should this purchase and distribution be approved of by you, an appropriation will be necessary to cover the expense.

Herewith communicated are various reports and resolutions, received since the last session of the Legislature, from the Executives of the States of Georgia and Ohio, accompanied with the request that they be submitted to you for your consideration.

I cannot close this communication to you, gentlemen, without the assurance of my cordial co operation in every measure, to which the aid of the Executive shal lbe necessary, for the advancement of the interests of the State, and the promotion of the happiness of its citizens.

JOHN MILLER.

City of Jefferson, Nov. 18th, 1828.

The message being read,

Mr. Reyburn moved that 175 copies be printed for the use of the members of the House. mr. Grant moved 600, and mr. Lowry, that 800 copies be printed. And the question being taken upon 800 it was adopted, and the House adjourned.

The House convened pursuant to adjournment, when Mr. Dorsey offered the following resolution:

Resolved, That the House of Representatives proceed to the election of an enrolling and engrossing clerk. Which being adopted, Robert S. Thomas, Stalkland J. Stuart, John Ralls, James C. *M*usick, mr. Alcorn, James S. *M*ahan, Samuel Davidson and Thompson Douglass, were severally nominated, when mr. Glascock withdrew the nomination of mr. *M*ahan, and the House proceeded to ballot: the votes were,

For Robert S. Thomas, messrs. Allen, Byrd, Burch, Barrett, Cowan, Cole, Dorsey, Garner, Grant, Groom, Inglish, Kirtley, *M*aulsby, *M*artin of C. G. Noland, Reyburn and Ward—17.

For Stalkland J. Stuart, mr. Cole—1.

For John Ralls, messrs. Bell, Blakey, Becknell, Collard, Glascock, *M*artin of R. and Overall—7.

For James C. *M*usick, messrs. Brock, Holliway, *M*agill Neill—4.

For mr. Alcorn, messrs. Canole, Drake, Jones, Kavanaugh and *M*urphy—5.

For Samuel Davidson, messrs. Ashby, Lowry, and Thornton, (Speaker)—3.

For Thompson Douglass, messrs. Bent, Grimsley, Hempstead, Kerr, and *M*artin of J.—5.

Neither of the candidates having a majority of all the votes, mr. Allen moved that on the next ballot a plurality of votes should elect, which was rejected, and on motion of mr. Brock, it was resolved that the hindmost be dropped.

The House proceeded to a second ballot, when there appeared for Robert S. Thomas, messrs. Allen, Byrd, Brock, Burch, Barrett, Cowan, Cole, Dorsey, Grant, Groom, Inglish, Kirtley, *M*aulsby, *M*artin of C. G. Noland, Ward, and Thornton (Speaker, 18.

For John Ralls, Messrs. Bell, Blakey, Becknell, Collard, Glascock, Hempstead, Kerr, *M*artin of R. and Overall, 9.

For James C. *M*usick, Messrs. Holliway, *M*agill and Neill, 3.

For mr. Alcorn, messrs. Ashby, Canole, Drake, Jones, Kavanaugh and *M*urphy, 6.

For Samuel Davidson, mr. Lowry, 1.

For Thompson Douglass, Messrs. Bent, Cox, Grimsley, *M*artin of J. and Reyburn, 5.

There being yet no election, on motion of mr. Dorsey, the two lowest on the list were dropped, and another vote of the House ordered, when there appeared,

For Robert S. Thomas, Messrs. Allen, Byrd, Brock, Barrett, Cowan, Cole, Dorsey, Garner, Grant, Groom, Holliway, Inglish, Kirtley, *M*aulsby, *M*artin of C. G. Noland, Ward and Thornton, (Speaker.) 18.

For John Ralls, messrs. Bell, Blakey, Becknell, Collard, Glascock, Hempstead, Kerr, *M*artin of R. and Overall, 9.

For mr. Alcorn, messrs. Ashby, Canole, Drake, Jones, Kavanaugh, Lowry and *M*urphy, 7.

For Thompson Douglass, Messrs. Bent, Cox, Grimsley, *M*artin of J. *M*agill, Neill and Reyburn, 7.

There being still no choice on the part of the House, Mr. Dorsey moved that the two lowest on the list be dropped, which being agreed to, a fourth vote of the House was taken, when there were

For Robert S. Thomas, Messrs. Allen, Ashby, Byrd, Bent, Brock, Burch, Barrett, Cowan, Cox, Canole, Dorsey, Garner, Grant, Groom, Holliway, Inglish, Jones, Kavanaugh, Kirtley, Lowry, *M*aulsby, *M*artin of J. *M*artin of C. G. *M*agill, Noland, Reyburn, Ward and Thornton, (Speaker.) 29.

For John Ralls, Messrs. Bell, Blakey, Becknell, Collard, Drake, Grimsley, Glascock, Hempstead, Kerr, *M*artin of R. *M*urphy, Neill, and Overall, 13.

Whereupon, Robert S. Thomas was declared duly elected, qualified and entered upon the discharge of the duties of his office.

The Speaker laid before the House the report of the commissioners of Boon county, in relation to an alteration of the State road; which on motion of mr. *M*agill, was referred to the committee on Internal Improvement.

Mr. Lowry from the joint committee appointed to draft rules for the government of the two Houses during the present session, presented a report, which upon leave being granted, he withdrew.

Mr Brock submitted the following resolution:

Resolved, That the House of Representatives do now proceed to the election of a Sergeant at Arms for the present session of the Genera Assembly; which resolution, upon motion of mr. Cole, was laid upon the table.

Mr. Jones submitted the following resolution:

Resolved, That the House now proceed to the election of a Speaker protem. during the present session.

Which being adopted, mr. Israel B. Grant, and Philip Cole were severally nominated, and the vote of the House was,

For mr. Israel B. Grant, messrs. Ashby, Brock, Bell, Blakey, Becknell, Burch, Collard, Canole, Dorsey, Drake, Kavanaugh, Kerr, Kirtley, *M*aulsby and Thornton, (Sp.) 15.

For mr. Philip Cole, messrs. Allen, Byrd, Bent, Barrett, Cowan, Cox,

Garner, Grimsley, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Martin of J. Martin of R. Martin C. G. Murphy, Magill, Neill, Noland, Overall, Reyburn and Ward, 24.

Whereupon, mr. Cole was declared duly elected.

mr. Dorsey offered the following resolution:

Resolved, That the hours of adjournment hereafter shall be until 10 o'clock A. M. and 2 o'clock P. M. unless different hours are specified.

mr. Magill moved to amend the resolution by striking out the word "ten," and inserting nine in its stead, which amendment was agreed to, and the resolution as amended was adopted.

The Speaker communicated the proposals of Calvin Gunn for executing the Public Printing, which, on motion of Mr. Brock were referred to the select committee upon that subject.

WEDNESDAY, November 19.

Mr. Lowry from the committee on the joint rules, made the following report:

The committee appointed by this house to join such committee as the Senate might appoint to draft and report joint rules for the government of both houses of the present general assembly report: That the joint committee of both houses have had the subject referred to them under consideration, and directed me to report the joint rules adopted by the General Assembly of the State of Missouri, for the session commencing 20th November 1826, with an amendment, viz: in section seventh, line fifth, after the word "Clerk," insert the words 'or Secretary,' which report was received and adopted.

On motion, Mr. Becknell was added to the committee on public salines.

Mr. Drake was added to the committee on public printing.

Mr. Canole was added to the committee on salines.

Mr. Murphy moved that Mr. Byrd be added to the committee on internal improvement—excused.

Mr. Grimsley was added to the committee on internal improvement

The Speaker laid before the house sundry reports in relation to the attendance of the judges of the circuit courts, which were referred to the committee on the judiciary.

The Speaker laid before the house a report on the state road.

Mr. Magill moved the reading be dispensed with; Mr. Lowry required the reading, when, on motion of Mr. Magill, it was referred to the committee on internal improvement.

Mr. Kavanaugh made the following report:

To the Senate and House of Representatives of the General Assembly.

The undersigned being designated by the Governor, as members of the General Assembly, and being required according to law to settle with the Audior of Public Accounts and the State Treasurer, respectfully submit the following report:

That they appeared as required at the City of Jefferson—That on

the 4th day of November, in the year 1823, being first duly sworn, they commenced the duties required of them in that behalf. They have examined the vouchers filed in the Auditor's office, and compared them with the entries made in the Books of the office, and they have found them to agree.

The whole amount of monies for which Auditor's Warrants have been issued, from the 19th day of November, 1826, to the first day of October 1828, is 58,078 dollars 80 1-2 cents. In issuing the aforesaid amount of warrants to satisfy claims against the State under the several appropriations, the Auditor has in two instances issued an excess in warrants, over and above the amount appropriated by law. In the appropriation made for the expenses of
this excess is seventy-four dollars 23 1-2 cents. In the appropriation made for contingent expenses of Secretary of State, this excess is fifty cents.

There yet remains of the appropriation made at the last session of the legistature the sum of 22,845 dollars 89 1-2 cents, unexpended.

There has been burned according to law, the sum of 18,347 dollars 41 cents Loan Office paper, exclusive of 1358 dollars 16 cents interest thereon.

In the account of this Loan Office paper, the Treasurer has nine cents too much charged in his books.

There is in the office of the Treasurer, 58,639 dollars, 60 3-4 Auditor's Warrants, exclusive of 5179 dollars 56 1-4 cents interest thereon, making the sum of 64,119 dollars 17 cents principal and interest, and 47 dollars Loan Office paper, exclusive of six dollars 49 cents interest thereon, making the sum of 53 dollars 49 principal and interest.

The Treasurer has paid the sum of 5739 dollars 58 1-2 cents in specie, which said sum agrees with the amount of warrants drawn for cash.

There is in the Treasury 5583 dollars 30 cents lawful money of the United States, exclusive of 17559 dollars 66 cents of the three per cent. fund.

The amount of monies received by the Treasurer exceeds the Auditor's accounts of the same, by the sum of 45 cents.

The Treasurer has paid in the aggregate amount, one dollar and 28 1-4 cents more than the amount of the warrants drawn by the Auditor.

Some irregularity exists between the Auditor's and Treasurer's books. The Treasurer has not opened the account under the different heads of appropriation, to correspond with the Auditor's books; the result of which is, the Treasurer has made some charges of monies paid under the wrong head of appropriation, and their accounts under the separate heads of appropriation will not balance. But the accounts of the Auditor and Treasurer agree in the aggregate amount paid out, with the exception of the items herein before described.

JAMES H. AUDRAIN,
STEPHEN GLASCOCK,
ARCH'D. KAVANAUGH.

November 17th. 1828.

Which report, on motion of Mr. Grant, was referred to the committee of ways and means; and on the further motion of Mr. Grant, one hundred copies ordered to be printed.

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

Resolved, That so much of the Governor's message as relates to the criminal law, and so much as relates to merchants and pedlars, and also, that part which relates to an amendment of the constitution of the United States, in regard to the election of President and Vice President, be referred to the committee on the judiciary—That so much as relates to the militia laws, and the Mexican and fur trade, be referred to the committee on the militia.

That so much as relates to the pay of the persons appointed to select the seminary lands, be referred to the committee on claims.

That so much as relates to the salt springs, be referred to the committee on public salines.

That so much as relates to the seminary and school lands, and to the establishment of a public library, be referred to the committee on education.

That so much as relates to the application of the three per cent fund, and to the continuance of the Cumberland road to the Capitol of the State of Missouri; and also, that which relates to the encouragement of the growth of hemp and tobacco, be referred to the committee on internal improvement,

That so much as relates to the lead and iron mineral lands, the graduation of the price of public lands, and an application to Congress for a grant of land, for the purpose of constructing and improving State roads, be referred to the committee on internal improvement.

That so much as relates to an appropriation for the purchase of an additional number of copies of the laws of the last session, be referred to the committee of ways and means.

Mr Dorsey was added to the committee on education.

Mr Cole was added to the committee on internal improvement.

Mr Murphy was added to the committee on internal improvement.

Mr Barrett was added to the committee on the militia.

Mr Lowry moved that Mr Kirtley be added to the committee on internal improvement—Excused.

Mr Cox was added to the committee on internal improvement.

Mr Grant was added to the committee on the permanent seat of government.

The house adjourned.

The house convened, when Mr Dorsey from the committee on elections, made the following report:

The committee on elections, to whom was referred the credentials of members of this house, have carefully examined the same, and have instructed me to report that the following members are duly elected, to wit:

1. For the county of New-Madrid, Hannaniah P Maulsbey.
2. For the county of Scott, Felix G Allen.
3. For the county of Cape Girardeau, John Martin, Abraham Byrd and William Garner,

4. For the county of Perry, Richard J Dorsey.
5. For the county of Ste Genevieve, John S Barrett.
6. For the county of St Francois, David Murphy.
7. For the county of Wayne, Richard D Cowan.
8. For the county of Madison, Caleb Cox.
9. For the county of Washington, Philip Cole and Joseph N Reyburn,
10. For the county of Jefferson, Falkland H Martin,
11. For the county of St. Louis, Samuel Magill, James B. Neill, Thornton Grimsley and John Bent.
12. For the county of Franklin, Robert Brock.
13. For the county of St. Charles, Stephen Hempstead and Wilson S. Overall.
14. For the county of Lincoln, Elijah Collard.
15. For the county of Montgomery, Jacob Groom.
16. For the county of Pike, William Bell and Richard Kerr.
17. For the county of Ralls, Stephen Glascock.
18. For the county of Callaway, Israel B. Grant.
19. For the county of Gasconade, Jonathan Holliway.
20. For the county of Cole, John Inglish.
21. For the county of Boon, William S. Burch and Sinclair Kirtley.
22. For the county of Howard, David R. Drake, Charles Cancle and John J. Lowry.
23. For the county of Cooper, Archibald Kavanaugh and David Jones.
24. For the county of Chariton, Daniel Ashby.
25. For the county of Ray, Isaac Martin.
26. For the county of Saline, William Becknell.
27. For the county of Clay, John Thornton.
28. For the county of Lafayette, David Ward.
29. For the county of Marion, William Blakey.
30. For the county of Jackson, Smallwood V. Noland.

Which report is respectfully submitted.

On motion of Mr. Groom, the report of the committee was adopted.

Mr. Bell submitted the following resolution:

Resolved, That this house do now proceed to the election of one additional engrossing and enroling clerk—which was rejected.

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

Resolved, That David Sterigere be permitted to take a seat within the bar of this house, to copy the journal for the editor of the Jeffersonian.

Mr. Noland submitted the following resolution:

Resolved, That a select committee by appointed to enquire into the expediency of having the assessment made by persons appointed in each militia company, who for their services, shall be exempt from militia duty, working on roads and serving on juries—which was adopted and referred, on motion of Mr. Noland, to a select committee consisting of Messrs. Noland, Reyburn and Bell.

Mr. Glascock moved the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Missouri, That the Secretary of State be required to furnish each of the houses aforesaid, one of the maps of Missouri, Illinois, and territory of Arkansas, for the use of said houses during the present session—which resolution would have lain one day on the table, but on motion of Mr. Groom, the rules were dispensed with; the resolution adopted, and sent to the Senate for concurrence therein.

Mr. Kirtley moved the following resolution:

Resolved, That the door-keeper be directed to procure of the Secretary of State, for the use of this house, copies of the acts of the last General Assembly.

Mr. Magill moved the blank be filled with "twenty;" Mr. Noland, "forty-two"—which was rejected, and the blank filled with twenty.

Mr. Maulsby renewed his motion that Mr. Byrd be added to the committee on internal improvement—which was agreed to.

Mr. Burch was added to the committee on education.

Mr. Kerr was added to the committee on internal improvement.

Mr. Lowry was added to the committee on internal improvement.

Mr. Glascock communicated the report of the Auditor, the reading of which, on motion of Mr. Cole, was dispensed with, and upon his subsequent motion, referred to the committee of ways and means.

Mr. Grant moved the reading of that portion of the report which suggested an amendment to the revenue laws—which was ordered.

Mr. Lowry from the committee of revisal and unfinished business, made report—That they have examined the papers and documents deposited with the Secretary of State, by the late Clerk of the House of Representatives, relative to the unfinished business of the last session of the General Assembly, and find no evidence of any business remaining unfinished, and none for their revisal—which report, on motion of Mr. Groom, was received.

Mr. Allen was added to the committee on engrossed bills.

Mr. Ward moved that Mr. Kavanaugh be added to the committee on internal improvement—Excused.

The House adjourned.

THURSDAY, November 20.

The House met pursuant to adjournment, when, on motion of Mr. Cole, the reading of the journal for the two preceding days, was dispensed with.

Mr. Martin of Ray presented the petition of Timothy Riggs, of the county of Ray, praying that he might be permitted to retail wines and spirituous liquors without license—which, on motion of Mr. Martin of Ray, was referred to a select committee, consisting of Messrs. Martin of Ray, Kirtley and Jones.

Mr. Garner presented the petition of Peter R. Garrett, praying for a change in the law regulating the fees of the several county court clerks, in this State, and containing a list of the fees prayed for.

The petition being read, on motion of Mr. Hempstead, the reading of the list of fees prayed for, was dispensed with.

Mr. Garner moved a reference to the committee on the judiciary, when Mr. Ashby required it to be read a second time, and the petition was referred to the committee on the judiciary.

Mr. Ward presented a similar petition from the county court of Lafayette, the reading of which, on motion of Mr. Hempstead, was dispensed with, and the petition referred to the committee on the judiciary.

Mr. Cole from the committee on the judiciary, reported a bill prescribing certain duties of the clerks of the supreme court, and of the circuit courts; which was read and passed to a second reading.

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

Resolved, That the Senate be requested to furnish this house with the documents accompanying the Governor's message, or copies thereof.

Mr. Lowry moved the following resolution:

Resolved, That the chief clerk of this house be authorized to require the services of the assistant clerks of this house in journalizing, whenever they are not otherwise employed.

Mr. Kirtley moved to amend the resolution by adding, "for which they shall receive a fair compensation, to be paid out of the contingent funds of this house."

Mr. Hempstead moved an amendment to the amendment of Mr. Kirtley, which was to strike out the words "contingent funds," and insert in lieu thereof, "salary of the chief clerk."

Mr. Martin of Ray moved its indefinite postponement.

Mr. Hempstead withdrew his amendment to the amendment of Mr. Kirtley.

Mr. Kirtley withdrew his amendment.

Mr. Martin of Ray withdrew his motion for indefinite postponement.

Mr. Lowry withdrew his original resolution.

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

Resolved, That the Auditor of Public Accounts be requested to furnish this house with a detailed account of the number of public salines that are leased—their local situations—the amounts for which they are severally leased—and the total amount which has been received by the State from that source.

Mr. Martin of Ray was added to the committee on public salines.

On motion of Mr. Byrd, the chief clerk was permitted to employ such assistance as he might deem necessary, to aid him in recording the proceedings of this house.

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

Resolved, That the Hall of the House of Representatives be open to divine service, when the house is not in session.

The Speaker communicated another cirtificate in relation to the attendance of the judges of the circuit courts, which was referred to the committee on the judiciary.

Mr. Glascock was added to the committee on the judiciary.

Mr. Maulsbey was added to the committee on internal improvement.

The house adjourned.

The house convened pursuant to adjournment. when the Speaker

communicated the following report of the commissioner of the permanent seat of gnvernment:

The commissioner of the permanent seat of government has the honor to lay before the General Assembly, the following report of his proceedings in the business committed to his charge, and on which he has acted since the adjournment of the last legislature.

Conformably to the provisions of the third section of an act concerning the permanent seat of government and for other purposes, approved January the first, 1827, he has caused the flat part of the roof of the Governor's house, to be covered with sheet lead, in a manner which he deems most permanent and best calculated to accomplish the object of the legislature. He requests to say, however, that after having once nearly completed the covering of the roof, the lead was blown off and very much injured. Repairing and replacing it has, of course, increased the expense much beyond what was anticipated.

He has also proceeded to have the lots on which the house is situated, to be enclosed in the manner prescribed by law; sown in grass and planted in trees. The season, however, has been so very dry, that the trees nearly all died, and the grass has not succeeded well. He caused the little brick building to be erected, which was provided for in the seventh section of the act mentioned; and in pursuance of the 8th section thereof, he caused stones to be placed in a permanent manner, at the intersection of the principal streets.

It may be proper to remark, that in procuring materials, and in causing these various descriptions of work to be done, he looked to the object and intention of the legislature, and at the same time to the strictest economy. Notwithstanding this, the expenses have swelled much beyond the amount supposed necessary. He has the honor herewith to submit the accompanying vouchers, marked (A) and (B.) Those marked (A,) amounting to the sum of $959 15 1-2 have been paid. Those marked (B,) and amounting to $1037 95 have not been paid, there being no appropriation to meet them. Submitted also, is the commissioner's account, marked (C) for services rendered, amounting to $73 57. This has not been allowed. All the contracts except his own, are for current money of the United States.

Pursuant to the sixth section of the act above mentioned, the commissioner proceeded, together with the Auditor and Treasurer, to examine the sites therein mentioned. A joint report of the proceedings will be laid before the legislature.

The commissioner begs leave to make some suggestions in relation to difficulties which have occurred in the preservation of the public lots, streets and alleys, from waste and injury. By the third section of the act concerning the permanent seat of government, approved February the 16th, 1825, it is made the duty of your commissioner, to preserve from waste or damage, all the lots and squares of land belonging to the State, within the City of Jefferson; and all the land included within the four sections of land selected by the State; and to prvent injuries and encroachments on the streets and alleys. Various

trespasses have been committed, as he believes, on the public lots; but much difficulty exists in proving that they were done on the lots, and not on the streets and alleys—the trespasses having been committed under the pretence that they were on the streets and alleys, and the witnesses not being able to prove that it was not so. In this way, offenders have escaped punishment, and have still proceeded to repeat the offence, much to the injury of the public lots—the trespassers claiming the privilege of cutting and removing timber from the streets and alleys. I am of opinion, that if a law be enacted prohibiting the cutting and removing timber from the streets and alleys, from and beyond fixed points near to the improved part of the city, as laid off, no difficulty could afterwards arise in the prevention of such offences, for trespasses committed beyond such fixed points.

It will be seen by reference to the voucher on the subject of the brick building mentioned, that the expense of the building exceeds the amount appropriated, by thirty-eight dollars. This could not be well avoided, as it was nearly impracticable to erect the building for the specific sum appropriated—but the commissioner did not bind himself, nor attempt to bind the state for this excess. It is, therefore, with the legislature to say whether it shall be allowed and paid. It is but just to say, however, that the commissioner does not consider the charge unreasonable.

The commissioner begs leave to state to the legislature, that application has been made to him for the purchase of lots, and he is of opinion that the sale of a number of lots might now be effected, if such sale should be authorized by law.

PETER BASS,

Commissioner Permanent Seat of Government.

Jefferson City, November 20th, 1828.

Which being read, was referred, on motion of Mr Magill, to the committee on the permanent seat of government.

The Speaker laid before the house a communication from the Secretary of State, containing the proposals of R. B. Semple, for executing public printing—which was referred to the select committee on that subject.

Mr Martin of Ray, from the select committee to whom was referred the petition of Timothy Riggs, reported a bill for his relief, which was read and passed to a second reading.

Mr Lowry was added to the committee on the judiciary.

Mr Brock was added to the committee on engrossed bills.

Mr Dorsey gave notice that on to-morrow, he would ask leave to introduce a bill to amend an act, entitled an act for the relief of the clerks of the circuit and county courts of Madison and Perry, and others therein named.

Message from the Senate, by Mr Boggs—

Mr Speaker: I am instructed by the Senate to inform the House of Representatives, that Mr Gentry, on yesterday, asked and obtained leave to introduce the following joint resolutions:

Resolved, By the Senate and House of Representatives of the State of Missouri; that we highly approve of the Bill lately pending before the Senate of the United States to Graduate the price of Public Lands, to make donations to actual settlers, and to cede the refuse lands to the States in which they lie; and that the thanks of the legislature are due to the Hon. Thomas H. Benton, a Senator in Congress from this State, for his able, patriotic and unwearied exertions in endeavoring to procure the adoption of a measure in which the people of this state have so important an interest.

Resolved, That the Hon. David Barton, a Senator in Congress from this State *be instructed*, and the Hon. Edward Bates, the Representative from this State in Congress *be requested* to use their best exertions to procure the passage of the bill mentioned in the foregoing resolution, either as it originally stood, or as amended in the Senate of the United States at the last session, or in the nearest attainable form thereto: and that the said Senator *be instructed*, and the said Representative *be requested* to oppose all amendments to said bill which may have the effect of preventing its passage, or dividing its friends, or delaying its decision, or giving to any State or description States, any advantage over any other State or description of States, in the time, mode or condition of bringing the Public Lands into market.

Resolved, That the Hon. L. W. Tazewell, a distinguished Senator from the State of Virginia, be requested to accept the thanks of this legislature, for the magnanimous and efficient support which he has so liberally afforded to the bill referred to in the above resolutions; and that a knowledge of his correct principles, his statesman-like conduct, and his strict adherence to justice, induce the legislature to expect his able co-operation in effecting the measure aforesaid.

Resolved, That the Secretary of State do, forthwith, forward to each of these gentlemen, a copy of the foregoing resolution.

Mr Bent gave notice, that on to-morrow he would ask leave to introduce a bill authorizing the courts of the United States to take the acknowledgement of deeds.

Mr Canole was added to the committee on public salines.

On motion of Mr Grant, the following resolution was adopted:

Resolved, That the Auditor of Public Accounts be requested to furnish this house with an account of the quantity of land sold for taxes to individuals, and the quantity purchased in by the State, for the years 1826 and '27: and also, as near as may be, the amount received from such sales, as well as the amount still due the State on such lands.

Mr Maulsbey gave notice, that on to-morrow he would ask leave to introduce a bill to amend an act, entitled an act to establish and regulate a county treasury in each county, passed 11th February, 1825.

Mr Dorsey gave notice, that on to-morrow he would ask leave to introduce a bill entitled an act to amend an act, entitled an act to regulate the practice of medicine in this State.

The house adjourned.

FRIDAY, November 21.

The house met pursuant to adjournment.

On motion of Mr Kirtley, the reading of the message of the Governor, from the journal, was dispensed with.

Motion of Mr Bent to dispense with the reading of the several ballotings for an enrollimg and engrossing clerk, decided in the negative.

On motion of Mr Cole, the reading of the journal of the two preceding days was dispensed with.

Mr Allen presented the petition of Jacob Houts, which being read, Mr Allen moved its reference to a select committee.

Mr Magill moved it be referred to the committee on claims; but the motion of Mr Allen prevailing, it was referred to a select committee, consisting of Messrs. Allen, Garner and Overall.

Mr Noland made the following report:

Mr Speaker: The select committee to whom was referred a resolution of the house, directing an enquiry to be made as to the expediency of having the assessment made by persons appointed within the bounds of each militia company, have instructed me to make the following report:

That they have had the subject under consideration, and reccommend the expediency of altering the law in relation to levying and assessing the State and county taxes—so that the assessments of taxable property shall be made by persons residing within the bounds of each militia company, and who, for their services, shall be exempt from militia duty, working on roads and serving on juries. Your committee are of opinion, that whilst our State debt remains unpaid, it is the part of prudence and sound policy to abolish all expensive laws; and that the present finances of the State, demand an economical expenditure of the public money. Your committee are of opinion that the present law in relation to levying and assessing the State and county revenue, is oppressive on the people, and ought to be repealed; and that it behooves the legislature to set an example of frugality, which can only be effected by a strict adherence to economy.

On motion of Mr Kirtley, the report was laid on the table.

Upon the second reading of the bill prescribing certain duties of the clerks of the supreme courts, and of the circuit courts, Mr Reyburn moved to commit the bill to a committee of the whole house,—and that it be made the order of the house for this day.

Mr Magill moved an amendment—that the words "this day" be stricken out, and to-morrow inserted in its stead; which was agreed to, and the motion as amended was adopted.

Upon the second reading of the bill for the relief of Timothy Riggs, Mr Cole moved it be committed to a committee of the whole house, and made the order of the day for to-morrow; which was agreed to.

Mr Cox presented the petition of sundry inhabitants of the county of Cape Girardeau, praying that they be stricken from said county, and added to the county of Madison.

Mr Hempstead moved to dispense with the reading of their names; and the petition, on motion of Mr Cox, was referred to a select committee, consisting of Messrs. Cox, Garner and Allen—Mr Garner was subsequently excused, and Mr Brock appointed.

Mr Dorsey, pursuant to notice given on yesterday, introduced a bill to amend an act, entitled an act for the relief of the clerks of the circuit and county courts of Madison and Perry, and others therein named; which wasread and passed to a second reading.

Mr Bent, pursuant to notice given on yesterday, introduced a bill authorizing the courts of the United States to take the acknowledgment of deeds; which was read and passed to a second reading.

Hr Hempstead introduced the following joint resolution:

Resolved by the Senate and House of Representatives, That the Secretary of State be requested to employ some person to arrange, file and label the papers of the former sessions of the legislature, and have a case or press made with proper compartments for their safe and convenient keeping; the expense accruing for the same, to be paid out of the joint contingent fund of both houses—

Which, by the rules of the house, lies one day upon the table.

Mr Hempstead communicated the report of the Auditor, in obedience to the resolution of yesterday, upon the public salines; which, on motion of Mr Hempstead, was referred to the standing committee upon that subject.

Mr Burch communicated the following report:

CITY OF JEFFERSON, 21st November, 1828.

In obedience to the directions contained in the sixth section of an act of the General Assembly of this State, entitled "an act concerning the permanent seat of government, and for other purposes," approved January 1st, 1827—we have the honor to report to the General Assembly, that we have selected two scites, one for a seminary of learning, and the other for a penitentiary, to wit: For that of the seminary of learning, we have selected the following squars of land, in that part of the tract bolonging to the State, which embrace lots, numbered on the plan of the City of Jefferson, 728, 729, 730, 731, 732, 733, 734, 735, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 827, 828, 829, 830, 831, 832, 833 and 834. For that of a penitentiary, we have chosen the squares which embrace the lots numbered 230, 231, 232, 233, 234, 235, 201, 202, 203, 204, 205, 206, 207, 208, 140, 141, 142, 143, 144, 145, 371, 372, 373, 374, 375, 376, 377, 278, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393 and 394—together with such streets and alleys within the limits of the respective scites as the General Assembly may deem proper to retain for the purposes intended—which is respectfully submitted.

PETER BASS, *C. P. S. G.*
E. BARCROFT, *A. P. Acts.*
N. SIMONDS, *Treasurer.*

Mr Grimsley presented the petition of Berthold and Chonteau of St. Louis, which, on his motion, was referred to a select committee, consisting of Messrs. Grimsley, Grant and Maulsbey.

Mr Glascock was added to the committee on salines.

Mr Maulsbey, pursuant to notice given on yesterday, introduced a bill to amend an act, entitled an act to establish and regulate a county treasury in each county; which was read and passed to a second reading.

Mr Hempstead moved, in reference to the joint resolution offered by himself this morning, that the rules of the house requiring joint resolutions to lie one day on the table, be dispensed with—which was adopted, and the resolution was passed and sent to the Senate for concurrence.

On motion of Mr Grimsley, the following resolution was adopted:

Resolved, That the Governor be requested to lay before this house all the information in his possession, relative to the trade to the internal provinces of Mexico, and the fur trade on the upper Missouri—and also, any information in his possession, touching the late depredations committed on our citizens engaged in said trade, by authority of law.

Mr Cole gave notice, that on to-morrow he would ask leave to introduce a bill regulating the sessions of the supreme court.

Mr Murphy gave notice, that on Tuesday next, he would ask leave to introduce a bill to change the mode of voting at general elections, from viva voce to that of ballot.

The house adjourned.

SATURDAY, November 22.

Mr Boggs from the Senate, communicated the following message:

Mr Speaker: I am instructed to inform the House of Representatives that the Senate have appointed a committee to act with a similar committee on the part of the House of Representatives, for the examination of the proposals for printing the laws and journals of the present session of the legislature, consisting of Messrs. Boggs, Gentry and Hawkins,

Mr Canole communicated the petition of Henry Griffin of Howard county, which, on his motion was referred to the committee on public salines.

Mr Neill was added to the committee on engrossed bills.

Mr Garner presented the petition of sundry inhabitants of Wayne and Scott counties, praying that certain portions of those counties be added to the county of Cape Girardeau—which, on motion of Mr Allen, was referred to a select committee consisting of Messrs. Allen, Garner and Cowan.

Mr Cox made the following report:

Mr Speaker: The committee to whom was referred the petition of sundry inhabitants of the county of Cape Girardeau, have instructed me to report: That your committee, having reference to an act of the

legislature of 1821, making it the duty of persons petitioning for altering county lines, to advertise in some newspaper in this State a certain time before said petition can be finally acted on by the legislature—which duty said petitioners have not performed; and which omission would, in the opinion of this committee, involve the petitioners in many difficulties, if this General Assembly should grant their petition. The committee, therefore, recommend that said petition be referred to the consideration of the next General Assembly—which is respectfully submitted.

Which report, on motion of Mr Allen, was received.

Mr Cole, pursuant to notice given on yesterday, introduced "a bill to regulate the time and place of session of the supreme court of this State, and to provide for a report of the decisions thereof"—which was read and ordered to a second reading; and to be printed.

Mr Kirtley was added to the committee on internal improvement.

On motion of Mr Cole, the following resolution was adopted:

Resolved, That the Secretary of State be requested to inform this house how far the provisions of an act, entitled an act to provide for a distribution of the decisions of the supreme court of this State, passed at the last session of the General Assembly, have been complied with; and what obstacles exist, if any, to the completion and publication of the decisions therein required to be published.

The bill to amend an act, entitled an act for the relief of the clerks of the circuit and county courts of Madison and Perry, and others therein named, was read a second time and made the order of the day for Monday.

On motion of Mr Cole, the bill prescribing certain duties of the clerks of the supreme court and of the circuit courts, was ordered to be printed.

The bill authorizing the courts of the United States to take the acknowledgement of deeds, was read a second time, and on motion of Mr Bent, committed to a committee of the whole house, and made the order of the day for Monday.

The bill to amend an act, entitled an act to establish and regulate a county treasury in each county, was read a second time; committed on motion of Mr Becknell, and made the order of the day for Monday.

Message from the Senate by Mr Gentry:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have passed a joint resolution, entitled "a resolution on the bill to graduate the price of public lands"—which is herewith sent for the concurrence of the House of Representatives.

The resolution being read, Mr Lowry moved that the rules be dispensed with, and the resolution read a second time by its title to-day; which was agreed to—when

Mr Kirtley's motion to refer the resolution to the committee on internal improvement, was decided in the negative—and

On motion of Mr Magill, the resolution was committed to a committee of the whole house.

The Speaker laid before the house a communication from the Sec-

retary of State, containing an abstract of the census of the several counties of the State of Missouri, for the year 1828.

SECRETARY'S OFFICE, CITY OF JEFFERSON, Nov. 22, 1828.

The Hon. The Speaker of the House of Representatives,

SIR:—I have the honor to lay before the House of Representatives, the enclosed complete abstract of the enumeration of the inhabitants of the State, made out from the returns of the Sheriffs of the several counties.

I submit this as the best and most accurate estimate which I can make from the confused and almost unintelligible returns made by the Sheriffs. Some few of these were correct—but for the most part, they are not only incomplete, but incorrect in their *attempted* estimates. In one or two instances only, were they so arranged and cast up, as to enable me to make an abstract with much facility. Several of the Sheriffs have transmitted their list of names without any addition whatever having been made, and others with partial and very incorrect additions. Whether this irregularity and confusion results from defects in the law, or the palpable negligence and inattention of the Sheriffs, will be for the Legislature to say.

I am, Sir, respectfully, your ob't. ser'vt.

SPENCER PETTIS.

On motion of Mr Grant, the reading of the abstract was dispensed with, and the same ordered to be printed.

On motion of Mr Hempstead, the communication of the Secretary of State, was referred to the committee on the judiciary.

On motion of Mr Groom, the house resolved itself into a committee of the whole on the orders of the day, Mr. Magill in the chair, and took into consideration the bill for the relief of Timothy Riggs, and after some time spent therein, the committee rose and reported said bill without amendment—which was agreed to.

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

Message from the Senate by Mr Jones:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have concurred in the resolution of the House of Representatives, requesting the Secretary of State to employ some person to arrange the papers, &c. of the former sessions of the legisture, and providing for their preservation.

On motion of Mr Bent, the joint resolution from the Senate, on the bill to graduate the price of public lands, was ordered to be printed.

Mr Dorsey, pursuant to leave granted on Thursday, introduced a bill to regulate the practice of medicine and surgery in this State—which was read and passed to a second reading.

Motion of Mr Lowry, that the rules be dispensed with and the bill read a second time this day, was decided in the negative.

On motion of Mr Kirtley, the following resolution was adopted:

Resolved, That the Auditor be directed to furnish this house a statement of the accounts for the year 1827, charged against the several clerks and recorders of this State, by virtue of the fourth section of

an act to provide for levying, assessing and collecting State and county taxes, approved February 21st, 1818.

On motion of Mr Grimsley, the following resolution was adopted:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of so amending the law regulating conveyances, as to prevent the title of property granted to trustees for particular purposes, reverting to the grantor, in cases of the death of any of the trustees named in the deed of conveyance.

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

Resolved, That the Treasurer be requested to furnish this house with an account of the amounts of warrants issued previous to the year 1825, in each quarter, and the probable amount of interest that has accrued on the same.

Mr Murphy offered the following resolution:

Resolved, That a committee of three members be appointed to examine the constitution of this State, and report to this house what amendments they may deem necessary, if any.

Which resolution was adopted, and Messrs. Cole, Maulsbey and Murphy appointed the committee.

Mr Drake gave notice, that on Tuesday he would ask leave to introduce a bill providing for the holding monthly terms of the county court in each county.

Mr Glascock moved the adoption of the following:

Resolved, That it is expedient to reduce the pay of the members of this General Assembly.

Which resolution, on motion of Mr Martin of Ray, was indefinitely postponed.

The house adjourned to Monday next.

MONDAY, November 24.

Mr Bent presented the petition of Luke Edward Lawless of St. Louis, which, with the accompanying documents, was referred, on motion of Mr Bent, to the committee of claims.

Mr Barrett presented the petition of the Justices of the county court for the county of Ste Genevieve, which, with the accompanying documents, was referred, on motion of Mr Magill, to a select committee, consisting of Messrs. Barrett, Cox and Glascock.

On motion of Mr Cole, the rule requiring one day's notice previous to the introduction of bills, was dispensed with—when Mr Cole introduced a bill to change the times of holding the circuit courts in the third judicial circuit of this State.

Mr Ashby moved the following resolution:

Resolved by the House of Representatives, That no Auditor's Warrants shall, from and after the day of next, draw any interest.

On motion of Mr Ashby, the blanks in the foregoing resolution, were filled with the words "first of January"—when the resolution was decided in the negative, ayes 12, nays 30.

Those voting in the affirmative are, Messrs. Ashby, Bell, Besknell,

Burch, Canole, Drake, Glascock, Inglish, Jones, Kavanaugh, Lowry and Noland.

Those voting in the negative are, Messrs. Allen, Byrd, Bent, Brock, Blakey, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Garner, Grimsley, Grant, Groom, Holliway, Hempstead, Kerr, Kirtley, Maulsbey, Martin of Jefferson, Martin of Ray, Martin of Cape Girardeau, Murphy, Magill, Neill, Overall, Reyburn, Ward and Mr Speaker.

Mr Reyburn moved the adoption of the following resolution:

Resolved, That the committee of ways and means be instructed to enquire into the expediency of so amending existing laws with regard to roads and highways, as to make the opening, clearing and keeping in repair thereof, equal between the rich and the poor, in the several districts; and if it be expedient to proportion the burden of opening, clearing and keeping in repair thereof, in proportion to the use.

Mr Magill moved an amendment, to strike out the words "ways and means," and insert internal improvement—which was adopted, and the resolution, as amended, was agreed to.

On motion of Mr Grimsley, the following resolution was adopted:

Resolved, That the Auditor of Public Accounts be requested to furnish the House of Representatives an abstract of the property, lands, lots, &c. which have been acquired by the State in virtue of the foreclosure of mortgages, &c. stating the amount paid for the same, and the counties in which such lands or property may lie.

On motion of Mr Ashby, Mr Becknell was added to the committee on public salines.

On motion of Mr Cole, Messrs. Murphy and Dorsey were added to the select committee on the petition from the county court of Ste. Genevieve.

The bill to regulate the time and place of session of the supreme court of this State, and to provide for a report of the decisions thereof, was read a second time, and on motion of Mr Magill, committed to a committee of the whole.

Upon the second reading of the bill to regulate the practice of medicine and surgery in this State, Mr Murphy moved to strike out the first section with the enacting clause.

Mr Lowry pronounced the motion out of order—the Speaker said the motion was in order—Mr Lowry appealed from the decision of the chair—when the house sustained the chair.

A call of the house being made, those voting in the affimative are, Messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Cowan, Cole, Collard, Canole, Garner, Holliway, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Martin of Cape Girardeau, Murphy, Noland, Overall, Reyburn and Ward—25.

Those voting in the negative are, Messrs. Bent, Barrett, Cox, Dorsey, Drake, Grimsley, Grant, Groom, Glascock, Hempstead, Lowry, Maulsby, Martin of Jefferson, Martin of Ray, Magill, Neill and Mr Speaker—17. So the bill was rejected.

The bill for the relief of Timothy Riggs, was read a third time and passed.

The report of the select committee, to whom was referred the resolution directing an enquiry as to the expediency of having the assessment made in each militia company, was taken up, and on motion of Mr Grant, re-committed to the same committee, with directions to report a bill.

Mr Burch made the following report:

The committee on the permanent seat of government, to whom was referred the report, together with the accompanying documents of the commissioner, have had the matter under consideration, and have instructed me to make the following report, viz:

That, that part of said commissioner's report, together with the accompanying documents, which relates to the Governor's house being covered with sheet lead—erecting a privy, fencing in, clearing off and sowing down the lots in blue grass, and planting the same in trees—also, placing stones in a permanent manner at the intersection of the principal streets, &c.—your committee, from the evidence before them, have no hesitation in saying, that the foregoing work has been done in accordance with the report of said commissioner. With a reference to the accompanying documents, those marked (A,) amounting to $1109 15 1-2, have been liquidated and paid by said commissioner. Also, by reference to the documents marked (B) and (C,) that the sum of $1039 82 1-2 yet remains unpaid, owing to the appropriation having been expended in the payment of the $1109 15 1-2. It also appears, that the sum of $966 25, being a part of the aforesaid sum of $1039 82 1-2, by contract of said commissioner, is to be paid in current money of the United States; leaving a balance of $73 57 1-2, payable in Auditor's Warrants.

Your committee would suggest the propriety of making an appropriation, and authorizing said commissioner to pay off and discharge the amounts above specified.

Your committee would further remark, that a voucher marked (A,) amounting to $150, was overlooked by the commissioner, and consequently, not enumerated in his report. Furthermore, that a voucher of $1 87 1-2 since the reference of said commissioner's report, has been placed before the committee by the commissioner; both of which are included in the amounts above specified.

Which report, on motion of Mr Lowry, was agreed to; and on motion of Mr Grant, referred to the committee of wayes and means.

On motion of Mr Cole, the house resolved itself into a committee of the whole, Mr Brock in the chair, on the orders of the day; and took into consideration a bill to amend an act, entitled an act for the relief of the clerks of the circuit courts of Madison and Perry, and others therein named; and a bill to authorize the courts of the United States to take the acknowledgement of deeds; and after some time spent therein, the committee rose and reported said bills with sundry amendments—which were agreed to.

On motion of Mr Magill, the house again resolved itself into a committee of the whole, Mr Magill in the chair, on the orders of the day; and took into consideration the joint resolutions from the Senate, on

the bill to graduate the price of public lands; and after some time spent therein, the committee rose, reported progress, and asked leave to sit again—which was granted.

The house adjourned.

TUESDAY, November 25.

Mr Kirtley from the committee on the judiciary, to whom was referred so much of the Governor's message as recommends an amendment to the criminal law, reported a bill supplementary to an act concerning crimes and punishments—which was read and ordered to a second reading.

Mr Maulsbey from the committee on the judiciary, reported a bill to amend an act, entitled an act to license retailers of wines and spirituous liquors, passed the 15th of February, 1825—which was read and ordered to a second reading.

Mr Martin of Jefferson, from the judiciary committee, reported a bill to amend an act, entitled an act imposing a tax on licenses to venders of merchandize, and pedlars, passed the first of March, 1825—which was read and ordered to a second reading.

Mr Allen from the select committee, to whom was referred the petition of Jacob Houts, reported a bill entitled an act for the relief of Jacob Houts—which was read and ordered to a second reading.

The Speaker laid before the house sundry papers from clerks of circuit courts, in relation to the attendance of the judges—which was referred to the committee on the judiciary.

On motion of Mr Cole, the injunction of secrecy was removed from the proceedings of Saturday.

On motion of Mr Lowry, Mr Drake was added to the committee on the militia.

The bill to change the time of holding the circuit court in the third judicial circuit of this State, was read a second time, and on motion of Mr Hempstead, committed to a committee of the whole house.

Mr Hempstead called up the resolution offered by *Mr* Brock on Thursday, proposing the election of a sergeant at arms for the present General Assembly—which was adopted, and the house proceeded to the election.

Wynkoop Warner, Jesse E. *Mc*Campbell, *M*artin D. Noland and *Mr* Casey being severally nominated, there appeared

For Wynkoop Warner, *M*essrs. Ashby, Bent, Burch, Cox, Canole, Grimsley, Grant, Glascock, Hempstead, Kerr, Kirtley, Lowry, *M*aulsbey, *M*artin of Jefferson, *M*artin of Ray, *M*agill, Neill, Overall, Reyburn, Ward and *Mr* Speaker—21.

For Jesse E. *Mc*Campbell, *M*essrs. Allen, Byrd, Blakey, Becknell, Barrett, Cole, Collard, Dorsey, Drake, Garner, Groom, Kavanaugh, *M*artin of Cape Girardeau, and *M*urphy—15.

For *M*artin D. Noland, *M*essrs. Brock, Bell, Inglish, Jones and Noland—5.

For *Mr* Casey, *Mr* Holliway—1.

Neither of the candidates having a majority of all the votes, the house was proceeding to a second ballot, when, on motion of *Mr Murphy*, it was agreed that the two lowest on the list be dropped.

Upon the second vote, there were,

For Wynkoop Warner, *Messrs.* Ashby, Bent, Bell, Burch, Cox, Cole, Canole, Grimsley, Grant, Glascock, Hempstead, Inglish, Kerr, Kirtley, Lowry, *Maulsbey*, *Martin* of Jefferson, *Martin* of Ray, *Magill*, Neill, Noland, Overall, Reyburn, Ward and *Mr* Speaker—25.

For Jesse E. *McCampbell*, *Messrs.* Allen, Byrd, Brock, Blakey, Becknell, Barrett, Cowan, Collard, Dorsey, Drake, Garner, Groom, Holliway, Jones, Kavanaugh, *Martin* of Cape Girardeau, and *Murphy*—17.

Whereupon, Wynkoop Warner was declared duly elected; was qualified, and entered upon the discharge of the duties of his office.

Mr Hempstead communicated the report of the Auditor of Public Accounts, made in obedience to a call of the house, upon the subject of the amount of lands sold for taxes, in the years 1826 and '27—which, on motion of *Mr* Hempstead, was referred to the committee of ways and means.

On motion of *Mr* Grant, *Mr* Hempstead was added to the committee of ways and means.

On motion of *Mr* Holliway, the house resolved itself into a committee of the whole, on the orders of the day, *Mr* Garner in the chair, and took into consideration the joint resolutions from the Senate, on the bill to graduate the price of public lands, and after some time spent therein, the committe rose and reported the same withot amendment. Also a bill to amend an act, entitled an act to establish and regulate a county treasury in each county; and reported the same with an amendment, to wit: strike out all after the enacting clause, and insert in lieu thereof, "that all county warrants issued hereafter by order of any county court, shall be payable to bearer; any law to the contrary notwithstanding. This act to take effect and be in force form and after the passage thereof."

Mr Magill moved to amend the report of the committee of the whole, by striking therefrom, the words of the amendment—which was agreed to.

Mr Hempstead moved to amend the report of the committee of the whole upon the joint resolutions from the Senate, by striking from the second section the words, "the Hon. David Barton," and inserting in their stead, "our Senators;" and the words "the Hon. Edward Bates, the Representative from this State," and in lieu thereof, "our Representative—which was decided in the negative, ayes 16, nays 26.

Those voting in the affirmative, are,

Messrs. Bent, Bell, Cox, Cole, Collard, Grimsley, Grant, Groom, Glascock, Hempstead, Kerr, Kirtley, Maulsbey, Overall, Reyburn and *Mr* Speaker.

Those voting in the negative, are,

Messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Canole, Dorsey, Drake, Garner, Holliway, Inglish, Jones,

Kavanaugh, Lowry, Martin of Jefferson, Martin of Ray, martin of Cape Girardeau, murphy, magill, Neill and Noland.

mr Kirtley offered an a amendment to the report of the committee of the whole; which was to strike out all after the word "resolved," in the first line, and insert in lieu thereof the following:

"That we would highly approve of Congress passing a bill, the provisions of which, would go to graduate the price of public lands, to make donations to actual settlers, and cede the refuse lands to the States in which they lie, upon the following principles, or in the nearest attainable form thereto, viz:

1 That so much of the Public Lands as have been offered heretofore at Public Sale, and which may remain unsold on the first day of April next, and shall then be subject to entry at $1 25 per acre, shall thereafter be offered at private sale in parcels of forty acres, until the sale thereof shall be effected, at the following graduation of prices, viz: For two years next ensuing the first Monday of April 1829, at one dollar per acre. For two years next ensuing the first Monday of April 1831, at 75 cents per acre. For two years next ensuing the first monday of April, 1833, at 50 cents per acre. And for two years from and after the first monday of April 1835, at 25 cents per acre.

2 That actual settlers be permitted to enter not more than one quarter section at 25 cents less per acre than other puschasers at the several graduated prices.

3. That all land which may remain unsold for two years, after having been subject to entry at 50 cents per acre, be ceded to the several States in which they respectively lie, upon the lowest equitable conditions.

4. That indigent persons from and after the passage of said Bill, be entitled to a quarter for one half quarter of land upon settlement and cultivation for five consecutive years.

Resolved, That our Senators in Congress be instructed, and our Representative be requested to use their best exertion to procure the passage of a bill with provisions as near as can be obtained to those in the above resolution.

Resolved, That the Secretary of State do forthwith forward to each of said Senators and our Representative in Congress, a copy of the foregoing resolutions.

Which amendment was rejected, ayes 14, noes 28.

Those voting in the affirmative, were, messrs. Bent, Bell, Cox, Cole, Grimsley, Grant, Glascock, Holliway, Hempstead, Kerr, Kirtley, maulsbey, Overall and mr Speaker.

Those voting in the negative, were, messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Collard, Canole, Dorsey, Drake, Garner, Groom, Inglish, Jones, Kavanaugh, Lowry, martin of Jefferson, martin of Ray martin of Cape Girardeau, murphy, magill, Neill, Noland, Reyburn and Ward.

mr Cole moved an amendment to the first resolution, by striking out all after the word "be" in the fourth line thereof—which was decided in the negative, ayes 13, nays 29.

Those who voted in the affirmative are,

Messrs. Bent, Bell, Cox, Cole, Collard, Grimsley, Grant, Glascock, Hempstead, Kerr, Kirtley, Maulsbey, and Overall.

Those who voted in the negative are,

Messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Canole, Dorsey, Drake, Garner, Groom, Holliway, Inglish, Jones, Kavanaugh, Lowry, Martin of J Martin of R Martin of C G Murphy Magill, Neill, Noland, Reyburn, Ward, and Mr Speaker.

Mr. Cole offered in lieu of the third resolution, the following:

That the several distinguished Senators in Congress who supported the above bill for the graduation of the price of public lands be requested to accept the thanks of this legislature for the support so liberally afforded; and that a knowledge of their correct principles, their statesmanlike conduct, and their strict adherence to justice, induce the legislature to expect their co-operation in effecting the measure; which was rejected, ayes 14, noes 28.

Those voting in the affirmative, were

Messrs. Bent, Bell, Cox, Cole, Collard, Grimsley, Groom, Glascock, Hempstead, Kerr, Kirtley, Maulsbey, Overall, and Mr Speaker.

Those voting in the negative were

Messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Canole, Dorsey, Drake, Garner, Grant, Holliway, Inglish, Jones, Kavanaugh, Lowry, Martin of J Martin of R Martin of C G Murphy, Magill, Neill, Noland, Reyburn and Ward.

The motion of of Mr Gant to amend the report of the committee by striking out the third resolution was decided in the negative, ayes 13, noes 29.

Those voting in the affirmative, are

Messrs. Bent, Cox, Cole, Collard, Grimsley, Grant, Glascock, Hempstead, Kerr, Kirtley, Maulsby, Overall, and Mr. Speaker.

Those voting in the negative, are

Messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Canole, Dorsey, Drake, Groom, Holliway, Inglish, Jones, Kavanaugh, Lowry, Martin, of J Martin of R. Martin of C G Murphy, Magill, Neill, Noland, Reyburn and Ward.

Message from the Senate by Mr. Brown.

Mr. Speaker—I am instructed to inform the House of Representatives, that the following bills have been introduced into the Senate, this day, viz:—

A bill making compensation to the commissioners of seminary lands.

A bill appropriating the three per cent. fund.

A bill entitled an act to enable Theodore Hunt, and Ann Lucas Hunt, to sell and convey the real estate therein mentioned, and

A bill entitled an act to amend an act, to fix the compensation of the members of the General Assembly and their officers, passed 21st Feb. 1825.

Mr. Cole moved to amend the report of the committee of the whole on the joint resolutions from the Senate, by striking out all the first section after the word "lie," and inserting in lieu thereof the following:

And whereas the Hon. Thomas H. Benton, a Senator in congress from this State, by his assiduity, intelligence and patriotic devotion to the true interests thereof, has contributed more than any other person to the advancement and understanding of the graduation system, and by that means has evinced his humanity to the poor, and his unwearied love of justice. Therefore, be it resolved, that the thanks of this State are due to the Hon. Thomas H. Benton, a senator in congress from this State, for his able exertions to procure the adoption of a measure, in which the people thereof are so vitally interesetd.

Which amendment was rejected, ayes 1, noes 41.

In favor of the amendment was Mr Bent.

Those who voted against the amendment were,

*Me*ssrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, *M*aulsby, *M*artin, of J *M*artin of R. *M*artin, of C G *M*urphy, *M*agill, Neill, Noland, Overall Reyburn, Ward and *Mr*. Speaker.

The question upon agreeing to the report of the committee of the whole, was decided in the affirmative, ayes 32, noes 10.

Those voting in the affirmative are,

messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Collard, Canole, Dorsey, Drake, Garner, Groom, Glascock, Holliway, Inglish, Jones, Kavanaugh, Lowry, *M*artin, of J *M*artin of R *M*artin of C G *M*urphy, *M*agill, Neill, Noland, Reyburn, Ward and mr Speaker,

Those who voted in the negative are,

messrs. Bent, Cox, Cole, Grimsley, Grant Hempstead, Kerr, Kirtley, *M*aulsbey and Overall.

mr Bent asked leave to enter his written protest on the journal, which was granted.

On motion of mr Lowry, the joint resolutions were ordered to be read a third time on to-morrow.

On motion of mr Groom, the report of the committee of the whole on the bill to amend an act entitled an act to establish and regulate a county treasury in each county was agreed to, and the bill ordered to be engrossed and read a third time on to-morrow.

messrs. Grimsley, *M*aulsby and Cox, asked and obtained leave to enter their written protest to the joint resolutions from the Senate on the bill to graduate the price of public lands, on the journals of this house.

The speaker laid before the House the report of the Auditor of Public Accounts, which on motion of mr. Grimsley was laid on the table.

mr *M*urphy pursuant to notice given on Saturday, introduced a bill to amend an act regulating elections, which was read, and on motion of mr. Jones, rejected.

mr Bell gave notice that on to-morrow he would ask leave to introduce a bill, supplementary to an act to provide for levying, assessing and collecting state and county taxes.

The house adjourned.

WEDNESDAY, NOVEMBER 23.

The bill supplementary to an act concerning crimes and punishments was read a second time, and on motion of mr. Magill committed to a committee of the whole house.

The bill to amend an act entitled an act to license retailers of wines and spirituous liquors, passed the 15th of February 1825, was read a second time, and on motion of mr Cole referred to a committee of the whole house.

The bill to amend an act entitled an act imposing a tax on licences to venders of merchandize and pedlars, passed 1st march, 1825, was read a second time, and on motion of mr. Burch referred to a committee of the whole house.

The bill entiled an act for the relief of Jacob Houts was read a second time, and, on motion of mr Allen, ordered to be engrossed and read a third time on to-morrow.

On motion of mr. Magill the report of the Auditor, communicated on yesterday, was taken up, and on his further motion the reading thereof was dispensed with, and the report, together with the accompanying documents was referred to the committee of claims.

mr Glascock communicated the report of the Auditor in answer to a requisition of the house on Saturday, which, on motion of mr Kirtley was referred to the committee of ways and means.

On motion of mr Magill, the house resolved itself into a committee of the whole, on the orders of the day, mr Grant in the chair, and took into consideration a bill supplementary to an act concerning crimes and misdemeanors, and reported the same with sundry amendments.

Also, a bill prescribing certain duties of the clerks of the Supreme Court and of the circuit courts, and after some time spent in the consideration thereof, the committee rose and reported progress and had leave to sit again.

Message from the Senate, by mr Wright their secretary:

mr Speaker—I am instructed by the president of the Sanate, to lay before the House of Representatives, a copy of the documents accompanying the message of the Governor.

On motion of mr. Cole, the report of the committee of the whole on the bill supplementary to an act concerning crimes and punishments, was agreed to, and the bill ordered to be engrossed and read a third time to-morrow.

mr Bell, pursuant to notice given on yesterday, introduced a bill supplementary to an act for levying, assessing and collecting state and county taxes, which on motion of mr Murphy was rejected,

On motion of mr Magill, the joint resolutions from the Senate, on the bill to graduate the price of public lands were taken up and passed, ayes 31, noes 10.

Those who voted in the affirmative were

messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Cowan, Collard, Canole, Dorsey, Drake, Garner, Groom, Glascock, Holliway, Inglish, Jones, Kavanaugh, Lowry, Martin of J Martin of R

Martin of C G Murphy, Magill, Neill, Noland, Reyburn, Ward and mr Speaker.

Those who voted in the negative were,

messrs Bent, Cox, Cole, Grimsley, Grant, Hempstead, Kerr, Kirtley Maulsby and Overall.

motion of mr Inglish to add mr. Drake to the committee on the judiciary, rejected.

On motion of Murphy, mr. Kerr was added to the select committee on the petition of the judges of the county court of Ste. Genevieve.

On motion of mr Murphy, mr Canole was added to the select committee to whom was referred the expediency of amending the constitution of this state.

On motion of mr Magill, a committee of three was appointed on enrolled bills.

messrs Blakey, Burch and Cox were appointed said committee.

On motion of mr Dorsey, mr. Reyburn was added to the select committee on the petition of the justices of the county court of Ste. Genevieve.

On motion of mr Bell, mr Drake was added to the select committee to whom was referred the expediency of making alterations in the mode of making the assessment.

mr. Grant submitted the following resolution:

Resolved, That a joint committee of seven, on the part of this house, be appointed to join such committee as may be appointed on the part of the Senate, to take into consideration the apportionment of representation in the next general assembly of this state, and that they report by bill.

Which was adopted, and messrs Grant, Ward, Garner, Bent, Kerr, Ashby and Reyburn appointed the committee.

The house adjourned.

THURSDAY, November 27.

The bill to amend an act entitled an act to establish and regulate a county treasury in each county was read a third time and passed.

On the third reading of the bill supplementary to an act concerning crimes and punishments, mr. Cole moved its recommitment to the committee on the judiciary, which was agreed to.

The bill for the relief of Jacob Houts was read a third time. mr Cole moved to strike out the first section with the enacting clause, which was agreed to.

One of the documents referred to in the message of the governor being an exposition of the views and feelings of the legislature of the state of Georgia, upon the assumption of power on the part of the general government, to prosecute a system of internal improvement, and impose a tariff for the protection and encouragement of domestic manufactures, was read, and on motion of mr Kirtley, laid on the table, and on motion of mr Lowry, ordered to be printed.

Another of the documents referred to in the message of the Gov-

ernor, denying to Congress the constitutional competency of appropriating funds from the National Treasury, for the purpose of transporting negroes to the Colony of Liberia, on the coast of Africa, was read, and on motion of Mr. Lowry, that the said report be printed.

Mr Magill demanded the ayes and noes, when there appeared

Ayes, Messrs. Garner, Lowry and Murphy—3.

Noes, Messrs. Allen, Ashby, Byrd, Bent, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Maulsbey, Martin of Jefferson, Martin of Ray, Martin of Cape Girardeau, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker—39.

So the motion to print the document was rejected.

On motion of Mr Lowry, the document was referred to the committee of the whole on the State of the Republic.

Another of the documents accompanying the message of the Governor, being the report and resolutions of the Legislature of Ohio, upon cestain resolutions of the Legislature of the State of South Carolina therein named, was read, when

Mr Bent moved the printing thereof, which was decided in the negative, and the document, on motion of Mr Lowry, was referred to a committee of the whole on the State of the Republic.

Mr Bent presented the report of the Auditor of Public Accounts, which, on motion of Mr Bent, was referred, together with the accompanying documents, to the committee of ways and means, with instructions to report by bill, on Saturday.

On motion of Mr Grant, the committee of claims was discharged from the further consideration of a similar report submitted on yesterday; which was referred to the committee of ways and means.

Mr Murphy moved a reconsideration of the vote to print the document first read, accompanying the Governor's message, which was agreed to—and upon the question, "shall the document be printed?"

Mr Cox demanded the ayes and noes, when there appeared, twenty ayes—twenty-one nays.

Those who voted in the affirmative, were

Messrs. Allen, Ashby, Blakey, Becknell, Burch, Cowan, Canole, Dorsey, Drake, Garner, Glascock, Inglish, Kavanaugh, Lowry, Martin of Jefferson, Martin of Ray, Neill, Noland, Ward and Mr Speaker.

Those who voted in the negative, were

Messrs. Byrd, Bent, Brock, Bell, Barrett, Cox, Cole, Collard, Grimsley, Grant, Groom, Holliway, Hempstead, Jones, Kerr, Kirtley, Maulsbey, Martin of Cape Girardeau, Murphy, Magill, Overall and Reyburn.

Mr Kirtley gave notice, that on to-morrow he would ask leave to introduce "a bill."

Mr Grant laid before the house a communication from the Treasurer, which, on motion of Mr Grant, was referred to the committee of ways and means.

On motion of Mr Lowry, the report of the committee of the Legis-

jature of Georgia, upon the subject of internal improvement and domestic manufactures, was referred to the committee of the whole on the State of the Republic.

Mr Groom presented the petition of John C. Gorden, Commissioner of the permanent seat of government, which was read, and on motion of Mr Allen, referred to the committee of claims.

Mr Inglish presented the petition of the citizens of Cole county, praying the removal of the seat of justice from the town of Marion, to the City of Jefferson.

On motion of Mr Inglish, the reading of the names of the signers was dispensed with; and on his further motion, was referred to a select committee, consisting of Messrs. Inglish, Glascock and Grant.

On motion of Mr Holliway, the house resolved itself into a committee of the whole on the orders of the day, Mr Murphy in the chair, and took into consideration a bill to amend an act entitled an act to license retailers of wine and spirituous liquors, and reported the same with sundry amendments.

Also, a bill to change the times of holding the circuit court in the third judicial circuit of this State, which they reported without amendment.

On motion of Mr Cole, the bill to amend an act entitled an act to license retailers of wine and spirituous liquors, was referred to a select committee, consisting of Messrs. Cox, Allen and Bent.

On motion of Mr Kirtley, the bill to change the times of holding the circuit court in the third judicial circuit of this State, was referred to a select committee, consisting of Messrs. Kirtley, Garner and Maulsbey.

Message from the Senate by Mr Dawson:—

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have this day passed a bill of the following title, viz:

An act to enable Theodore Hunt and Ann Lucas Hunt, his wife, to sell and convey the real estate therein mentioned; and ask the concurrence of the House of Representatives therein.

On motion of Mr Grant, the following resolution was adopted:

Resolved, That that part of the Auditor's report recommending the abolition of the offices of the clerks of the several loan offices; and that part of the same which relates to the fees of the clerks of courts in relation to the revenue, together with the accompanying documents, be referred to the committee on the judiciary—and that the committee of ways and means be discharged from the further consideration of the same.

On motion of Mr Brock, Mr Hempstead was added to the select committee to whom was referred the bill proposing to change the time of holding the circuit court for the third judicial circuit in this State.

On motion of Mr Barrett, the following resolution was adopted:

Resolved, That the committee of ways and means enquire into the expediency of changing the law in regard to the revenue, providing for the sale of non-resident's lands at the seat of government; and report by bill or otherwise.

Message from the Senate by Mr Jones:—

Mr Speaker: I am instructed to inform the House of Representatives, that Mr Boggs, from the committee on education, this day reported a memorial to the Congress of the United States, on the subject of the seminary and school lands, and public salines; and that Mr Bollinger, from the committee on internal improvement, reported a memorial to Congress, on the subject of lands containing lead and iron ore.

The house adjourned.

FRIDAY, November 28.

Mr Barrett, from the select committee on the petition of the judges of the county court for the county of Ste. Genevieve reported, that on examination of the documents referred to them, they are of opinion that said county of Ste. Genevieve does not contain a space within the bounds of its present limits, in which a square of twenty miles can be laid down.

Motion of Mr Dorsey to re-commit the report to the same committee with instructions to report a bill, decided in the negative.

On motion of Mr Dorsey, the documents upon which the report was founded, together with the petition, was committed to a committee of the whole house.

The bill from the Senate to authorize Theodore Hunt and Ann Lucas Hunt, his wife, to sell and convey certain lots therein described, was read and ordered to a second reading.

On motion of Mr Bent, the rules of the house requiring bills to be read on three several days, was dispensed with; and the bill read a second time by its title, and on the further motion of Mr Bent, ordered to be read a third time on to-morrow.

Mr Magill made the following report:

The committee on internal improvement, to whom was referred so much of the Governor's message as relates to the growth of hemp, tobacco, &c. have had the subject under consideration, and instructed me to request that they be discharged from the further consideration thereof—and that the same be referred to a select committee—which was adopted, and Messrs. Glascock, Garner and Kavanaugh were appointed the committee.

Mr Grimsley communicated the report of the Auditor, in reference to the lots, lands, &c. acquired by the State in virtue of the foreclosure of mortgages, &c. which, on motion of Mr Grimsley, was referred to the committee on the judiciary.

On motion of Mr Glascock, Mr Blakey was added to the committee to whom was referred that portion of the Governors message relating to the culture of hemp and tobacco.

On motion of Mr Hempstead, the following resolution was adopted:

Resolved, That Messrs. Brock, Grimsley and Drake of the committee on the militia, be excused from attending in this house until Tuesday next, for the purpose of making some proposed amendments to the militia law.

Mr Allen presented the petition of sundry citizens of Scott county,

praying relief for Silas King, which, on motion of Mr Allen, was referred to a select committee, consisting of Messrs. Allen, Cox and Kerr.

Message from the Senate by Mr Gentry:—

Mr Speaker: I am instructed by the Senate to inform the House of Representatives, that Mr Earickson, from the committee on agriculture, to whom was referred so much of the message of the Governor as relates to the graduation of the public lands, reported this morning to the Senate, a memorial to the Congress of the United States upon the subject of graduating the price of public lands.

The Secretary of State communicated the answer of the Governor to the resolution of the house, soliciting information in relation to the trade to Mexico and the Rocky mountains, which, on motion of Mr Grimsley, was referred to the committee on the militia.

The Speaker laid before the house a communication from the Secretary of State, in relation to the printing of the decisions of the supreme court, the reading of which was dispensed with, and on motion of Mr Cole, referred to the committee on the judiciary.

Mr Garner presented the petition of George Bullitt of Cape Girardeau, and thereupon, offered the following resolution:

Resolved, That the petition of George Bullitt be referred to a select committee, with instructions to enquire whether this house has the power to fine for a supposed contempt, committed not in their presence —and if they have, whether it was expedient to exercise it in the case named in the petition.

Mr Magill moved to amend the resolution by striking out all after the word "committee" in the second line—which was agreed to, and the resolution as amended, was adopted.

Messrs. Garner, Grant and Blakey were appointed the committee.

On motion of Mr Becknell, the house resolved itself into a committee of the whole on the orders of the day, Mr Byrd in the chair, and took into consideration the report of the select committee, to whom had been referred the petition of the justices of the county court for the county of Ste Genevieve; and after some time spent therein, rose and reported the same without amendment, which was referred to the next general assembly.

On motion of Mr Murphy, the report of the committee of the whole was agreed to.

On motion of Mr Noland, Mr Jones was added to the select committee, to whom was referred the expediency of changing the mode of making the assessment.

The house adjourned.

SATURDAY, November 29.

Mr Noland asked and obtained leave of absence for Mr Jones, until Monday.

On motion of Mr Hempstead, Mr Cox was added to the select committee on the militia, who had leave to sit during the session of the house.

The bill from the Senate to authorize Theodore Hunt and Ann Lucas Hunt, to sell and convey certain property therein described, was read a third time and passed.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, joint resolutions on the bill to graduate the price of public lands.

Mr Speaker signed said resolutions, and they were sent to the Senate for the signature of the President.

Mr Bent presented the joint protest of himself and Messrs. Cox and Grimsley, to the resolutions on the bill to graduate the price of public lands, and on the question, 'shall the protest be entered on the journal?'

Mr Kirtley demanded the ayes and noes, when there appeared,

Ayes, Messrs. Ashby, Byrd, Blakey, Decknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Drake, Grant, Groom, Glascock, Hempstead, Inglish, Kavanaugh, Kerr, Kirtley, Maulsbey, Martin of Jefferson, *M*artin of Cape Girardeau, Magill, Neill, Noland, Overall, Reyburn, Ward and *M*r Speaker—29.

Noes, *M*essrs. Allen, Bell, Dorsey, Garner, Holliway, Lowry, *M*artin of Ray and *M*urphy—8.

*M*essrs. Bent, Cox and Grimsley, excluded from voting by a rule of the house.

*M*r Burch absent on committee.

M. Jones absent, with leave.

So leave was granted to spread the protest on the journal, and it is as follows:—

Believing that the first of certain resolutions passed by the General Assembly of this State, concerning "the graduation of public lands, and thank certain Senators therein named," is not in accordance with the public duty of the Legislature of this State—that it is entirely without the line of duty and the pale of authority, and absolutely derogatory to the dignity of law-makers, by their public and official acts, to be embodied with our statutes and laws, and to remain among the archives of our State, to compliment, eulogise or thank any of our officers for the mere performance of his duty; for which the Hon. Senator, in said first resolution mentioned, has been paid out of the public treasury; and well, amply and fully paid too—that, with due deference to the opinions of a large majority of this house, they are not possessed of the necessary information, definitely and dictatorially to decide on the important and beneficial results of the measures in said resolution referred to, or of the patriotic motives by which the Hon. Thomas H. Benton, or any other man was actuated in his official course of conduct therein referred to. We, therefore, solemnly protest against said reso[illegible]n.

Douoting the full right of the Senate and House of Representatives to instruct our Senators on the matter in the second of said resolutions referred to, and sure that they have no right or privilege, officially to interfere, by request or otherwise, with the official conduct of our Representative in congress—that matters in said resolutions draw an invidious distinction between our Senators in Congress, and operate as a censure upon the Hon. D. Barton and E. Bates, our Senator and Re-

presentative in Congress, unmerited by them, and undutiful, undignified and improper in a Legislative and deliberate body—and expressions intemperate, and expressive of feeling, prejudice, partiality and party spirit, derogatory to the dignity and calmness which ought to characterize this body. We do, therefore, solemnly protest against said resolution.

Well assured that our public duty does not require, and our constituents do not wish, nor does the spirit of the constitution, from which we derive our existence, intend that the public treasury should be appropriated to the payment of a Legislature for the purpose of eulogising any officer of government; and particularly a Senator in Congress from a different State, as expressed in the third of said resolutions—that compliments and eulogies passed by Legislatures on individuals, is destructive of republican virtue and democratic simplicity, and differs only in name, and in the absence of title, from monarchial distinctions of rank—that the Legislature have, in said resolution, transcended their duty, mistaken their authority and forgotten their dignity. We do, therefore, most earnestly and solemnly, protest against said resolution.

JOHN BENT,
CALEB COX,
THORNTON GRIMSLEY.

Mr Cox from the joint committee on printing, made the following report:

The joint committee to whom was referred the proposals of sundry persons for printing the laws and journals of the present session, have instructed me to report, that the following proposals have been before them, and had under consideration:

The proposals of James H. Birch are, that he will print the laws and journals on paper of a superior white quality, new type and masterly style, and cover the same with strong blue paper, for the first 500 copies, $2 75 per page, and for each additional hundred, 50 cents per page—the pages to contain the legal number of square inches.

The proposals of R. B. Semple are, for printing the journals of both houses seventy-five cents per page, each page containing 700 m's, for the first 500 copies, and 15 cents per page for each extra hundred copies.

For the laws and joint resolutions, one dollar per page containing 1300 ems, for the first 500 copies, and twenty cents per page for every extra hundred copies.

The proposals of C. Gunn are, for the journals of both houses, for $1 25 per page, each page to contain 1500 ems, and 500 copies.

The laws, joint resolutions, and decisions of the Supreme Court, the same prices as stated above in the proposals of mr. Semple.

The committee, on mature consideration of the proposals submitted to them, are of opinion that the proposals of C. Gunn are the most advantageous, and beg leave to recommend to this house, the acceptance of the same—which is respectfully submitted.

The motion of Mr Lowry to lay said report on the table, was rejected. The report was agreed to.

Mr Grimsley communicated the report of the Auditor, containing an additional list of property acquired by the State in virtue of the foreclosure of mortgages, which, on motion of Kirtley, was referred to the committee on the judiciary.

Mr Grant, from the committee of ways and means, reported a bill appropriating money for certain purposes, which was read and ordered to a second reading.

On motion of Mr Grant, the rule requiring bills to be read on three several days, was dispensed with, and the bill read a second time.

On motion of Mr Kirtley, the rule was further dispensed with, the bill considered as engrossed, read a third time and passed.

On motion of Mr Hempstead, Mr Cox was discharged from the committee on the permanent seat of government.

On motion of mr Cole, the house resolved itself into a committee of the whole, on the orders of the day, mr Groom in the chair, and took into consideration a bill to amend an act entitled, an act imposing a tax on licences to venders of merchandize and peddlars, and after some time spent therein, rose, and reported the same without amendment.

On motion of mr Bent, the report of the committee was agreed to, and

On motion of mr Martin of J the bill was referred to a select committee consisting of messrs Martin of J Magill and Allen.

The house adjourned to Monday morning.

MONDAY, December 1.

mr Jones, who had leave of absence on Saturday, reappeared and took his seat.

mr Becknell presented the petition of Peyton Nowlin of Saline county, with the concurrent petition of sundry citizens annexed, the reading of whose names,

On motion of mr Becknell, was dispensed with, and on motion of mr Magill, the petition was referred to a select committee consisting of messrs Becknell, Ashby and Bent.

mr Blakey from the joint committee on enrolled bills, reported that they had presented for the approval of the Governor, the joint resolutions on the bill to graduate the price of public lands.

mr Grimsley made the following report:

The committee to whom was referred the petition of Bartholomew Berthold and Peter Chouteau, jr. beg leave to report, that they have taken into consideration the prayer of the petitioners, and find that it cannot be granted, in as much, as it would, in the opinion of your committee conflict materially with an act entitled, an act approved the 21st of February 1825, regulating the assessing and collecting state and county taxes, and afford a precedent which your committee conceive to be dangerous in legislative bodies.

On motion of mr. Brock, the report of the committee was agreed to.

mr Kirtley from the select committee to whom was referred the bill to change the time of holding the circuit court in the third judicial

circuit of the state, reported a new bill entitled, a bill supplementary to an act to establish judicial districts and circuits and prescribing the times and places of holding courts, which was read and ordered to a second reading.

mr Cole from the committee on the judiciary, to whom had been recommitted the bill supplementary to an act concerning crimes and punishments, reported a new bill of the same title, which was read and ordered to a second reading.

The bill from the Senate authorizing the conveyance of certain town lots in the town of Louisiana was read and ordered to a second reading.

On motion of mr. Martin of R the house resolved itself into a committee of the whole, on the orders of the day, mr Lowry in the chair, and took into consideration the bill prescribing certain duties of the clerks of the supreme court and of the circuit courts, and after some time spent therein, rose, and reported the same with amendments,

The report of the committee of the whole was agreed to, and on motion of Mr Magill, the bill was ordered to be engrossed and read a third time to-morrow.

Mr Bell gave notice, that on to-morrow he would ask leave to introduce a bill to change the place of holding the sessions of the supreme court, for the second judicial district of this State.

The Speaker laid before the house the report on the state road in Montgomery county, which, on motion of Mr Magill, was referred to the committee on internal improvement. Also, the report of reviewers appointed by the county court of St. Francois, upon the same subject.

On motion of Mr Murphy, the reading thereof was dispensed with, and referred to the committee on internal improvement.

On motion of Mr Murphy, Mr Glascock was added to the select committee, to whom was referred the expediency of amending the constitution of this State.

The Speaker communicated the report of the clerk of the circuit court of Clay county, in relation to the attendance of the judge—which was referred to the committee on the judiciary.

Also, an explanation from James H. Burch, in reference to his proposals for executing the public printing—which was referred, on motion of Mr Cox, to the select committee thereon.

On motion of Mr Lowry, Mr Ashby was added to the select committee to whom was referred the expediency of amending the constitution of this State.

On motion of Mr Burch, Mr Noland was added to the committee on education.

On motion of Mr Cole, the gallery was cleared, and the house went, for a time, into secret session—when the doors were opened,

Mr Bent presented the petition of John B. C. Lucas, the reading of which was dispensed with, and on motion of Mr Bent, referred to a select committee, consisting of Messrs. Bent, Hempstead and Dorsey.

Mr Allen, from the select committee to whom was referred the peti-

tion of Silas King and sundry inhabitants of Scott county, reported a bill entitled an act for the relief of Silas King—which was read and ordered to a second reading.

The house adjourned.

TUESDAY, December 2.

Mr Ashby presented the petition of sundry inhabitants of the county of Chariton, praying a division of said county, and the formation of a new one, which, on motion of Mr Ashby, was referred to a select committee, consisting of Messrs. Ashby, Martin of Jefferson and Glascock.

Mr Lowry communicated the petition of Andrew Evans, and sundry citizens of the county of Howard, which, on motion of Mr Canole, was referred to a select committee, consisting of Messrs. Canole Maulsbey and Neill.

Message from the Senate by Mr Dawson:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate did, on yesterday, pass bills of the following title, viz:

An act making compensation to commissioners of seminary lands, and other persons, (to which, they wish the concurrence of the House of Representatives.)

A bill from the House of Representatives, entitled an act for the relief of Timothy Riggs—and

A bill from the House of Representatives, entitled an act appropriating money for certain purposes—herewith returned to the House of Representatives.

Mr Magill, from the committee on internal improvement, reported a bill entitled an act concerning roads and highways, which was read, and on motion of Mr Cole, the rule requiring bills to be read on three several days, was dispensed with; the bill read a second time, and on motion of Mr Magill, committed to a committee of the whole house, and ordered to be printed.

Mr Blakey, from the joint committee on enrolled bills, reported that they had found truly enrolled, a bill to enable Theodore Hunt and Ann Lucas Hunt, his wife, to sell and convey the real estate therein mentioned.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the president.

Mr Brock, from the committee on the militia, reported a bill supplementary to an act entitled an act for the further organizing and disciplining the militia, which was read and ordered to a second reading—and on motion of Mr Grant, the rule requiring bills to be read three several times, was dispensed with, and the bill read a second time,—committed to a committee of the whole house, and ordered to be printed.

Mr Allen made the following report:

The select committee, to whom was referred the petition of sundry inhabitants of the counties of Wayne and Scott, beg leave to report:

That they have had the said petition under consideration; and that

it appears to the satisfaction of this committee, that the petitioners have not complied with an act passed the 1st day of December, 182[illegible] requiring all persons who petition the General Assembly for the passage of a law or laws, to give certain notice before such petitions are finally acted upon: Therefore, your committee recommend that said petition be referred to the next General Assembly.

Which report, on motion of Mr Allen, was agreed to.

Mr Grant, from the joint committee, to whom was referred the apportionment of representation in the next General Assembly, reported a bill regulating the apportionment of representation among the several counties in this State, which was read, and on motion of Mr Grant the rules of the house dispensed with; the bill read a second time committed to a committee of the whole, and ordered to be printed.

The bill supplementary to an act establishing judicial districts and circuits, and prescribing the times and places of holding courts, was read a second time, and on motion of Mr Cole, laid on the table.

The bill for the relief of Silas King was read a second time, and on motion of Mr Allen, committed to a committee of the whole house.

The engrossed bill prescribing certain duties of the clerks of the supreme court and of the circuit court, was read a third time, the blank filled with the words, "each certificate, the sum of fifty cents;—and for every hundred words contained in said record and copies, the sum of ten cents"—and the bill passed, and was sent to the Senate for concurrence therein.

The bill from the Senate authorizing the sale of certain town lots in the town of Louisiana, was read a second time, and on motion of Mr Cole, ordered to be read a third time on to-morrow.

Mr Bell, pursuant to notice given on yesterday, introduced a bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts, approved February 5th, 1825.

The motion of Mr Overall, that the bill be rejected, was decided in the negative, and the bill ordered to a second reading.

Mr Kirtley presented the petition of sundry inhabitants of the county of Boon, praying a sale of the seminary lands, the reading of which, on motion of Mr Kirtley, was dispensed with, and the petition referred to the committee on education.

Mr Bent, from the committee, to whom had been referred the bill to amend an act entitled an act to license retailers of wine and spirituous liquors, reported a new bill, entitled an act to license grocers—which was read and ordered to a second reading.

On motion of Mr Grant,

Resolved, That the joint committee appointed by the Governor to examine the books of the Auditor and Treasurer, do proceed to close the books of said Auditor and Treasurer, and burn, in the presence of the Auditor and Treasurer, all the Loan Office paper and Auditor's Warrants that have been redeemed, and credit the Treasurer with the amount of the same—and that they make report of the proceedings had under this resolution.

On motion of Mr Canole,

Resolved, That the chief clerk be authorized to have printed, a sufficient number of blank certificates of members pay, for the use of the present session; and that the cost thereof be charged to the contingent fund of this house.

Message from the Senate by Mr Jones:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have this day passed a bill of the following title, viz:

An act for the relief of Wynkoop Warner; and ask the concurrence of the House of Representatives therein.

On motion of Mr Cole, the house went into secret session, and after some time spent therein, adjourned.

WEDNESDAY, December 3.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, the bill entitled an act appropriating money for certain purposes.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the president.

Mr Noland, from the select committee, to whom had been referred the expediency of changing the mode of assessment, reported a bill to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes; which was read, and on motion of Mr Cole, rejected.

The bill to license grocers was read a second time, and on motion of Mr Reyburn, committed to a committee of the whole house.

On motion of Mr Kirtley, said bill was ordered to be printed.

The engrossed bill supplementary to an act concerning crimes and punishments, was read a third time and passed.

The engrossed bill from the Senate making compensation to commissioners of seminary lands and for other purposes, was read and ordered to a second reading.

The engrossed bill from the Senate to draw money out of the Treasury illegally paid therein, was read and ordered to a second reading.

The engrossed bill from the Senate authorizing the conveyance of certain town lots in the town of Louisiana, was read a second, and ordered to be read a third time on to-morrow.

On motion of Mr Cole, the house went, for a time, into secret session; when the doors were opened,

On motion of Mr Reyburn, the house resolved itself into a committee of the whole on the orders of the day, Mr Bent in the chair, and took into consideration the bill to establish judicial districts and circuits, and prescribing the times and places of holding courts, and after some time spent therein, rose and reported progress, and had leave to sit again.

On motion of Mr cole, the house again resolved itself into a committee of the whole, Mr Magill in the chair, and took into consideration the bill to establish judicial districts and circuits, and prescribing the

times and places of holding courts, and after some time spent therein, rose and reported the same with sundry amendments.

On motion of Mr Cole, the report of the committee of the whole, was laid on the table.

Message from the Senate by Mr Walker:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have this day passed a memorial of the following title, viz:

A memorial to the Senate and House of Representatives of the United States of America in Congress assembled; which is herewith sent to the house, and to which they ask the concurrence of the House of Representatives.

Mr Glascock submitted the following resolution:

Resolved, That the public good as well as the common interest of the people of this State, require that all lands sold by the United States, and lying and being within the State of Missouri, should, and of right ought to be liable to be taxed, from and after the 1st day of January, next ensuing the date of the sale of the same: Provided, the consent of Congress can be first obtained.

On motion of Mr Grimsley, the resolution was ordered to lie on the table.

The house adjourned.

THURSDAY, December 4.

Mr Jones presented the petition of sundry citizens of Cooper county, praying relief for Ephraim Allison, which, on motion of Mr Jones, was referred to a select committee, consisting of Messrs. Jones, Grimsley and Garner.

Mr Hempstead presented the petition of William Christy, jr. clerk of the county court of St. Charles county, praying an alteration in the fees of county court clerks.

On motion of Mr Hempstead, the reading was dispensed with, and the petition referred to the committee on the judiciary.

The bill supplementary to an act concerning crimes and punishments, was read a third time and passed.

On motion of Mr Cole, the bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts, was read a third time; the amendments of the committee of the whole agreed to, and the bill referred to a select committee, consisting of Messrs. Kerr, Garner and Dorsey.

The engrossed memorial from the Senate to the Senate and House of Representatives of the United States of America in Congress assembled, was read and ordered to a second reading.

The engrossed bill from the Senate making compensation to commissioners of seminary lands and for other purposes, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

The engrossed bill from the Senate to draw money out of the Trea-

sury illegally paid therein, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

The engrossed bill from the Senate authorizing the sale of certain town lots in the town of Louisiana, was read a third time and passed.

Mr Magill asked and obtained leave of absence for Mr Burch until Monday.

On motion of Mr Bent,

Resolved by the House of Representatives, That the Secretary of State be requested to report to this house, why the decisions of the supreme court have not been published pursuant to an act of the General Assembly, approved January 1st, 1821.

Mr Kirtley, pursuant to previous notice, introduced a bill supplementary to an act to regulate proceedings in criminal cases—which was read and ordered to a second reading.

The chair communicated the report of the clerk of the circuit court for the county of St. Louis, and the statement of the judge therein, in reference to his attendance as judge—which was referred to the committee on the judiciary.

Mr Garner presented the petition of Overton Bettis of Wayne county—which, together with the accompanying documents, was referred, on motion of Mr Garner, to a select committee, consisting of Messrs. Garner, Grimsley and Kerr.

Message from the Governor, by the Secretary of State:

To the House of Representatives of the State of Missouri: I have this day approved and signed a bill apdropriating money for certain purposes.

JOHN MILLER.

December 4th, 1828.

On motion of Mr Grimsley, the house resolved itself into a committee of the whole on the orders of the day, Mr Grimsley in the chair, and took into consideration the bill regulating the apportionment of representation among the several counties in this State, and after some time spent therein, rose, reported progress, and had leave to sit again.

Message from the Senate by Mr Gentry:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have this day passed a memorial of the following title, to wit:

A memorial to the Senate and House of Redresentatives of the United States—with which they ask the House of Representatives to concur.

On motion of Mr Magill, the house again resolved itself into a committee of the whole on the orders of the day, when, there being no business for their consideration, the committee rose.

Mr Dorsey offered the following resolution:

Resolved, That the hours of adjournment hereafter, be until ten o'clock in the morning, instead of nine as heretofore; which was rejected.

Mr Cole gave notice, that on Monday he would ask leave to introduce a bill regulating the tax on billiard tables.

Mr Becknell gave notice, that on Saturday he would ask leave to introduce a bill to amend the stray law.

Mr Kirtley gave notice, that on to-morrow he would ask leave to introduce a bill supplementary to an act regulating the fees of the several officers of this State.

Mr Dorsey gave notice, that on to-morrow he would ask leave to introduce a bill supplementary to an act to regulate executions.

Mr Groom offered the following resolution:

Resolved, That a committee of three be appointed to examine the law relative to executors and administrators; and that they be instructed to enquire if any amendments to said law are necessary, and report thereon.

Mr Magill moved to amend the resolution by referring the subject matter, to the committee on the judiciary; which was agreed to, and the resolution, as amended, was adopted.

On motion of Mr Dorsey, Mr Becknell was added to the committee on public printing.

Mr Murphy gave notice, that on Wednesday he would ask leave to introduce a bill to abolish the present county court system.

On motion of Mr Cox, Mr Cowan was added to the committee, to whom was referred the petition of Overton Bettis.

On motion of Mr Kavanaugh, Mr Jones was added to the committee on printing.

Mr Grant asked and obtained leave to be excused from further serving on the committee on public printing.

On motion of *Mr* Ashby, *Mr* Lowry was added to the select committee, to whom was referred the petition of sundry citizens of Chariton county, praying a division thereof.

The house adjourned.

FRIDAY, December 5.

Mr Magill presented the petition of sundry inhabitants of the village of St. Ferdinand, in the county of St. Louis, praying protection under their 'right of common.'

On motion of *Mr Magill*, the petition was referred to a select committee, consisting of *Messrs. Magill*, Blakey and Reyburn.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, a bill authorizing the conveyance of certain town lots in the town of Louisiana.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the President.

Mr Hempstead, from the committee on Salines, reported a bill to provide for the leasing and management of the State salines, which was read and ordered to a second reading.

Mr Ashby, from the committee to whom had been referred the petition of sundry citizens of Chariton county, reported a bill for the division of said county, which was read and ordered to a second reading.

Mr Groom, from the committee of claims, to whom was referred

the petition of Luke Edward Lawless, praying compensation for sundry copies of the laws of the last General Assembly, reported that the bill from the Senate appropriating money for purposes therein named, had anticipated, in this case, the labors of the committee; and prayed a discharge from the further consideration of said petition—which was granted.

Mr Inglish, from the committee to whom was referred the petition of sundry inhabitants of the county of Cole, praying a removal of the seat of justice from the town of *Mr*arion to the City of Jefferson, reported a bill to change the seat of justice of Cole county; which was read and ordered to a second reading.

Mr Becknell, from the select committee to whom had been referred the petition of Peyton Nowlin, made a report unfavorable to the prayer of the petitioner; which was read, and together with other documents in illustration thereof, recommitted to the committee to whom it had been originally referred.

Mr Bent was excused from further service on said committee.

On motion of *Mr* Becknell, *Mr* Blakey was added to the same committee.

The bill supplementary to an act regulating proceedings in criminal cases, was read a second time, and on motion of *Mr* Cole, committed to a committee of the whole house, and ordered to be printed.

The engrossed memorial to the Senate and House of Representatives of the United States of America in Congress assembled was read a second time, and on motion of Mr. Grant, committed to a committee of the whole house.

Mr. Kirtley, pursuant to notice given on yesterday, introduced a bill supplementary to an act regulating the fees of the several officers of this state, which was read and ordered to a second reading.

Message from the Senate by Mr. Jones:

Mr. Speaker—I am instructed to inform the House of Representatives, that there was introduced into the Senate on the 2d inst. joint resolutions proposing amendments to the constitution of this state.

Message from the Senate by Mr. Boggs:

Mr. Speaker—I am instructed to inform the House of Representatives, that the Senate did, on yesterday, pass a memorial to Congress of the following title, viz:

A memorial to Congress on the Seminary and school lands and public salines, which is herewith sent for the concurrence of the House of Representatives.

On motion of Mr. Blakey, the vote of the house on the question to print the bill to regulate proceedings in criminal cases, was reconsidered.

On motion of *Mr* Cole, said bill was ordered to be printed.

On motion of Mr. Cole,

Ordered, that the galleries be cleared and the doors closed.

The injunction of secrecy, in relation to an enquiry into the official conduct of David Todd, judge of the first judicial circuit in this state, concerning certain imputed misdemeanors in said office of judge, was removed from the members and officers of the house, and the procee-

dings in secret session in reference thereto, ordered to be entered upon the journals of this house.

SECRET JOURNAL.

SATURDAY, November 22.

Mr. Kavanaugh laid before the house the memorial of John Roberts of Cooper county, praying an enquiry into the official conduct of David Todd, judge of the first judicial circuit in this state.

On motion of Mr. Cole,

Said memorial was referred to the committee on the judiciary.

On motion of Mr. Grant, secrecy was enjoined on the members and officers of this house, until the further order thereof.

On motion of Mr. Cole,

Resolved, That Robert W. Wells, or any other person, be summoned to attend the judiciary committee of this house, to testify upon an enquiry now pending before said committee, of and concerning the official conduct of David Todd, judge of the first judicial circuit of this state.

On motion of Mr. Noland,

Resolved, that the committee on the judiciary, be instructed to enquire into the official conduct of David Todd, judge of the first judicial circuit, in relation to his conduct on the trial of James Campbell, at the term 1827, of the circuit court of Clay county, and that said committee, have power to send for persons and papers.

FRIDAY, November 28.

Mr. Cole made the following report:

The committee on the judiciary, to whom was referred the petition of John Roberts, a citizen of Cooper county, complaining of oppressive and tyranical official misconduct on the part of David Todd, judge of the first judicial circuit in this State in regard to this petitioner; and, als, a resolution of this house, directing this committee to enquire into the official conduct of the said David Todd, in relation to his conduct on the trial of James Campbell, at term of the circuit court of Clay county, 1827, have had the subjects thus referred under consideration and beg leave to submit to the house, as the report of said committee in this behalf, the accompanying depositions and documentary testimony, taken and obtained by said committee in elucidation of the subject matters referred to them, and in discharge of the duty imposed upon them by the house.

The depositions and documents being read,

Mr. Kirtley submitted the following resolution:

Resolved, that neither justice nor expediency requie any further prosecution of the enquiry, now pending in this house, in relation to the corrupt official misconduct of David Todd, judge of the first judicial circuit of this state, on the trial of John Roberts

The speaker pro tempore having been called to the chair,

On motion of Mr. Thornton, said resolution was laid on the table.

Mr. Magill submitted the followinn resolution:

Resolved, That David Todd, judge of the first judicial circuit of this State, ought to be impeached for misdemeanor in office.

On motion of Mr. Cole, said resolution was laid on the table.

On motion of Mr. Glascock, the following resolution was adopted.

Resolved, That the judiciary committee be directed to enquire, generally, into the conduct of the Hon. David Todd, judge of the first judicial district, official and otherwise, and report to this House whether there are causes existing upon which he should be proceeded against by impeachment or address, and that the committee have power to send for persons and papers.

Mr. Garner offered the following resolution:

Resolved, by the House of Representatives, that the chairman of the committee on the judiciary, be instructed to inform the Hon. David Todd, judge of the first judicial circuit, that an enquiry into his official conduct is instituted, and that he has leave to appear before said committee, by himself and counsel, and to bring before said committee any witnesses and papers he may think proper, relative to the enquiry aforesaid.

Which resolution was rejected.

On motion of Mr. Kirtley,

Resolved, That the committee on the judiciary have leave to sit during the session of this House, for the purpose of forwarding and expediting business confided to them.

TUESDAY, December 2.

Mr. Cole, from the committee on the judiciary, to whom was referred a resolution of this House directing said committee to enquire, generally, into the conduct of the Hon. David Todd, judge of the first judicial circuit, official and otherwise, and to report to the House whether there were causes existing upon which he should be proceeded against by impeachment or address, reported that in consequence of the evidence collected by them, in virtue of the powers with which said committee were invested, they were of opinion,

First, that David Todd, judge of the first judicial circuit in this State, ought not to be impeached for misdemeanor in office.

Secondly, that the said David Todd, judge as aforesaid, hath so demeaned himself, as to require the interposition of the two Houses of the General Assembly to address the Governor for his removal.

The Speaker pro tempore having been called to the chair, Mr. Thornton moved to amend the report of the committee in the first section, by striking from the eleventh line thereof, after the word 'ought,' the word 'not.'

Before the question was taken on the amendment,

On motion of Mr. Kirtley, the report of the committee was ordered to lie on the table until to-morrow.

WEDNESDAY, December 3.

The question before the House, being the amendment offered on yesterday by Mr. Thornton, was decided in the affirmative.

On motion of Mr. Cole,

Resolved, That the documents accompanying the report of the judiciary committee, be recommitted to said committee, with instructions to prepare and report articles for the impeachment of David Todd, judge of the first judicial circuit, in pursuance of their report.

Resolved, That said committee be further instructed to prepare and report charges and specifications against the said judge, upon such facts as in their opinion exist, and for which the said judge ought to be removed from office by Address.

FRIDAY, December 5.

Mr. Cole, from the committee on the judiciary, submitted the following articles of impeachment against David Todd, judge of the first judicial circuit in this state, to wit:

ARTICLES,

Exhibited by the House of Representatives of the State of Missouri, in the name of themselves and the people of said state, against David Todd, judge of the first judicial circuit in the said state, in support and maintenance of their impeachment against him for misdemeanor in office.

ARTICLE 1.

That unmindful of the solemn duties of his office, and contrary to the sacred obligations by which he stood bound to discharge them faithfully and impartially, the said David Todd, in the month of July, in the year one thousand eight hundred and twenty-seven, at the county of Clay, at a circuit court holden for said county, whereat he, the said David Todd, presided, did, in his official capacity conduct himself in a manner highly arbitrary, oppressive and unjust, and against the known and established law of the land, in this:

At the aforesaid circuit court, at the said July term, in the year one thousand eight hundred and twenty seven, a certain criminal cause, wherein the state of Missouri was plaintiff, and one James Campbell defendant, upon indictment found by the grand jury of said county, at the Novemper term of said court, in the year one thousand eight hundred and twenty-six, against the said James Campbell, and charging him with dealing in the selling of a certain spiritous liquor, commonly called whiskey, in less quantities at one time called twenty gallons, without being duly licensed thereunto, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the state, came on to be tried: and the said David Todd,

then and there, on the trial aforesaid, as judge aforesaid, corruptly intending to injure and oppress the said James Campbell, and to procure his conviction of the charge aforesaid, did refuse to the jury who were trying the cause aforesaid, the right to determine the law in said cause with regard to the guilt or innocence of the said James, in relation to the charge aforesaid.

2d Spec. On the trial of the cause aforesaid, the jury aforesaid did agree on a verdict of not guilty, and did come into court and declare that they had agreed on their verdict, whereby they declared they found the said James not guilty of the charge aforesaid, and did then and there offer the said verdict of not guilty to the said court; and the said David Todd, so presiding as aforesaid, with corrupt intent as aforesaid, well knowing that the said jury had agreed upon their verdict as aforesaid, and that it was a verdict of not guilty as aforesaid, and was by them brought to court as aforesaid, to be by them, the said jury, given in as aforesaid, did then and there refuse to receive said verdict of not guilty.

3d Spec. On the trial of the cause aforesaid, the jury aforesaid did agree on a verdict of not guilty, whereby they declared they found the said James Campbell not guilty of the charge aforesaid, and did reduce the said verdict of not guilty into writing, and did then and there appear in court and inform the court that they had agreed on their verdict; and the said David Todd, so presiding as aforesaid, with corrupt intent as aforesaid, upon seeing and examining the said verdict, did return the said verdict to the said jury, and did send the said jury, out of court without receiving their said verdict, and did constrain the said jury to find the said James Campbell guilty of the charge aforesaid.

4th Spec. On the trial of the cause aforesaid, the said David Todd, so presiding as aforesaid, with corrupt intent as aforesaid, and, also, intending to vest himself with arbitrary powers, unknown to the law of the land, destructive of the right of juries in criminal cases, did refuse to said jury the right of determining the law as well as the fact as to the guilt or innocence of the said James of the charge aforesaid, and did refuse to said jury the right of finding a general verdict of not guilty in said cause.

5th Spec. On the trial of the cause aforesaid, the said David Todd, so presiding as aforesaid, with corruut intent as aforesaid, did charge the said jury so trying the cause aforesaid, that they must find the said James Campbell guilty of the charge aforesaid.

6th Spec. On the trial of the cause aforesaid, the said David Todd, so presiding as aforesaid, with corrupt intent as aforesaid, did charge the said jury, so trying the cause as aforesaid, that they ought to find the said James guilty of the charge aforesaid.

And the House of Representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter any further articles on the accusation or impeachment against the said David Todd, and, also, of replying to his answers, which he shall make unto the said article, and to all and every article, impeachment or accusation which

shall be exhibited against them as the case shall require, do demand that the said David Todd may be put to answer the said misdemeanors; and that such proceedings, examinations, trials and punishments may be thereupon had and given as are agreeable to law and justice.

The articles were agreed to, ayes 26, noes 13.

Those voting in the affirmative are

Messrs. Allen, Ashby, Brock, Blakey, Becknell, Cowan, Cole, Collard, Canole, Dorsey, Drake, Groom, Glascock, Holliway, Hempstead, Inglish, Lowry, Martin of J. Martin of R. Murphy, Neill, Noland, Overall, Reyburn, Ward and Mr. Speaker.

Nays—Messrs. Byrd, Bent, Bell, Cox, Garner, Grimsley, Grant, Jones, Kavanaugh, Kirtley, Maulsby, Martin of C. G. Magill.

Mr. Burch absent with leave. Messrs. Barrett and Kerr absent sick.

The committee on the judiciary having, also, reported sundry articles, specifications and resolutions, upon the propriety and expediency of removing said David Todd, judge of the first judicial circuit aforesaid, by Address of both houses of the general Assembly to the Governor; and the question being upon the adoption of the first of said resolutions, it was decided in the affirmative.

Mr. Bent moved to amend the report of the committee, by striking therefrom the second charge, together with the specifications and the resolution, which was rejected; and the resolution was adopted, ayes 33, noes 6.

Those voting in the affirmative are,

Messrs. Allen, Ashby, Brock, Bell, Blakey, Becknell, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugl, Lowry, Martin of J. Martin of R. Murphy, Magill, Noland, Overall, Reyburn, Ward and Mr. Speaker.

Those voting in the negative, are

Messrs. Byrd, Bent, Garner, Kirtley, Maulsby and Martin of C. G.

Mr. Burch absent with leave. Messrs. Barrett and Kerr absent sick.

Mr. Kirtley moved to strike out the third charge, together with the specifications and resolutions, which was decided in the negative. And the articles, and specifications and resolutions, as reported by the committee were agreed to.

Mr. Magill moved a reconsideration of the vote on the first resolution, which was agreed to; and the question recurring on its readoption, it was decided in the affirmative, ayes, 38, noes 1.

Those voting in the affirmative, are,

Messrs. Allen, Ashby, Bent, Brock, Bell, Blakey, Becknell, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Maulsbey, Martin of J. Martin of R. Martin of C. G. Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr. Speaker.

In the negative, Mr. Byrd.

Mr Burch absent with leave.

Messrs. Barrett and Kerr absent, sick.

On motion of Mr Maulsbey,

Resolved, That the charges and specifications agreed to by this house, to be exhibited in the name of this General Assembly and the people of this State against David Todd, in maintenance of their address against him, for dishonorable and ungentlemanly conduct, be carried to the Senate, together with the information upon which they are founded.

Mr Bent moved the adoption of the following:

Resolved, That this house do now proceed to the election of managers, to conduct the impeachment of David Todd, judge of the first judicial circuit.

Mr Cole moved to fill the blank in said resolution with the word "three," which was agreed to, and the resolution was adopted.

Messrs. Cole, Bent, Maulsbey and Martin of Jefferson, being severally nominated, the votes were,

For Mr Cole, Messrs. Allen, Ashby, Byrd, Bent, Brock, Bell, Blakey, Becknell, Cowan, Cox, Collard, Canole, Dorsey, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Martin of Ray, Martin of Cape Girardeau, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker—36.

For Mr Bent, Messrs. Allen, Ashby, Bell, Blakey, Becknell, Cowan, Cox, Cole, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Martin of Ray, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker—28.

For Mr Martin of Jefferson, Messrs. Ashby, Byrd, Bent, Brock, Blakey, Becknell, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grant, Groom, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Martin of Ray, Martin of Cape Girardeau, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker—32.

For Mr Maulsbey, Messrs. Allen, Byrd, Bent, Brock, Bell, Cowan, Collard, Canole, Dorsey, Drake, Garner, Grimsley, Glascock and Martin of Cape Girardeau—14.

Whereupon, Messrs, Cole, Martin of Jefferson and Bent, were declared duly elected.

On motion of Mr Cole,

Resolved, That the articles agreed to by this house, to be exhibited in the name of themselves and of the people of this State, against David Todd, in maintenance of their impeachment against him for misdemeanor in office, be carried to the Senate by the managers appointed to conduct said impeachment.

On motion,

Resolved, That the Senate be informed that this house have appointed Philip Cole, Falkland H. Martin and John Bent, Esquires, managers to conduct the impeachment against David Todd, judge of the first judicial circuit in this State, and have directed said managers to

carry to the Senate, the articles agreed upon by this house in maintenance of said impeachment against said David Todd.

Mr Dorsey, pursuant to notice given on yesterday, introduced a bill supplementary to an act to regulate executions, which was read and ordered to a second reading.

On motion of *Mr Magill*, the house resolved itself into a committee of the whole on the orders of the day, *Mr* Cox in the chair, and took into consideration the bill regulating the apportionment of representation among the several counties in this State, and after some time spent therein, rose and reported the same without amendment.

Also, a bill from the Senate appropriating money for purposes therin named, which they reported with an amendment.

Also, an engrossed memorial from the Senate, to the Senate and House of Representatives of the United States, which they reported without amendment.

Also, an engrossed bill from the Senate, to draw money out of the Treasury illegally paid therein, which they reported without amendment.

Which report was agreed to.

Message from the Senate by *Mr* Gentry:

Mr Speaker: I am instructed to inform the House of Representatives that the Senate have this day passed a memorial of the following title, to wit:

A memorial to Congress relating to the *Mexican* and fur trade; which is herewith sent for the concurrence of the House of Representatives.

And that, on yesterday, there was introduced into the Senate, a bill concerning lands pertaining to the *Moniteau* saline.

The bill regulating the apportionment of representation among the several counties in this State, was ordered to be engrossed and read a third time on to-morrow.

On motion of *Mr* Hempstead, the bill appropriating money for purposes therein named, was ordered to be engrossed, and read a third time to-morrow.

On motion of *Mr* Hempstead, the engrossed memorial to the Senate and House of Representatives of the United States, was ordered to a third reading on to-morrow.

On motion of *Mr* Dorsey, the engrossed bill to draw money out of the Treasury illegally paid therein, was ordered to be read a third time to-morrow.

Mr Reyburn gave notice, that on Wednesday next, he would ask leave to introduce a bill to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes.

The house adjourned.

SATURDAY, December 6.

On motion of *Mr* Cole, the reading of the journal of yesterday was dispensed with.

Mr Blakey from the joint committee on enrolled bills, reported that

they had found truly enrolled, the joint resolution requiring the Secretary of State to furnish the two houses, each, with a map of the State of Missouri, Illinois and territory of Arkansas.

Mr Speaker signed said resolution, and it was sent to the Senate for the signature of the President.

Mr Glascock made the following report:

The committee on public printing, to whom was referred the proposals of applicants for that work, beg leave to report:

That the amended proposals of James H. Birch, to print the laws and journals, in the ordinary manner, at one dollar thirty-three and a third cents per page, for five hundred copies, &c. each page to contain 1500 ems, is, upon the whole, the most advantageous.

Which report, on motion of Mr Grant, was laid upon the table.

Mr Bent, from the select committee to whom had been referred the petition of John B. C. Lucas, reported a bill to appropriate money for the payment of John B. C. Lucas, late judge of Missouri territory,—which was read and ordered to a second reading; and

On motion of Mr Bent, the rule requiring bills to be read on three several days, was dispensed with, and the bill read a second time.

On motion of Mr Grant, said bill was committed to a committee of the whole house.

Mr Hempstead offered the following resolution:

Resolved, That a committee be appointed to join such committee as the Senate may appoint, to examine the papers of the former Legislatures of this State, in the Secretary's office, for the purpose of selecting such as are worthy of preservation; and have leave to sit during the session of this house to-day.

Which resolution was adopted, and Messrs. Hempstead, Grant and Magill, appointed the committee.

The bill to remove the seat of justice for Cole county, was read a second time, and on motion of Mr Cole, committed to a committee of the whole house.

The bill supplementary to an act regulating the fees of the several officers of this State, was read a second time, and of motion of Mr Kirtley, committed to a committee of the whole house.

The bill to organize the county of Smith, was read a second time, and on motion of Mr Ashby, committed to a committee of the whole house.

The bill regulating the apportionment of representation among the several counties in this State, was read a third time, and on the question, "shall the bill pass?"

Mr Glascock moved in reference thereto the following resolution:

Resolved, That the bill entitled a bill regulating the apportionment of representation among the several counties in this State, be re-committed to the committee who reported it, with instructions to fix the ratio of representation at thirty-six hundred free white males to each Senator, as near as circumstances will permit.

Mr Allen moved to amend the resolution, by adding thereto—

"*And be it further resolved*, That said committee be instructed to fix

the ratio in the House of Representatives, at sixteen hundred free white males, as near as circumstances will admit."

The question being upon the adoption of the original resolution, it was rejected.

Mr Kirtley moved to amend the bill by way of rider, by inserting in the twenty-seventh line of the first section, after the words "1830," the words, "and one Senator at the general election in the year 1832;" which amendment was read a first and second time, considered as engrossed, and the bill, as amended, passed, ayes 24, noes 15.

Those voting io the affirmative, are

Messrs. Allen, Byrd, Bent, Barrett, Cox, Cole, Collard, Dorsey, Garner, Grimsley, Grant, Groom, Holliway, Hempstead, Kirtley, Lowry, Maulsbey, Martin of Cape Girardeau, magill, Neill, Overall, Reyburn, Ward and mr Speaker.

Those voting in the negative, are

Messrs. Ashby, Brock, Bell, Blakey, Becknell, Cowan, Canole, Drake, Glascock, Inglish, Jones, Kavanaugh, martin of Jefferson, martin of Ray and Noland.

The engrossed bill appropriating money for certain purposes therein named, was taken up pursuant to the order of yesterday, but before the question was taken upon its passage, Mr Magill moved to lay it on the table, which was agreed to.

The engrossed bill to draw money out of the Treasury illegally paid therin, was read a third time and passed.

On motion of Mr Bent,

Resolved, That the Senate be informed that the House of Representatives have prepared articles of impeachment, for misdemeanor in office, against David Todd, judge of the first judicial circuit in this State.

On motion of Mr Cole, the injunction of secrecy, in relation to the address against David Todd, judge of the first judicial circuit, was removed.

Mr Becknell, pursuant to previous notice, introduced a bill to amend the stray law; which was read and ordered to a second reading.

Motion of Mr Dorsey to adjourn, negatived.

On motion of Mr Kirtley, the house resolved itself into a committee of the whole on the orders of the day, Mr Kirtley in the chair, and took into consideration the bill concerning roads and highways, and after some time spent therein, the committee rose and reported the same with an amendment, which was, to strike out the first section thereof, together with the enacting clause.

Mr Magill moved to disagree to the report of the committee, which was decided in the negative.

Those voting in the affirmative, are

Messrs. Bent, Bell, Becknell, Barrett, Cox, Cole, Collard, Dorsey, Drake, Grimsley, Glascock, Hempstead, Kerr, Martin of Jefferson, Magill, Neill, Overall and Reyburn.

Those voting in the negative, are

Messrs. Allen, Ashby, Byrd, Brock, Blakey, Cowan, Canole, Garner,

Grant, Groom, Holliway, Inglish, Jones, Kavanaugh, Kirtley, Maulsbey, Martin of Ray, Martin of Cape Girardeau, Noland, Ward and Mr Speaker.

Mr Burch absent with leave. Messrs. Lowry and Murphy absent.

So the report of the committee of the whole was agreed to.

The house adjourned to Monday.

MONDAY, December 8.

Mr Burch, who had leave of absence on Friday, re-appeared and took his seat.

Mr Glascock presented the petition of sundry citizens of Ralls county, praying that the guardians of the orphan heirs of John Magee and Robert Magee, may be permitted to purchase lands for the use of said orphans.

On motion of Mr Magill, the petition was referred to the select committee, to whom had been referred a similar petition from Peyton Nowlin, guardian of Presley N. Edwards of Saline county.

Mr Becknell presented the petition of Cornelius Davis of Saline county, late lessee of Camp Creek Saline in said county, which, on motion of Mr Becknell, was referred to the committee on public salines.

Mr Magill made the following report:

The committee on internal improvement, to whom were referred the reports of the county courts of Boone, Montgomery, St. Louis and St. Francois counties, certifying changes in the State road running through said counties, have had the same under consideration, and have instructed me to report: That the transcripts certified from the counties of Montgomery and St. Louis, do not shew that said county courts, in attempting to make alterations in said road, have, in any particular, pursued the provisions of the law of the last General Assembly, under which they proceeded; nor is there, in said transcripts, any facts shewing the necessity of further legislation on the subject of said transcripts. The report from the county court of St. Francois appears to be regular, and the changes in the State road in said county, have been made according to law. As to the proposed changes in said road in Boone county, the committee have instructed me to report a bill.

The report was laid on the table.

The bill referred to, entitled a bill legalizing the proceedings of the county court of Boone, making alterations in that part of the State road running through said county, was read and ordered to a second reading.

Mr Garner, from the select committee on the petition of Overton Bettis, reported a bill for the relief of the securities of Henry W. Carter, collector of Wayne county for the year 1827, which was read, and on motion of mr Lowry, laid on the table.

On motion of mr Becknell, mr Glascock was added to the select committee, to whom had been referred the petition of Peyton Nowlin.

Mr Cox offered the following resolution:

Resolved, That a committee of three be appointed to enquire into the expediency of passing a law, setting at liberty persons who have been sentenced to fine and imprisonment for offences against the State, who have served out the term of their confinement, and who are unable to pay their fine.

On motion of mr Kirtley, said resolution was laid on the table.

On motion of mr Kirtley,

Resolved, That the select committee, to whom was referred the petition of Peyton Nowlin, and of the heirs of John Magee and Robert Magee, enquire into the expediency of passing a general law, authorizing guardians to lay out the monies of their wards in the purchase of lands, under proper restrictions, and if expedient, what those restrictions are.

On motion of mr Ashby, mr Kirtley was added to the committee, to whom had been referred the expediency of the matters contained in the foregoing resolution.

The bill supplementary to an act entitled an act to regulate executions, was read a second time, and on motion of mr Dorsey, committed to a committee of the whole house.

The bill supplementary to an act entitled an act to provide for the leasing and management of the State salines, was read a second time, and on motion of mr Allen, committed to a committee of the whole house.

The bill to amend an act regulating estrays, was read a second time, and on motion of mr Becknell, committed to a committee of the whole house.

The bill supplementary to an act to regulate proceedings in criminal cases, was read a second time, and on motion of mr Kirtley, committed to a committee of the whole house.

On motion of mr Holliway, the second report of the committee on public printing was taken up.

Mr Allen laid before the house additional proposals from James H. Birch, viz:

I will print the journals and laws for the same price at which C. Gunn last offered to do it.

JAMES H. BIRCH.

December 8, 1828.

Mr Magill moved its reference, together with all the papers pertaining to the same subject, to the same committee; when the chair decided that the house having agreed to receive the first report of the committee on the subject, no explanation or additional proposals could be entertained or considered by the house, subsequent to the time prescribed by the rules, for a reconsideration thereof.

On motion of Mr Cole, leave was granted the committee to withdraw said report.

The engrossed memorial from the Senate to Congress, on the subject of the seminary and school lands and public salines, was read and ordered to a second reading.

On motion of Mr Lowry, the rule requiring bills to be read on three several days was dispensed with, and the memorial read a second time.

The motion of Mr Groom to commit it to a committee of the whole was rejected, and on motion of Mr Kavanaugh, the memorial was ordered to be read a third time to-morrow.

The engrossed memorial from the Senate, to Congress, relating to the *Mexican* and Fur trade, was read, and on motion of Mr. Lowry, the rule requiring bills to be read on three several days dispensed with, and read a second time.

On motion of Mr Gimsley, said memorial was committed to a committee of the whole house.

The engrossed memorial to the Senate and House of Representatives of the United States was read a second time, and on motion of Mr Lowry, ordered to a third reading on to-morrow.

The memorial to the Senate and House of Representatives of the United States of America was read a third time; the motion of Mr Lowry to commit it to a committee of the whole rejected, and the memorial passed, ayes, 41, noes 1.

Those voting in the affirmative are,

Messrs Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, Maulsbey, Martin of J. Martin of R. Martin of C. G. Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker.

In the negative, Mr Bent.

Mr Cox pursuant to notice given on Friday last, introduced a bill supplementary to an act entitled an act for taxing billiard tables, which was read and ordered to a second reading.

Message from the Senate by Mr. Boggs:

Mr Speaker—I am instructed to inform the House of Representatives that the Senate will be ready to receive at three o'clock this day, the articles of impeachment preferred against David Todd, judge of the first judicial circuit.

Mr Kerr, from the select committee to whom was referred the bill supplementary to an act to establish judicial districts and prescribing the times and places of holding courts reported a new bill of the same title which was read a first and second time, the rule of the house requiring bills to be read on three several days having been, on motion of Mr Kirtley, dispensed with.

On motion of Mr Canole, said bill was ordered to be engrossed and read a third time on to-morrow.

Mr Grant moved a reconsideration of the vote of the house upon the bill concerning roads and highways, which was agreed to.

Mr Magill moved its recommitment to a select committee of five; which was agreed to, and Messrs Magill, Cox, Hempstead, Kerr and Kirtley were appointed said committee.

On motion of Mr Holliway, the House resolved itself into a committee of the whole, on the orders of the day, Mr Ashby in the chair, and took into consideration the bill to license grocers, and after some time spent therein, rose and reported the same with sundry amendments.

The report of the committee of the whole was agreed to and the bill ordered to a third reading on to-morrow.

Mr. Cole asked and obtained leave of absence for Mr Kavanaugh, for three days.

The house adjourned.

TUESDAY, December 9.

Mr Ashby presented the remonstrance of sundry citizens of the county of Chariton, to the prayed for division of said county, which, on motion of Mr Cole, was referred to a committee of the whole house to whom had been committed the bill for that purpose.

Mr Hempstead from the committee on public salines, made the following report:

The committee on public salines, to whom was referred the petition of Cornelius Davis, beg leave to report: That the bill now before this house, relating to the State salines was presented by this committee under the fullest conviction that a further leasing of them is unnecessary, inexpedient and contrary to the interest of the State, and a renewal of leases, to expire on a certain day necessary only that a sufficient supply of salt may be conveniently had by the people, and that the state may have the full control of them as soon as possible after the session of the Legislature in 1830, so that upon the contingency of the Congress of the United States permitting the State to dispose of them, that she can do so to the least possible inconvenience of the people and greatest advantage of the State. Therefore, the committee are of opinion that the bill now before this house on the subject of salines, affords all the relief that can with propriety be extended to the said Cornelius Davis, and recommend to the house the adoption of the following resolution.

Resolved, That Cornelius Davis have leave to withdraw his petition, and the committee on public salines be discharged from the further consideration thereof.

Which report, together with the resolution, was agreed to.

The bill legalizing the proceedings of the county court of Boon county, making alterations in the state road running through said county, was read a second time, and on motion of Mr Grant, ordered to be engrossed and read a third time to-morrow.

The bill supplementary to an act entitled an act for taxing billiard tables, was read a second time, and on motion of Mr Cole, committed to a committee of the whole house.

The engrossed memorial to Congress on the subject of the seminary and school lands, and public salines, was read a third time and passed, ayes 36, noes 4.

Those voting in the affirmative are,

Messrs. Allen, Ashby, Byrd, Bent, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Grant, Groom, Glascock, Holliway, Inglish, Jones, Kerr, Kirtley, Lowry, Maulsbey, Martin of J. Martin of R. Martin of C. G. Murphy, Magill, Neill, Noland, Reyburn, Ward and Mr Speaker.

In the negative, Messrs. Brock, Cox, Grimsley and Overall.

The engrossed bill to license grocers was taken up, and on motion of Mr Cole, laid on the table.

The bill supplementary to an act entitled an act to establish judicial districts and circuits, and prescribing the times and places of holding courts therein, approved fifth of February, 1825, was read a third time and passed; ayes 24, noes 14.

Those voting in the affirmative are,

Messrs Allen, Ashby, Byrd, Bell, Blakey, Becknell, Barrett, Cowan, Cole, Canole, Drake Garner, Glascock, Holliway, Inglish, Kerr, Lowry, maulsbey, martin of J. martin of R. martin of C. G. murphy, Neill, Noland and mr Speaker.

In the negative, messrs Brock, Cox, Collard, Dorsey, Grimsley, Grant, Groom, Hempstead, Jones, Kirtley, magill, Overall, Reyburn and Ward.

messrs. Bent and Burch absent. mr Kerr absent with leave.

Ordered, that the title thereof be an act.

On motion of mr magill, the report of the committee on internal improvement, laid on the table on yesterday, was taken up, and on his further motion, said report was agreed to.

On motion of mr Garner, the bill for the relief of the securities of Henry W. Carter, collector of the taxes of Wayne county for the year 1827, was taken up, and on motion of mr Cole, recommitted to the committee who reported it.

mr Cole called up the bill to license grocers.

mr Grant moved an amendment by way of rider, by striking out in the fifth section and fifth line thereof, all after the word "jurisdiction," which was read a first and second time and agreed to.

mr Cole moved an amendment by way of rider to the sixth section, by inserting after the proviso, the words, "and provided also, that all persons having a subsisting retailers license at the taking effect of this act, shall have the full benefit thereof, and the same shall be taken to be a grocers license, to every intent and purpose, until said license shall expire by its own limitation. Which amendment was agreed to and on motion of mr Bent ordered to be engrossed; and the bill passed.

Ordered, that the title thereof be an act.

Upon the third reading of the memorial to the Senate and House of Representatives of the United States, mr Grimsley moved an amendment by way of rider, which was to strike out all after the title thereof until the word "missouri," in the fourth line, and insert in lieu thereof the following:

The memorial of the General Assembly of the State of missouri, respectfully sheweth; that the present system of disposing of the public lands of the United States now pursued, is highly approved of by this General Assembly, and is in all respects advantageous to the states in which those lands lie, and to none perhaps more so, than to the State of missouri.

And the question being taken shall the amendment be rejected, it was decided in the affirmative, ayes 35, noes 2.

Those voting in the affirmative are,

Messrs Allen, Ashby. Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Collard, Canole, Dorsey, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kirtley, Lowry, Maulsbey, Martin of J Martin of R Martin of C G Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward, and Mr Speaker.

Those voting in the negative, were Messrs. Cox and Grimsley.

Messrs Bent, Cole and Martin of J absent.

Mr Kavanaugh absent with leave.

Mr Kerr absent sick.

Mr Grant moved to recommit the memorial to a committee of the whole house, which was agreed to.

Mr Blakey from the joint committee on enrolled bills reported as truly enrolled, a bill for the relief of Wynkoop Warner.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the President.

Mr Bent moved that R. H. Price be permitted to withdraw from the files of this house his papers and docnments relative to his claim against the Stnte for excess of taxes paid on the Clamorgan grant in 1816, which was granted.

On motion of *Mr Martin* of J the rule requiring one days notice previous to the introduction of bills was dispensed with, and leave granted him to introduce a bill, authorizing Clement B. Fletcher and others to erect a toll bridge arooss Joachim creek, in Jefferson county, which was read and ordered to a second reading.

Mr Maulsbey presented the petition of Orrin Fay, clerk of the county court of New-*Madrid*, praying an alteration in the fees of county court clerks.

On motion of *Mr Maulsbey*, said petition was referred to the committee on the judiciary,

Mr. Bent presented the petition of Mary M'Clurg, praying a divorce from her present husband, Joseph M'Clurg, which was referred, on motion of *Mr.* Kirtley, to a select committee consisting of Messrs. Bent, Kirtley and Cox.

Mr Grimsley presented two several presentments of the grand jury for the county of St. Louis, one in relation to the venders of lottery tickets, and another on the subject of free negroes; the first of which, on motion of Mr Grimsley, was referred to the committee of ways and means, and the other, to the committee on the judiciary.

Mr Cole, from the committee on the judiciary, reported the following additional articles and specifications against David Todd, judge of the first judicial circuit in this State, in further maintenance of their impeachment against him.

ARTICLE 2.

And whereas, a certain criminal prosecution, wherein the State of Missouri was plaintiff and one John Roberts was defendant, on an indictment found by the grand jury of Cooper county, charging said

John with an assault and battery upon one Davis, came on to be tried in the circuit court of said county of Cooper, at the July term thereof, in the year eighteen hundred and twenty-seven, whereat the said David Todd presided as judge, and the jury empanelled in said cause then and there found the said John guilty of the charge aforesaid: but the said David Todd, so presiding as aforesaid, then and there corruptly intending to injure and oppress the said John, did conduct himself in his official capacity, in a manner highly oppressive and unjust, and against the known law of the land.

First, in refusing to said John the right to be heard by himself in the aforesaid criminal prosecution.

Second, in fining and punishing said John Roberts for standing his trial, and attempting to defend himself on said trial against the charge aforesaid.

Third, in fining or punishing said John for another offence or other offences, for which he was not on his trial, and which were not then before the court.

Fourth, in punishing said John twice for the same offence.

ARTICLE 3.

And whereas one Thomas Hickman, in the month of , in the year one thousand eight hundred and twenty-eight, was charged with the crime of beastiality, by him committed in the county of Howard, in the circuit court of which county the said David Todd, then, and for a long time, and still presides as judge; and the said David Todd, well knowing that the said Thomas Hickman was accused of some great crime, indictable and triable in his court, and corruptly intending to favor the said Thomas, and to prevent his being indicted for the said offence in his said circuit court of Howard county, and in case he, the said Thomas, should be indicted for said offence, to procure his acquittal thereof, and, moreover, voluntarily intending to make himself a witness for said Hickman in the cause aforesaid, did conduct himself in a manner highly partial, and to the great scandal of public justice.

First, the said David Todd, being informed by the said Hickman that he was accused of a great crime, (meaning the aforesaid crime of beastiality) and that he, the said Hickman, could procure the confession of one of his accusers, which confession would prevent any thing further being done in said crime, did voluntarily, freely, and of his own will, secrete and hide himself among barrels and rubbish, for the purpose aforesaid; and did then and there evesdrop, secretly and clandestinely overhear said confession, well knowing that the said Hickman would declare and use the matters aforesaid to prevent a judicial investigation of the aforesaid crime in the court aforesaid, where the said David Todd presided as aforesaid, and before the grand jury of said court and county.

Second, An indictment having been found by the grand jury of said county of Howard, against said Hickman for the offence aforesaid, and the same coming on to be tried at an adjourned term of said court for

said county, in the month of , in the year one thousand eight hundred and twenty-eight, at which court and term the said David Todd presided as judge; the said David Todd, so presiding as aforesaid, with the corrupt intent of favoring said Hickman, and with intent to embarrass and confuse the jury who were trying said cause, did in his official capacity permit a mass of irrelevant testimony to be given to said jury in favor of said Hickman, although the same was objected to for the cause aforesaid, by the said jury, and the counsel for the State in said cause, and did suffer said trial to progress and continue, and keep the said jury waiting there to hear said testimony for six days, whereas a much less time would have been and was sufficient to try said cause.

Upon the question of adopting the second article and specifications, the votes were,

In the affirmative, *Messrs* Bent, Blakey, Becknell, Burch, Cole, Collard, Canole, Dorsey, Drake, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Lowry, *Martin* of J, *Martin* of R, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker, 26.

In the negative, *Messrs* Allen, Ashby, Byrd, Brock, Bell, Barrett, Cowan, Cox, Garner, Grimsley, Jones, Kirtley, Maulsbey and Martin of C G, 14.

Mr Kavanaugh absent with leave. Mr Kerr absent sick.

So the second article was adopted.

On the question of the adoption of the third article, the voets were,

In the affirmative, Messrs Bent, Blakey, Becknell, Burch, Cole, Collard, Canole, Dorsey, Drake, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Lowry, Martin of J, Martin of R, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker, 26.

In the negative, Messrs Allen, Ashby, Byrd, Brock, Bell, Barrett, Cowan, Cox, Garner, Grimsley, Jones, Kirtley, Maulsbey and *Martin* of C. G, 14.

mr Kavanaugh absent with leave. mr Kerr absent sick.

So the additional articles of impeachment were agreed to.

On motion of mr Cole,

Resolved, That the Senate be informed that the House of Representatives have preferred additional articles of impeachment for misdemeanor in office against David Todd, judge of the first judicial circuit, and have directed the managers heretofore appointed, to carry said additional articles to the Senate.

mr Dorsey gave notice that on to-morrow he would ask leave to introduce a bill to tax druggists.

The house adjourned.

WEDNESDAY, December 10.

mr Glascock presented the petition of sundry citizens of Ralls county, praying that the lines of said county be so altered as to afford a front of twenty miles upon the *Mississippi* river.

Mr Blakey presented a remonstrance thereto, signed by sundry citizens of Marion county.

On motion of Mr Magill, the petition and remonstrance were referred to a select committee, consisting of messrs. Glascock, Blakey and Burch.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, the memorial to Congress on the subject of lands containing lead and iron ore.

Said bill was signed by the Speaker, and sent to the Senate for the signature of the President.

On motion of mr Blakey, Mr Byrd, mr Martin of C. G. and mr Martin of Ray, were added to the select committee, to whom was referred the petition and remonstrance in relation to an alteration of the lines of Ralls county.

On motion of mr Kerr, mr Bell was added to the same committee.

The bill authorizing Clement B. Fletcher and others to erect a toll bridge across Joachim Creek, in Jefferson county, was read a second time, and on motion of mr Magill, committed to a committee of the whole house.

The bill legalizing the proceedings of the county court of Boone, making alterations in that part of the State road running through said county, was read a third time and passed.

Ordered that the title thereof, be 'an act.'

The engrossed bill from the Senate concerning the lands pertaining to the Moniteau saline, was read and ordered to a second reading.

A message from the Senate by mr Hensley:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have rejected the bill from the House of Representatives, to amend an act entitled an act to establish and regulate a county treasury.

The act supplementary to an act concerning crimes and punishments, together with the amendments thereto made by the Senate, was read.

Mr Cox moved an amendment to the amendments of the Senate, which was, to insert in the second line of the third section, after the word "been," the words "or now are"—which amendment was agreed to.

On motion of mr Kirtley, said bill was laid on the table.

On motion of mr Lowry, the rule requiring one day's notice previous to the introduction of bills, was dispensed with, and leave granted him to introduce a bill to provide for the increase and disposition of the three per cent. fund.

Said bill was read and ordered to a second reading.

On motion of mr Cox, the rule requiring bills to be read on three several days, was dispensed with, and said bill read a second time.

On motion of mr Cole, the bill was committed to a committee of the whole house; and

On motion of mr Bent, ordered to be printed.

Mr Dorsey, pursuant to notice given on yesterday, introduced a bill to license druggists.

Mr Murphy moved its indefinite postponement, which was rejected; and the bill passed to a second reading.

On motion of mr Dorsey, the rule requiring bills to be read on three several days, was dispensed with, and the bill read a second time; when the motion of mr Murphy to print the bill, failing,

Mr Allen moved its commitment to a committee of the whole house; which was agreed to.

Mr Reyburn, pursuant to previous notice, introduced a bill to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes; which was read, and on motion of mr Magill, laid on the table.

On motion of mr Lowry, the house resolved itself into a committee of the whole on the orders of the day, mr Hempstead in the chair, and took into consideration the bill to organize the county of Smith, which they reported with a recommendation to re-commit it, together with the petition and remonstrance in relation thereto, to the select committee on the subject.

Also, an engrossed memorial from the Senate, to Congress relating to the Mexican and fur trade, which they reported with sundry amendments.

The report of the committee of the whole was agreed to.

Mr Blakey, from the joint committee on enrolled bills, reported that they had presented to the Governor for his approval,

An act authorizing the conveyance of certain town lots in the town of Louisiana.

An act to enable Theodore Hunt and Ann Lucas Hunt, his wife, to sell and convey the real estate therein named; and

A joint resolution requiring the Secretary of State to furnish each house of the General Assembly, with a map of the States of Missouri, Illinois and territory of Arkansas.

Mr Glascock presented the petition of sundry citizens of Ralls county, praying that if the contemplated county of Smith is organized, that that part of Ralls in which they reside, may be attached thereto; which was referred, on motion of mr Cole, to the select committee to whom the subject was originally committed.

Mr Jones, from the select committee to whom was referred the petition of Ephraim Allison, reported a bill for the relief of Ephraim Allison, which was read and ordered to a second reading.

Mr Holliway presented the petition of sundry citizens of Gasconade county, praying a division thereof, and the erection of a new county; which was read and referred to a select committee, consisting of messrs Holliway, Neill and Drake.

On motion of mr Holliway, mr Lowry was added to said committee.

On motion of mr Allen, the house resolved itself into a committee of the whole on the orders of the day, mr Allen in the chair, and took into consideration the bill supplementary to an act entitled an act for the further organizing and disciplining the militia, which they report-

ed with a recommendation that it be re-committed to the committee on the militia.

Also, the bill supplementary to an act entitled an act to regulate executions, and after some time spent therein, rose and reported progress.

On motion of mr Inglish, the report of the committee was agreed to.

On motion of mr Inglish,

Resolved, That until the further order of this house, the hour of adjournment shall be until ten o'clock in the morning.

Mr Grant submitted the following resolution:

That it is expedient that the duty heretofore required by the different brigade inspectors, under the act to organize and discipline the militia, approved February 11th, 1825, making out returns of the actual situation of the arms and accoutrements of the different corps of the militia in this State, shall be performed by the captains of the several companies, who are hereby required to make returns of the number of the company absent as well as the present, as far as practicable, to the adjutants of their several regiments, who are hereby required to make returns of the substance of the reports of the different captains, to the adjutant general, commander in chief of the State, and a duplicate of the same to the President of the United States—and the battallion and regimental musters are hereby abolished, together with the office of brigade inspector.

The resolution was rejected; and

The house adjourned.

THURSDAY, December 11.

Mr Cole presented the petition of John S. Barrett, which was read and referred to a select committee, consisting of messrs. Cole, Reyburn and Ashby.

Mr Bell presented the petition of sundry citizens of Pike county, praying to be stricken therefrom and added to the county of Ralls,—which was read and referred to the select committee to whom was referred the petition and remonstrance in relation to the prayed for alteration in the lines of Ralls county.

Mr Glascock presented the petition of sundry citizens of Ralls county, praying that Richard *Matson* be permitted to build a mill dam across Salt river, opposite New-London, in said county.

Also, a remonstrance thereto, signed by sundry citizens of the same county—both of which were referred, on motion of mr Grimsley, to the select committee to whom the various petitions in relation to the county line of said county had been referred.

mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, a memorial to Congress on the subject of the seminary and school lands, and public salines.

mr Speaker signed said memorial, and it was sent to the Senate for the signature of the President.

Mr Martin of Jefferson, from the select committee to whom was referred a bill to amend an act entitled an act imposing a tax on licenses

to venders of merchandiz and pedlars, reported a new bill of the same title, which was read and ordered to a second reading.

Mr Hempstead made the following report:

The committee who were appointed by this house, to join such committee as the Senate might appoint to examine the papers of former Legislatures, &c. have instructed me to report:—

That they have, in conjunction with the committee of the Senate, performed that duty, and found all the papers that are worthy of preservation, filed, labelled and put up in a press; the remaining papers, consisting of old minutes, resolutions, &c. all of which have already been spread upon the journals of the two houses, they have considered useless, and have, therefore, ordered them to be destroyed.

On motion of Mr Hempstead, the committee of the whole, was discharged from the further consideration of the bill relating to the leasing and management of the State salines, and the same re-committed to the committee on salines.

On motion of Mr Bell, Mr Barrett was added to the select committee to whom was referred the various petitions from the counties of Ralls, Marion and Pike, relating to county lines.

The bill for the relief of Ephraim Allison, was read a second time, and on motion of Mr Allen, committed to a committee of the whole house.

On motion of Mr Magill, the bill to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes, was taken up and read a second time, and on motion of Mr Cole, referred to the committee of ways and means.

The engrossed bill from the Senate, concerning lands pertaining to the Moniteau saline, was read a second time, and on motion of Mr Kirtley, referred to the committee on public salines.

Mr Grant laid before the house the following communication from the Secretary of State:

SECRETARY'S OFFICE, *December* 10, 1828.

I, Spencer Pettis, Secretary of State, do hereby certify that, in pursuance of a resolution of the Senate and House of Representatives, requesting me to employ some person to arrange, file and label the papers, &c. of the former sessions of the Legislature, and to procure a press, &c. I employed Mr Samuel C. Owens to arrange, file and label those papers, and I believe that *Mr* Owens and Mr John Ralls were each, fourteen days in performing that duty. I made no bargain with Mr Owens, as to the sum he should receive, but leave it to the Legislature to say what his services are worth.

SP: PETTIS.

Mr Bent, from the select committee to whom was referred the petition of Mary *Mc*Clurg, reported a bill to divorce *Mary Mc*Clurg, late Mary Brotherton, from the bonds of matrimony, by her contracted with Joseph McClurg; which was read and ordered to a second reading.

On motion of *Mr* Maulsbey, the rule requiring bills to be read on three several days, was dispensed with, and the said bill read a second time.

On motion of Mr Cox, said bill was considered as engrossed, and ordered to be read a third time on to-morrow.

Message from the Governor by the Secretary of State:

To the Senate and House of Representatives of the State of Missouri:

Herewith communicated is a list of lands selected under the act of Congress of the 24th January, 1827, for the support of seminaries of learning within this State.

The selection has been approved by the government of the United States, as will be seen by the endorsement of the Secretary of the Treasury, and a copy of a letter from the commissioner of the General Land Office, appended to the report here submitted.

The quantity of land selected falls short of seventy-two entire sections, by 559 acres. It was my intention to have adverted to this fact in my communication to the Legislature of the 18th ult. but at the time I closed that communication, it escaped my recollection. Unless the Legislature should otherwise direct, the fractional section, yet due the State, will be selected and reported to the government of the United States, as soon as I can procure the necessary information to enable me to make the best selection.

City of Jefferson, Dec. 11, 1828. JOHN MILLER.

On motion of Mr Grant, the communication, together with the accompanying documents, were ordered to lie on the table.

On motion of Mr Lowry, the house resolved itself into a committee of the whole on the orders of the day, Mr *M*aulsbey in the chair, and took into consideration the memorial from the Senate, to the Senate and House of Representatives of the United States, and not having time to go through the same, the committee rose, reported progress therein, and asked leave to sit again—which was granted.

Message from the Senate by Mr Boggs:

Mr Speaker: I am instructed to inform the House of Representatives, that there was introduced into the Senate this morning, a bill concerning Loan Offices and other purposes.

On motion of Mr Cole, the committee on the judiciary was discharged from the further consideration of the report of the Auditor concerning Loan Offices.

Mr Grant submitted the following joint resolution:

Resolved by the Senate and House of Representatives, That the Auditor of Public Accounts is hereby authorized and required to draw on the joint contingent fund of both houses, in favor of Samuel C. Owens, for the sum of dollars, and the Treasurer is hereby authorized to pay the same.

Mr Grant moved to fill the blank with the words "eighty-four," which was agreed to.

On motion of Mr Grant, the rule requiring joint resolutions to lie one day on the table, was considered as dispensed with in reference to the foregoing resolution—and the resolution adopted.

Mr Blakey, from the joint committee on enrolled bills, reported, that they had this day presented to the Governor, for his approval,

A bill for the relief of Wynkoop Warner; also,

A memorial to Congress on the subject of lands containing lead and iron ore; and

A memorial to Congress on the subject of the seminary and school lands, and public salines.

On motion of Mr Magill, the house resolved itself into a committee of the whole on the orders of the day, Mr Dorsey in the chair, and the business in order, being the unfinished business of the morning, on the memorial from the Senate, to the Senate and House of Representatives of the United States; the committee went through, and reported the same to the house, with sundry amendments.

Also, a bill for the relief of Silas King, which they reported with an amendment.

Also, a bill to authorize Clement B. Fletcher and others, to erect a toll bridge across Joachim creek, in Jefferson county; which they reported with an amendment.

Also, a bill to amend an act regulating estrays; which they reported without amendment.

Also, a bill to change the seat of justice of Cole county; which they reported without amendment.

Mr Noland moved that the house disagree to the report of the committee of the whole, on the memorial to the Senate and House of Representatives of the United States; and the question being taken thereon, there were,

In the affirmative, Messrs. Drake, Holliway, Inglish, Lowry, Martin of Jefferson, Martin of Ray, and Noland—7.

In the negative, Messrs. Allen, Ashby, Byrd, Bent, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Garner, Grimsley, Grant, Groom, Glascock, Hempstead, Jones, Kirtley, Maulsbey, Martin of Cape Girardeau, Murphy, Magill, Neill, Reyburn, Ward and Mr Speaker—32.

Mr Kavanaugh absent. Mr Kerr absent, sick.

So the motion was rejected, and the report of the committee of the whole, on the memorial, agreed to.

Mr Kirtley moved an amendment to the report of the committee of the whole, on the bill for the relief of Silas King, by inserting in the sixth line thereof, after the word "hereby," the words 'revived and,'—which was agreed to.

On motion of Mr Allen, said bill was ordered to be engrossed, and read a third time on to-morrow.

The other proceedings of the committee of the whole, were agreed to.

Message from the Senate by Mr Gentry:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have concurred in the joint resolution herewith returned—which resolution was the one appropriating money for the payment of Samuel C. Owens.

On motion of Mr Bell, Mr Kerr was added to the select committee on the petitions relating to an alteration of the lines of Ralls county.

Message from the Senate by Mr Gentry:

Mr Speaker: I am instructed to inform the House of Represent-

tives, that the Senate have passed joint resolutions, proposing amendments to the constitution of this State; which are herewith sent for the concurrence of the House of Representatives.

On motion of Mr Becknell, the bill to amend an act regulating estrays, was referred to a select committee, consisting of Messrs. Becknell, Blakey, and Glascock.

On motion of Mr Magill, the amendments to the memorial, to the Senate and House of Representatives of the United States, was ordered to be engrossed and read a third time to-morrow.

Mr Murphy gave notice, that on to-morrow he would ask leave to introduce a bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois.

The house adjourned.

FRIDAY, December 12.

Mr Kavanaugh, who had leave of absence on Friday last, reappeared and took his seat.

Mr Cole from the committee on the judiciary, made the following report:

The committee on the judiciary, to whom was referred a presentment of the grand jury of the city and county of St. Louis, complaining of the increasing number of free negroes, and the evil of slaves being permitted by their masters to go at large, and act as free persons, have had the subject referred to them under consideration, and would beg leave to submit the following observations in relation thereto, as their report in this behalf. That however much the increase of free negroes among us is to be deprecated, yet, as to their *mere increase*, it is an evil that is remediless, the legislature having no power to restrict or prohibit their coming among us, without a violation of the condition imposed upon this State, by the United States, at the adoption of the constitution, and which condition was accepted on the part of this State, by a solemn public act, passed 26th June, in the year 1821.

On the other hand, the means of repressing licentiousness in free persons of color, this committee believe to be ample, and that a more careful execution of the laws in force, would go very far to remedy the evil complained of; licentiousness, at least, might meet with effectual punishment. With regard to the other grievance complained of by the grand jury of St. Louis county, in masters permitting their slaves to go at large and act as free persons, this committee believe this evil is also amply provided for by existing laws. If the evil does exist, the means for repressing it also exists, and that the fault, in fact, is not in the law, but in a careless execution of the law. This committee, therefore submit to the house, that no further legislation (in addition to the laws in force) is necessary in relation to the grievance complained of by the grand jury of St. Louis county, and ask leave to be discharged from the further consideration thereof, if such be the pleasure of the house.

On motion of Mr Grimsley, the report was laid on the table.

Mr Hempstead, from the committee on salines, to whom was recom-

mitted the bill supplementary to an act entitled, an act to provide for the leasing and management of the State Salines, reported the same with an amendment, which being twice read,

On motion of Mr Hempstead, the bill was ordered to be engrossed and read a third time to-morrow.

Mr Hempstead from the same committee, to whom was referred the bill from the Senate concerning the lands pertaining to the Moniteau Saline, reported the same with the recommendation that the house reject it.

Which report was agreed to.

Mr Glascock made the following report:

The committee to whom was referred the petition of the citizens of the county of Ralls, praying for a front of twenty miles upon the Mississippi river to be given to said county, together with the remonstrance of the citizens of Marion county, against said petition, have had the same under consideration, and they have instructed me to report against giving the front prayed for in the said petition, which is respectfully submitted.

Mr Ashby from the select committee to whom had been referred the bill for organizing the county of Smith, together with the petition and remonstrance in relation thereto, reported a new bill to organize the county of Randolph, which was read and ordered to a second reading.

Mr Cole from the select committee to whom was referred the petition of John S. Barrett, reported a bill for the relief of John S. Barrett, late collector of Ste. Genevieve county, which was read, and ordered to a second reading.

Mr Kirtley made the following report:

The select committee to whom was referred the petion of Peyton Nowlin, guardian of Presley N. Edwards, and the petition of the heirs of John M'Gee, and Robert M'Gee, deceased, and who were instructed to enquire into the expediency of passing a General law, authorizing guardians to invest the monies of their wards in lands, have had the matters referred to them under consideration, and have instructed me to report, that the investment of said heirs in the manner proposed, would in all probability redound greatly to their advantage, if the present system of disposing of the public lands should be continued; but should the graduation bill pass congress, the policy of said investment at this time, would be very doubtful; nor do the committee believe the said heirs would be further bound by the provisions of the proposed law, than so far as they might assent thereto, after becoming of full age. The committee also submit that it is inexpedient to pass a general law, authorizing guardians to lay out the funds of their wards in the purchase of lands. The committee ask to be discharged from the further consideration of the subject referred to them.

Which report was agreed to.

On motion of Mr Magill, Mr Bent was added to the select committee, to whom was referred the petition of sundry inhabitants of the village of St. Ferdinand.

On motion of Mr Grimsley,

Resolved, That the Auditor be requested to lay before this house a statement of the expenditures by the State and Treasury departments, on account of contingencies since the last session of the General Assembly.

On motion of Mr Grimsley,

Resolved, That the Auditor of Public Accounts be requested to lay before the House of Representatives, an abstract of all expences which have accrued to the State, touching the permanent seat of government since its location at the City of Jefferson.

The bill to amend an act entitled an act, imposing a tax on licenses to venders of merchandize and pedlars, was read a second time, and on motion of Mr Cox, committed to a committee of the whole house.

The bill for the relief of Silas King, was read a third time and passed.

On motion of Mr Cole,

Ordered, That the title thereof be an act to revive and continue in force an act heretofore passed for the relief of Silas King and others.

On the third reading of the bill to divorce Mary M'Lurg, late Mary Brotherton, from the bonds of matrimony by her contracted with Joseph M'Lurg, Mr Cole moved an amendment by way of rider, which was to add after the first section "provided, that this act shall not be so construed as to render any child or children illegitimate born, during the marriage of the said Mary and Joseph; and provided also, that such child or children so born as aforesaid, shall be, and remain with the said Mary, and that she, the said Mary, shall have the sole custody, care and tuition of the said children, any thing in the law to the contrary notwithstanding.

Which was twice read, and on motion of Mr Cole, considered as engrossed, read a third time, and the bill passed.

Ordered, That the title thereof be 'an act.'

A message from the Senate by Mr Dawson:

Mr Speaker: I am instructed to inform the House of Representatives that there were introduced into the Senate this morning, bills of the following titles, viz:

A bill entitled an act for the relief of the widow and heirs of John B. Olive, deceased, and

A bill entitled an act to extend the time of redemption for land and other real estate which have been sold for taxes.

The joint resolutions from the Senate proposing amendments to the constitution of this state, were read, and ordered to a second reading.

On the third reading of the engrossed memorial to the Senate and House of Representatives of the United States, Mr. Bent moved an amendment by way of rider, which was to strike out all after the word 'pursued,' in the second line, and insert in lieu thereof 'is thought by a large majority of the citizens of the State of Missouri, to operate prejudicially to her best interests, nor does it advance the pecuniary interests of the general government, if the view they take of the subject be correct. They therefore respectfully recommend to the justice, wisdom and liberality of Congress the passage of a law, so to graduate

the price of public lands, as to insure the speedy and equitable disposition of the public domain in the State of Missouri, to such persons as shall wish to become actual settlers thereon.'

Which amendment was rejected; and the memorial passed, ayes 31, noes 4.

Those voting in the affirmative are,

Messrs Allen, Ashby, Byrd, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Maulsbey, Martin of J, Martin of C G, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker.

In the negative, were Messrs Bent, Grimsley, Lowry, and Martin of Ray.

A message from the Governor, by the Secretary of State:

The House of Representatives of the State of Missouri: On yesterday I approved and signed a joint resolution requiring the Secretary of State to furnish to each House one of the maps of the States of Missouri and Illinois, and the Teritory of Arkansas; and

On this day, I have approved and signed a joint resolution requiring the Auditor of Public Accounts to draw in favor of Samuel C. Owens.

December 12th, 1828.

JOHN MILLER.

Mr Murphy, pursuant to notice given on yesterday, introduced a bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois, which was read, and ordered to a second reading.

Mr Holliway gave notice that on Monday he would ask leave to introduce a bill, to amend an act entitled an act, to provide a method of proceeding against absent and absconding debtors, approved February 6th, 1825.

Mr Glascock asked leave to withdraw the petition of the citizens of Ralls county, praying an alteration in the lines of said county, which was granted.

Mr Blakey asked leave to withdraw the remonstrance of sundry citizens of Marion county, in relation to the same subject, which was granted.

Mr. Hempstead gave notice that on Monday next he would ask leave to introduce a bill to regulate the state library and to provide for the improvement and increase thereof.

The motion of Mr Grant to go into committee of the whole was decided in the negative.

On motion of Mr. Dorsey, the house resolved itself into a committee of the whole on the orders of the day, Mr Glascock in the chair, and took into consideration a bill to provide for the increase and disposition of the three per cent. fund," and reported the same with a recommendation that it be referred to a select committee.

Also, a bill supplementary to an act to regulate proceedings in crim-

inal cases, which they reported with sundry amendments and a recommendation that it be referred to a select committee and be printed.

On motion of Mr Cole, the committee of the whole were discharged from the further consideration of the bill supplementary to an act concerning billiard tables, and the same referred to a select committee consisting of Messrs Cox, Kirtley and Grimsley.

On motion of Mr Cole, the bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts was taken up, read a second time, and ordered to be engrossed and read a third time on to-morrow.

Mr Grant called up the bill to change the seat of justice of Cole county, and moved that it be considered as engrossed and read a third time this day; which was negatived.

And the bill, on the further motion of Mr Grant, ordered to be considered as engrossed and read a third time on to-morrow.

Mr Hempstead introduced a memorial to the Senate and House of Representatives of the United States, which by the rules of the house, lies one day on the table.

On motion of Mr Lowry, the bill providing for the increase and disposition of the three per cent. fund was referred to a select committee consisting of Messrs Lowry, Cole, Bent and Kerr.

On motion of Mr Cole, the bill authorizing Clement B. Fletcher and others to erect a toll bridge across Joachim creek, in Jefferson county, was ordered to be engrossed and read a third time on to-morrow.

The house adjourned.

SATURDAY, December 13.

Mr Cox from the committee to whom was referred the bill supplementary to an act concerning billiard tables, reported a new bill supplementary to an act taxing billiard tables, which was read and ordered to a second reading.

Mr Becknell from the select committee to whom was referred the bill to amend an act regulating estrays, reported a new bill of the same title, which was read and ordered to a second reading.

The bill for the relief of John S. Barrett, late collector of Ste. Genevieve county, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

The bill to organize the county of Randolph, was read a second time, and on motion of Mr Ashby, committed to a committee of the whole house.

The bill authorizing Clement B. Fletcher and others to erect a toll bridge across Joachim creek in Jefferson county, was read a third time.

Mr Magill moved an amendment by way of rider, which was to strike out the word 'five,' where it occurs in the eighth line of the second section, and insert the word 'ten,' which was twice read, and on motion of Mr Cole, engrossed, read a third time, and the bill passed.

A message from the Senate by Mr Boggs:

Mr Speaker: The Senate have this day passed a joint resolution, which is herewith sent for the concurrence of the House of Representatives. [Which resolution was requiring the Secretary of State to forward blank copies of certain memorials to our Senators and Representative in Congress.

Mr Kirtley moved to amend the resolution by filling the blank therein with the word 'one,' and by striking out the word 'copies,' where it occurs in the fourth line, and inserting the word 'copy,' in its stead; which was agreed to, and the resolution as amended, was agreed to.

Mr Allen moved that the rule requiring joint resolutions to be read on three several days be dispensed with, and the resolution read a second time to-day, which was agreed to.

On motion of Mr. Dorsey, the rule was further dispensed with, and the resolution read a third time; when

Mr Kirtley moved to amend the resolution by way of rider by striking out of the fifth line, the word 'have,' and inserting in its stead the word 'has,' which amendment was agreed to, and the resolution as amended passed.

On motion of Mr Lowry, the vote on the passage of the resolution was reconsidered, when

Mr Kirtley moved an amendment by way of rider, which was to insert in the fifth line, after the word 'has,' the word 'been,' which was agreed to; the rule requiring three several readings again dispensed with, and the resolution as amended passed.

On the third reading of the bill supplementary to an act to establish judicial districts and circuits and prescribing the times and places of holding courts, Mr Cole moved its recommitment to a committee of the whole, which was agreed to.

On the third reading of the bill supplementary to an act entitled an act to provide for the leasing an management of the State salines; Mr Hempstead moved to amend the third section by way of rider, by inserting after the word 'appoint,' where it occurs in the second line, the words 'upon the recommendation of the tribunal transacting county business for the county where salines or saline lands lie, or if they fail to recommend, without such recommendation;' which was twice read, and on motion of Mr Hempstead, considered as engrossed, read a third time, and the bill passed.

Ordered that the title thereof be 'an act.'

On the third reading of the bill providing for the removal of the seat of justice of the county of Cole, Mr Brock moved an amendment by way of rider, to strike out after the word 'that,' in the second line of the first section, the names of 'Samuel Crow, John Scruggs and Josiah Ramsay,jr.' which was read a first and second time, and ordered to be engrossed and read a third time.

On the third reading of the rider, Mr Cole moved an amendment thereto by striking out only the name of 'Josiah Ramsay, jr. which was read three several times and agreed to.

On motion of Mr Inglish, the blank thus created was filled with the

name of Martin D. Noland, which being three several times read, was agreed to.

Mr Cole moved an amendment to the tenth section by way of rider, which was to strike out of the fourth line thereof the words 'and conveyed,' which was read three several times, and the bill as amended passed.

Ordered, that the title thereof be 'an act.'

The memorial to the Senate and House of Representatives of the United States was read a second time, and on motion of Mr Allen, committed to a committee of the whole house.

The engrossed resolutions from the Senate, on the subject of amending the constitution of this state, were read a second time.

Mr Kirtley moved to commit them to a committee of the whole house on the orders of the day.

Mr Cole moved an amendment to the resolution, by committing them to a committee of the whole house on the state of the republic. The question being first put on the amendment proposed, it was decided in the affirmative, and the resolution, as amended, agreed to.

Mr Lowry presented the petition of sundry citizens of the town of Franklin, in relation to the Franklin Academy, which was referred, on motion of Mr Lowry, to a select committee, consisting of Messrs. Lowry, Kavanaugh and Martin of Jefferson.

On motion of Mr Cole, the bill supplementary to an act to regulate proceedings in criminal cases, was referred to the committee on the judiciary.

The Speaker laid before the house, a communication from the Treasurer, in relation to Loan Office Certificates, which was read, and on motion of Mr Cole, laid on the table.

Mr Lowry submitted the following resolution:

Resolved, That this house go into committee of the whole on the state of the republic, on the amendments proposed by the Senate to the constitution of this State, on Monday the fifteenth inst.

Mr Magill moved an amendment to the resolution, which was to strike out the word "Monday," and insert Thursday; which amendment was agreed to, and the resolution, as amended, was adopted.

Mr Grant submitted the following resolution:

Resolved, That the present system of leasing the school lands is inexpedient, and does not, nor can effect the beneficient objects of the grant, because of the large bodies of unappropriated public lands, upon which, persons who would otherwise lease the school lands, can settle free from rent, and because of the deterioration of soil and destruction of timber—the school lands receiving no equivalent in permanent improvement or in rents: therefore, it is expedient to discontinue the leasing of said school lands; and that they be sold as soon as the permission of Congress can be obtained for the selling of the same.

Which resolution, on motion of Mr Cole, was laid on the table.

Mr Murphy, pursuant to previous notice, introduced a bill entitled

an act concerning county courts; which was read and ordered to a second reading.

Message from the Senate by *Mr* Gentry:

The Senate have concurred in the amendments made by the House of Representatives, to the memorial to the Senate and House of Representatives of the United States, with an amendment to the ninth amendment; which is herewith sent for the concurrence of the House of Representatives.

The house adjourned to Monday.

MONDAY, December 15.

Mr Cox presented the petition of sundry citizens of Madison county, in relation to the existing custom of selling lead by French weight which was read, and on motion of Mr Cox, referred to a select committee, consisting of Messrs. Cox, Garner and Reyburn.

Mr Grant, from the committee of ways and means, reported a bill to amend an act entitled an act to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes, approved January 3rd, 1827; which was read and ordered to a second reading.

A message from the Senate by *Mr* Jones:

Mr Speaker: The Senate have concurred in the bill from the House of Representative regulating the apportionment of representation with an amendment, which is herewith returned for the concurrence of the House of Representatives.

Mr Brock, from the committee on the militia, to whom was re-committed the bill supplementary to an act for the further organizing and disciplining the militia, reported a new bill, entitled a bill supplementary to an act entitled an act to organize, govern and discipline the militia, approved 12th of February, one thousand eight hundred and twenty-five; and to amend an act entitled an act for the further organizing and disciplining the militia, approved first of January, one thousand eight hundred and twenty-seven—which was read and ordered to a second reading.

On motion of Mr Kerr, Mr Hempstead was added to the committee to whom was referred the bill to provide for the increase and disposition of the three per cent. fund.

Mr Lowry submitted the following resolution:

Resolved, That it is expedient for this State to borrow money for the purpose of purchasing, and taking in all Auditor's Warrants and Loan Office Certificates, for which this State is accountable.

Mr Cole moved to amend the resolution by striking out all after the word "resolved," and inserting in lieu thereof: That the committee on the judiciary be instructed to enquire into the expediency of redeeming all outstanding debts against the State, and to report the most eligible mode and time for carrying that object into effect, if said committee should be of opinion that said debts should be redeemed: and also to report the probable effects of such a measure, as well present as future, upon the financial concerns of the country, happiness and prosperity of the people.

Mr Lowry accepted the amendment of Mr Cole, and the resolution, as amended, was adopted.

Message from the Senate by Mr Boggs:

Mr Speaker: There has this day been introduced into the Senate, a bill to provide for the sale of the seminary lands.

Mr Murphy moved that the rule requiring one day's notice previous to the introduction of bills, be dispensed with, which being agreed to, leave was granted him to introduce a bill supplementary to an act entitled an act regulating setoff, passed February 12th, 1825; which was read and rejected.

Mr Kerr gave notice, that on to-morrow he would ask leave to introduce a bill to provide for laying out a state road from the town of Clarksville, on the Mississippi river, to intersect the state road leading from the City of St. Louis, through the town of St. Charles, to the City of Jefferson, at a certain point.

The bill entitled an act concerning county courts, was read a second time, and on motion of Mr Murphy, committed to a committee of the whole house.

The bill supplementary to an act entitled an act taxing billiard tables, was read a second time, and on motion of Mr Cox, committed to a committee of the whole house.

Message from the Senate by Mr Boggs:

Mr President: The Senate has this day concurred in the amendments proposed by the House of Representatives to the joint resolution, making it the duty of the Secretary of State to forward copies of memorials to our Senators and Representative in Congress.

The bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St Francois, was read a second time, and on motion of Mr Murphy, ordered to be engrossed and read a third time on to-morrow.

The bill to amend an act entitled an act regulating estrays, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

On motion of Mr Cole, the report of the committee on the judiciary, on the presentment made by the grand jury of St. Louis, relative to free negroes, was taken up, and on motion of Mr Bent, again laid on the table.

The resolution submitted by Mr Grant on Saturday, relative to the school lands, was taken up and adopted.

On motion of Mr Grant, said resolution was referred to the committee on education.

On motion of Mr Grant, the amendments recommended by the committee of the whole on Wednesday last, to the engrossed memorial from the Senate to Congress, relating to the Mexican and fur trade, were ordered to be engrossed.

The amendments made by the Senate to the act regulating the apportionment of representation among the several counties, were read and concurred in.

The amendment, by way of rider, to the amendments of the Senate,

to the bill concerning crimes and punishments, was read a second time, and on motion of Mr Magill, considered as engrossed, read a third time, together with the amendments of the Senate, and concurred in.

The amendment made by the Senate to the engrossed amendments made by the House of Representatives, to the engrossed memorial to the Senate and House of Representatives of the United States, was read, when

Mr Lowry moved an amendment by way of rider, which was to insert after the amendment, the words "most governments it is believed, deem it good policy to give wild lands to their inhabitants for actual settlement and cultivation. The United States, it is conceived, is the only nation which refuses such donations. Is the cultivation and improvement of seven States of no importance to the United States!—which amendment was read, considered and rejected; and the question recurring on the amendment made by the Senate, it was agreed to, ayes 32, noes 10.

Those voting in the affirmative, are

Messrs. Allen, Ashby, Bell, Blakey, Becknell, Burch, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Groom, Glascock, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Martin of Jefferson, Martin of Ray, Martin of Cape Girardeau, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker.

In the negative, Messrs. Byrd, Bent, Brock, Barrett, Cox, Grimsley, Grant, Holliway, Kerr and Maulsbey.

Message from the Senate by Mr Dawson:

Mr Speaker: The Senate have this day passed a bill of the following title, to wit:

An act for the relief of the widow and heirs of John B. Olive, deceased—which is herewith sent for the concurrence of the House of Representatives.

There was also introduced into the Senate this day, a bill supplementary to an act entitled an act to amend and alter an act entitled an act to establish courts of justice and prescribe their powers and duties, approved 2nd of January, 1827.

On motion of Mr Cole, the House resolved itself into a committee of the whole on the orders of the day, Mr Canole in the chair, and took into consideration a bill supplementary to an act entitled an act to regulate executions, which they reported with an amendment.

Also, a bill for the relief of Ephraim Allison, which they reported with an amendment.

Also, a bill to organize the county of Randolph, in which they made some progress, reported it and asked leave to sit again, which was granted—and the report of the committee of the whole agreed to.

Message from the Senate by Mr Jones:

Mr Speaker: The Senate have this day adopted the following resolutions, viz:

Resolved, That for the remainder of the session of the present General Assembly, all communications and messages from the Senate

the House of Representatives, may be taken by the Secretary of the Senate.

Resolved further, That notice hereof be communicated to the House of Representatives.

Mr Holliway, pursuant to notice given on Friday, introduced a bill to amend an act entitled an act to provide a method of proceeding against absent and absconding debtors—which was read and ordered to a second reading.

Message from the Senate by Mr Jones:

Mr Speaker: The Senate have concurred in the following bills from the House of Representatives, viz:

An act supplementary to an act entitled an act to establish judicial districts and circuits, and prescribing the times and places of holding courts therein, approved fifth of February, 1825; and

An act legalizing certain acts of the county court of Boone—which are herewith returned to the House of Representatives.

The house adjourned.

TUESDAY, December 16.

Mr Kavanaugh presented the petition of sundry citizens of Cooper county, praying the remission of certain fines, which was read, and on motion of Mr Jones, referred to a select committee, consisting of Mess. Kavanaugh, Drake and Martin of Jefferson.

Mr Becknell presented the petition of sundry citizens of Saline county, praying that the lines thereof be specifically designated—which was read and referred to a select committee, consisting of Mess. Becknell, Garner and Bell.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, a joint resolution requiring the Secretary of State to forward certain memorials to certain persons.

Said resolution was signed by the Speaker, and sent to the Senate for the signature of the President.

Mr Kerr, pursuant to notice given on yesterday, introduced a bill to provid for surveying and making out a state road; which was read and ordered to a second reading.

Mr Dorsey submitted the following:

Resolved, That there be a committee of three appointed to examine into the expediency of selling the property belonging to the State, which was bought in for debts due the Loan Office—which resolution was adopted, and Messrs. Dorsey, Hempstead and Kirtley appointed the committee.

The bill to amend an act entitled an act to provide a method of proceeding against absent and absconding debtors, was read a second time, and on motion of Mr Magill, committed to a committee of the whole house.

The bill to amend an act entitled an act to amend an act entitled an act to provide for levying, assessing and collecting State and county

taxes, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

The bill supplementary to an act entitled an act to organize, govern and discipline the militia, and to amend an act entitled an act for the further organizing and disciplining the militia, was read a second time, and on motion of Mr Canole, committed to a committee of the whole house.

On motion of Mr Magill, the bill from the Senate entitled an act making compensation to commissioners of seminary lands and other persons, was taken up and read a third time.

Mr Magill moved an amendment by way of rider, which was to strike out in the thirteenth line of the first section, the words "three hundred and thirty-six," and insert in lieu thereof, the words four hundred and forty-eight—which was negatived, ayes 3, noes 37.

Those voting in the affirmative, are

Messrs. Bent, Collard and Magill.

In the negative, Messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Canole, Dorsey, Drake, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, Maulsbey, Martin of Jefferson, Martin of Ray, Martin of Cape Girardeau, Murphy, Neill, Noland, Overall, Reyburn, Ward and Cole, (Sp. P. T.)

Mr Magill moved an amendment by way of rider, which was to insert in the twenty-first line of the first section, after the word 'persons,' the words 'for specie;' which was rejected, ayes 5, noes 36.

Those voting in the affirmative, were Messrs. Bent, Burch, Grant, Glascock and Magill.

In the negative, Messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Barrett, Cowan, Cox, Collard, Canole, Dorsey, Drake, Garner, Grimsley, Groom, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, Maulsbey, Martin of Jefferson, Martin of Ray, Martin of Cape Girardeau, Murphy, Neill, Noland, Overall, Reyburn, Ward and Cole, (Sp. P. T.)

The question recurring upon the passage of the bill, it was decided in the affirmative.

On motion of Mr Grimsley, the report of the committee on the judiciary, on the presentment by the grand jury of the City and county ty of St. Louis, relative to free negroes, was taken up and agreed to.

Mr Grant moved a re-consideration of the vote just taken, which was rejected.

The engrossed memorial from the Senate to Congress, on the subject of the Mexican and fur trade, as amended by this house, was taken up, read a third time and passed.

The engrossed bill from the Senate, for the relief of the widow and heirs of John B. Clive, deceased, was read and ordered to a second reading.

On motion of Mr Grant, the house resolved itself into a committee of the whole on the orders of the day, mr Martin of Jefferson in the chair, and took into consideration the bill to organize the county of

Randolph, and reported the same with a recommendation that it be rejected.

Also, a memorial to the Senate and House of Representatives of the United States; which they reported without amendment.

Also, a bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois; which they reported with an amendment.

On motion of mr Ashby, the report of the committee on the bill to organize the county of Randolph, was laid on the table.

The report on the memorial to the Senate and House of Representatives of the United States, was agreed to.

On motion of mr Cox, the report of the committee on the bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois, was laid on the table.

The house adjourned to three o'clock.

The house met pursuant to adjournment, when Mr Grant moved a recess of half an hour; which was agreed to.

When the house convened, Mr Dorsey moved that the bill supplementary to an act to regulate executions, be engrossed and read a third time on to-morrow; which was agreed to.

On motion of Mr Jones, the bill for the relief of Ephraim Allison was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr Hempstead, the memorial to the Senate and House of Representatives of the United States, was considered as engrossed and read a third time.

Mr Grant moved an amendment by way of rider, which was to strike out in the last line but one, the word 'next,' which was twice read, engrossed, read a third time and passed; and the memorial as amended, passed.

On motion of Mr Ashby, the report of the committee of the whole on the bill to organize the county of Randolph, was taken up, and on motion of Mr Grant, referred, together with the bill, to a select committee consisting of Messrs. Grant, Maulsbey and Kerr.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled an act legalizing certain acts of the county court of Boone.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the President.

On motion of Mr Dorsey, the house resolved itself into a committee of the whole, on the orders of the day, Mr. Drake in the chair, and took into consideration a bill to amend an act entitled an act imposing a tax on licenses to venders of merchandize and pedlars, in which they made some progress, reported it, and asked leave to sit again, which was granted.

On motion of Mr Grant,

Resolved, That the hours of adjournment shall hereafter be until half after nine o'clock A. M. and until two o'clock P. M. unless a different hour is specified.

The house adjourned.

WEDNESDAY, DECEMBER 17.

On motion of Mr Magill, the committee of the whole was discharged from the further consideration of the bill, to amend an act entitled an act imposing a tax on licences to venders of merchandize and pedlars, and the same referred to the committee of ways and means.

The bill to provide for surveying and making out a state road, was read a second time, and, on motion of Mr Magill, committed to a committee of the whole house.

The bill supplementary to an act entitled an act to regulate executions, was read a third time and passed.

Ordered, that the title thereof be 'an act.'

The bill for the relief of Ephraim Allison was read a third time and passed.

Ordered, that the title thereof be 'an act.'

On motion of Mr Grant, the communication of the Treasurer which was laid on the table on Saturday, was taken up, considered, and referred to the committee on the judiciary.

The engrossed bill from the Senate, for the relief of the widow and heirs of John B. Olive, deceased, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

On motion of Mr Cox, the house resolved itself into a committee of the whole on the orders of the day, Mr Kavanaugh in the chair, and took into consideration the bill to appropriate money for the pay of J. B. C. Lucas, late judge of Missouri Territory, and reported the same with a recommendation to strike out the first section thereof, together with the enacting clause.

Also, a bill for the relief of John S. Barrett, late collector of Ste. Genevieve county, which they reported with an amendment.

Also, a bill to amend an act entitled an act, regulating estrays, in which they made some progress, reported it, and asked leave thereon to sit again.

The report of the committee of the whole was agreed to, and leave granted them to sit again.

On motion of Mr Grimsley, the house again resolved itself into a committee of the whole on the orders of the day, Mr Jones in the chair, and took into consideration the bill to amend an act, entitled an act to amend an act, to provide for levying, assessing, and collecting State and county taxes, to which they made sundry amendments.

Also, an act to amend an act entitled an act, to provide a method of proceeding against absent and abscouding debtors, which they reported with a recommendation to strike out the first section thereof together with the enacting clause.

Also, a bill to regulate the time and place of session of the Supreme court of this State, and to provide for a report of the decisions thereof, which they reported without amendment.

The first and second sections of the report of the committee of the whole was agreed to by the house.

On motion of Mr Garner, the report of the committee of the whole

on the bill to regulate the time and place of session of the Supreme Court of this State, and to provide for a report of the decisions thereof, was laid on the table.

The house adjourned.

THURSDAY, December 18.

Mr Blakey from the joint committee on enrolled bills, reported as truly enrolled bills of the following titles, viz:

An act regulating the apportionment of representation among the several counties in this state.

An act supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts therein.

Also, a memorial to the Senate and House of Representatives of the United States.

Mr Speaker signed said bills and memorial and they were sent to the Senate for the signature of the president.

Mr Magill made the following report:

The select committee to whom was referred the petition of the citizens of the village of St. Ferdinand, praying that their commons should be exempt from taxation, have had the same under consideration, and have instructed me to make the following report:

First, that policy and justice alike require the commons in said petition mentioned to be exempted from taxation.

Second, believing the revenue law was not otherwise intended to be construed, than to tax the fee simple estate and no inferior title, and that the assessors have misconstrued the law in supposing the said commons taxable. The committee is of opinion that it would be but justice and equitable to refund the amount of seventeen dollars and fifty-nine cents, so much state tax paid for the year 1827.

On motion of Mr Magill, said report was recommitted to the same committee, with instructions to report thereon a bill.

Mr Glascock from the select committee to whom was referred the petition of Richard Matson, together with the remonstrance of sundry citizens of Ralls county thereto, reported a bill to authorise Richard Matson to build a mill dam across Salt River; which was read and ordered to a second reading.

Mr Glascock from the same committee reported a bill to attach a part of Pike county to the county of Ralls, which was read and ordered to a second reading.

Mr Hempstead moved the following:

Resolved, That this house appoint a committee to confer with such committee as the Senate may appoint upon the mode of communication between the two houses.

Mr Grant moved an amendment to the resolution, which was to strike out all after the word 'resolved,' and insert in lieu thereof 'that the Senate and House of Representatives deem it inexpedient to receive or transmit messages by any other than the members of each

house, and that the Senate be requested to concur herein"—which amendment was rejected.

The question recurring on the original resolution, it was adopted, and *Mes*srs, Hempstead, Grant and Kirtley appointed the committee.

Mr Reyburn submitted the following:

Resolved, That it is expedient so to amend the existing laws of this State, as to give to the jury the power of determining the amount of fines and term of imprisonment by its verdict in all offences to which a penalty is affiixed, and that the judiciary committee be instucted to report a bill in pursuauce of the foregoing resolution.

Which resolution on motion of *Mr* Kirtley, was laid on the table.

Mr. Dorsey submitted the following:

Resolved, That the committee on education examine into the expediency of establishing a college in this State, to have the science of law and medicine taught, and that they report by bill or otherwise.

Which resolution was rejected.

On motion of *Mr* Bent, the report of the committee of the whole on the bill to regulate the time and place of session of the Supreme court of this State, and to provide for a report of the decisions thereof was taken up, and the question being upon agreeing to the report,

Mr Magill moved an amendment, which was to strike out of the first section the word 'Jefferson,' and insert 'St. Louis,' which was rejected.

Mr Grimsley moved an amendment, to strike out 'City of Jefferson,' (where it occurs in the first section of the bill) and insert 'Permanent seat of government,' which was agreed to. And the report as amended was agreed to. ayes 24, noes 18.

Those voting in the affirmative, are,

*Mes*srs Bent, Becknell, Burch, Cox, Cole, Collard, Dorsey, Grimsley, Grant, Groom, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, *Ma*rtin of J, *Ma*rtin of R, *Ma*gill, Noland, Overall, Reyburn and Mr Speaker.

In the negative, Messrs Allen, Ashby, Byrd, Brock, Bell, Blakey, Barrett, Cowan, Canole, Drake, Garner, Glascock, Lowry, Maulsbey, Martin of C. G, Murphy, Neill and Ward.

On motion of *Mr* Grant, said bill was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr Grant, the bill to amend an act entitled an act to provide for levying, assessing and collecting state and county taxes, was ordered to be engrossed and read a third time on to-morrow.

On motion of Mr Cole, the bill for the relief of John S. Barrett, late collector of Ste. Genevieve county, was ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr Dorsey, the previous orders of the day were dispensed with, and the house resolved itself into a committee of the whole on the state of the republic, Mr Magill in the chair, and took into consideration the ratified report of the committee of the legislature of Georgia, on the state of the republic, relative to the powers assumed by the general government, on the subject of protecting domestic

manufactures, and prosecuting works of internal improvement, and thereon reported the following resolution.

Resolved, That this committee view with deep concern the difficulties and difference of opinion between the southern and the northen states, on the subject of the tariff, and that the said committee recommend to the house the utility of instructing the judiciary committee to prepare a respectful memorial to Congress on that subject; that it is expedient to so amend the tariff law, as not to operate prejudicially to one section of the union, and to the exclusive interest of the other.

Also, the joint resolutions from the Senate proposing amendments to the constitution of this state, in which they made some progress, which they reported, and asked leave to sit again, which was granted.

On motion of *Mr* Kirtley, the report of the committee of the whole on the resolutions of the Legislature of Georgia was laid on the table.

Mr Hempstead made the following report:

The joint committee appointed on the part of the Senate and House of Representatives to confer upon the mode of communication between the two houses, have met and had under consideration the subject referred to them, but cannot agree to recommend to both houses, the adoption of any mode of communication between the two houses.

Message from the Senate by Mr Boggs:

Mr Speaker: The Senate have adopted the resolution herewith sent for the concurrence of the House of Representatives.

Resolved, by the Senate and House of Representatives, That the following be adopted as an amended rule of the joint rules and regulations for the government of both houses, to wit:

Sec. 2. When a message shall be sent from one house to the other, it shall be announced at the door of the respective houses by the door keeper; and the import thereof respectfully communicated to the President or Speaker (as the case may be) by the person by whom it is sent; and this service may be performed by either a member of the house from which sent, or by its Secretary or Clerk, as the case may be.

On motion of Mr Hempstead, the rule requiring joint resolutions to lie one day on the table was dispensed with, in reference to the foregoing, when

Mr Grant moved an amendment thereto, which was to strike out the word 'may,' where it occurs in the sixth line of said section, and insert the word 'shall;' also, to strike out the word 'either,' in the same line, and all after the word 'sent,' in the seventh line thereof.

Which was rejected.

Mr. Kirtley moved an amendment, which was to insert after the word 'Clerk,' in the last line, the words, 'or any sworn officer thereof,' which was rejected, and

The house adjourned.

FRIDAY, DECEMBER 19.

Mr Grant from the committee of ways and means, reported a bill to amend an act entitled, an act imposing a tax on venders of merchandize and pedlars, and for other purposes, which was read, and ordered to a second reading.

Mr Cox made the following report:

Mr Speaker—The committee to whom was referred the petition of sundry inhabitants of the county of Madison, praying the interference of this Legislature in their behalf, have instructed me to report:

That many grievances do exist in the mode of selling and weighing lead, in consequence of the weights now used having no standard by which they can be regulated. It being a truth known to some of this committee that the weights now used have varied from eight pounds to eight per cent. and in some instances more.

The committee would therefore recommend the passage of a law making it a penalty for any person to sell lead by any other weights than the nett hundred averdupois, as it is the opinion of this committee, that the law now in force regulating weights and measures does not reach shis case; which is respectfully submitted.

The report was agreed to, and, on motion of Mr Cox, recommitted to the same committee with instructions to report a bill.

Mr Grant, from the select committee to whom was referred the bill to organize the county of Randolph, reported the same with amendments, which were read, and ordered to a second reading.

Mr Becknell, from the select committee to whom was referred the petition of sundry citizens of Saline county, reported a bill to fix and establish the southern boundary of the county of Saline.

The reading of the reports of the Auditor, furnished in obedience to an order of this house, relative to the contingent expences of the State and Treasury Departments, and the expences of the permanent seat of government, was dispensed with on motion of Mr Cox, and the same referred to a select committee consisting of Messrs Cox and Hempstead.

Mr Hempstead submitted the following:

Resolved by the House of Representatives, if the Senate concur therein, That they will assemble on Tuesday next, at three o'clock in the afternoon in the Hall of the House of Representatives, and then proceed to elect a Treasurer of this State, for the next two years ensuing the first day of January 1829; and that the Senate be informed thereof, and their concurrence asked herein, and that the seats on the right of the Speakers chair be appropriated for the use of the Senate when they assemble in the Representative Hall for the purpose of such election.

Mr Lowry introduced joint resolutions on the subject of amending the Constitution of the United States, in reference to the election of President and Vice-President; which by the rules of the house, lie one day on the table.

The bill to authorize Richard Matson to build a mill dam across

Salt River was read a second time, and on motion of Mr Cole, committed to a committee of the whole house.

The bill entitled an act to attach a part of Pike county to the county of Ralls, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

The engrossed bill to regulate the time and place of session of the Supreme court of this State, and to provide for a report of the decisions thereof, was read a third time; and on the question, shall the bill pass?

Mr Cole moved an amendment by way of rider, which was to fill the first blank in the first section, with the word 'first,' and the second blank with the words, 'April and October,' which was read three several times and agreed to.

Mr Cole moved by way of rider to fill the blank in the fourth section with the words 'one hundred," which was agreed to.

Mr Kirtley moved an amendment by way of rider, which was to insert after the word 'compensation,' in the fifth line of the fourth section the words 'not to exceed two hundred dollars per annum,' which was read three several times and agreed to; and the question recurring, shall the bill pass? it was decided in the affirmative, ayes 24, noes 18.

Those voting in the affirmative, are

Messrs Bent, Becknell, Burch, Cox, Cole, Collard, Dorsey, Grimsley, Grant, Groom, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Martin of J, Martin of R, Magill, Noland, Overall, Reyburn, and Mr Speaker.

In the negative, were Messrs Allen, Ashby, Byrd, Brock, Bell, Blakey, Barrett, Cowan Canole, Drake, Garner, Glascock, Lowry, Maulsbey, Martin C. G, Murphy, Neill and Ward.

Ordered, That the title thereof be 'an act.'

Mr Magill from the select committee to whom was recommitted the report of the committee on the petition of the inhabitants of St. Ferdinand, reported a bill to explain an act, entitled an act, to provide for levying, assessing and collecting state and county taxes, which was read and ordered to a second reading.

On motion of mr Cole,

Resolved, That a committee of four be appointed by the House of Representatives to join such committee as may be appointed on the part of the Senate to prepare and report such further regulations and rules for the government of the two houses, in the transmission and receipt of messages between them, as in their opinion may be necessary to facilitate the progress and prevent delay in the despatch of public business.

messrs Cole, Cox, Garner and magill, were appointed the committee.

mr Kirtley gave notice that on monday he would ask leave to introduce a bill authorizing the county courts of this State to levy a tax on the inhabitants of their respective counties, for the purpose of erecting county buildings.

On motion of mr magill, the house resolved itself into a committee

of the whole on the state of the republic, mr Grimsley in the chair, and took into consideration the unfinished business of yesterday, on the proposed amendments to the constitution of this State, in which they made some progress, reported it, and asked leave to sit again—which was granted.

Message from the Senate by Mr Audrain:

Mr Speaker: The Senate concur in in the resolution from the House of Representatives, in relation to the rules of the two houses, and have appointed Messrs. Audrain, Bollinger, Brown and Boggs as the committee on the part of the Senate.

On motion of Mr Cox, the house resolved itself into a committee of the whole on the orders of the day, Mr Noland in the chair, and took into consideration a bill supplementary to an act taxing billiard tables; to which they reported sundry amendments.

Also, a bill to attach a part of Pike county to the county of Ralls; which they reported without amendment.

On motion of Mr Cole, the report of the committee on the bill supplementary to an act taxing billiard tables, was laid on the table—and the second section of the report agreed to.

Mr Cole made the following report:

Mr Speaker: The joint committee to whom was referred a resolution from the House of Representatives, directing them to prepare and report such further regulations and rules for the government of the two houses, in the transmission and receipt of messages between them, have instructed me to report the following, as one of the joint rules for the government of both houses, viz:

Messages may be sent by members, the Secretary of the Senate, Chief Clerk of the House of Representatives, or the enrolling or engrossing Clerk of either house.

Which report was agreed to, and the resolution adopted.

On motion of Mr Cox, the committee of the whole was discharged from the further consideration of the bill supplementrry to an act entitled an act to organize, govern and discipline the militia; and to amend an act entitled an act for the further organizing and disciplining the militia, and the same re-committed to the committee on the militia.

On motion of Mr Cox, he was discharged from further service on said committee.

On motion of Mr Hempstead, the committee on the militia was discharged from the further consideration of the bill just referred to them; and the same referred, on motion of Mr Magill, to a select committee, consisting of Messrs. Kavanaugh, Canole, Kirtley, Magill and Burch.

On motion of Mr Dorsey, the committee of the whole was discharged from the further consideration of the bill to tax druggists, and the same referred to a select committee, consisting of Messrs. Dorsey, Grant and Garner.

On motion of Mr Dorsey, the bill to attach a part of Pike county

the county of Ralls, was ordered to be engrossed and read a third time on to-morrow.

Mr Garner, from the select committee to whom was referred the petition of Overton Bettis, reported a bill for the relief of Overton Bettis and Hardy Allard, which was read and ordered to a second reading.

The house adjourned.

SATURDAY, December 20.

Mr Blakey, from the joint committee on enrolled bills, reported that on yesterday, they presented to the Governor for his approval, bills of the following titles, viz.

An act supplementary to an act entitled an act establishing judicial districts and circuits, and prescribing the times and places of holding courts therein, approved 5th February, 1825.

An act regulating the apportionment of representation among the several counties in this State.

Also, a memorial to the Senate and House of Representatives of the United States.

Also, a joint resolution requiring the Secretary of State to forward to each of our Senators and Representative in Congress, a copy of certain memorials—and

An act legalizing certain acts of the county court of Boone.

Mr Grant, from the committee of ways and means, reported a bill appropriating money for defraying the expenses of Government—which was read and ordered to a second reading.

On motion of Mr Grant, the committee of ways and means, to whom was referred the report of the committee on the permanent seat of government, was discharged from the further consideration thereof.

The bill to organize the county of Randolph was read a second time, and on motion of Mr Dorsey, ordered to be engrossed and read a third time on Monday.

The bill to explain an act entitled an act to provide for levying, assessing and collecting State and county taxes, was read a second time, and on motion of Mr Magill, ordered to be engrossed and read a third time on Monday.

The bill to fix and establish the southern boundary of the county of Saline, was read a second time, and on motion of Mr Becknell, committed to a committee of the whole house.

The bill to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes, was read a second time, and on motion of Mr Bent, committed to a committee of the whole house.

The bill for the relief of Overton Bettis and Hardy Allard, was read a second time, and on motion of Mr Magill, committed to a committee of the whole house.

The engrossed bill to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes, was read a third time, and on motion of Mr Grant, laid on the table.

The engrossed bill entitled an act to attach a part of Pike county to the county of Ralls, was read a third time and passed, ayes 24, noes 15.

Those voting in the affirmative, are

Messrs. Allen, Ashby, Bell, Blakey, Burch, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Groom, Glascock, Holliway, Lowry, *Maulsbey, Martin* of Ray, Martin of Cape Girardeau, Murphy, Noland, Reyburn, Ward and Mr Speaker.

In the negative, were Messrs. Byrd, Brock, Becknell, Barrett, Cox, Grimsley, Grant, Hempstead, Inglish, Jones, Kerr, Kirtley, Martin of Jefferson, Magill and Overall.

Mr Bent excused from voting—Mr Kavanaugh absent—Mr Neill absent, (sick.)

Ordered that the title thereof be 'an act.'

The bill for the relief of John S. Barrett, late collector of Ste. Genevieve county, was read a third time and passed.

Ordered, that its title be 'an act.'

On motion of Mr Bent, the report of the committee of the whole on the bill supplementary to an act entitled an act taxing billiard tables, was taken up and re-committed to a committee of the whole.

Message from the Senate by *Mr* Gentry:

Mr Speaker: The Senate have agreed to the report of the joint committee, in relation to the rules for the government of the two houses, in the transmission and receipt of messages between them.

On motion of Mr Lowry, the joint resolutions submitted by himself on yesterday, relative to amending the constitution of the United States, in relation to the election of President and Vice President, were taken up and committed to a committee of the whole on the state of the republic.

On motion of *Mr Magill*, the report of the committee of the whole on the bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois, was taken up and considered.

Mr Dorsey moved an amendment to the report of the committee, which was to strike out the first section of the bill, together with the enacting clause.

Mr Cole moved an amendment to the report of the committee of the whole, which was to insert a second section—the following:

Be it further enacted, That the county court of St. Francois county shall, so soon after the passage of this act as it shall be practicable, cause to be surveyed, the lots in the town of Farmington, in conformity to the original plat thereof, by the surveyor of the county aforesaid, who shall make out a new plat of said town, and shall, forthwith, make return thereof to the recorder of said county, who shall enter the same of record; and the county court of said county shall audit, adjust and allow the surveyor and recorder of said county, for their services rendered in this behalf, the same fees as are now provided by law for like services, to be paid out of the county treasury.

And by inserting as a fourth section, the following:

Be it further enacted, That John Duston of the county of Lafayette, formerly one of the commissioners of the county of Lillard, is hereby authorized to acknowledge the plat of survey in the town of Lexington, in said county of Lafayette; and such acknowledgement, being so made to the recorder of said county, the same shall be recorded, and have the same effect, and be valid to every intent and purpose, as if the said plat had been recorded in the time heretofore provided by law.

And the question being first on the amendments of Mr Cole, they were agreed to.

The question then occurring on the amendment of Mr Dorsey, it was rejected—and the report of the committee of the whole, as amended, was agreed to.

On motion of *Mr* Cox, said bill was ordered to be engrossed and read a third time on *Monday*.

Mr Bent, from the committee on the judiciary, reported a bill amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases; which was read and ordered to a second reading.

Mr Cox, from the select committee, to whom was re-committed the report of said committee on the petition of sundry citizens of *Madison* county, reported a bill supplementary to an act to regulate weights and measuses; which was read and ordered to a second reading.

Message from the Senate by *Mr* Wright, their Secretary.

Mr Speaker:—The Senate have concurred in the amendments made by the House of Representatives to the amendments of the Senate, to the bill from the House of Representatives, entitled an act supplementary to an act concerning crimes and punishments; which is herewith returned.

They have passed the bill from the House of Representatives, prescribing certain duties of the clerks of the supreme court, and of the circuit courts, with the following amendment: strike out all after the enacting clause in the first section, to the word 'that' in the sixth section, and make the sixth section the first section of the bill—and ask the concurrence of the House of Representatives therein.

They have concurred in the passage of the bill from the House of Representatives, entitled an act to divorce Mary *Mc*Clurg, late Mary Brotherton, from the bonds of matrimony, by her contracted with Joseph *Mc*Clurg; which is herewith returned.

They have passed a bill entitled an act supplementary to an act entitled an act to regulate elections, approved December 24th, 1824—and ask the concurrence of the House of Representatives therin.

They have concurred in the amendments made by the House of Representatives to the memorial from the Senate, to the Senate and House of Representatives of the United States, on the Mexican and fur trade; and to the amendments made to the bill appropriating money for certain purposes therein mentioned.

They have appointed *Messrs*. Audrain and Walker a committee on the part of the Senate, to join such committee as the House of Repre-

sentatives may appoint, to examine the Loan office books of the Auditor and Treasurer.

They have passed the bill from the House of Representatives licensing grocers, with amendments; which are herewith submitted for the coucurrence of the House of Representatives.

They have passed a joint resolution, instructing the superintendant of public buildings to furnish the district judge of the United States, for the district of Missouri, (whenever he, the said judge, shall so require) the Representative Hall, in which to hold the sessions of said court; and ask the concurrence of the House of Representatives therein.

They have passed a bill from the House of Representatives, supplementary to an act entitled an act to regulate executions, with amendments; which are herewith submitted for the concurrence of the House of Representatives.

They have also, passed the bill from the House of Representatives, entitled an act for the relief of Silas King, with amendments; and ask the concurrence of the House of Representatives therein.

And they have also, passed the bill from the House of Representatives, supplementary to an act entitled an act to provide for the leasing and management of the State salines, with amendments; which are herewith submitted for the concurrence of the House of Representatives.

They have also, passed the bill from the House of Representatives, authorizing Clement B. Fletchsr to erect a toll bridge across Jaochim creek, in Jefferson county; which is herewith returned.

The Senate have, also, passed an act entitled an act to extend the time of redemption for real estate, which has been sold for taxes;—which is herewith sent for the concurrence of the House of Representatives.

Mr Dorsey gave notice, that on Monday he would ask leave to introduce a bill to regulate the fine in cases of assault and battery.

The house adjourned to Monday.

MONDAY, December 22.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled. an act appropriating money for certain purposes therein named.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the president.

Mr Lowry made the following report:

The select committeee to whom was referred the petition of sundry inhabitants of the town of Franklin, beg leave to report:

That it has had the subject referred to them under consideration, and has informed itself of the circumstances and facts connected with the acquisition of the real estate mentioned in the petition, and the object intended to be effected by the sale thereof.

The principal part, if not the whole of the real estate, consits in

lots upon which is built an academy. The lots were purchased and the academy built by subscription. It is believed that the greater number of the subscribers have petitioned for leave to sell the academy, but your committee also believes that there are a number of share holders or subscribers, who have not petitioned for the sale, and are opposed to it. It is the object of the petitioners to sell the academy, and apply the proceeds to the erection of an academy in the new town, which would deprive a respectable portion of the subscribers of all benefit from their subscriptions, and was certainly not contemplated or expected by them, when they subscribed or paid their money. But, on the contrary, the understanding or expectation of all the subscribers must have been, that the academy would remain in the present town of Franklin, where it has been built. Your committee believes, that although a majority of stockholders would have the right to manage the common property, for the benefit of the whole, and, as far as was consistent with the original intention of the subscribers. Yet it by no means follows, that a majority have the right to appropriate it to their exclusive benefit, and in a manner, inconsistent with the original intention.

The right of the legislature to interfere in the matter is also questionable. But if a sale be authorized, your committee believes it should be on the express condition, that the subscribers or stockholders who are opposed to the sale, receive back their money and interest. But as this is not asked for in the petition, the committee recommend that the petitioners have leave to withdraw said petition.

On motion of Mr Bent, said report was laid on the table.

Mr Kavanaugh made the following report:

The select committee to whom was referred the petition of sundry inhabitants of Cooper county, praying the General Assembly to remit a fine imposed on one John Roberts, a citizen of said county, have had the same under consideration, and ask leave to submit the following report:

By reference to the fourth article of the constitution, and the sixth section of that article, we find that the Governor has power to remit fines and forfeitures, and except in cases of impeachment, to grant reprieves and pardons. And under article second (which article relates to the distribution of powers) we find that the powers of government shall be divided into three distinct departments, each of which shall be confided to a separate majistracy, and no person charged with the exercise of powers properly belonging to one of those departments, shall exercise any power properly belonging to either of the others. Your committee in viewing these two articles of the constitution, are led irresistibly to the conclusion that, constitutionally, the legislature does not possess the power of remitting fines or forfeitures, in as much as it properly belongs to the executive.

Wherefore your committee prays to be discharged from the further consideration of this petition.

Mr Dorsey from the select committee to whom was referred the bill to tax druggists, reported a new bill, imposing a tax on druggists and apothecaries," which was read and ordered to a second reading.

Mr Holliway, from the select committee to whom was referred the petition of sundry citizens of Gasconade, praying the formation of a new county, reported a bill to organize the county of Crawford, which was read, and ordered to a second reading.

Mr Lowry submitted the following resolution:

Resolved, by the House of Representatives; That a committee be appointed to join such committee as the Senate has appointed, to examine the books of the Auditor and Treasurer of this State, and report whether there be any error in said books, either in relation to Auditor's warrants or loan-office certificates.

Which resolution was adopted, and Messrs Drake, Cox and Kerr appointed the committee.

The bill to authorize Richard *Mat*son to build a mill dam across Salt River, was read a second time and, on motion of Mr Cole, committed to a committee of the whole house.

The bill supplementary to an act entitled an act to regulate weights and measures, was read a second time, and on motion of Mr Cox, committed to a committee of the whole house.

The bill amendatory of an act entitled, an act to provide for changing the venue in civil and criminal cases was read a second time, and on motion of Mr Bent, committed to a committee of the whole house.

The bill appropriating money for defraying the expenses of government was read a second time, and on motion of Mr Magill, committed to a committee of the whole house.

The resolution offered by Mr Reyburn on Thursday last, was taken up and considered.

Mr Cole moved its indefinite postponement, which was rejected, and the resolution was adopted.

The engrossed amendments made by the Senate to the bill entitled an act to revive and continue in force an act heretofore passed for the relief of Silas King and others, were read and rejected, ayes 30, noes 11.

Those voting in the affirmative, are

Messrs Allen, Byrd, Bell, Barrett, Collard, Garner, Kavanaugh, Kerr, Maulsbey, Martin of C. G, and Reyburn.

In the negative, were Messrs Ashby, Bent, Brock, Blakey, Becknell, Burch. Cowan, Cox, Cole, Canole, Dorsey, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kirtley Lowry, Martin of J, Martin of R, Murphy, Magill, Noland, Overall, Ward and Mr Speaker.

The amendments made by the Senate to the bill prescribing certain duties of the clerks of the supreme court, and of the circuit courts were read and concurred in.

The first amendment made by the Senate to the bill supplementary to an act, entitled an act to provide for the leasing and management of the State Salines, was read and disagreed to.

On motion of Mr Jones, the second amendment was laid on the table.

The bill from the Senate entitled an act to extend the time of re-

demption for real estate which has been sold for taxes, was read and ordered to a second reading.

The joint resolution from the Senate in relation to the district court of the United States, was read and ordered to a second reading.

On motion of Mr Hempstead,

Resolved, That Calvin Gunn, or his agent, be permitted to take a seat within the bar of this house, for the purpose of copying the journals for publication.

Mr Cox gave notice, that on to-morrow he would ask leave to introduce a bill to regulate the inspection of tobacco in this State.

Mr Grant, from the committee of ways and means, to whom was referred the bill to amend an act entitled an act imposing a tax on licences to venders of merchandize and pedlars, asked leave to be discharged from its further consideration; which was granted.

Mr Grant from the same committee, to whom was referred the presentment of the grand jurors of the county of St. Louis, relative to the selling of lottery tickets, asked leave to be discharged from its further consideration, which was granted.

Mr Jones submitted the following resolution:

Resolved, That in the opinion of this General Assembly, the twelfth section of the third article of the constitution of this state, cannot be so construed as to prevent the sheriff of any county from acting as collector of the same.

On motion of Mr Martin of R, said resolution was laid on the table.

On motion of Mr Cox, the house resolved itself into a committee of the whole on the orders of the day, *Mr* Kirtley in the chair, and took into consideration the bill to fix and establish the southern boundary of the county of Saline, which they reported without amendment.

Also, a bill entitled an act concerning county courts, which they reported with a recommendation to strike out the first section thereof, sogether with the enacting clause.

The report of the committee of the whole was agreed to.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: I am instructed to inform the House of Representatives, that there was this day introduced into the Senate a bill entitled an act, supplementary to an act entitled an act, to establish and regulate the treasury department, approved 16th Feb. 1825.

On motion of Mr Kerr, the bill to fix and establish the southern boundary of the county of Saline, was ordered to be engrossed and read a third time to-morrow.

The house adjourned.

TUESDAY, December 23.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled bills of the following titles, to wit:

An act to divorce Mary *M*'Lurg, late Mary Brotherton, from the bonds of matrimony by her contracted with Joseph M'Lurg, and

An act authorizing Clement B. Fletcher and others to erect a toll bridge across Joachim creek, near Herculaneum, Jefferson county.

Mr Speaker signed said bills, and they were sent to the Senate for the signature of the President.

Mr Glascock from the committee on the judiciary, to whom had been referred the petition of sundry county court clerks, reported a bill supplementary to an act entitled, an act to amend an act entitled, an act to regulate the fees of the several officers of this state, and for other purposes, which was read and ordered to a second reading.

On motion of Mr Grimsley, said bill was ordered to be printed.

Mr Kavanaugh from the select committee to whom was referred the bill supplementary to an an act entitled an act, to organize, govern and discipline the militia, and an act to amend an act entitled an act, for the further organizing and disciplining the militia, reported the same with amendments, which was read and ordered to a second reading.

Mr Cox, pursuant to notice given on yesterday, introduced a bill supplementary to an act entitled, an act regulating the inspection of tobacco, which was read and ordered to a second reading.

The bill to license druggists and apothecaries, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to the resolution from the House of Representatives, in relation to the election of Treasurer, with an amendment, which postpones the day of election until Monday the 29th inst. and ask the concurrence of the House of Representatives therein.

The bill to organize the county of Crawford was read a second time, and on motion of Mr Martin of J, committed to a committee of the whole house.

On the third reading of the bill to organize the county of Randolph, Mr Ashby moved an amendment by way of rider, which was to strike out in the eighth line of the second section, the words 'twelve and thirteen,' and insert in lieu thereof the words 'thirteen and fourteen,' and the question being on the rejection of the rider, it was decided in the affirmative, ayes 19, noes 16.

Those voting in the affirmative are

Messrs. Byrd, Bent, Brock, Bell, Becknell, Cox, Canole, Grimsley, Grant, Jones, Kavanaugh, Kirtley, Lowry, Martin of C. G, Murphy, Magill, Overall, Ward and Mr Speaker.

In the negative, were Messrs Allen, Ashby, Blakey, Burch, Barrett, Cowan, Cole, Dorsey, Drake, Groom, Holliway, Inglish, Kerr, Martin of J, Noland and Reyburn.

Messrs Collard, Martin of R, and Neill, absent (sick.)

Messrs. Garner, Glascock and Maulsbey, excused.

Mr Hempstead absent.

Mr. Grant moved an amendment by way of rider, which was to make the seventh section the eighth section of the bill, and insert as a seventh section the following:

Be it further enacted, That the said county of Randolph shall be at-

tached to, and form a part of the twelfth senatorial district, and shall, in conjunction with the counties of Howard and Chariton, elect one Senator at the general election to be held in the year one thousand eight hundred and thirty, and one Senator in the year eighteen hundred and thirty two.

Said section being twice read and agreed to, was ordered to be engrossed and read a third time; when the question recurring, shall the bill pass? it was decided in the affirmative, ayes 24, noes 12.

Those voting in the affirmative are,

Messrs Allen, Bent, Bell, Blakey, Becknell, Cowan, Cox, Canole, Drake, Grant, Holliway, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Maulsbey, Murphy, Magill, Noland, Overall, Reyburn, Ward and Mr Speaker,

In the negative, were Messrs. Ashby, Byrd, Brock, Burch, Barrett, Cole, Dorsey, Garner, Grimsley, Groom, Kerr and Martin of C. G.

Messrs Collard, Martin of R. and Neill, absent sick.

Messrs Glascock, Hempstead and Martin of J, absent.

Mr Magill moved a reconsideration of the vote just taken, which being agreed to,

Mr Kirtley moved an amendment by way of rider, which was to strike out all after the word 'district,' in the third line of the fourth section, which being twice read, was on motion of Mr Magill, considered as engrossed, read a third time and passed.

The question again recurring on the passage of the bill, it was decided in the affirmative,

Ordered, That the title thereof be 'an act.'

Message from the Governor, by Mr M'Bride, his private Secretary:

To the Senate and House of Representatives, of the State of Missouri:

I communicate to the two houses, copies of a joint resolution of the Legislature of the State of New-York, which shews the friendly light in which the Legislature of that great and enlightened State has viewed and reciprocated the presentation by this State of a map of the State of Missouri, Illinois and Territory of Arkansas.

I avail myself of this occasion to state to the Legislature that the provisions of the Law which required the Executive to subscribe for twenty-eight copies of Brown & Barcroft's map of the States of Missouri, Illinois and Territory of Arkansas, and to transmit two of said maps on behalf of this State to the President of the United States, and one to the executives of each of the States respectively, have been complied with as far as has been in my power. A contract was entered into with one of the publishers of these maps, to furnish from Philadelphia and Saint Louis to each of these authorities, the maps to which they are respectively entitled, and I have caused them to be severally advised that they would be accordingly furnished, but am not yet informed of their having been received, except in a few instances.

A map of the territory of Michigan has been received from the Executive of that territory; but as the law of this State does not authorize the Executive to furnish the Executives of territories with a copy

of the map in question, I have not felt myself at liberty to do so, but would respectfully suggest to the Legislature, the propriety of authorizing the territories, each, to be furnished with a copy of said map, at the expense of this State.

I also communicate a copy of the annual returns for the year 1828, from the Adjutant General, which ought to exhibit the actual military strength of the State; but owing to the neglect of those whose duty it is, by law, to make returns to him of the strength of their respective commands—he has only been enabled to exhibit a return of 2802, instead of from 18 to 20 thousand men, the estimated strength of the militia of this State. It, therefore, results, that by this neglect, the State, instead of drawing her quota of arms from the United States for twenty thousand men, receives only her proportion for two thousand eight hundred and two.

JOHN MILLER.

City of Jefferson, December, 23, 1828.

On motion of Mr Grant, the annual return of the Adjutant General referred to in the foregoing, was referred to the committee on the militia.

The bill to explain an act entitled an act to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes, was read a third time and passed.

Ordered that its title be 'an act.'

The bill to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois, was read a third time and passed.

Ordered that its title be 'an act to authorize William Alexander to convey certain lots in the town of Farmington, in the county of St. Francois, and for other purposes.'

The second amendment made by the Senate to the bill supplementary to an act entitled an act to provide for the leasing and management of the State salines, was taken up and considered.

Mr Jones moved an amendment, which was to insert after and in continuation of the amendment of the Senate, the words, 'and any lease hereafter made shall not be for less than dollars per annum, and the lessee shall enter into bond as now required by law, and in all cases, shall not make use of any timber, except for the express purpose of making salt or improving said salines;' which was rejected, and the question recurring on the amendment of the Senate, it was rejected,

The bill from the Senate supplementary to an act entitled an act, supplementary to an act entitled an act to regulate elections, was read and ordered to a second reading.

The joint resolution from the Senate in relation to the district court of the United States, was read a second time and ordered to a third reading to-morrow.

Message from the Senate by *Mr* Boggs:

Mr Speaker: The Senate ask leave to withdraw so much of their

message as relates to the passage of amendments to the bill from the House of Representatives, supplementary to an act entitled an act to regulate executions, approved February 21st, 1825.

Ordered that leave be granted.

On motion of Mr Hempstead, the previous orders of the day were passed over, when Mr Hempstead, pursuant to previous notice, introduced a bill to regulate the State library, and provide for the improvement and increase thereof, and for other purposes; which was read and ordered to a second reading.

Mr Maulsbey introduced a memorial relating to the swampy land lying in the Southern part of Missouri, which, according to a rule of the house, would have lain one day on the table, but on motion of Mr Maulsbey, the rule was dispensed with, and the memorial ordered to a second reading.

The house adjourned.

WEDNESDAY, December 24.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, a memorial to Congress relating to the Mexican and fur trade.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the President.

Mr Kirtley, from the committee on the judiciary, to whom was referred the bill supplementary to an act to regulate proceedings in criminal cases, reported a new bill of the same title; which was read and ordered to a second reading.

Mr Lowry asked and obtained leave of absence for Mr Canole, until Saturday.

On motion of Mr Magill, Mr Cox was added to the committee to whom was referred the bill concerning roads and highways.

On motion of Mr Maulsbey, the rule requiring one day's notice previous to the introduction of bills, was dispensed with, and leave granted him to introduce a bill to amend an act to provide for levying, assessing and collecting State and county taxes; which was read and rejected.

Mr Kirtley, pursuant to notice given on Friday, introduced a bill authorizing the county courts of the several counties of this State, to levy, assess and collect a tax for the purpose of erecting county buildings; which was read and ordered to a second reading.

The Speaker laid before the house the following communication from the Treasurer:

To the Hon. the House of Representatives of the State of Missouri.

Understanding that intimations have been made that the Department which I had the honor to have the management of, has been improperly conducted, I hope it will not be considered obtrusive in me, (especially as it is due to the public interest, that it should be known whether that department has been managed with fidelity or not, as well as a duty which I owe to myself,) to solicit at your hands, a full and

free investigation of all my official conduct. If it is considered compatible with the public interest, and the wishes of your honorable body, it would offord me great satisfaction, that any mode of investigation should be adopted, which, in your opinion, might be deemed best.—Every facility will be afforded on my part, to bring it to a speedy and correct issue.

Very respectfully, your obedient servant,

N. SIMONDS.

On moton of Mr Hempstead, the communication was referred to a select committee, consisting of *Mes*srs. Hempstead, Kavanaugh, Gardner, Grimsley and Glascock.

On motion of Mr Cox, the select committee to whom was referred the communication of the Auditor of Puplic Accounts, in relation to the contingent expenses of the State and Treasury Departments, had leave to sit during the session of the house this day.

Mr Barrett moved a reconsideration of the vote on the bill relating to county courts; which was agreed to.

On motion of *Mr* Murphy, said bill was laid on the table.

Mr Cole asked and obtained leave of absence for Mr Drake, for three days.

Mr Dorsey submitted the following resolution:

Resolved, That the select committee to whom was referred the communication of the Treasurer of this day, have power to send for persons and papers.

Mr *Ma*gill moved to lay it on the table, which was rejected; and the resolution was adopted.

The bill to regulate the State library, and provide for the improvement and increase thereof, and for other purposes, was read a second time, and on motion of Mr Noland, committed to a committee of the whole house.

*Me*ssage from the Senate by *Mr* Wright, their Secretary:

Mr Speaker: The Senate have passed bills of the following titles, to wit:

An act entitled an act to amend and alter an act to establish courts of justice, and prescribing their powers and duties, approved 2nd of January, 1827.

An act to amend an act to establish and regulate the Treasury Department, approved 16th February, 1825.

Which are herewith sent for the concurrence of the House of Representatives.

They have, also, passed the following joint resolutions, viz:

An engrossed resolution recommending the use of clothing, the growth and manufacture of this State; and

A resolution authorizing Calvin Gunn to print five hundred copies of the journals of the present session—which are herewith sent for the concurrence of the House of Representatives.

And they have concurred in the bill from the House of Representatives, for the relief of Ephraim Allison, with amendments; which are

herewith returned for the concurrence of the House of Representatives.

The bill supplementary to an act entitled an act regulating the inspection of tobacco, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

The memorial relating to the swampy land lying in tha southern part of this State, was read a second time, and on motion of Mr Maulsbey, committed to a committee of the whole house.

The amendments of the Senate to the bill to license grocers, were read and concurred in, with the exception of the second, which was disagreed to.

The bill from the Senate entitled an act to extend the time of redemption for real estate which has been sold for taxes, was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

Mr Martin of Jefferson, on behalf of the managers submitted for the consideration of the house, a replication to the answer of David Todd, judge of the first judicial circuit, to the first article of impeachment exhibited against him by the House of Representatives, and now pending before the Senate; which was read and adopted.

Also, a replication to the answer of the said David Todd, to the second and third additional articles of impeachment exhibited against him, and now pending as aforesaid—which was read and adopted.

On motion of Mr Allen, the house resolved itself into a committee of the whole on the orders of the day, Mr Garner in the chair, and took into consideration the bill for the relief of the widow and heirs of John B. Olive, deceased; which they reported without amendment.

Also, a bill supplementary to an act entitled an act taxing billiard tables, in which they made some progress, which they reported, and asked leave to sit again; which was granted.

On motion of Mr Allen, the bill for the relief of the widow and heirs of John B. Olive, deceased, was ordered to be read a third time on Friday.

Mr Cole asked and obtained leave of absence for Mr Bent and Mr Martin of Jefferson, until Friday.

Mr Murphy asked and obtained leave of absence for Mr Groom, until Monday.

Message from the Governor by the Secretary of State:

To the House of Representatives of the State of Missouri:

I have this day approved and signed bills of the following titles, viz:

An act supplementary to an act entitled an act to establish judicial districts and circuits, and prescribing the times and places of holding courts therein, approved fifth of February, one thousand eight hundred and twenty-five.

An act regulating the apportionment of representation among the several counties of this State.

An act legalizing certain acts of the county court of Boone.

JOHN MILLER.

Jefferson City, December 23, 1828.

Mr Cole presented the petition of William Shannon and Joseph D. Grafton, which was read, and on motion of Mr Cole, referred to a select committee, consisting of Messrs. Cole, Grant and Drake.

On motion of Mr Magill, the bill supplementary to an act entitled an act to organize, govern and discipline the militia, and to amend an act entitled an act for the further organizing and disciplining the militia, was taken up, read a second time, and committed to a committee of the whole house.

On motion of Mr Dorsey, the house resolved itself into a committee of the whole on the orders of the day, Mr Dorsey in the chair, and took into consideration the bill for the relief of Overton Bettis and Hardy Allard, to which they made an amendment.

Also, a bill appropriating money for defraying the expenses of Government, which they reported without amendment.

Also, a bill supplementary to an act to regulate weights and measures, which they reported without amendment.

The report of the committee of the whole was agreed to.

The bill appropriating money for defraying the expenses of Government was ordered, on motion of Mr Cox, to be engrossed and read a third time on Friday.

On motion of Mr Cox, the bill supplementary to an act to regulate weights and measures, was ordered to be engrossed and read a third time on Friday.

The motion of Mr Grant to print the bill to regulate the State library, and provide for the improvement and increase thereof, and for other purposes, was rejected.

Motion of Mr Cox to adjourn till Friday, negatived.

Motion of Mr Dorsey to adjourn until ten o'clock to-morrow, negatived.

Motion of Mr Becknell to adjourn until twelve o'clock to-morrow, negatived.

The motion of Mr Hempstead, to re-consider the vote on adjourning until Friday, prevailing,

The house adjourned to Friday.

FRIDAY, December 26.

The house met pursuant to adjournment.

Mr Lowry moved to pass over the previous orders of the day, and that the house resolve itself into a committee of the whole on the state of the republic.

Mr Magill moved a division of the question, when the motion to pass over the previous business was rejected.

Mr Blakey, from the joint committee on enrolled bills, reported that they had presented for the approval of the Governor, A memorial to Congress relative to the Mexican and fur trade.

An act appropriating money for the purposes therein named.

An act to divorce Mary McLurg, late Mary Brotherton, from the bonds of matrimony by her contracted with Joseph McLurg.

An act authorizing Clement B. Fletcher and others, to erect a toll bridge across Joachim creek, in Jefferson county.

Mr Cox made the following report:

The committee to whom was referred the report of the Auditor, in relation to the contingent expenses of the several departments therein mentioned—also, the expenses in relation to the permanent seat of government, have instructed me to report:—

That they have compared the several accounts with the vouchers now on file in the Auditor's office, and find the same agreeing therewith.

In relation to the expenses touching the permanent seat of government, your committee does not think it necessary to remark, as those expenditures have been sanctioned by former legislatures, with the exception of a small amount, presented to, and allowed by this.

In reference to the contingent expenses of the different offices, the sums charged for postage appears to be—In the Treasury Department, $22 36 cents—In the Auditor's Department, $210 92 cents—In the Department of Secretary of State, $407 52 cents. The Auditor being present, accounted for the amount of postage paid by him, to arise from the many tax lists, &c. which, from many counties, are very large. Your committee have had no explanation with the Secretary of State, but are induced to believe the amount of postage in that department, has been considerably augmented in consequence of the proper militia officer not availing himself of the act of Congress, permitting those officers to frank militia communications—which is respectfully submitted.

Which report, on motion of Mr Grant, was laid on the table.

Mr Colé, from the select committee to whom was referred the petition of William Shannon and Joseph D. Grafton, reported a bill authorizing a lease of the saline known by the name of the Big Spring; which was read and ordered to a second reading.

Mr Blakey gave notice, that on to-morrow he would ask leave to introduce bills of the following titles, viz:

A bill to establish the boundary line of Saline county; and

A bill to establish the boundary line of Clark county.

The bill authorizing the county courts of the several counties to levy, assess and collect a tax for the purpose of erecting county buildings, was read a second time, and on motion of Mr Allen, committed to a committee of the whole house.

The bill supplementary to an act to regulate proceedings in criminal cases, was read a second time, and on motion of Mr Cowan, committed to a committee of the whole house.

The joint resolution from the Senate, in relation to printing the journals of the present session, was read and ordered to a second reading.

The amendments made by the Senate to the bill supplementary to an act entitled an act to regulate executions, were read and considered.

The motion of Mr Cox to lay them on the table, was decided in the negative.

Mr Allen moved to strike out all after the word 'farmer' in the ninth line, which was rejected, ayes 3, noes 30.

Those voting in the affirmative, are Messrs. Allen, Garner and Noland.

In the negative, were Messrs. Ashby, Byrd, Brock, Bell, Blakey, Becknell, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Grimsley, Grant, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Lowry, Martin of Ray, Murphy, Magill, Neill, Overall, Reyburn, Ward and *Mr* Speaker.

Messrs. Bent, Canole, Drake, Groom and Martin of Jefferson, absent with leave.

Messrs. Burch, Kirtley and Maulsbey, absent.

Mr Martin of Cape Girardeau absent, sick.

The question recurring on the amendments of the Senate, they were disagreed to, ayes 4, noes 29.

Those voting in the affirmative, are Messrs. Bell, Collard, Dorsey and Garner.

In the negative, were Messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Barrett, Cowan, Cox, Cole, Grimsley, Grant, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Lowry, Martin of Ray, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker.

Messrs. Bent, Canole, Drake, Groom and Martin of Jefferson, absent with leave.

Messrs. Burch, Kirtley and Maulsbey, absent.

Mr Martin of Cape Girardeau absent, sick.

The engrossed bill from the Senate, entitled an act for the relief of the widow and heirs of John B. Olive, deceased, was read a third time, and on motion of Mr Grant, laid on the table.

The bill from the Senate to amend an act supplementary to an act entitled an act to establish and regulate the Treasury Department, was read, when *Mr* Grant moved to dispense with the rule requiring bills to be read on three several days, which being agreed to, the bill was read a second time, and on motion of Mr Kavanaugh, committed to a committee of the whole house.

The bill from the Senate entitled an act to amend and alter an act to establish courts of justice, and prescribing their powers and duties, was read and ordered to a second reading.

The amendments made by the Senate to the bill for the relief of Ephraim Allison, were read and concurred in.

The joint resolution from the Senate, recommending the use of clothing, the growth, produce and manufacture of this State, was read and ordered to a second reading.

The bill supplementary to an act entitled an act supylementary to an act to regulate elections, was read a second time, and on motion of *Mr* Dorsey, ordered to be read a third time on to-morrow.

On motion of Mr Brock, the vote first taken was re-considered, and on motion of *Mr* Lowry, the bill was committed to a committee of the whole house.

The joint resolution from the Senate, in relation to the district court of the United States, was read a third time and passed.

Mr Grant asked and obtained leave of absence for Mr Kirtley, until to-morrow.

mr Kavanaugh asked and obtained leave of absence for mr Burch, until to-morrow.

mr Ashby presented the petition of the widow and heirs at law of John Wheldon, deceased, which was referred, on motion of mr Ashby, to a select committee, consisting of messrs. Ashby, Blakey and Kavanaugh.

mr Kavanaugh submitted the following resolution, which, by a rule of the house, lies one day on the table:

Resolved by the Senate and House of Representatives, That from and after the first day of January 1829, no new business will be received in either house, during the present session.

On motion of mr magill, the house resolved itself into a committee of the whole on the orders of the day, mr Overall in the chair, and took into consideration a bill imposing a tax on licenses to druggists and apothecaries, which they reported with sundry amendments.

Also, a bill supplementary to an act entitled an act regulating the inspection of tobacco, which they reported with amendments.

Also, a bill to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes, to which they reported sundry amendments.

The report of the committee of the whole was agreed to.

On motion of mr Dorsey, the bill imposing a tax on licenses to druggists and apothecaries, was ordered to be engrossed and read a third time to-morrow.

On motion of mr Grant, the bill supplementary to an act entitled an act regulating the inspection of tobacco, was ordered to be engrossed and read a third time on monday.

On motion of mr magill, the bill to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes, was ordered to be engrossed add read a third time on monday.

mr Ashby moved a reconsideration of the vote on the resolution offered by mr Dorsey on Wednesday, authorizing the select committee, to whom was referred the communication of the Treasurer, to send for persons and papers; which was rejected, ayes 7, noes 24.

Those voting in the affirmative, are messrs. Ashby, Byrd, Blakey, Kavanaugh, Noland, Overall and Ward.

In the negative, were messrs. Allen, Brock, Bell, Becknell, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Grimsley, Grant, Glascock, Holliway, Hempstead, Inglish, Kerr, Lowry, martin of Ray, murphy, magill, Neill, Reyburn and mr Speaker.

messrs. Bent, Burch, Canole, Drake, Groom, Kirtley and martin of Jefferson, absent with leave.

messrs. Garner and maulsbey, absent.

messrs. Jones and martin of Cape Girardeau absent, sick.

mr Kavanaugh asked to be discharged from further service on said

committee; but before the question was taken thereon, on motion of Mr martin of Ray,

The house adjourned.

SATURDAY, December 27.

Mr Blakey, pursnant to notice given on yesterday, introduced a bill entitled an act to define and lay off the bounds of Lewis county, which was read, on motion of Mr Cole, the rule requiring bills to be read on three several days was dispensed with, the bill read a second time, and committed to a committee of the whole house.

Also, a bill entitled an act to define and lay off the bounds of Clark county, which was read and ordered to a second reading.

Mr Martin of R, gave notice that on Tuesday, he would ask leave to introduce a bill to amend an act for the relief of insolvent debtors.

Mr Bell asked and obtained leave of absence for Mr Maulsbey, for this day.

The bill authorizing a lease of the Saline known by the name of the big Spring, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

On motion of Mr Magill the previous orders of the day were passed over, when

On motion of Mr Glascock, the resolotion offered by himself and laid on the table on the third inst. was taken up considered and rejected.

The joint resolution from the Senate, recommending the use of clothing, the growth, produce, and manufacture of this State, was read a second time, and on motion of Mr Magill, committed to a committee of the whole house.

The joint resolution from the Senate in relation to printing the journals of the present session was read a second time, and on motion of Mr Dorsey, ordered to be read a third time on Monday.

The bill from the Senate, entitled an act, to amend and alter an act, to establish courts of justice and prescribing their powers and duties was read a second time, and, on motion of Mr Dorsey, committed to a committee of the whole house.

On motion of Mr Magill, the house resolved itself into a commitiee of the whole, on the orders of the day, Mr Kerr in the chair, and took into consideration a bill to amend an act entitled, an act supplementary to an act entitled, an act to establish and regulate the treasury department, to which they made sundry amendments.

Also, a bill to be entitled an act to regulate the state library, and to provide for the improvement and increase thereof, and for other purposes, which they reported without amendment.

Also, an act supplementary to an act entitled, an act to establish courts of justice and prescribing their powers and duties, to which they reported an amendment.

The report of the committee of the whole was agreed to.

On motion of Mr Grant, the bill to amend an act entitled, an act supplementary to an act entitled, an act to establish and regulate the

treasury department, was ordered to be engrossed and read a third time on Monday.

On motion of Mr Brock, the bill to regulate the State Library, and to provide for the improvement and increase thereof, and for other purposes, was ordered to be engrossed and read a third time on Monday.

On motion of Mr Cole, the amendments made to the bill supplementary to an act entitled, an act to amend and alter an act entitled, an aat to establish courts of justice and prescribing their powers and duties, was ordered to be engrossed and read a third time on Monday.

Message from the Senate, by Mr Wright, their Secretary:

Mr. Speaker: The Senate have concurred in the bill from the House of Representatives for the relief of John S Barrett, which is herewith returned.

There was introduced into the Senate on Tuesday last, a bill to be entitled an act to repeal in part and amend an act entitled an act to provide for building bridges.

The Senate have adhered to their amendments for the relief of Silas King.

The Senate have refused to concur in the passage of the bill from the House of Representatives relative to the time and place of session of the Supreme Court of this State.

Mr Canole, who had leave of absence on Wednesday, re-appeared and took his seat.

On motion of Mr Dorsey, the house again resolved itself into a committee of the whole on the orders of the day, Mr Reyburn in the chair, and took into consideration the bill from the Senate to extend the time of redemption for real estate which has been sold for taxes, which they reported with sundry amendments.

The report of the committee of the whole was agreed to.

Mr Dorsey moved the amendments first reported, be engrossed and read a third time on Monday.

Mr Grant moved their reference together with the bill, to a select committee, which having precedence, the bill was referred to a select committee, consisting of Messrs Grant, Cox and Cole.

The house adjourned to Monday.

MONDAY, December 29.

Messrs Drake, Bent, Maulsbey, Kirtley, Martin of J, Groom and Burch, who had severally leave of absence, re-appeared and took their seats.

Mr Magill, from the committee on internal improvement, to whom was referred so much of the message of the Governor as relates to the Cumberland Road, reported a memorial to Congress on the subject of the Cumberland Road, which was read and ordered to a second reading.

The bill to define and lay off the bounds of Lewis county, was read a second time, and on motion of Mr Cox, committed to a committee of the whole house.

The engrossed bill entitled an act supplementary to an act entitled, an act to regulate weights and measures, was read a third time.

Mr Kirtley moved an amendment by way of rider, which was to strike out 'passage,' (the last word in the bill) and in lieu thereof insert 'first day of April,' which was twice read, and on motion of Mr Magill, considered as engrossed, read a third time and passed.

The question recurring, 'shall the bill pass?' it was decided in the negative.

The bill imposing a tax on licenses to druggists and apothecaries, was read a third time and passed,

Ordered, that the title thereof, 'be an act.'

The bill from the Senate entitled an act to amend and alter an act to establish courts of justice, and prescribing their powers and duties, together with the amendments made thereto, was read a third time and passed.

The bill to amend an act entitled an act, imposing a tax on venders of merchandize and pedlars was read a third time.

Mr Bent moved an amendment by way of rider, which was to strike out the fifth line of the second section the word 'fifty,' and insert in its stead 'one hundred and fifty,' which was read and rejected.

The question recurring on the passage of the bill, it was decided in the affirmative.

Motion of Mr Hempstead, to pass over the previous orders of the day, and take up the other business of the house, rejected.

The bill to fix and establish the southern boundary of the county of Saline, was read a third time and passed.

Ordered that the title thereof 'be an act.'

The bill for the relief of Overton Bettis and Hardy Allard, was read a third time and passed.

Ordered, That the title thereof 'be an act.'

The bill to regulate the State Library, and to provide for the improvement and increase thereof, and for other purposes, was read a third time.

Mr Overall moved an amendment by way of rider, which was to strike out the fourth section, but before the question was taken, on motion of Mr Ashby, the bill was laid on the table.

Message from the Governor, by the Secretary of State:

To the House of Representatives—

I inform the House of Representatives, that on the 26th instant, I approved and signed bills of the following titles, viz:

An act appropriating money for purposes therein named.

An act to divorce Mary M'Lurg, late Mary Brotherton, from the bonds of matrimony by her contracted with Joseph M'Lurg.

An act authorizing Clement B. Fletcher and others to erect a toll bridge across Joachim creek, near Herculaneum, in the county of Jefferson.

JOHN MILLER.

December 29, 1828.

The bill supplementary to an act regulating the inspection of tobacco was read a third time and passed.

On motion of mr Magill, the previous orders of the day were passed over, when

Mr Hempstead made the following report:

The committee to whom was referred the communication of Nathaniel Simonds. Treasurer of this State, have had the same under consideration, and can find from no source the first shadow of any charge against the said Treasurer. The funds of the State are all safe in the vaults, as the report of the examining committee shews, and no improper conduct on the part of the Treasurer is pretended since his present appointment, and only some second hand reports, having reference to transactions, it is presumed, long since explained to the satisfaction of the General Assembly, as they have twice since elected him to the same office; once at St. Charles (where the reports against the Treasurer are said to have originated;) but he was elected in the very face of them; and once since by a succeeding General Assembly at this place; and your committee do not find any thing against the character or official conduct of said Treasurer, and beg to be discharged from the further consideration of the subject referred to them.

Mr Lowry moved that the house disagree to the report of the committee, which was rejected, and the report agreed to.

The amendment made by the Senate to the resolution, in relation to the election of Treasurer was taken up and concurred in.

Mr Bent gave notice that on Wednesday he would ask leave to introduce a bill to amend an act entitled, an act to establish courts of justice and prescribe their powers and duties,

And that on Thursday he would ask leave to introduce a bill to amend an act entitled, an act to enable persons held in slavery to sue for their freedom,

Mr Grant moved a reconsideration of the vote on the bill supplementary to an act entitled, an act to regulate weights and measures, which was rejected.

Mr Cole, from the committee on the judiciary to whom was referred the resolution offered by Mr Reyburn on the 18th inst. reported a bill giving to juries certain powers heretofore exercised by the judges of the circuit courts, which was read and ordered to a second reading.

Mr Kavanaugh asked leave to enter his written protest to the report of the committee, appointed to enquire into the official conduct of N. Simonds, Treasurer of this State, which was granted.

The bill appropriating money for defraying the expenses of government, was read a third time, and on motion of Mr Magill, laid on the table.

The amendments to the bill from the Senate, entitled an act to establish and regulate the Treasury Department, were read a third time together with the bill; and on motion of Mr Bent, laid on the table.

Mr Overall gave notice that on to-morrow he would ask leave to introduce a bill attaching the county of St. Charles to the third judicial district.

And that on Wednesday he would ask leave to introduce a bill to authorize the surveying and laying out of a State road, from Smeltzer's Ferry on the Mississippi River, in the county of St. Charles, to the town of St. Charles.

The Senate, pursuant to previous arrangement, assembled in the Hall of the House of Representatives for the purpose of electing a State Treasurer, for two years from and after the first day of January next,

Mr James Earickson and Mr Nathaniel Simonds being severally nominated, the votes were,

For James Earickson—Messrs. Boggs, Gentry, Hensley, Hawkins, Miller and Walker of the Senate, and Messrs Allen, Ashby, Byrd, Blakey, Becknell, Burch, Cowan, Canole, Dorsey, Drake, Holliway, English, Jones, Kavanaugh, Lowry, Martin, of J, Martin of R, Martin of C. G, Magill, Neill, Noland, Reyburn and Ward of the House of Representatives, 29.

For Nathaniel Simonds, Messrs. Audrain, Bettis, Bollinger, Dawson, Jones, Post and Young of the Senate, and Messrs Bent, Brock, Bell, Barrett, Cox, Cole, Collard, Garner, Grimsley, Grant, Groom, Glascock, Hempstead, Kerr, Kirtley, Maulsbey, Murphy, Overall and Mr Speaker, of the House of Representatives, 26-

Whereupon, James Earickson, was declared duly elected.

On motion of Mr Gentry, of the Senate,

The Senate withdrew to their chamber.

On motion of Mr Dorsey, the house resolved itself into a committee of the whole, on the State of the Republic, Mr Magill in the chair, and took into consideration the resolutions from the Senate, proposing amendments to the Constitution of this State, and after some time spent therein, rose and reported progress and asked leave to sit again, which was granted.

The house adjourned.

TUESDAY, December 30.

Mr Blakey from the joint committee on enrolled bills, reported as truly enrolled, a bill supplementary to an act concerning crimes and punishments, and

An act prescibing certain duties of the clerks of the supreme court and of the circuit courts.

Mr Speaker signed said bills and they were sent to the Senate for the stgnature of the President.

On motion of Mr Reyburn, the previous orders of the day were passed over, and the house resolved itself into a committee of the whole on the state of the republic. Mr Allen in the chair, and took into consideration the resolutions from the Senate, proposing amendments to the Constitution of this State, and after some time spent therein, the committee rose, and reported said resolutions with sundry amendments.

On the question of agreeing to the report of the committee, Mr

Kirtley moved an amendment thereto, which was to strike out the word 'four' where it occurs in the second line of the second section, and insert in lieu thereof the word 'six.'

Mr Magill moved to lay the report of the committee on the table, which was rejected; and the question recurring on the amendment of Mr Kirtley,

Mr Drake called for a division of the question, and that it first be taken on striking out the word 'four,' when there appeared,

In the affirmative, Messrs Bent, Brock, Burch, Barrett, Cox, Grimsley, Grant, Groom, Glascock, Jones, Kerr, Kirtley, Maulsbey, Overall, Ward and Mr Speaker, 16.

In the negative, *M*essrs Allen, Ashby, Byrd, Bell, Blakey, Becknell, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Holliway, Hempstead, Inglish, Kavanaugh, Lowry, Martin of J, Martin of R, Murphy, magill, Neill, Noland and Reyburn, 25.

Mr Martin of Cape Girardeau absent, (sick.)

So the amendment was rejected.

Mr Grimsley proposed, by way of amendment to the report of the committee, to add the following section:

Resolved, That so much of the second section of the eleventh article of the constitution, under the head of the permanent seat of government, as relates to fixing the same at or within forty miles of the river Osage, be and the same is hereby abolished—and that the seat of government be removed from the City of Jefferson, to the City of St. Louis.

Mr *M*agill moved a division of the question, and that it be first taken on abolishing that part of the second section of the constitution referred to in the resolution—and the question being taken, there were,

In the affirmative, *M*essrs. Bent, Bell, Cox, Collard, Grimsley and Maulsbey—6.

In the negative, *M*essrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Canole, Dorsey, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, Martin of Jefferson, *M*artin of Ray, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and Mr Speaker—35.

Mr Martin of Cape Girardeau absent, (sick.)

So the amendment was rejected.

Motion of *M*r Grant to adjourn, negatived.

Mr Kirtley moved to amend the report of the committee, by adding as an additional section:

That so much of the fourteenth section of the fifth article of the constitution of this State, as provides that no person shall continue to exercise the duties of judge of the supreme court, judge of the circuit court, or chancellor, after he shall have attained to the age of sixty years, shall be and the same is hereby abolished.

Which was rejected, ayes 11, noes 30.

Those voting in the affirmative, are *M*essrs. Bent, Barrett, Cox, Gar-

ner, Grimsley, Grant, Kerr, Kirtley, *M*aulsbey, Overall and *M*r Speaker.

In the negative, were Messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Cowan, Cole, Collard, Canole, Dorsey, Drake, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Lowry, Martin of Jefferson, Martin of Ray, Murphy, Magill, Neill, Noland, Reyburn and Ward.

Mr Martin of Cape Girardeau absent, (sick.)

*M*r Kirtley moved an amendment, which was to strike out the fourth section and insert in lieu thereof, the following:

That the fifteenth section of the fifth article of the constitution of this State, be and the same is hereby abolished: *Provided*, the courts respectively, shall appoint their clerks, until otherwise directed by law—which was rejected, ayes 15, noes 26.

Those voting in the affirmative, are Messrs. Bent, Brock, Burch, Barrett, Cox, Collard, Grimsley, Grant, Glascock, Jones, Kerr, Kirtley, *M*aulsbey, Overall and *M*r Speaker.

In the negative, were *M*essrs. Allen, Ashby, Byrd, Bell, Blakey, Becknell, Cowan, Cole, Canole, Dorsey, Drake, Garner, Groom, Holliway, Hempstead, Inglish, Kavanaugh, Lowry, Martin of Jefferson, Martin of Ray, Murphy, *M*agill, Neill, Noland, Reyburn and Ward.

*M*r *M*artin of Cape Girardeau absent, (sick.)

*M*r Maulsbey proposed to amend the report of the committee, by adding as an additional section:

That the thirteenth section of the third article of the constitution of this State, shall be and the same is hereby abolished—which was rejected, ayes 8, noes 33.

Those voting in the affirmative, are Messrs. Byrd, Cox, Collard, Garner, Groom, Kerr, Maulsbey and Murphy.

In the negative, were Messrs. Allen, Ashby, Bent, Brock, Bell, Blakey, Becknell, Burch, Barret, Cowan, Cole, Canole, Dorsey, Drake, Grimsley, Grant, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Martin of Jefferson, martin of Ray, magill, Neill, Noland, Overall, Reyburn, Ward and mr Speaker.

mr martin of Cape Girardeau absent, (sick.)

mr Grimsley moved by way of amendment, as an additional section:

That so much of the twenty-sixth section of the third article of the constitution of this State, as provides that the Legislature shall have no power to emancipate slaves only on certain conditions, is hereby abolished—that the Legislature may pass laws from time to time, regulating the introduction of slaves and their emancipation, as to them may seem right and proper—which was rejected, ayes 5, noes, 36.

Those voting in the affirmative, are messrs. Cox, Collard, Grimsley, Kerr and murphy.

In the negative, were messrs. Allen, Ashby, Byrd, Bent, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Canole, Dorsey, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, maulsbey, martin of Jefferson,

martin of Ray, magill, Neill, Noland, Overall, Reyburn, Ward and mr Speaker.

mr martin of Cape Girardeau absent. (sick.)

mr Cox moved an amendment, which was to insert as an additional section:

That it is expedient for the good people of this State, to call a convention, by their ropresentatives, on the first monday in November next, to take into consideration the expediency of altering the constitution of this State—which was rejected, ayes 2, noes 39.

Those voting affirmative, are messrs. Cox and Grimsley.

In the negative, were messrs. Allen, Ashby, Byrd, Bent, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, martin of Jefferson, martin of Ray, murphy, magill, Neill, Noland, Overall, Reyburn, Ward and mr Speaker.

mr martin of Cape Girardeau absent, (sick.)

The question recurring on agreeing to the report of the committee, it was decided in the affirmative; and

The house adjourned to three o'clock.

The house met pursuant to adjournment.

On motion of mr magill, the resolutions from the Senate, proposing amendments to the constitution of this State, together with the amendments made thereto, were read a second time, the amendments ordered to be engrossed, and, together with the resolutions, read a third time on to-morrow.

On motion of mr magill,

Resolved, That the managers appointed on the part of this house, to conduct the impeachment against the Hon. David Todd, have leave to withdraw from the house during the session thereof, at such times, and for such reasonable term as shall be necessary, for consultation and preparation, on the impeachment aforesaid, should such absence be by them deemed necessary.

mr Grant, from the select committee to whom was referred the report of the committee of the whole, on the bill from the Senate, entitled an act to extend the time of redemption for real estate, which has been sold for taxes, reported the same without amendment.

mr Cole moved an amendment thereto, which was to strike out the third section—which was agreed to.

mr Lowry moved an amendment to the report of the committee, which was to strike out the word 'fifteen,' where it occurs in the seventh line of the second section, and insert in lieu thereof, the words 'thirty-three and one-third.'

mr Grant moved a division of the question, which being first put on the word to be stricken out, was rejected.

The quistion recurring on agreeing to the report of the committee, it was decided in the affirmative.

On motion of mr Dorsey, the amendments were ordered to be engrossed, and together with the bill, read a third time on to-morrow.

message from the Senate by mr Boggs:

Mr Speaker: The Senate have passed a bill from the House of Representatives, of the following title, to wit:

A bill to explain an act entitled an act to provide for levying, assessing and collecting State and county taxes, with an amendment to the title of the same, which is herewith returned.

The Senate do insist on their amendment to the bill from the House of Representatives, supplementary to an act entitled an act to regulate executions, which is herewith returned.

The Senate have receded from their amendment to the bill from the House of Representatives, relating to the leasing and management of the State salines—which is herewith returned.

The Senate insist on their amendment to the bill from the House of Representatives, to license grocers; which is herewith returned.

On motion of *Mr* Dorsey, the bill for the relief of the widow and heirs of John B. Olive, deceased, was taken up, read a third time and passed.

*M*essage from the Senate by *Mr* Boggs.

Mr Speaker: There was introduced into the Senate on yesterday, a bill to authorize the procurement of a loan of money to the State of Missouri, for the purpose of paying off the State debt.

On motion of Mr Dorsey, the bill appropriating money for defraying the expenses of Government, was taken up and read a third time.

It was proposed to fill the first blank therein, severally, with the sums 'six hundred,' 'five hundred,' 'four hundred,' and 'three hundred and fifty dollars.'

The question being first on the highest sum proposed, it was rejected, ayes, 10, noes 30.

Those voting in the affirmative, are Messrs. Bent, Blakey, Becknell, Cox, Grimsley, Grant, Glascock, Hempstead, Kirtley and Maulsbey.

In the negative, were *M*essrs. Allen, Ashbey, Byrd, Brock, Bell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Groom, Holliway, Inglish, Kavanaugh, Kerr, Lowry, Martin of Jefferson, Martin of Ray, Murphy, Magill, Neill, Noland, Overall, Reyburn, Ward and *M*r Speaker.

The question next occurring on filling the blank with 'five hundred,' it was decided in the affirmative.

The second blank was filled with the words 'one hundred and fifty;' the third with the words 'nine hundred and sixty-six dollars and twenty-five cents;' and the fourth with the words 'seventy-five dollars and forty-five cents.'

The question then recurring on the passage of the bill, it was decided in the affirmative.

Ordered that the title thereof be 'an act.'

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the bill from the House of Representatives, entitled a bill to authorize William Alexander to convey lots in the town of Farmington, and for other purposes.

They have also passed an act entitled an act to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony by her contracted with Greenup Hays.

They have also passed the bill from the House of Representatives, for the removal of the county seat of Cole county, with amendments.

They have passed a joint resolution requesting the Governor to furnish the Executives of the Territories with a map of the States of Missouri, Illinois and Territory of Arkansas—all of which are herewith presented for the concurrence of the House of Representatives.

The house adjourned.

WEDNESDAY, December 31.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, an act for the relief of John S. Barrett; and

An act for the relief of Ephraim Allison.

Mr Speaker signed said bills, and they were sent to the Senate for the signature of the President.

Mr Blakey, from the same committee, reported that they had, on this day, presented to the Governor for his approval,

An act prescribing certain duties of the clerks of the supreme court; and an act supplementary to an act concerning crimes and punishments.

Mr Martin of Ray, pursuant to notice, introduced a bill supplementary to an act entitled an act for the relief of insolvent debtors; which was read and ordered to a second reading.

Mr Garner asked and obtained leave of absence for Mr Martin of Cape Girardeau, for the remainder of the session.

Mr Overall, pursuant to previous notice, introduced a bill attaching the county of St. Charles to the third judicial district; which was read, and on motion of Mr Overall, laid on the table.

The Speaker laid before the house a communication from the Hon. Mathias McGirk, one of the judges of the supreme court of this State, relating to bills of exception in chancery; which was read, and on motion of Mr Cole, referred to the committee on the judiciary.

Mr Bent, pursuant to notice, introduced a bill to amend an act entitled an act to establish courts of justice, and prescribe their powers and duties; which was read and ordered to a second reading.

The bill supplementary to an act entitled an act to amend an act entitled an act to regulate the fees of the several officers of this State, and for other purposes, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

The bill giving juries certain powers heretofore exercised by the judges of the circuit court in this State, was read a second time, and on motion of Mr Maulsbey, committed to a committee of the whole house.

The memorial to Congress on the subject of the Cumberland road, was read a second time and on motion of Mr Magill, committed to a committee of the whole house.

On motion on mr Garner, the bill to amend an act entitled an act

supplementary to an act entitled an act to regulate the Treasury Department, was taken up and read a third time, and on motion of mr Grant, again laid on the table.

On motion of mr Kirtley, the act concerning county courts, was taken up and considered.

Mr Dorsey moved an amendment, which was to strike out all after the enacting clause, and insert in lieu thereof:

That the county courts of the several counties shall hereafter be composed of the justices of the peace in said counties, (the clerks of such court excepted, if he be a justice of the peace,) and any three of whom shall constitute a quorum to do business; and the said justices of the peace composing said court, shall be exempt from working on roads, serving on juries, and from militia duty in time of peace—and said county court shall have the same powers in transacting county business, as is now provided by law, (probate business excepted.)

Sec. 2. *Be it further enacted*, That the Governor shall appoint four justices of the peace in each township in each county, for the purpose of transacting county business.

Sec. 3. *Be it further enacted*, That there shall be appointed in each county, three fit and competent persons to act as probate judges, who shall have all the powers which were given to probate judges in an act approved January 7th, 1825, and said act is hereby revived—and the said judges of probate shall receive, as a compensation, to be paid out of the county treasury, the sum of one dollar and seventy-five cents per day.

Sec. 4. *Be it further enacted*, That the Governor shall nominate and commission said judges in like manner as justices of the county court are now appointed; and the said judges shall appoint their clerk, who shall receive the same fees as are now, or may hereafter be given by law for doing probate business.

Sec. 5. *Be it further enacted*, That it shall be the duty of each of the clerks of the county court, to deliver to the clerk of probate, for his proper county, ten days at least before the next term of said court which shall take place after the passage of this act, all books, papers, records and documents which may appertain to the accounts of executors, administrators, guardians, minors, heirs or distributees, or which in any manner, relate to the estates of deceased persons, or which would properly have belonged to the probate court—and if any clerk shall fail to comply, he shall forfeit and pay dollars, to be recovered by action of debt; one half of which shall go to the use of the State, and the other half to the party injured, who shall sue for the same. The clerk of the county or circuit courts shall, in no wise, be appointed probate clerk.

Sec. 6. *Be it further enacted*, That said clerk of probate shall furnish, by order to be made by said court, a seal to said office of clerk of probate, of the device made and prescribed by said probate court, to be paid for out of the county treasury.

Mr magill moved that the proposed amendment, together with the bill, be indefinitely postponed; which was adopted, ayes 28, noes 11.

Those voting in the affirmative, are messrs. Allen, Ashby, Byrd, Brock, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Drake, Garner, Grimsley, Grant, Groom, Holliway, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Maulsbey, Magill, Neill, Reyburn, Ward and Mr Speaker.

In the negative, were Messrs. Bell, Blakey, Bocknell, Dorsey, Glascock, Hempstead, Kerr, Martin of Ray, Murphy, Noland and Overall.

On motion of Mr Jones, the resolution offered by himself on the 22nd inst. and laid on the table, was taken up and considered.

Mr Bent moved its indefinite postponement; but before the question was taken thereon, Mr Jones withdrew his resolution.

Mr Grant called up the bill from the Senate to amend an act supplementary to an act entitled an act to establish and regulate the Treasury Department; and moved to amend the amendments thereto made, by way of rider; which was to insert after and in continuation of the third section, the following:

And the said Auditor, Treasurer and Secretary of State, together with their securities, shall be bound in their official bonds for the faithful performance of their official duties, until their successors are duly appointed and qualified according to law; which was twice read; engrossed; read a third time and passed.

Mr Hempstead moved an amendment by way of rider; which was to strike out the word 'not' where it occurd as an interlineation of the eighth line of the third section; which was read twice; considered as engrossed; read a third time and passed.

Mr Lowry moved an amendment by way of rider; which was to strike out of the second line of the first amendment the word 'forty,' and insert sixty; which was rejected.

The question recurring on the passage of the bill, it was decided in the affirmative.

On motion of Mr Magill, the amendments made and insisted on by the Senate to the bill to revive and continue in force, an act heretofore passed for the relief of Silas King, was taken up, and the disagreement of the house thereto, insisted on.

On motion of Mr Magill, Messrs Magill, Grant and Allen were appointed a committee on the part of the House, to confer with a similar committee on the part of the Senate, upon said disagreement.

A bill from the Senate to repeal in part and to amend an act entitled, an act for building bridges, was read and ordered to a second reading.

Message from the Senate, by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the following resolution, and ask the concurrence of the House of Representatives therein:

Resolved by the Senate, That a committee be appointed to join such committee as may be appointed by the House of Representatives, to wait on Mr Nathaniel Simonds, late Treasur of this State, and receive from him all the specie, bank notes, Auditor's Warrants and Loan Office Certificates, made receivable by law in the State Treasury, and now in his possession. Also, all books, accounts, documents and pa-

pers belonging to said Treasury, together with all the furniture and apparatus belonging to said Treasury Office, now in his possession, and to deliver the same to James Erickson, Treasurer elect, and to take from him triplicate receipts therefor; one thereof to be delivered to said Simonds, one to the Auditor of Public Accounts, and the third to the Secretary of State; and to make report of their proceedings, to each branch of the present Legislature.

Messrs Andrain, Walker and Boggs were appointed the committee on the part of the Senate.

The resolution contained in the foregoing message was adopted, and Messrs Bent, Glascock and Brock appointed the committee.

The Bill from the Senate to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony by her contracted with Green up Hays, was read and ordered to a second reading.

The joint Resolution from the Senate, in relation to printing the journals of the present session, was read a third time, and on motion of Mr Grant, laid on the table.

On motion of Mr Lowry, the house resolved itself into a committee of the whole on the orders of the day, Mr Ashby in the chair, and took into consideration the bill to define and lay off the bounds of Lewis county, and reported the same without amendment.

Also, a bill to amend an act regulating estrays, to which they reported sundry amendments.

Also, a bill authorizing the county court of the several counties to levy, assess and collect a tax for the purpose of erecting county buildings, which they reported without amendment.

Also, a bill to organize the county of Crawford, to which they reported an amendment.

Also, a joint resolution from the Senate, recommending the use of clothing the growth and manufacture of this State, to which they reported an amendment.

The report of the committee of the whole was agreed to.

On motion of Mr Ashby, the first of said bills reported, was ordered to be engrossed and read a third time to-morrow.

On motion of Mr Becknell, the second bill reported was ordered to be engrossed and read a third time on Friday.

The third bill reported was ordered, on motion of Mr Kirtley, to be engrossed and read a third time to morrow.

On motion of Martin of J, the fourth of said bills reported was ordered to be engrossed and read a third time to-morrow.

The joint resolution reported by the committee, was ordered, on motion of Mr Hempstead, to be read a third time to-morrow.

On motion of Mr Glascock, the committee of the whole were discharged from the further consideration of the bill to authorize Richard Matson to build a mill-dam across Salt River, and the same re-committed to the select committee who reported it.

The house adjourned.

THURSDAY, JANUARY 1, 1829.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled bills of the following titles, viz:

An act supplementary to an act entitled an act to provide for the leasing and management of the State Salines, and an act to authorize William Alexander to convey lots in Farmington, and for other purposes.

Mr Speaker signed said bills, and they were sent to the Senate for the signature of the President.

mr Maulsbey, from the select committee to whom was referred the petition of sundry citizens of Howard county, reported a bill to authorize Andrew Evans to sell certain lands as guardian, which was read and rejected.

Message from the Senate, by Mr Boggs:

Mr Speaker—The Senate have passed bills of the following titles, to wit:

A bill to provide for the sale of the Seminary Lands, and

A bill providing for a disposition of the three per cent. fund; which are herewith sent for the concurrence of the House of Representatives.

Message from the Senate, by mr Wright, their Secretary:

Mr Speaker: The Senate have concurred in the amendments made by the House of Representatives to the bill from the Senate entitled an act to establish courts of justice, and prescribe their powers and duties, approved 2d January 1827, with an amendment, which is herewith returned for the concurrence of the House of Representatives.

mr Ashby made the following report:

The select committee to whom was referred the petition of the widow and heirs of John Wheldon, Senr. beg leave to report: That in the opinion of the committee, there is no need of any special act of the General Assembly on that subject. The debts of the estate being paid, and the heirs being of lawful age, they have the undoubted right to dispose of the remaining property as they may think proper. The committee, therefore, beg leave to be discharged from the further consideration of said petition.

Which report was agreed to.

On motion of mr Magill,

Resolved, That the committee appointed on the part of this house to meet the committee appointed on the part of the Senate, to receive from the late Treasurer of the State, the books, papers, &c. belonging to the Treasury Department, and turn the same over the Treasurer elect, be permitted to sit on said business during the session of this house.

The bill supplementary to an act entitled an act for the relief of insolvent debtors was read a second time, and on motion of mr Dorsey, committed to a committee of the whole house.

The bill to amend an act entitled an act to establish courts of justice and prescribe their powers and duties, was read a second time, and, on motion of mr Maulsbey, ordered to be engrossed, and read a third time on to-morrow.

The bill authorizing the county courts of the several counties in this State to levy, assess and collect a tax for the purpose of erecting county buildings, was read a third time and passed,

Ordered, that the title thereof 'be an act.'

Message from the Senate by mr Gentry:

Mr Speaker: The Senate have appointed Messrs. Post, Dawson and Miller a committee of conferrence on the part of the Senate in relation to the bill for the relief of Silas King.

The bill to lay off and define the bounds of Lewis county was read a third time and passed.

Ordered, that the title thereof be 'an act.'

The bill to organize the county of Crawford, was read a third time and passed, ayes, 29, noes 9.

Those voting in the affirmative, are

Messrs. Allen, Ashby, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Groom, Glascock, Holliway, Hempstead, Inglish, Kavanaugh, Kerr, Lowry, *Martin* of J, Martin of R, Murphy, *Magill*, Neill, Noland, Overall, Reyburn and Ward.

In the negative, were *Messrs* Byrd, Cox, Garner, Grimsley, Grant, Jones, Kirtley, Maulsbey and *Mr* Speaker.

Messrs Bent, and Brock absent on committee with leave.

Ordered, that the title thereof 'be an act.'

On motion of Mr Overall, the bill attaching the county of St. Charles, to the third judicial district, was taken up, read, and ordered to a second reading.

On motion of Mr Grant, the bill to amend an act entitled an act to amend an act entitled an act to provide for levying, assessing and collecting state and county taxes, was taken up and read a third time and on motion of Mr Ashby, again laid on the table.

On motion of *Mr* Hempstead, the bill to regulate the State Library, and to provide for the improvement and increase thereof, and for other purposes was taken up, and the question still pending on the amendment of *Mr* Overall, to strike out all after the word 'that,' in the first line of the fourth section, to the word 'all,' in the sixth line of the same section.

Mr Hempstead moved that the house reject said amendment, and the question being taken thereon, there were

In the affimative, Messrs Becknell, Burch, Barrett, Cole, Drake, Grimsley, Grant, Groom, Holliway, Hempstead, Inglish, Lowry, Neill, Ward and *Mr* Speaker, 15.

In the negative, Messrs Allen, Ashby, Byrd, Bell, Blakey, Cowan, Cox, Collard, Canole, Garner, Jones, Kavanaugh, Kerr, Kirtley Maulsbey, Martin of R, *Murphy*, *Magill*, Noland, Overall and Reyburn, 21.

Messrs Bent, Brock, Glascock and Martin of J, absent on committee with leave.

Mr Dorsey absent.

So the amendment was adopted.

mr Grant moved an amendment by way of rider; which was to rein-

sert the words stricken out with the exception of the words 'two hundred,' which was rejected.

mr Maulsbey moved an amendment by way of rider, which was to insert after the word 'States,' in the seventh line of the first section 'three copies of the laws of Spain, which were in force in the former Territory of Louisiana, before it was ceded to the United States;' which was rejected.

mr Cole moved an amendment by way of rider, which was to strike out the fifth section; which was twice read, considered as engrossed, read a third time and passed.

mr Cole moved further to amend the bill by way of rider, by striking out all after the word 'that,' to the word 'all,' in the second line, and all after the word 'and,' where it occurs the second time in the third line, to the word 'shall,' in the fourth line, which was twice read, and, on motion of *Mr* Hempstead, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, it was decided in the affirmative.

Ordered, that the title thereof be 'an act.'

Message from the Senate, by mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to all the amendments made by the House of Representatives, to an act from the Senate supplementary to an act entitled, an act to establish and regulate the Treasury Department, approved 16th February, 1825, with the exception of the first, to which they disagree; which is herewith returned.

The bill from the Senate providing for the disposition of the three per cent. fund, was read and ordered to a second reading,

mr Lowry called up the resolutions from the Senate, proposing amendments to the Constitution of this State, and the question being taken separately on each section, the first section was agreed to, ayes 34, noes 6.

Those voting in the affirmative are,

messrs Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Grant, Holliway, Hempsead, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Maulsbey, Martin of J, Martin of R, Murphy, Magill, Neill, Noland, Reyburn, Ward and mr Speaker.

In the negative, were, messrs Bent, Cox, Grimsley, Groom, Kerr and mr Overall.

mr Glascock absent on committee with leave.

mr Blakey moved a reconsideration of the vote taken on yesterday, on the adoption of the second section of the resolutions, which was rejected.

The question recurring on rhe adoption of the second section, it was passed, ayes 29, noes 11.

Those voting in the affirmative are,

messrs Allen, Ashby, Byrd, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Holliway, Hempstead, Inglish, Kavanaugh, Lowry, Martin of J, Martin of R,

Murphy, Magill, Neill, Noland, Reyburn, Ward and mr Speaker.

In the negative, were messrs Bent, Brock, Cox, Grimsley, Grant, Groom, Jones, Kerr, Kirtley, Maulsbey and Overall.

The third section of said resolutions was rejected, ayes 1, noes 39.

In the affirmative, was mr Reyburn.

In the negative, were messrs Allen, Ashby, Byrd, Bent, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grimsley, Grant, Groom, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, Maulsbey, Martin of J, Martin of R, Murphy, Magill, Neill, Noland, Overall, Ward and Mr Speaker.

mr Glascock absent on committee with leave.

The fourth section of the resolution was agreed to; ayes 31; noes 9.

Those voting in the affirmative are,

messrs Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Collard, Canole, Dorsey, Drake, Garner, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Lowry, Martin of J, Martin of R, Murphy, Magill, Neill, Noland, Reyburn, Ward and Mr Speaker.

In the negative, were messrs. Bent, Cox, Grimsley, Grant, Groom, Kerr, Kirtley, Maulsbey and Overall.

mr Kirtley moved an amendment by way of rider to the seventh section of said resolutions, which was to strike out the word 'end' in the fourth line, and insert in lieu thereof the word 'commencement;' which was twice read and agreed to.

mr Kirtley, moved further to amend the seventh section by way of rider, by striking out in the seventh line thereof the word 'end' and inserting in its stead the word 'commencement;' which was twice read and agreed to.

mr Martin of J, moved a re-consideration of the vote just taken; which was rejected.

The eighth section of the resolutions was agreed to; ayes 33; noes 7.

In the affirmative were; messrs Allen; Ashby; Byrd; Bell; Blakey; Becknell; Burch; Barrett; Cowan; Cox; Cole; Collard; Canole; Drake; Grimsley; Grant; Groom; Holliway; Hempstead; Inglish; Jones; Kavanaugh; Kirtley; Lowry; Maulsbey; Martin of J. Martin of R. Murphy; Magill; Noland; Overall; Reyburn; Ward and mr Speaker.

In the negative were; messrs Bent; Brock; Dorsey; Garner; Kerr; Neill and Ward.

mr Glascock absent on committee with leave.

mr Hempstead moved an amendment by way of rider; which was to insert as an additional section; 'that so much of the fifth article of the constitution and section four as provides that the supreme court shall consist of three judges is hereby abolished;' which was rejected.

On the adoption of the ninth section of said resolutions there were in the affirmative;

messrs Byrd; Blakey; Cox; Cole; Grimsley; Grant; Hempstead;

English; Kirtley; Maulsbey; Martin of J. Murphy; Magill; Overall; Reyburn and mr Speaker.

In the negative were; messrs Allen; Ashby; Bent; Brock; Bell; Becknell; Burch; Barrett; Cowan; Collard; Canole; Dorsey; Drake; Garner; Groom; Holliway; Jones; Kerr; Lowry; Martin of R. Neill; Noland and mr Ward.

On motion mr Magill; the resolutions were laid on the table.

mr Dorsey moved an adjournment; which was rejected.

The bill from the Senate to provide for the sale of the Seminary Lands, was read and ordered to a second reading.

The house adjourned.

FRIDAY, January 2.

Mr Groom presented the petition of sundry citizens of Montgomery county, praying that a debt contracted by said county in a prosecution for a felony, be paid by the State, which was read and referred to a select committee, consisting of Messrs. Groom, Kirtley and Lowry.

Mr Blakey, from the joint committee on enrolled bills, reported as duly enrolled, an act for the relief of the widow and heirs of John B. Olive, deceased; and

A resolution instructing the superintendant of public buildings to furnish the judge of the district court of the United States, the Representative Hall, in which to hold the sessions of said court.

Mr Speaker signed said bill and resolution, and they were sent to the Senate for the signature of the President.

Mr Glascock, from the select committee to whom was re-committed the bill to authorize Richard Matson to build a mill dam across Salt river, reported the same without amendment; and with a recommendation that the same be laid on the table—which report was agreed to.

The bill attaching the county of St. Charles to the third judicial district, was read a second time, and on motion of Mr Overall, ordered to be engrossed and read a third time to-morrow.

The bill to amend an act entitled an act to establish courts of justice, and prescribe their powers and duties, was read a third time and passed.

Ordered that the title thereof be 'an act.'

The bill to amend an act entitled an act regulating estrays, was read a third time and passed.

Ordered that the title thereof be 'an act.'

On motion of Mr Magill, the amendments made to the resolutions from the Senate, proposing amendments to the constitution of this State, were read a second time, and ordered to be engrossed and read a third time to-morrow.

The amendments made by the Senate to the bill to provide for the removal of the seat of justice of Cole county, were read;

Mr Grant moved to lay them on the table; which was rejected; and the amendments concurred in.

The amendment made by the Senate to the amendments made to

the bill from the Senate, entitled an act supplementary to an act entitled an act to establish courts of justice, and prescribe their powers and duties, was read and concurred in.

The bill from the Senate providing for the disposition of the three per cent. fund, was read a second time, and on motion of Mr Garner, ordered to be read a third time on to-morrow.

On motion of *Mr* Overall, the vote on the order just made, was reconsidered, and the bill committed to a committee of the whole house.

The bill to provide for the sale of the seminary lands, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

The amendments insisted on by the Senate, to the bill supplementary to an act entitled an act to regulate executions, were read and considered, and on motion of Mr Cole, the disagreement thereto adhered to.

The joint resolution from the Senate recommending the use of clothing, the growth and manufacture of this State, was read a third time and passed.

The amendments insisted on by the Senate to the bill to license grocers, were read, and on motion of *Mr* Bent, the disagreement thereto insisted on.

On motion of *Mr* Bent, a committee of conferrence, consisting of *Messrs.* Bent, Grimsley and Grant, was appointed on said disagreement.

The bill from the Senate to repeal in part, and to amend an act entitled an act to provide for building bridges, was read a second time, and on motion of *Mr* Grant, committed to a committee of the whole house.

Message from the Senate by *Mr* Wright, their Secretary:

The Senate have passed an act entitled an act to amend the several laws of this State concerning executors and administrators, and for other purposes—which is herewith sent for the concurrence of the House of Representatives.

And they have indefinitely postponed the bill from the House of Representatives, imposing a tax on licenses to druggists and apothecaries.

The bill from the Senate entiiled an act to extend the time of redemption for real estate which has been sold for taxes, together with the amendments, were read a third time.

Mr Kirtley proposed an amendment by way of rider, which was to strike out in the second line of the second section, the words 'and other real estate;' which was rejected.

The question recurring on the passage of the bill, it was decided in the affirmative.

The bill from the Senate to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony by her contracted with Greenup Hays, was read a second time, and on motion of Mr Groom, committed to a committee of the whole house.

The joint resolution from the Senate, authorizing the Executive to furnish the Executives of the several territories with a map of the

States of Missouri, Illinois and territory of Arkansas, was read and ordered to a second reading.

Mr Martin of Ray, moved an adjournment, which was rejected.

The disagreement of the Senate to the amendments made to the bill to amend an act to establish and regulate the Treasury Department, was read and considered, and the amendment insisted on.

On motion of *Mr* Grant, a committee consisting of *Messrs.* Grant, Cole and Cox, was appointed to confer with such committee as should be appointed by the Senate, on said disagreement.

The amendment made by the Senate to the bill to explain the revenue law, was read and concurred in.

Mr Grimsley moved an adjournment; which was rejected.

The bill from the Senate to alter and amend the several laws of this State, concerning executors and administrators, and for other purposes, was read and ordered to a second reading.

Mr Bent asked to be discharged from further service on the joint committee appointed to receive from the late Treasurer the property belonging to the State in the office of the said Treasurer, and to deliver the same to the Treasurer elect; which was granted, and *Mr* Hempstead appointed to supply the vacancy.

On motion of Mr Grant,

Resolved, That the Secretary of State be requested to inform this house what number of persons are, by law, entitled to copies of the journals.

Mr Bent, pursuant to previous notice, introduced a bill to amend an act entitled an act to enable persons held in slavery, to sue for their freedom; which was read and ordered to a second reading.

On motion of Mr Lowry, the galleries were cleared, and the house went, for a time, into secret session—when the the doors were opened,

Mr Bent gave notice, that on Monday he would ask leave to introduce a bill regulating the construction of statutes against crimes and misdemeanors; and

A bill to be entitled an act supplementary to an act entitled an act to provide a method of proceeding against absent and absconding debtors.

On motion of Mr Ashby, the house resolved itself into a committee of the whole on the orders of the day, Mr Ward in the chair, and took into consideration the bill supplementary to an act to organize, govern and discipline the militia, and to amend an act entitled an act for the further organizing and disciplining the militia, and after some time spent therein, rose and reported said bill with sundry amendments—which report was agreed to.

On motion of *Mr* Dorsey, said bill was ordered to be engrossed, and read a third time on Monday.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the following resolution, which is respectfully submitted for the consideration of the House of Representatives:

Resolved by the Senate, That the House of Representatives be re-

quested to permit Mr Thomas to render his services to the Senate as stenographer, at such time or times as may be requisite, during the progress of the trial of the Hon. David Todd.

The Senate have, also, indefinitely postponed the further consideration of the bill from the House of Representatives, organizing the county of Crawford.

In reference to the resolution contained in the foregoing message, Mr Kirtley submitted the following:

Resolved, That the request of the Senate, in relation to employing the enrolling and engrossing clerk of this house, as stenographer in the trial of the Hon. David Todd, be so far agreed to, as not to interfere with the present duties of said clerk.

Which resolution was adopted; and

The house adjourned.

SATURDAY, JANUARY 3.

The bill to amend an act entitled an act to enable persons held in slavery to sue for their freedom, was read a second time, and on motion of Mr Grimsley, committed to a committee of the whole house.

Mr Ashby called up the bill to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes, and moved to amend the same by way of rider, by adding thereto, as seventh and eighth sections, the following:

Sec. 7. *Be it further enacted*, That the thirty-second section of an act to provide for levying, assessing and collecting State and county taxes, approved February 21st, 1825, be so amended as to allow the several collectors for this State, the sum of ten cents for every hundred words, to be paid out of the State Treasury, for delivering to the Auditor of Public Accounts, a list of names of all persons residing out of his county, liable to pay taxes therein.

Sec. 8. *Be it further enacted*, That so much of the twenty-seventh section of said act, as requires the collectors of the several counties to advertise in each township, &c. that the taxes have become due and payable, and state the times and places at which he or they will attend to receive the same, be, and the same is hereby repealed—which, being twice read, on motion of Mr Dorsey, the bill and amendments were laid on the table.

On motion, the injunction of secrecy was removed from the proceedings in secret session on yesterday, and the same ordered to be entered on the journal of this house.

IN SECRET SESSION.

FRIDAY, *January* 2.

Mr Dorsey submitted the following resolution:

Resolved, That the committee on the judiciary be required to examine into the conduct of John D. Cook, judge of the fourth judicial cir-

cuit, in relation to certain drafts drawn by him in favor of several individuals, on the Auditor of Public Accounts for the same quarter's salary, to wit: that ending on the 31st day of December, 1828.

Mr Garner moved its indefinite postponement.

Mr Cole moved to lay it on the table.

Mr Grant moved that the house refuse to entertain it; and the question being first on laying the resolution on the table, it was agreed to.

SATURDAY, *January* 3.

Mr Dorsey called up the resolution submitted by himself on yesterday; which being read,

Mr Garner renewed his motion for indefinite postponement.

Mr Kirtley moved an amendment to the resolution, by adding thereto, the words 'and that the committee report to this houe.'

Mr Dorsey accepted the amendment of Mr Kirtley, when

The question recurring on its indefinite postponement, it was rejected, ayes 18, noes 18.

Those voting in the affirmative, are Messrs. Allen, Bell, Blakey, Burch, Barrett, Cowan, Cox, Garner, Grimsley, Grant, Jones, Kavanaugh, Kerr, Maulsbey, Magill, Overall, Reyburn and Ward.

In the negative, were *Messrs.* Ashby, Byrd, Becknell, Cole, Collard, Dorsey, Drake, Groom, Holliway, Inglish, Kirtley, Lowry, Martin of Ray, Murphy, Neill, Noland and *Mr* Speaker.

Messrs. Bent, Brock, Glascock, Hempstead and Martin of Jefferson, absent on committee, with leave.

The question recurring on the adoption of the resolution, it was rejected, ayes 18, noes 18.

Those voting in the affirmative, are Messrs. Ashby, Byrd, Becknell, Cole, Collard, Canole, Dorsey, Drake, Groom, Holliway, Inglish, Kirtley, Lowry, Martin of Ray, Murphy, Neill, Noland and *Mr* Speaker.

In the negative, were Messrs. Allen, Bell, Blakey, Burch, Barrett, Cowan, Cox, Garner, Grimsley, Grant, Jones, Kavanaugh, Kerr, *Maulsbey*, Magill, Overall, Reyburn and Ward.

Messrs. Bent, Brock, Glascock, Hempstead and Martin of Jefferson, absent on committee, with leave.

The amendments to the resolutions from the Senate, proposing amendments to the constitution of this State, were read a third time, and on motion of Mr Magill, laid on the table.

The joint resolution from the Senate, authorizing the Governor to forward maps to the Executives of the several territories, was read a second time, and on motion of *Mr* Magill, ordered to a third reading on *Monday*.

Mr Cole, from the committee on the judiciary, to whom was referred the communication of the Hon. Mathias *McGirk*, relative to bills of exceptions in chancery, reported a bill to amend an act entitled an act to regulate proceedings in chancery; which was read and ordered to a second reading.

On motion of Mr Dorsey, the house resolved itself into a commit-

tee of the whole on the orders of the day, Mr Cox in the chair, and took into consideration, a memorial relating to the swampy land lying in the southern part of Missouri, and reported the same without amendment—which report was agreed to by the house.

Mr Lowry moved that the memorial lay on the table.

Mr Kirtley moved an amendment to the motion, by adding thereto, 'until the first day of June;' which was rejected—and the motion of Mr Lowry adopted.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have concurred in the amendments made by the House of Representatives, to the joint resolution from the Senate, requesting the Governor, &c. to dress in clothing, the produce and manufacture of this State.

They have disagreed to the amendments made by the House of Representatives to the bill from the Senate, entitled an act to extend the time of redemption for real estate which has been sold for taxes; which are herewith returned.

They have appointed Mess. Post, Dawson and Bollinger, a committee of conferrence on the part of the Senate, upon the disagreement between the two houses, in relation to the second amendment made by the Senate to the bill from the House of Representatives to license grocers.

They insist on their disagreement to the first amendment made by the House of Representatives to the bill from the Senate, entitled an act to amend an act to establish and regulate the Treasury Department, approved 16th February, 1825, and have appointed Messrs. Young, Gentry and Jones, a committee of conferrence on the part of the Senate.

They have appointed Messrs. Post, Gentry and Boggs, a committee of conferrence, to meet such committe as the House of Representatives may appoint, in relation to the disagreement between the two houses on the amendment made by the Senate to the bill from the House of Representatives, entitled a bill supplementary to an act entitled an act to regulate executions.

They have rejected the bill from the House of Representatives to amend an act regulating estrays.

There was introduced into the Senate yesterday, a bill to be entitled an act to revive and continue in force (in part,) an act entitled an act establishing the State roads therein mentioned, approved January 6th, 1827.

The Senate have, also, postponed the further consideration of the bill from the House of Representatives, supplementary to an act entitled an act regulating the inspection of tobacco, until the next session of the Legislature.

The Senate have passed the bill from the House of Representatives, to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes, with amendments; which are herewith sent for the concurrence of the House of Representatives.

They have concurred in the passage of the bills from the House of Representatives of the following titles, viz:

An act authorizing the county courts of the several counties of this State to levy, assess and collect a tax for the purpose of erecting county buildings; and

A bill to be entitled an act to fix and establish the southern boundary of the county of Saline—which are herewith returned.

On motion of Mr Kirtley, the committee of the whole was discharged from the further consideration of the bill from the Senate providing for the disposition of the three per cent. fund.

On motion of *Mr* Garner, said bill was referred to a select committee, consisting of *Mes*srs. Garner, Cox, Grant, Cole and Drake.

Motion of Mr Ashby, to adjourn till half past two o'clock, rejected.

On motion of Mr Grimsley, the house resolved itself into a committee of the whole on the orders of the day, *Mr* Grimsley in the chair, and took into consideration, a bill entitled an act to define and lay off the bounds of Clark county, and reported the same without amendment.

Also, a bill giving to juries certain powers heretofore exercised by the judges of the circuit courts in this State, which they reported without amendment.

Also, a bill to be entitled an act supplementary to an act for the relief of insolvent debtors, which they reported with a recommendation to strike out the first section thereof, together with the enacting clause.

Also, a memorial to Congress on the subject of the Cumberland Road, which they reported without amendment.

Also, a bill supplementary to an act to regulate proceedings in criminal cases, and reported the same with a recommendation to strike out the first section thereof, together with the enacting clause.

The report of the committee of the whole was agreed to.

On motion of *Mr* Ashby, the first of said bills reported, was ordered to be engrossed, and read a third on Monday.

On motion of Mr Bell, the second of said bills reported was ordered to be engrossed, and read a third time on Monday.

On motion of Mr Drake, the memorial reported by the committee was ordered to be engrossed and read a third time on Monday.

Mr Grant called up the amendments to the seventh section of the resolution from the Senate, proposing amendments to the constitution of this State; and the section as amended, was passed, ayes 31, noes 5.

Those voting in the affirmative are, Messrs Allen, Ashby, Byrd, Bell, *B*lakey, Becknell, Burch *B*arrett, Cowan, Cole, Collard, Canole, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Jones, Kavanaugh, Kirtley, Lowry, Martin of R, Murphy, Magill, Neill, Noland, Reyburn Ward and Mr Speaker.

In the negative, were Messrs Cox, Kerr, Grimsley, *M*aulsby and Overall.

Messrs *B*ent, Brock and Martin of J absent on committee with leave.

Messrs Dorsey and Inglish absent.

Mr Cox gave notice that on Monday he would ask leave to introduce a bill supplementary to an act entitled an act concerning crimes and punishments.

Mr Dorsey moved a reconsideration of the vote on the resolution permitting the enrolling and engrossing clerk of this house to act as stenographer of the Senate, during the trial of the Hon. David Todd, but before the question was taken thereon, on motion of Mr Magill,

The house adjourned to Monday.

MONDAY, January 5.

Mr Bent presented the petition of Joseph Inks and Andrew Hamilton, praying the lease of a section of land, in the county of St. Louis, supposed to contain silver ore, which was referred, on motion of Mr Bent, to a select committee, consisting of messrs Bent, Kirtley, and Garner.

mr Blakey from the joint committee on enrolled bills, reported as truly enrolled, a joint resolution, requesting the Governor and other officers to dress in clothing, the growth and manufacture of this State, which was signed by the Speaker, and sent to the Senate for the signature of the President.

mr Blakey from the same committee also reported that on Saturday they had presented to the Governor for his approval, bills and resolutions of the following titles, to wit:

An act supplementary to an act entitled, an act to provide for the leasing and management of the State salines.

An act for the relief of Ephraim Allison.

An act to authorize William Alexander to convey lots in Farmington, and for other purposes.

An act for the relief of John S. Barrett.

An act for the relief of the widow and heirs of J. B. Olive, dec. and

A joint resolution instructing the superintendant of the public buildings, to furnish the Judge of the United State's District Court, the Representative Hall in which to hold the Session of said court.

mr Magill made the following report:

The joint committee of conferrence on the disagreement between the two houses, on the bill for the relief of Silas King, late collector of the revenue of Scott county, have agreed to recommend to their respective houses, that the Senate recede from their amendments to said bill, and that the House of Representatives agree to the following amendments to their said bill:

Strike out in the last line of their said bill the words 'day of November,' and insert 'Monday of December,' and add to the end of said bill the following proviso, to wit: Provided that said King, in his settlement with the Auditor of Public Accounts, shall be allowed his commission for collection, and in addition thereto, shall be released from the payment of any interest whatever, any provision in said act to the contrary notwithstanding.

Which report was agreed to.

mr Cox pursuant to previous notice, introduced a bill supplementary to an act entitled an act concerning crimes and punishments, which was read and ordered to a second reading.

mr Bent pursuant to notice introduced a bill regulating the construction of statutes against crimes and misdemeanors which was read and rejected.

Also, a bill to be entitled an act supplementary to an act entitled, an act to provide a method of proceeding against absent and absconding debtors, which was read and ordered to a second reading.

The Speaker laid before the house a communication from the Secretary of State, in obedience to a resolution requiring information as to the number of persons entitled by law to copies of the journals of the two houses of the General Assembly, which was read, and on motion of mr Grant, laid on the table.

mr Murphy renewed the motion made by mr Dorsey on Saturday, to reconsider the vote on the resolution permitting the enrolling and engrossing clerk, to act as stenographer to the Senate during the trial of the Hon. David Todd, which was agreed to, ayes 21, noes 15.

Those voting in the affirmative, are

messrs Allen, Ashby, Byrd, Blakey, Becknell, Burch, Cowan, Collard, Canole, Drake, Glascock, Holliway, Inglish, Lowry, Martin of R, Murphy, Magill, Nolaud, Reyburn, Ward and mr Speaker.

In the negative, were messrs Bent, Brock, Bell, Cox, Cole, Garner, Grimsley, Grant, Groom, Hempstead, Jones, Kirtley, Maulsbey, Martin of J, and Overall.

messrs Barrett, Dorsey and Kerr, absent.

messrs Kavanaugh and Neill, absent sick.

mr Dorsey moved that the resolution of the Senate be laid on the table until the first day of June next, which was agreed to, ayes 22, noes 15.

Those voting in the affirmative, are

Messrs Allen, Ashby, Byrd, Blakey, Becknell, Burch, Cowan, Collard, Canole, Dorsey, Drake, Glascock, Holliway, Inglish, Lowry, Martin of R, Murphy, Magill, Noland, Reyburn, Ward and mr Speaker.

In the negative, were messrs Bent, Brock, Bell, Cox, Cole, Garner, Grimsley, Grant, Groom, Hempstead, Jones, Kirtley, Maulsbey, Martin of J, and Overall.

messrs Barrett and Kerr absent; messrs Kavanaugh and Neill absent sick.

Message from the Governor, by mr Mc'Bride, Secretary of State:

To the House of Representatives:

I have this day approved and signed bills of the following titles, viz:

An act supplementary to an act concerning crimes and punishments.

An act to authorize William Alexander to convey lots in the town of Farmington, and for other purposes.

An act supplementary to an act, to provide for the leasing and management of the State Salines.

An act prescribing certain duties of the Clerks of the Supreme Court and of the circuit Courts.

An act for the relief of John S. Barrett.

JOHN MILLER.

City of Jefferson, Jan. 5, 1829.

Message from the Senate, by mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to the report of the joint committee of conference, on the disagreement between the two houses, in relation to the bill from the House of Representatives for the relief of Silas King,

On motion of mr Cole, the rule requiring one days notice previous to the introduction of bills, was dispensed with, and leave granted him to introduce a bill to repeal certain acts, which was read and ordered to a second reading.

The bill to amend an act entitled an act to regulate proceedings in chancery, was read a second time, and on motion of mr Becknell, ordered to be engrossed and read a third time on Wednesday.

The bill attaching the county of St. Charles to the third judicial district was read a second time, and on motion of mr Overall, laid on the table.

The bill giving to juries certain powers heretofore exercised by the judges of the circuit courts, was read a third time, and the question being shall the bill pass? there were

In the affirmative, messrs Ashby, Bell, Becknell, Burch, Collard, Dorsey, Drake, Inglish, Jones, Lowry, Martin of R, Murphy, Noland, Reyburn and mr Speaker, 15.

In the negative. messrs Allen, Byrd, Blakey, Cowan, Cox, Cole, Canole, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Maulsbey, Martin of J, Magill, Overall and Ward, 19.

messrs Bent and Brock, absent on committee with leave.

messrs Barrett, Kerr and Kirtley, absent.

messrs Kavanaugh and Neill, absent sick.

So the bill was rejected.

The memorial to Congress on the subject of the Cumberland road, was read a third time.

mr Grant moved an amendment by way of rider, which was to strike out the word 'obtained,' where it occurs in the eighteenth line, and insert in lieu thereof the word 'adopted,' which was twice read, and on motion of mr Ashby, considered as engrossed, read a third time and passed.

mr Grant moved further to amend the memorial by way of rider, by stiking out of the tenth line the words 'to be,' which was twice read, engrossed, read a third time and passed.

mr Grant moved a further amendment by way of rider, by striking out the word 'adopted,' where it occurs in the 27th line, and inserting in its stead the word 'adapted,' which was twice read, and on motion of mr Dorsey, considered as engrossed, read a third time and passed.

mr Cox moved an amendment by way of rider, which was to strike out of the 20th and 21st lines, the words 'the next hundred,' and insert in lieu thereof the word 'many,' which was read and rejected.

The question recurring on the passage of the memorial, was decided in the affirmative.

The bill to be entitled an act to define and lay off the bounds of Clark county, was read a third time and passed.

Ordered, that the title thereof 'be an act.'

The disagreement of the Senate to the amendments made to the bill from the Senate, entitled an act to extend the time of redemption for real estate which has been sold for taxes, was read and considered, and on motion of Mr Magill, the amendments insisted on.

On motion of Mr Grant, Messrs Grant, Dorsey and Drake were appointed a committee of conference on said disagreement.

Mr Cole moved that the bill supplementary to an act, entitled an act to regulate executions, be laid on the table.

Mr Dorsey moved an amendment thereto, which was to add 'until the first day of June,' which was rejected, and the motion of Mr Cole agreed to.

The joint resolution from the Senate, authorizing the Governor to send to the executives of the different Territories, a map of the States of Missouri, Illinois and Territory of Arkansas, was read a third time and passed.

The bill from the Senate to alter and amend the several laws of this State, concerning executors and administrators, and for other purposes was read a second time, and on motion of Mr Grant, committed to a committee of the whole house.

The amendments made by the Senate to the bill to amend an act entitled, an act imposing a tax on venders of merchandize and pedlars and for other purposes, were read, and on motion of Mr Magill, laid on the table.

Mr Grant, from the committee on ways and means reported a bill for the payment of money to certain persons therein named, which was read and ordered to a second reading.

Mr Martin of J, gave notice that on to-morrow he would ask leave to introduce a bill supplementary to an act, entitled an act to provide for the removal of seats of justice in certain cases.

Mr Grant made the following report:

The committee of ways and means, to whom was referred a bill to amend an act to provide for levying, assessing and collecting state and county taxes, approved Feb. 21, 1825, beg leave to report: That they deem the proposed change in the collection of the revenue inexpedient, as they are of opinion that it is competent for the county courts of the several counties to appoint the sheriffs collectors, if they think it expedient.

Which report was agreed to.

Mr Overall pursuant to previous notice introduced a bill to provide for laying out a State Road from Smeltzer's ferry on the Mississippi to the town of St. Charles, which was read and ordered to a second reading.

Mr Ashby called up the bill to amend an act entitled an act to amend an act entitled an act to provide for levying, assessing and collecting state and county taxes, and the question pending, being the amendment offered by Mr Ashby, on Saturday, it was agreed to.

Mr Lowry moved to amend said bill by way of rider, by inserting as an additional section, the following:

Be it further enacted, That it shall and may be lawful for all persons,

owing or claiming real estate situated in any county in this state in which the owner does not reside, to pay the state and county taxes assessed thereon to the collector of the county in which such owner or person claiming such real estate resides, or into the State Treasury, any law to the contrary notwithstanding; which was read, and together with the bill laid on the table.

The joint resolution from the Senate in relation to the printing of the journals of the present session was taken up and read a third time.

Mr Grant moved thereto an amendment, which was to insert after and in continuation of said resolution 'and that they be distributed to the justices of the peace in each county, in proportion to the number of justices of the peace in each county, reserving forty copies for the use of the State; which amendment was twice read, engrossed, read a third time and passed.

The question recurring on the passage of the resolution, it was decided in the affirmative.

The memorial relating to the swampy land lying in the southern part of Missouri was taken up and read a second time, and the motion of Mr Maulsbey, that it be engrossed and read a third time to-morrow, rejected.

On motion of Mr Dorsey, the house resolved itself into a committee of the whole on the orders of the day, Mr Dorsey in the chair, and took into consideration the bill amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases, and reported thereto sundry amendments.

Also a bill supplementary to an act entitled an act taxing billiard tables, to which they reported sundry amendments.

Also, a bill supplementary to an act entitled an act to amend an act entitled an act to regulate the fees of the several officers of this State, and for other purposes, in which they made some progress, reported it, and asked leave thereon to sit again.

The report of the committee was agreed to, and leave granted them to sit again.

On motion of Mr Dorsey, the first of said bills reported, was ordered to be engrossed and read a third time to-morrow.

The second of said bills reported was ordered, on motion of Mr Cox, to be engrosed and read a third time to-morrow.

Mr Grant moved a reconsideration of the vote on the resolution for printing the journals of the present session, which being agreed to, Mr Grant moved an amendment thereto, which was to strike out all after the word 'Resolved,' and insert 'by the Senate and House of Representatives, that Calvin Gunn be directed to print, in conformity with his proposals, five hundred copies of the journals of each house of this General Assembly, at their present session, and after supplying the persons now entitled by law to copies of the same, and reserving 40 copies for the use of the State, the remainder to be deposited in the office of the clerks of the county courts in each county for distribution among the justices of the peace in the different townships.

On motion of Mr Lowry, said amendment, together with the resolution, was laid on the table.

The house adjourned.

TUESDAY, January 6.

Mr Magill, from the select committee to whom was referred the bill concerning roads and highways, reported the same with an amendment; which was read and ordered to a second reading.

On motion of Mr Cox, the bill to amend an act entitled an act, to amend an act entitled an act to provide for levying, assessing and collecting state and county taxes, was referred to a select committee, consisting of Messrs. Cox, Lowry and Brock.

The bill supplementary to an act concerning crimes and punishments, was read a second time, the motion of Mr Cox, that it be engrossed and read a third time to-morrow, rejected; and committed, on motion of Mr Ashby, to a committee of the whole house.

The bill to repeal certain acts, was read a second time, and on motion of *Mr* Murphy, committed to a committee of the whole house.

The bill to provide for laying out a state road from Smeltzer's ferry on the *Mississippi*, to the town of St. Charles, was read a second time, and on motion of *Mr* Dorsey, committed to a committee of the whole house.

The bill supplementary to an act entitled an act to provide a method of proceeding against absent and absconding debtors, was read a second time, and on motion of Mr Bent, committed to a committee of the whole house.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: There has been introduced into the Senate, bills of the following titles, viz:

A bill to abolish the use of the common law in the county and justices courts.

A bill to be entitled an act to amend and repeal in part, an act entitled an act to provide for the management of school lands, and for the establishment and government of common schools, approved 17th January, 1825; and

A bill supplementary to an act entitled an act regulating the office of Secretary of State, approved December 24, 1824.

The bill for the payment of money to certain persons therein named, was read a second time, and on motion of Mr Dorsey, committed to a committee of the whole house.

The bill amendatory of an act entitled an act to provide for the change of venue in civil and criminal cases, was read a third time, and on motion of *Mr* Cole, laid on the table.

The bill supplementary to an act entitled an act taxing billiard tables, was read a third time, and the question being, shall the bill pass?

Mr Bent moved an amendment by way of rider, which was to strike out in the fourth line of the first section, the words 'one hundred;'—which was rejected.

Mr Reyburn moved an amendment by way of rider, which was to strike out all the third section, to the word 'this,' in the fourth line—which was twice read, and on motion of Mr Cox, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, it was decided in the affirmative.

Ordered that the title thereof be 'an act.'

The bill supplementary to an act entitled an act to organize, govern and discipline the militia, and to amend an act entitled an act for the further organizing and disciplining the militia, was read a third time.

Mr Dorsey moved an amendment by way of rider, which was to strike out all after the word 'dollars,' where it occurs in the eleventh line of the first section, to the second section, and insert in lieu thereof: to be assessed by the court of assessment; which fine shall go to the use of the regiment to which the said officer belongs—and the said officer to whom the return is to be made, shall procecute the same before the said court of assessment—and that there shall be elected in each company, a fit person to collect all fines which may be assessed by the said court in said company; and said person, so elected, shall give bond and security, to pay all sums over to the paymaster of said regiment to which he may belong; and said person shall have the powers of a sheriff, any law to the contrary notwithstanding;—which was rejected.

Mr Magill moved an amendment by way of rider, which was to insert as a twelfth section: That all acts inconsistent with, or coming within the perview of this act, shall be, and the same are hereby repealed. This act to take effect, and be in force, from and after the first day of March next.

Said amendment was twice read, and on motion of Mr Magill, considered as engrossed, read a third time and passed.

Mr Noland moved to re-commit the bill to a committee of the whole house; which was rejected—when the question recurring on its passage, there were,

In the affirmative, Messrs. Byrd, Becknell, Burch, Cowan, Canole, Garner, Hempstead, Inglish, Lowry, Martin of Jefferson, Martin, of Ray, Magill and Mr Speaker—13.

In the negative, were Messrs. Allen, Ashby, Brock, Bell, Blakey, Barrett, Cox, Dorsey, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Jones, Kerr, Kirtley, Maulsbey, Murphy, Noland, Overall, Reyburn and Ward—23.

Messrs. Bent and Cole, absent on duty, with leave—Mr Collard absent—Messrs. Kavanaugh and Neill absent, (sick.)

So the bill was rejected.

Motion of Mr Lowry, to take up the report of the committee of the whole on the state of the republic, on the resolutions of the Legislature of Georgia, in reference to the constitutional competency of Congress, to levy protecting duties on foreign imports, and prosecute a system of Internal Improvements within the several States, was rejected.

Mr Magill called up the amendments made by the Senate to the bill

to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes; the blank wherein was filled with the word 'ten;' and the question recurring on concurrence therein, they were rejected.

Message from the Senate by Mr Gentry:

Mr Speaker: The Senate have passed an act to divorce William Patton and Martha, his wife, from the bonds of matrimony; which is herewith sent for the concurrence of the House of Representatives.

Mr Overall called up the bill attaching the county of St. Charles to the third judicial district; which was read a third time and passed.

Ordered that the title thereof be 'an act.'

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the following bills, viz:

An act to revive and continue in force in part, an act entitled an act establishing the State roads therein mentioned, approved January 6th, 1827.

A bill from the House of Representatives for the relief of Overton Bettis and Hardy Allard, with amendments; and also,

An act from the House of Representatives, attaching a part of Pike county to the county of Ralls, with amendments; which are herewith sent for the concurrence of the House of Representatives.

Mr Grant, from the select committee to whom was referred the bill from the Senate, providing for a disposition of the three per cent. fund, reported the same with amendments; which were read and ordered to a second reading.

On motion of Mr Dorsey, the rule requiring bills to be read on three several days, was dispensed with, the bill, as amended, read a second time and committed to a committee of the whole house.

Mr Grant called up the amendment to the resolution from the Senate, in relation to printing the journals of the present session; which was read a second time, and on motion of Mr Kirtley, the rule requiring bills to be read on three several days, dispensed with, the amendment considered as engrossed, read a third time and passed.

On motion of Mr Dorsey, the house resolved itself into a committee of the whole on the orders of the day, Mr Grant in the chair, and took into consideration the bill supplementary to an act entitled an act to amend an act entitled an act to regulate the fees of the several officers in this State, and for other purposes; in which they made some progress, reported it, and asked and obtained leave thereon to sit again.

Mr Dorsey moved an adjournment; which was rejected.

On motion of Mr Collard, the house went into recess for one hour—when they again convened.

On motion of Mr Dorsey, the house again resolved itself into a committee of the whole on the orders of the day, mr Cox in the chair, and the business in order being the bill supplementary to an act entitled an act, to amend an act entitled an act, to amend an act entitled an act to regulate the fees of the several officers in this State, and for other purposes; the committee reported thereto, sundry amendments.

The committee had, also, under consideration, the bill from the Senate to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony, by her contracted with Greenup Hays; and reported the same without amendment.

The report of the committee of the whole was agreed to.

On motion of mr Allen, the first of said bills reported, was ordered to be engrossed and read a third time on Thursday.

The second of said bills reported, was ordered, on motion of mr Dorsey, to be read a third time to-morrow.

The house adjourned.

WEDNESDAY, January 7.

Mr Blakey, from the joint committee on enrolled bills, reported, that they had examined and found truly enrolled, bills of the following titles, viz:

An act authorizing the county courts of the several counties of this State, to levy, assess and collect a tax for the purpose of erecting county buildings.

An act to fix and establish the southern boundary of the county of Saline.

An act to explain an act entitled an act to provide for levying, assessing and collecting State and county taxes.

An act supplementary to an act entitled an act to amend and alter an act entitled an act to establish courts of justice, and prescribe their powers and duties.

Mr Speaker signed said bills, and they were sent to the Senate for the signature of the President.

Mr Cox, from the committee to whom was referred the bill to amend an act entitled an act, to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes, reported the same with amendments; which were read, and on motion of Mr Lowry, laid on the table.

Mr Kirtley called up the bill amendatory of an act to provide for changing the venue in civil and criminal cases; which was read, and on motion of Mr Kirtley, re-committed to a committee of the whole house.

The bill from the Senate to revive and continue in force, in part, an act entitled an act establishing the State roads therein mentioned, was read and ordered to a second reading.

The bill to divorce William Patten and Martha, his wife, late Mar-Mark, from the bonds of matrimony, was read and ordered to a second reading.

The amendments made by the Senate to the bill to attach a part of Pike county to the county of Ralls, were read and concurred in.

The amendments made by the Senate to the bill for the relief of Overton Bettit and Hardy Allard, were read, and on motion of Mr Grant, laid on the table.

The bill to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony, by her contracted with Greenup Hays, was read

a third time, and the question being, 'shall the bill pass?' there were,

In the affirmative, Messrs. Bell, Burch, Barrett, Cowan, Cox, Collard, Dorsey, Garner, Groom, Holliway, Inglish, Kerr, Lowry, Martin of Jefferson and Murphy—15.

In the negative, Messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Canole, Drake, Grimsley, Grant, Glascock, Hempstead, Jones, Kavanaugh, Maulsbey, Martin of Ray, Magill, Overall, Reyburn, Ward and Mr Speaker—21.

Messrs. Bent and Cole absent on duty, with leave.

Messrs. Kirtley and Noland absent—Mr Neill absent, (sick.)

So the bill was rejected.

Mr Grant moved that the house resolve itself into a committee of the whole on the orders of the day; which was rejected.

On motion of Mr Magill, the bill concerning roads and highways, was read a second time, and committed to a committee of the whole house.

The Speaker and Speaker pro-tempore, having necessarily to be absent this evening, Mr Grant was called to the chair.

On motion of *Mr* Dorsey, the house resolved itself into a committee of the whole on the orders of the day, Mr Ashby in the chair, and took into consideration the bill from the Senate providing for the disposition of the three per cent. fund, and after some time spent therein, rose and reported said bill with sundry amendments.

Mr Byrd moved that the report of the committee be laid on the table; which was rejected; the report agreed to; and the amendments ordered, on motion of Mr Dorsey, to be engrossed and read a third time to-morrow.

The house adjourned.

THURSDAY, January 8.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, an act to revive and continue in force an act heretofore passed for the relief of Silas King and others; and

A resolution requesting the Governor to forward maps of this State, Illinois and Territory of Arkansas, to the Executives of the several Territories.

Mr Speaker signed said bill and resolution, and they were sent to the Senate for the signature of the President.

Mr Cox moved a re-consideration of the vote on the report of the committee of the whole on yesterday, on the bill providing for the disposition of the three per cent. fund; which was agreed to, ayes 26, noes 10.

Those voting in the affirmative, are Messrs. Allen, Ashby, Byrd, Brock, Bell, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Drake, Garner, Grimsley, Grant, Glascock, Holliway, Hempstead, Inglish, Jones, Kerr, Lowry, Maulsbey, Noland, Ward and *Mr* Speaker.

In the negative, were messrs. Blakey, Becknell, Burch, Canole, Groom, Kirtley, Martin of Ray, Murphy, Overall and Reyburn.

Messrs. Bent and Martin of Jefferson absent on duty, with leave.
Messrs. Kavanaugh and Neill absent, (sick.)
Mr Magill absent.

On motion of mr Grant, the report of the committee, together with the bill, was re-committed to the select committee who reported it.

Mr Dorsey called up the bill to amend an act entitled an act, to amend an act entitled an act to provide for levying, assessing and collecting State and county taxes; and the question being on the amendments reported thereto by the select committee on yesterday, *Mr* Cox moved to strike out the twelfth section thereof; which was agreed to.

The question next recurring on the remaining sections reported by the committee, it was decided in the affirmative.

The question recurring on the passage of the bill, mr Allen moved an amendment by way of rider, which was to strike out the word 'ten,' where it occurs in the seventh line of the seventh section, and insert in lieu thereof, the word 'five.'

Mr Drake called for a division of the question, and that it first be taken on striking out the word 'ten;' which was agreed to; and the blank thus created, filled with the words 'six and one-fourth.'

mr martin of Jefferson moved an amendment by way of rider, which was to add as seventh and eighth sections, the following:

Sec. 7. *Be it further enacted*, That so much of the thirty-sixth section of the act to which this is an amendment, approved February 21st, 1825, as requires the Auditor and Treasurer to sell lands or other property for taxes, be, and the same is hereby repealed; and that from and after the passage of this act, all lands or other property now required to be sold for taxes by the Auditor and Treasurer, shall be sold only by the Auditor of Public Accounts; and all certificates of the sales of such lands or other property to be given to the purchasers, and all deeds to be executed for the conveyance of property sold for taxes as aforesaid, shall be made and executed alone, by the Auditor of Public Accounts, and made under the seal of his office.

Sec. 8. *Be it further enacted*, That the Auditor of Public Accounts shall be entitled to receive for a certificnte of each tract or lot of land, when sold for taxes to individuals, to be paid by the persons purchasing the same; and the sum of dollars for making and executing a deed of conveyance for each tract of land or lot, which shall be sold for taxes to individuals as aforesaid, to be paid by the person to whom such deed shall be made.

mr Bent moved that the bill, together with the proposed amendments, be re-committed to the select committee to whom it had been previously referred; which was rejected; and the question recurring on the amendment offered by mr martin of Jefferson, it was rejected.

The question next recurring on the passage of the bill, it was decided in the affirmative.

Ordered that the title thereof be 'an act.'

The bill from the Senate to divorce William Patten and martha, his wife, late martha mark, from the bonds of matrimony, was read a se-

cond time, and on motion of mr Kirtley, ordered to a third reading on to-morrow.

The bill from the Senate to revive and continue in force, in part, an act entitled an act establishing the State roads therein mentioned, was read a second time, and on motion of mr Dorsey, ordered to be read a third time to-morrow.

On motion of *Mr* Magill, the engrossed bill to amend an act entitled an act to regulate proceedings in chancery, was taken up, read a third time and passed.

Ordered, that the title thereof 'be an act.'

On motion of mr. Dorsey, the house resolved itself into a committee of the whole, on the orders of the day, mr Magill in the chair, and took into consideration the bill amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases, to which they reported sundry amendments.

The report of the committee of the whole was agreed to, and the bill ordered, on motion of mr Magill, to be engrossed and read a third time to-morrow.

mr Becknell moved a reconsideration of the vote taken on yesterday on the bill supplementary to an act to organize, govern and discipline the militia, which was agreed to, and the same recommitted, on motion of mr Magill, to the select committee who reported it, with instructions to amend the same by providing a different method of recovering the fines therein imposed.

On motion of Mr Allen, the House again resolved itself into a committee of the whole, on the orders of the day, Mr Grimsley in the chair, and took into consideration the bill supplementry to an act concerning crimes and punishments, to which they reported an amendment; also, a bill concerning roads and highways, which they reported with a recommendation to strike out the first section thereof, together with the enacting clause.

Also, a bill to be entitled an act to repeal in part, and to amend an act entitled an act to provide for building bridges, to which they reported an amendment.

The report of the committee on the first of said bills was agreed to, and the same ordered, on motion of Mr Dorsey, to be engrossed and read a third time to-morrow.

Mr Kirtley moved to amend the report of the committee on the second of said bills, by reinstating the enacting clause, and inserting the following:

'That any person subject to work on any public road or highway, or whose son, ward, apprentice or slave is subject to work on any public road or highway, may in commutation of said work, pay to the overseer of the proper road district, the sum of sixty-two and a half cents for each days labor so required to be done, to be applied as fines are required to be applied by an act to amend the several laws in force concerning public roads and highways, approved December 30th 1826; provided however, that said commutation be made to the

proper overseer, two days at least before the time said work is required to be done.'

Sec. 2. *Be it further enacted*, That if any person subject to work as aforesaid, or whose son, ward, apprentice or slave is subject to work as aforesaid, shall fail to do said work or cause the same to be done, and shall not have commuted said work as is permitted in the first section of this act, he may in lieu of the fine now imposed by law for such failure, and in commutation of the work aforesaid, pay over to the proper overseer the sum of seventy-five cents for each day's labor he may have failed to do, or cause to have done, to be applied as aforesaid; provided however, said commutation shall not be made by any person after he shall have been returned to a justice of the peace for any failure as aforesaid; and provided also, the county court of any county, may allow to any overseer, a reasonable compensation, for the duties imposed by this act, out of any money paid him in virtue of the provisons of this act:

On motion of Mr Cox, the amendment, together with the report of the committee was laid on the table.

The amendments to the third of said bills reported, were ordered, on motion of *Mr* Cox, to be engrossed and read a third time to-morrow.

Message from the Senate, by Mr Wright, their Secretary:

Mr Speaker—The Senate have passed the bill from the House of Representatives, appropriating money for defraying the expences of government, with an amendment, herewith submitted for the concurrence of the House of Representatives.

They have also passed the memorial from the House of Representatives, on the subject of improving the navigation of the *Mississippi*, &c. with and amendment, also, herewith sent for the concurrence of the House of Representatives.

The Senate have passed an act supplementary to an act entitled an act regulating the office of Secretary of State, in which they ask the concurrence of the House of Representatives.

Also, an act supplementary to an act to provide for the final settlement of the business of the several Loan Offices, also, herewith sent for the concurrence of the House of Representatives.

The Senate insist on their disagreement to the amendments made by the House of Representatives to the bill extending the time of redemption for real estate which has been sold for taxes, and have appointed Messrs Dawson, Post and Jones a committee of conference on the said disagreement.

The house adjourned.

FRIDAY, JANUARY 9.

Mr Dorsey presented the petition of sundry witnesses, suppœnaed in the case of the House of Representatives, in the name of themselves and of all the people of this State, against David Todd, judge of the first judicial circuit in this State, against David Todd, judge of the

first judicial circuit in this State, upon an impeachment pending before the Senate for misdemeanors in said office, which was read and referred to a select committee consisting of *Messrs* Dorsey, Lowry and Grant.

Motion of Mr Noland, to pass over the previous orders, and that the house resolve itself into a committee of the whole, rejected.

The bill amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases, was read a third time and passed.

Ordered, that the title thereof 'be an act.'

The bill extending the benefit of the act for the relief of insolvent debtors to persons in confinement for fines, was read a third time, and on motion of *Mr* Kirtley, laid on the table.

On motion of Mr Cox, the report of the committee of the whole on yesterday, on the bill concerning roads and highways, was taken up, and the question being on the amendment offered on yesterday by Mr Kirtley, the votes were,

In the affirmative, *Messrs* Cox, Grimsley, Grant, Groom, Kerr, Kirtley, *Murphy*, Magill, Overall and Mr Speaker, 10.

In the negative, were Messrs Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Collard, Canole, Dorsey, Drake, Glascock, Holliway, Inglish, Jones, Lowry, *Martin* of R, Noland and Ward, 23.

Messrs Bent, Cole and Martin of J, absent on duty, with leave.

Messrs Garner and Maulsbey absent.

Messrs Hempstead, Kavanaugh and Neill absent sick.

So the amendment was rejected.

The question recurring on agreeing to the report of the committee, it was decided in the affirmative.

Message from the Senate, by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed an act more certainly to define the western boundary of the county of New Madrid, and for other purposes, and ask the concurrence of the House of Representatives therein.

They have concurred in the passage of the bill from the House of Representatives, attaching the county of St. Charles to the third judicial district.

They have, also, agreed to the amendment made by the House of Representatives to the joint resolution from the Senate, authorising Calvin Gunn to print five hundred copies of the journals of both houses of the present general assembly.

The bill from the Senate supplementary to an act entitled an act regulating the office of Secretary of State, was read and ordered to a second reading.

The bill from the Senate to define more certainly the western boundary of the county of New *Madrid* and for other purposes, was read and ordered to a second reading.

The amendment made by the Senate to the memorial to the Senate and House of Representatives of the United States, was read and ordered to a second reading.

The amendments made by the Senate to the bill appropriating money for the expenses of government, were read and concurred in.

The bill from the Senate to divorce William Patten and Martha, his wife, late *M*artha *M*ark, from the bonds of matrimony, was read a third time and passed.

The bill from the Senate to revive and continue in force in part an act entitled an act establishing the State roads therein mentioned was read a third time, and on motion of Mr Maulsbey laid on the table.

On motion of Mr Cox, the House resolved itself into a committee of the whole on the orders of the day, Mr Kerr in the chair, and took into consideration the bill from the Senate supplementary to an act entitled an act supplementary to an act to regulate elections, and reported the same with a recommendation that it be rejected.

Also, the bill from the Senate to prodide for the sale of the Seminary lands, in which they made some progress, reported, and asked leave thereon to sit again.

The report of the committeee was agreed to, and leave granted them to sit again.

On motion of Mr Grant, the committee of the whole was discharged from the further consideration of the bill from the Senate, to alter and amend the several laws of this State, concerning executors and administrators, and for other purposes, and the same ordered to be referred to a select committee.

*M*otion of Mr Ashby to adjourn until three o'clock, rejected.

Mr Cox from the joint committee on enrolled bills reported that they had on this day presented to the Governor for his approval, bills of the following titles, viz:

An act supplementary to an act entitled an act to amend and alter an act entitled, an act to establish courts of justice and prescribe their powers and duties, approved 2d January, 1827.

An act to explain an act entitled an act to provide for levying, assessing and collecting state and county taxes.

An act authorizing the county courts of the several counties of this state, to levy, assess and collect a tax for the purpose of erecting county buildings.

An act to fix and establish the southern boundary of the county of Saline.

An act to revive and continue in force an act heretofore passed, for the relief of Silas King.

A resolution requiring the Governor to furnish at the expense of this State, a copy of Brown and *B*arcroft's map to the executives of each of the respective Territories belonging to the United States.

And a resolution requesting the several officers therein named to dress in clothing the growth and manufacture of this State.

On motion of Mr Jones, the house again resolved itself into a committtee of the whole on the orders of the day, Mr Drake in the chair, and took into consideration the bill supplementary to an act regulating the fees of the several officers in this state, which they reported with a recommendation to strike out the first section thereof, together with the enacting clause.

Also, a bill to provide for laying a out state road, from Smeltzer's ferry on the Mississippi to the town of St. Charles, which they reported with a recommendation to strike out the first section thereof together with the enacting clause.

Also, the bill from the Senate to provide for the sale of the Seminary Lands, to which they reported sundry amendments.

The report of the committee on the first of said bills was agreed to.

On motion of Mr Overall, the report of the committee on the second of said bills was laid on the table; the amendment of Mr Ashby to add thereto 'till the first of June,' being previously rejected.

Mr Dorsey moved an amendment to the report of the committee on the bill to provide for the sale of the Seminary lands, by adding the following section:

Be it further enacted, That at the expiration of twelve months after the completion of the first sales of the said lands, as prescribed by this act, the commissioners shall proceed to offer at public sale, in their respective Land Districts such of the said Lands, as may have remained unsold at the completion of the first sale; provided the same shall not be offered for sale at a less price than one dollar and twenty-five cents per acre: and in all other respects, the commissioners shall be governed by the same regulations as is provided for in the first section of this act, and shall make out and transmit such abstract of the lands sold, and pay into the treasury the money arising from the sale of said lands in the same manner as is provided for in the fifth and sixth sections of this act; and they shall receive for their services the like compensation, as this act herein before provides.'

The question being taken thereon, there was

In the affirmative, Mr Dorsey, 1.

In the negative, were Messrs Allen, Ashby, Byrd, Brock. *Blakey*, Burch, Barrett, Cowan, Cox, Collard, Canole, Drake, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Inglish, Jones, Kerr, Kirtley, Lowry, Martin of R, Murphy, Magill, Noland, Overall, Reyburn, Ward and Mr Speaker, 31.

Messrs. Bent, Cole, and Martin of J, absent on duty, with leave.

Messrs Bell and Maulsbey absent.

Messrs Becknell, Hempstead, Kavanaugh and Neill, absent sick.

So the amendment was rejected.

Mr Murphy moved an amendment to the report of the committee by striking out the first section of the bill, together with the enacting clause, and the question being taken thereon, there were,

In the affirmative, Messrs Brock, Blakey, Cox, Grimsley, Kerr, Murphy, Overall and Reyburn, 8.

In the negative, were Messrs Allen, Ashby, Byrd, Burch, Barrett, Cowan, Collard, Canole, Drake, Garner, Grant, Groom, Glascock, Holliway, Inglish, Jones, Kirtley, Lowry, Martin of R, Magill, Noland, Ward and Mr Speaker, 23.

Messrs Bent, Cole and Martin of J. absent on duty with leave.

Messrs Bell, Dorsey, and Maulsbey absent.

Messrs Becknell, Hempstead, Kavanaugh and Neill, absent sick.

So the amendment was rejected.

Mr Ashby moved to amend the report of the committee by striking out all the first section, after the word 'act,' in the twenty-first line, which was decided in the negative, ayes 10, noes 22.

Those voting in the affirmative, are Messrs Ashby, Burch, Canole, Drake, Groom, Inglish, Lowry, Martin of R, Noland and Mr Speaker.

In the negative, were *Mes*srs Allen, *By*rd, Brock, Blakey, Barrett, Cowan, Cox, Collard, Dorsey, Garner, Grimsley, Grant, Glascock, Holliway, Jones, Kerr, Kirtley, Murphy, Magill, Overall, Reyburn and Ward.

Messrs Bent, Cole and Martin of J, absent on duty, with leave.

Messrs Bell and Murphy absent.

Messrs Becknell, Hempstead, Kavanaugh and Neill, absent sick.

The question recurring on agreeing to the report of the committee of the whole, it was decided in the affirmative.

On motion of *Mr* Noland, the amendments were ordered to be engrossed, and, together with the bill read a third time on to-morrow at two o'clock.,

Mr Ashby moved a reconsideration of the vote on the bill from the Senate, to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony by her contracted with Greenup Hays, which was agreed to.

On motion of Mr Murphy, said bill was laid on the table.

Mr Kirtley asked leave of absence after to-morrow, until Thursday next; which was granted.

The house adjourned.

SATURDAY, January 10.

Messrs Grant, Cox and Blakey were appointed to compose the select committee to whom was referred the bill from the Senate to alter and amend the several laws of this State concerning executors and administrators, and for other purposes.

Mr Overall called up the report of the committee of the whole on the bill to provide for laying out a State Road from Smeltzer's Ferry, on the Mississippi to the town of St. Charles, and the question being taken thereon, there were,

In the affirmative, *Mes*srs Allen, Ashby, Byrd, Brock, Barrett, Garner, Grimsley, Grant, Jones, Martin of R, Magill, Ward and Mr Speaker, 14.

In the negative were, Messrs Bell, Blakey, Becknell, Burch, Cox, Cole, Collard, Canole, Dorsey, Drake, Groom, Glascock, Holliway, Hempstead, Kerr, Lowry, Martin of J, Murphy, Noland, Overall and Reyburn, 21.

Mr Bent absent on duty, with leave.

Messrs Cowan, Inglish and Maulsbey absent.

Messrs Kavanaugh and Neill, absent sick.

So the report of the committee of the whole was disagreed to.

Mr Dorsey called up the amendments made by the Senate to the bill

for the relief of Overton Bettis and Hardy Allard, which were read and concurred in.

Mr Dorsey called up the amendments made by the Senate to the bill supplementary to an act entitled an act to regulate executions; the house having previously adhered to their disagreement to said amendments, Mr Dorsey moved thereon the apppointment of a committee of conference, which was rejected.

Mr Magill moved to lay said bill again on the table.

Mr Dorsey moved an amendment to the motion, by adding thereto: till the first day of June; which was rejected, and the motion of Mr Magill agreed to.

Mr Cox called up the bill extending the benefit of the act for the relief of insolvent debtors to persons in confinement for fines; and moved to amend the same by way of rider, as follows: in the first section, sixth line, after the word 'fine,' strike out the word 'or,' and after the word 'fines,' insert 'or costs;' and in the thirteenth line, after the word 'fine,' insert 'or costs;' and in the sixteenth line, after the word 'fine,' insert 'or costs'—section second, twelfth line, after the word 'fines,' insert 'or costs'—section three, fourth line, after the word 'fine,' strike out the word 'or,' and after the word 'fines,' insert the words 'or costs'—seventh line, after the word 'fine,' insert 'and costs;' and strike out the word 'was,' and insert the word 'were.'

Which amendment was twice read, and on motion of Mr Allen, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, it was decided in the affirmative.

Ordered that the title thereof be 'an act.'

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate insist on their amendments to the bill from the House of Representatives, to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes.

They have agreed to the amendment made by the House of Representatives, to the joint resolutions from the senate, proposing amendments to the constitution of this State, with the exception of that made to the seventh section, to which they have disagreed.

There was yesterday introduced into the senate, a bill authorizing the Auditor to settle with the several county treasurers for county taxes due on non-resident's lands, and for other purposes.

The bill from the Senate supplementary to an act to provide for the settlement of the business of the several Loan Offices, was read and ordered to a second reading.

The bill from the Senate supplementary to an act entitled an act regulating the office of Secretary of State, was read a second time, and on motion of Mr Dorsey, ordered to a third reading on Monday.

The bill from the Senate to define more certainly the western boundary of the county of New-Madrid, was read a second time, and on motion of Mr Kirtley, ordered to a third reading on Monday.

The amendment made by the Senate to the memorial to the Senate

and House of Representatives of the United States, was read a second time, and on motion of *Mr* Kirtley, committed to a committee of the whole house.

The amendments insisted on by the Senate to the bill to amend an act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes, were read and considered, and on motion of *Mr* Magill, a committee of conferrence, composed of Messas. Magill, Cox and Hempstead, was appointed on said disagreement.

Mr Dorsey, from the select committee to whom was referred the petition of sundry witnesses, in the case of the impeachment of Judge Todd, reported a bill for the pay of witnesses; which being read, the Speaker desiring to participate in the discussion of its merits, Mr Magill was called to the chair.

Objections being made, and the question being put on the rejection of the bill, there were,

In the affirmative, Messrs. Allen, Byrd, Bell, Blakey, Barrett, Cowan, Cox, Collard, Garner, Grimsley, Grant, Groom, Hempstead, Kerr, Kirtley, *Ma*ulsbey, Magill, Noland, Overall and Reybern—20.

In the negative, were Messrs. Ashby, Becknell, Burch, Canole, Dorsey, Drake, Holliway, Jones, Martin of Ray, Murphy, Ward and *M* Speaker—12.

Messrs. Bent, Cole and Martin of Jefferson, absent on duty, with leave.

Messrs. Brock, Glascock, Inglish and Lowry, absent.

Messrs. Kavanaugh and Neill absent, (sick.)

So the bill was rejected.

Mr Blakey moved a re-consideration of the vote just taken; which was rejected.

Mr Maulsbey called up the bill from the Senate to revive and continue in force, in part, an act entitled an act establishing the State roads therein mentioned, and moved that the same be referred to a select committee; which was rejected.

Mr Grimsley moved its indefinite postponement; which was, also, rejected.

The question recurring on the passage of the bill, it was decided in the affirmative.

Mr Cox made the following report:

The committee of conference, to whom was referred the disagreement of the two houses, in regard to an act entitled an act to amend an act entitled an act to establish and regulate the Treasury Department, approved 16th February, 1825, have agreed to recommend to both houses, the adoption of thirty thousand dollars, as the sum with which the Auditor's bond shall be filled.

Which report was agreed to.

Mr Allen presented the petition of Benjamin Hawkins, late collector of Scott county; which was referred to a select committee, consisting of Messrs. Allen, Hempstead and Kerr.

Mr Garner, from the select committee to whom was re-committed the bill from the Senate to provide for the disposition of the three per

cent. fund, reported the same with amindments, which were twice read, and on motiun of Mr Cox, ordered to be engrossed, and together with the bill, read a third time on Monday.

Mr Hempstead introduced the following joint resolution:

Resolved by the Senate and House of Representatives, That the pay of the witnesses summoned to appear in the case of Judge Todd, now pending before the Senate, be ordered to be paid out of the joint contingent fund of both houses.

On motion of *Mr* Hempstead, the rule requiring joint resolutions to lie one day on the table, was dispensed with, and the resolution read a second time.

The rule requiring three several readings on different days, was dispensed with in reference to said resolution—the same considered as engrossed, and on motion of Mr Hempstead, laid on the table.

On motion of Mr Noland, the house adjourned until forty-five minutes past one o'clock.

The house met pursuant to adjournment.

The bill from the Senate to provide for the sale of the seminary lands, was taken up pursuant to the orders of yesterday, and on motion of Mr Dorsey, again laid on the table.

On motion of Mr Ashby, the house resolved itself into a committee of the whole on the orders of the day, *Mr* Hempstead in the chair, and took into consideration the bill to provide for laying out a State road from Smeltzer's ferry on the Mississippi, to the town of St. Charles, and reported the same with an amenement.

Also, a memorial to the Senate and House of Representatives of the United States, which they reported without amendment.

The report of the committee on said bill was agreed to, and the same ordered, on motion of Mr Overall, to be considered as engrossed, and read a third time on *Mo*nday.

The report of the committee on said memorial was agreed to, and the same ordered, on motion of Mr Hempstead, to be read a third time on Monday.

Mr Kerr presented the petition of Daniel McHugh, which was read, and on motion of *Mr* Kerr, referred to a select committee, consisting of Messrs. Kerr, Allen and Brock.

Mr Allen, from the select committee to whom was referred the petition of Benjamin Hawkins, late collector of Scott county, reported a bill for the relief of Benjamin Hawkins, which was read, and on motion of Mr Allen, the rule requiring bills to be read on three several days, was dispensed with, the bill read a second time, and on motion of *Mr* Dorsey, ordered to be engrossed and read a third time on *Mo*nday.

On motion of Mr Lowry, the resolutions proposing amendments to the constitution of this State, were taken up, and the question being on the disagreement of the Senate, to the amendments made to the seventh section of said resolutions—On motion of Mr Hempstead, the house receded from their amendments.

So the resolutions were passed.

The house adjourned to *Mo*nday.

MONDAY, January 12.

Mr Blakey from the joint committee on enrolled bills, reported as truly enrolled, an act to attach a part of Pike county to the county of Ralls; and

A resolution directing Calvin Gunn to print five hundred copies of the journals of each house of the present General Assembly.

Mr Speaker signed said bill and resolution, and they were sent to the Senate for the signature of the President.

The bill supplementary to an act entitled an act to amend an act entitled an act to regulate the fees of the several officers in this State, was read a third time, and the question being on the passage thereof,

Mr Magill moved an amendment by way of rider, which was to insert after, and in continuation of the third section, the following:

For copying the petitions, orders, plats and survey of roads, and all other records appertaining thereto, for every hundred words, (to be paid by the county,) ten cents.

Which was read twice, and on motion of Mr Magill, engrossed, read a third time and passed.

Mr Noland moved an amendment by way of rider, which was to insert in the third line of the fourth section, after the words 'to wit:'— For summoning each grand jury, three dollars; which was rejected.

Mr Lowry moved to amend the bill by way of rider, by inserting in the fifty-seventh line of the second section, after the word 'annexing' the words, 'the copy of;' which was twice read, engrossed, read a third time and passed.

Mr Reyburn moved to amend the bill by way of rider, by striking out the word 'tenth,' where it occurs in the thirty-eighth line of the third section, and insert in lieu thereof, the word 'fifth;' which was rejected.

Mr Barrett moved an amendment by way of rider, to add to the end of the fourth section: For advertising courts of appeals, fifty cents for each advertisement so put up, to be paid by the county.

For making and acknowledging a deed, two dollars, to be paid by the person to whom the deed is made; which was rejected.

The question recurring, 'shall the bill pass?' it was decided in the affirmative.

Ordered that the title thereof be 'an act.'

The bill to provide for laying out a State road from Smeltzer's ferry on the Mississippi, to the town of St. Charles, was read a third time and passed.

Ordered that the title thereof be 'an act.'

Mr Hempstead called up the joint resolution, in relation to the pay of the witnesses summoned in the case of the impeachment of Judge Todd; which was read a third time and passed.

The bill from the Senate supplementary to an act to provide for the final settlement of the business of the several Loan Offices, was read a second time, and on motion of Mr Magill, committed to a committee of the whole house.

The bill from the Senate supplementary to an act entitled an act to regulate the office of Secretary of State, was read a third time and passed.

The bill from the Senate to define more certainly the western boundary of the county of New-Madrid, and for other purposes, was read a third time and passed.

Mr Allen called up the bill for the relief of Benjamin Hawkins; which was read a third time and passed.

Ordered that the title thereof be 'an act.'

Mr Lowry called up the report of the select committee to whom was referred the petition of sundry citizens of the town of Franklin; which was read and concurred in.

Message from the Governor, by the Secretary of State:

To the House of Representatives:

I have examined and duly considered the bill presented to me for my approval, entitled an act for the relief of Ephraim Allison, and feel myself constrained to return the same, with my objections thereto, to the House of Representatives, in which that bill originated.

The bill provides for the relief of Allison in a two-fold manner—First, by permitting him to occupy and cultivate a fractional section of the school lands, within the county of Cooper, without requiring him to pay any thing therefor, or to render any service which could contribute to the school fund of the township; and, secondly, by discharging said Allison from all obligation which he may be under as lessee of said premises, with the consent of two-thirds of the house-holders of the fractional township in which such fractional section is situated.

I am clearly of opinion, that the passage of this bill would violate our constitution, and be repugnant to the contract entered into by the people of this State, in relation to the sixteenth sections, or lands taken in lieu thereof. By the first section of the sixth article of the constitution, we find that "schools and the means of education shall be forever encouraged in this State, and the General Assembly shall take measures to preserve from waste or damage, such school lands as have been, or may hereafter be granted by the United States for the use of schools, within each township in this State; and shall apply the funds which may arise from such lands, in strict conformity to the object of the grant." Here we see that not only schools, but the means of education are to be encouraged. But this bill, instead of encouraging the means of education—instead of appropriating the land or the funds arising therefrom, in strict conformity to the object of the grant, viz: to the use of schools within the townships, proposes to lease the section for four years without any valuable consideration: and, furthermore, to release Allison from obligations heretofore entered into; and from which funds should accrue for the use of the inhabitants of the township, for the use of schools. So far, therefore, from contributing, in any wise, to the school fund of that township, this bill seems to have for its sole object, the relief, benefit and advantage of Mr Allison, to the obvious detriment of that fund. I am satisfied, therefore, that the provisions of this bill conflict with our own constitution in this respect,

and are inconsistent with the true intent, object and meaning of the grant.

The act of Congress of the 6th of March, 1820, provides, that "sections numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State, for the use of the inhabitants of such township, for the use of schools;" and the ordinance of the convention assents thereto, and makes this provision obligatory on the State, as a compact. Commissioners have been appointed in every county, who have the care and management of the school lands, and have power to lease the same. From the terms of the bill in question, it appears that Allison has leased the land, and now stands bound to the commissioners, for the use of the inhabitants of the township, for the amount of the rent; and the object now is, to release him therefrom, with the consent of two-thirds of the house-holders of the township. My opinion is, that the Legislature is incompetent to take from one-third of the inhabitants, the rights and interests which they have in the obligations entered into by the said Allison to the commissioners aforesaid, without their consent. All the inhabitants are interested, and all have vested rights in these lands, and the proceeds arising therefrom. The proceeds are to be appropriated to the use of schools, and to no other purpose; and the Legislature, in my opinion, is incompetent to take away the rights of any one of the inhabitants, without his consent.

Again: the leasing of this fractional section, was a contract between Allison on the one part, and the commissioners, for the use of the inhabitants of the township, on the other; and if this bill be passed, this contract would be impaired without the consent of the persons who are beneficially interested. This would be a violation, not only of the constitution of this State, but of the United States likewise. The seventeenth section of our bill of rights provides, that "no law impairing the obligation of contracts, or retrospective in its operation can be passed." If this bill be passed, it would not only impair the obligation of the contract made by the school commissioners with Mr Allison, but it would have a retrospective operation in making that void, which was heretofore valid and binding: and this too, without the consent of all the parties interested in the contract.

I regret the necessity I am under of withholding my assent to this bill; but if I be mistaken in my views on this subject, the Legislature can pass it without my approval.

JOHN MILLER.

January 12th, 1829.

The bill from the Senate to provide for the disposition of the three per cent. fund, was read a third time, as amended, and on motion of Mr Garner, laid on the table.

Mr Noland called up the bill from the Senate to provide for the sale of the seminary lands.

Mr. Cox moved an amendment by way of rider, which was to strike

out the word 'two,' where it occurs in the tenth line of the first section, and insert in lieu thereof, the word 'three.'

Mr Becknell called for a division of the question, and that it be first taken on striking out the word 'two;' and the question being taken thereon, there were

In the affirmative, *Messrs.* Byrd, Bent, Brock, Bell, Blakey, Cox, Cole, Garner, Grimsley, Glascock, Holliway, Hempstead, Kerr, Martin of Jefferson, Murphy, Magill, Overall and Reyburn--18.

In the negative, *Messrs.* Allen, Becknell, Burch, Barrett, Cowan, Collard, Canole, Dorsey, Drake, Groom, Inglish, Jones, Kavanaugh, Lowry, Martin of Ray, Noland, Ward and Mr Speaker--13.

Messrs. Grant and *Maulsbey* absent--Mr Neill absent (sick.)

So the amendment was rejected.

Mr Martin of Jefferson, moved to lay the bill on the table; which was, also, rejected.

Mr Dorsey moved an amendment by way of rider, which was to strike out the last section; but before the question was taken thereon, on motion of *Mr Martin* of Jefferson, a call of the house was ordered; when the members severally answered to their names, with the exception of *Messrs.* Grant and Maulsbey, absent without permission--Mr Neill, sick at his lodgings in this City, and Mr Kirtley, absent with leave.

Mr Martin of Jefferson moved a re-consideration of the vote on the order just made; which being agreed to, he withdrew his original motion.

The question then recurring on the rejection of the amendment offered by Mr Dorsey, it was decided in the affirmative, ayes 22, noes 16.

Those voting in the affirmative, are Messrs. Allen, Ashby, Byrd, Brock, Bell, Barrett, Cowan, Cox, Cole, Collard, Garner, Grimsley, Hempstead, Jones, Kavanaugh, Kerr, *Maulsbey*, Martin of Ray, Murphy, Magill, Overall and Reyburn.

In the negative, were messrs. Bent, Blakey, Becknell, Burch, Canole, Dorsey, Drake, Groom, Glascock, Holliway, Inglish, Lowry, Martin of Jefferson, Noland, Ward and *Mr* Speaker.

Mr Grant absent--mr Kirtley, absent with leave--mr Neill, absent, (sick.)

The question recurring on the passage of the bill, it was decided in the negative.

In the affirmative, were Messrs Allen, Ashby, Bell, Becknell, Burch, Canole, Drake, Garner, Groom, Inglish, Jones, Kavanaugh, Lowry, *Martin* of R, Noland, Ward and *Mr* Speaker, 17.

In the negative, were Messrs. Byrd, Bent, Brock, Blakey, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Grimsley, Glascock, Holliway, Hempstead, Kerr, Maulsbey, Martin of J, Murphy, Magill, Overall and Reyburn, 22.

Mr Grant absent. *Mr* Kirtley absent with leave. Mr Neill absent sick.

The Speaker laid before the house a communination from the Secretary of State, covering a letter from the Hon. Littleton Waller

Tazewell, acknowledging the receipt of a copy of the resolutions on the bill to graduate the price of public lands, which was read, and on motion of *Mr Magill* laid on the table.

Mr Garner gave notice that on tomorrow he would ask leave to introduce a bill, to abolish the use of the common law in the county and justices courts.

Message from the Governor, by Mr M'Bride, Secretary of State:

To the Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed enrolled bills of the following titles, to wit:

An act to fix and establish the southern boundary of the county of Saline.

An act authorizing the county courts of the several counties of this State to levy, assess and collect a tax for the purpose of erecting county buildings.

An act to explain an act entitled an act to provide for levying, assessing and collecting state and county taxes.

An act to revive and continue in force an act heretofore passed for the relief of Silas King and others.

JOHN MILLER.

January 12th, 1829.

On motion of Mr Jones, the house resolved itself into a committee of the whole on the orders of the day, mr Magill in the chair, and took into consideration the bill from the Senate supplementary to an act to provide for the final settlement of the business of the several Loan Offices, and reported thereto an amendment.

The report of the committee of the whole was agreed to, and the bill ordered, on motion of mr Dorsey, to be read a third time to-morrow.

mr Maulsbey moved a reconsideration of the vote on the bill from the Senate to provide for the sale of the Seminary Lands, which was agreed to, ayes 22, noes 16.

Those voting in the affirmative are messrs Allen, Ashby, Byrd, Bell, Becknell, Burch, Barrett, Cowan, Canole, Drake, Garner, Groom, Holliway, Inglish, Jones, Kavanaugh, Lowry, Maulsbey, Martin of R, Noland, Ward and mr Speaker.

In the negative, were messrs Bent, Brock, Blakey, Cox, Cole, Collard, Dorsey, Grimsley, Glascock, Hempstead, Kerr, Martin of J, Murphy, Magill, Overall and Reyburn.

mr Grant absent. mr Kirtley absent with leave. mr Neill absent sick.

mr Maulsbey moved that the bill be referred to a select committee of three, and the question being taken thereon, there were,

In the affirmative, messrs Allen, Ashby, Bell, Becknell, Burch, Cole, Canole, Drake, Garner, Groom, Inglish, Kavanaugh, Lowry, Maulsbey, Martin of R, Noland, Ward and mr Speaker, 18.

In the negative, were messrs Byrd, Brock, Blakey, Barrett, Cowan,

Cox, Collard, Dorsey, Grimsley, Glascock, Holliway, Hempstead, Jones, Kerr, Martin of J, Murphy, Magill, Overall and Reyburn, 19.

mr Bent absent on duty, with leave. mr Grant absent.

mr Kirtley absent with leave. mr Neill absent sick.

On motion of mr Noland, the bill was recommitted to a committee of the whole house.

mr Drake gave notice that on to-morrow he would ask leave to introduce a bill to amend an act entitled, an act to provide for levying, assessing and collecting state and county taxes.

The house adjourned.

TUESDAY, JANUARY, 13.

mr Magill called up the bill for the relief of Ephraim Allison, which together with the objections of the Executive, was read; and the question being, shall the bill pass? the objections of the Governor to the contrary notwithstanding, there were

In the affirmative, none.

In the negative, were messrs Allen, Ashby, Byrd, Bent, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Dorsey, Drake, Garner, Grant, Groom, Holliway, Inglish, Jones, Kerr, Lowry, Maulsbey, Martin of J, Martin of R, Murphy, Magill, Noland, Overall, Reyburn and mr Speaker, 33.

messrs Brock, Glascock, and Hempstead, absent on committee with leave.

mr Grimsley absent. mr Kirtley absent with leave.

messrs Kavanaugh, Neill and Ward absent sick.

So the bill was rejected.

mr Garner moved to take up the bill from the Senate providing for the disposition of the three per cent. fund; which was rejected.

The bill from the Senate supplementary to an act to provide for the final settlement of the business of the several Loan Offices, was read a third time, and on motion of mr Grant laid on the table.

On motion of mr Cox, said bill was taken up, and referred to the committee on the judiciry.

mr Garner pursuant to notice on yesterday, introduced a bill to abolish the use of the common law in the county and justices courts, which was read, and the question being taken on its rejection, there were,

In the affirmative, messrs Ashby, Bent, Barrett, Cowan, Cox, Cole, Canole, Dorsey, Grimsley, Grant, Groom, Holliway, Jones, Kerr, Mauisbey, Martin of J, Martin of R, Murphy, Magill and Reyburn, 21.

In the negative, were messrs Byrd, Bell, Blakey, Collard, Garner, Inglish Noland, Overall and mr Speaker, 9.

messrs Allen, Becknell, Burch and Drake absent.

messrs Brock, Glascock and Hempstead absent on committee with leave.

mr Kirtley absent with leave—messrs Kavanaugh and Neill absent sick.

So the bill was rejected.

mr Groom called up the bill from the Senate to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony by her contracted with Greenup Hays, and moved to amend the same by striking out the second section; which was twice read, engrossed, read a third time and passed.

The question recurring on the passage of the bill as amended, it was decided in the affirmative, ayes 17, noes 14.

Those voting in the affirmative, are messrs Allen, Bell, Barrett, Cowan, Cox, Collard, Drake, Garner, Groom, Holliway, Inglish, Kerr, Lowry, Martin of J, Murphy, Noland and mr Speaker.

In the negative, were messrs Ashby, Byrd, Blakey, Becknell, Cole, Canole, Grimsley, Grant, Jones, Maulsbey, Martin of R, Magill, Overall and mr Reyburn.

messrs Bent, Burch and Dorsey absent.

messrs Brock, Glascock and Hempstead absent on committee with leave.

messrs Kavanaugh, Neill and Ward absent, sick.

mr Kirtley absent with leave.

On motion of mr Holliway, the house resolved itself into a committee of the whole on tne orders of the day, mr Allen in the chair, and took into consideration the bill from the Senate, to provide for the sale of the Seminary Lands, to which they reported sundry amendments.

The report of the committee was agreed to, ayes 21, nayes 16.

Those voting in the affirmative, are messrs Allen, Ashby, Bell, Blakey, Becknell, Burch, Barrett, Cowan, Canole, Dorsey, Drake, Garner, Grant, Groom, Inglish, Jones, Lowry, Maulsbey, Martin of R, Noland and mr. Speaker.

In the negative, were messrs Byrd, Bent, Brock, Cole, Collard, Grimsley, Glascock, Holliway, Hempstead, Kerr, Martin of J, Murphy, Magill, Overall and Reyburn.

messrs Kavanaugh, Neill and Ward absent sick.

mr Rirtley absent with leave.

On motion of mr Noland, the amendments were ordered to be engrossed, and together with the bill, read a third time to-morrow.

Message from the Senate, by mr Wright, their Secretary:

Mr Speaker: The Senate have concurred in the passage of the bill from the House of Reprentatives supplementary to an act entitled an act taxing billiard tables, approved November 25th 1824, with an amendment herewith sent for the concurrence of the House of Representatives.

They have postponed indefinitely the bill from the House of Representatives to amend an act entitled an act, to establish courts of justice and prescribe their powers and duties.

They have passed a joint resolution, authorizing C. Gunn, to print 1000 copies of the laws and joint resolutions of the present General Assembly, herewith sent for the concurrence of the House of Representatives.

There was introduced into the Senate yesterday, a bill to be entitled an act making compensation to witnesses before the Legislature.

On motion of mr Dorsey, the house resolved itself into a committee of the whole on the orders of the day, mr Grimsley in the chair, and took into consideration the bill to repeal certain acts, and reported thereto sundry amendments.

Also the bill to amend an act to enable persons held in slavery to sue for their freedom, which they reported without amendment.

The report of the committee on the first of said bills was agreed to, and the same ordered on motion of mr Garner, to be engrossed and read a third time on to morrow.

The report of the committee on the second of said bills was agreed to, the same considered as engrossed, and on motion of mr Bent, ordered to a third reading on to-morrow.

mr Maulsbey communicated the following resignation of the sergeant at arms.

To the House of Representatives of the State of Missouri:

I beg leave hereby to tender the resignation of my post as sergeant at arms of said House—my domestic affairs require my attention at home.

W. WARNER.

Which resignation was received and agreed to.

mr Magill called up the bill from the Senate entitled an act to repeal in part, and to amend an act entitled an act to provide for building bridges.

mr Dorsey moved an amendment by way of rider to the amendments heretofore made, which was to strike out the word 'forty,' which was rejected.

The question recurring on the passage of the bill, it was decided in the affirmative.

mr Lowry called up the bill providing for the disposition of the three per cent. fund.

mr Grant moved an amendment by way of rider, which was to strike out in the third line of the third section, and in the second line of the fourth section the figure '5,' and insert '4,' which was twice read, engrossed, read a third time and passed.

mr Garner moved an amendment by way of rider, by inserting after the word 'it,' where it last occurs in the 6th section, 'Provided, however, that a sum not exceeding one hundred dollars of the first interest accruing to the three per cent. fund, be, and the same is hereby appropriated to the surveying and making out a State Road from the town of Clarksville, in the county of Pike, to intersect the State Road leading from the City of St. Louis through the town of St. Charles to the City of Jefferson.

Said amendment was twice read, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, there were,

In the affirmative, messrs Allen, Ashby, Byrd, Bell, Burch, Barrett, Cowan, Cox, Cole, Drake, Garner, Grimsley, Grant, Groom, Holliway,

Inglish, Jones, Kavanaugh, Kerr, Lowry, Maulsbey, Murphy, Noland, Overall, Reyburn and mr Speaker, 26.

In the negative, were messrs Blakey, Becknell, Collard, Canole, Martin of J, Martin of R, and Magill, 7.

messrs Bent and Dorsey absent.

messrs Brock, Glascock and Hempstead absent on committee, with leave. mr Kirtley absent with leave. messrs Neill and Ward absent sick.

So the bill as amended, was passed, and sent to the Senate for concurrence.

mr Drake, pursuant to notice given on yesterday, introduced a bill to amend an act entitled an act to provide for levying, assessing and collecting state and county taxes, which was read, and the question being on its rejection, it was decided in the affirmative, ayes 25, noes 9.

Those voting in the affirmative, are messrs Allen, Byrd, Blakey, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Garner, Grimsley, Grant, Groom, Holliway, Inglish, Jones, Kavanaugh, Kerr, Maulsbey, Martin of J, Murphy, Magill, Noland, Overall and Reyburn.

In the negative, were messrs Ashby, Bell, Becknell, Burch, Canole, Drake, Lowry, Mrrtin of R, and mr Speaker.

mr Bent absent. messrs Brock, Glascock and Hempstead, absent on committee with leave.

mr Kirtley, absent with leave.

messrs Neill and Ward, absent sick.

The house adjourned.

WEDNESDAY, January 14.

mr Blakey from the joint committee on enrolled bills, reported as truly enrolled, an act appropriating money for defraying the expenses of government, which was signed by the Speaker, and sent to the Senate for the signature of the President.

mr Grant made the following report:

The joint committee of conference on the subject of the disagreement between the two houses on the bill to extend the time of redemption for real estate which has been sold for taxes, have agreed to recommend to their respective houses, that the Senate recede from their disagreement to the first amendment made by the House of Representatives to said bill, and that the House of Representatives recede from their second amendment, and that the two houses agree to amend said bill by striking out 'ten' in the rider to the third section, and inserting 'fifteen' in lieu thereof.

Which report was agreed to.

The bill supplementary to an act allowing justices of the peace jurisdiction in cases of breaches of the peace was read a third time, and the question being on the passage thereof,

mr Noland moved an amendment by way of rider, which was to insert as an additional section, 'that the several juries empannelled to try any and every cause of assault and battery now depending, or

hereafter comenced, shall have the power of assessing the fine imposed by law; provided, the said fine shall in no case be less than one dollar, nor more than eighty dollars, and from one to ten days imprisonment, any law to the contrary notwithstanding.

Which was rejected.

The question recurring on the passage of the bill, there were,

In the affirmative, *Messrs.* Ashby, Byrd, Bell, Becknell, Burch, Collard, Drake, Garner, Inglish, Martin of Ray, Noland and mr Speaker —12.

In the negative, were Messrs. Allen, Bent, Cowan, Cox, Cole, Dorsey, Grimsley, Grant, Groom, Holliway, Jones, Kerr, *Maulsbey*, Martin of Jefferson, Murphy, *Magill*, Neill, Overall and Reyburn—19.

Messrs. Brock, Glascock and Hempstead, absent on committee, with leave.

Messrs. Blakey, Barrett, Canole and Lowry, absent.

Messrs. Kavanaugh and Ward absent, (sick.)—Mr Kirtley, absent with leave.

The amendments made by the Senate to the bill supplementary to an act entitled an act taxing billiard tables, was read and concurred in.

The joint resolution from the Senate in relation to printing the laws and joint resolutions of the present session, was read and ordered to a second reading.

Mr Blakey from the joint committee on enrolled bills, reported that they had this day presented for the approval of the Governor, an act appropriating money for defraying the expenses of government.

On motion of Mr Magill, the house resolved itself into a committee of the whole on the orders of the day, *Mr* Garner in the chair, and took into consideration the bill to provide for surveying and marking out a State road, to which they reported sundry amendments.

Also, a bill authorizing a lease of the saline known by the name of the Big Spring, which they reported with a recommendation to strike out the first section thereof, together with the enacting clause.

Also, a bill for the payment of money to certain persons therein named, to which they reported sundry amendments; also,

A bill supplementary to an act entitled an act to provide a method of proceeding against absent and absconding debtors, and reported the same with a recommendation to strike out the first section thereof, together with the enacting clause.

On motion of Mr Ashby, the report was laid on the table; and the house adjourned until three o'clock.

The house met pursuant to adjournment.

Mr Kavanaugh presented his written protest to the report of the committee appointed to enquire into the official conduct of N. Simonds, late Treasurer of this State, which is as follows:

Archibald Kavanaugh, a representative from Cooper county, to whom leave was granted on the 29th December last, to enter his written protest to the report of the select committee appointed to enquire into the official conduct of N. Simonds, late Treasurer of this State, hereby avails himself of the indulgence thus granted, and says:

That shortly after the committee was raised, Dr. J. J. Lowry, a member of the House of Representatives, presented to the chairman of the committee, the names of several gentlemen then in town, and requested that they should be summoned before the committee to give evidence, touching the official misconduct of Mr Simonds. He informed the chairman of that committee, that those witnesses would shew—Frst, that Mr Simonds permitted individuals to change, in his office, Loan Office certificates bearing two per cent. interest, for Auditor's Warrants bearing six per cent. interest. Secondly, that Mr Simonds permitted individuals to change, in his office, old Warrants, with the interest computed thereon, for new warrants; thereby compounding the interest against the State. Thirdly, that Mr Simonds was in the habit of loaning the three per cent. fund. Fourthly, that Mr Simonds stated the Treasury had been robbed, and a large sum of money taken therefrom.

I proposed that the evidence detailed before the committee, should be taken down and communicated to the house—that the house being in possession of all the facts coming to the knowledge of the committee, could draw their own conclusions. The committee not only objected to this course, but refused to summon (although the power was given by the house, to send for persons and papers,) any witnesses, except Mr Barcroft, who appeared before us on Saturday morning, the 27th. When *Mr* Barcroft appeared before the committee, I propounded to him, in substance, if not verbatim, the following questions, and received answers from him thereto, to wit: Do you recollect or know of *Mr* Simonds allowing Mr Collier or any other person, to change Loan Office certificates for Auditor's Warrants? Answer; I do not. Do know of Mr Simonds loaning Charles Peck $2,000 of the three per cent. fund? Answer; Mr Simonds informed me that he did, and received in pledge for the same, twice or thrice the amount in Loan Office and Illinois State paper. Do you know of the Treasury being robbed, and money taken therefrom? Answer; Mr Simonds informed me that the Treasury had been robbed, and from twenty-two to twenty-five hundred dollars taken therefrom, and that he intended to apply to the Legislature for relief—I told *Mr* Simonds that if he did so, he need not expect to be re-elected Treasurer—consequently, he declined applying for the same.

Upon Mr Barcroft making the above answer, the chairman of the committee, (*Mr* Hempstead,) stated that the house was then in session and that we must go to our business. But I insisted we should stay and go through our examination of Mr Barcroft; but the committee overruled me, and hastily rose. *Mr* Barcroft was before the committee not exceeding twenty minutes; and not having asked him all the questions which I wished, I handed him a few which I had written down, with a request that he should answer them against evening—when the chairman said the committee would again sit.

In the evening, I attended at the chairman's room; but the whole of the committee not attending, and he informing me that against Monday morning, he would summon the witnesses in town, we did not g

into business. On *Monday* morning, I again called at the chairman's room, under the impression that the witnesses had been summoned, and would be in attendance; but when I arrived, the chairman presented to the committee, the report already drawn up, which he subsequently communicated to the house. I objected to any report being made until we had endeavored to discharge the duties entrusted to us, by examining, at least, those witnesses who were in town; and if they knew nothing prejudicial to the official conduct of Mr Simonds, then I would join them in their report. I deemed this investigation due to Mr Simonds, and urged that as a consideration on the committee, (four-fifths of whom were his friends,) but they positively refused. The chairman of the committee stated that he had called on the gentlemen named, and that they said they knew nothing prejudicial to his official conduct; and if I was not satisfied, I might call on those gentlemen myself. I did not deem it any part of my duty to pursue such a course, and consequently, declined it. The committee having refused to summon the witnesses whose names had been communicated; and who, it was believed, knew of improper conduct on the part of the Treasurer; and having hastily adjourned when we were examining *Mr* Barcroft, the only witness who was examined before the committee: and moreover, having asserted that they could "find from no source, the first shadow of any charge against the Treasurer"—when, in truth, no investigation had been made—I deemed it due to myself, to the Legislature and to my constituents, that, in dissenting from the report of that committee, I should state the facts which constrained me to do so. I do, therefore, for the reasons above detailed, enter my most solemn and deliberate protest against the report of the committee.

Mr Inglish submitted the following:

Whereas John Bent, a representative from St. Louis county, has avowed himself the author of two letters published in the St. Louis Republican of January 6th, 1829, purporting to be from a member of the General Assembly; in which, among other expressions derogatory to the majority of said Legislature, are the following: "It is useless, and indeed impossible to enumerate the low and ungentlemanly quibling, lying and insinuating devices to which they, (the opponents of *Mr* Simonds,) resorted." Therefore,

Resolved by the House of Representatives, That the conduct of said John Bent, in writing the two letters aforesaid, containing the expressions above quoted, is highly reprehensible; and that this house do pass a vote of censure on the said John Bent, for his said conduct.

On motion of Mr Cole, the preamble and resolution was laid on the table.

Mr Garner, from the committee on the judiciary, to whom was referred the bill from the Senate to provide for the final settlement of the business of the several Loan Offices, reported the same with amendments; which were read and ordered to a second reading.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: There was introduced into the Senate on yesterday, a bill for the relief of George K. McGunnegle and I. B. Read.

The Senate have rejected the act from the House of Representatives, supplementary to an act entitled an act to amend an act entitled an act to regulate the fees of the several officers of this State, and for other purposes.

They have postponed, indefinitely, the bill from the House of Representatives, to amend an act entitled an act to establish courts of justice, and prescribe their powers and duties.

They have appointed Messrs. Dawson, Post and Miller, a committee of conference on the part of the Senate, to confer with the committee appointed on the part of the House of Representatives, upon the disagreement between the two houses, in relation to the amendments made by the Senate to the bill from the House of Representatives imposing a tax on venders of merchandize and pedlars.

The Senate have passed an act to authorize the procurement of a loan of money to the State of Missouri, for the purpose of paying off the State debt, herewith sent for the concurrence of the House of Representatives.

They have also passed an act to amend and repeal, in part, an act to provide for the management and protection of school lands, and for the establishment and government of common schools, approved the 17th January, 1825, and for other purposes; herewith sent for the concurrence of the House of Representatives.

They have, also, agreed to the report of the joint committee of conference, on the disagreement between the two houses, to the bill to extend the time of redemption for real estate, which has been sold for taxes.

Message from the Governor by the Secretary of State:

The Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed an enrolled bill of the following title:

An act appropriating money for defraying the expenses of government.

JOHN MILLER.

January 14th, 1829.

Mr Magill asked and obtained leave of absence for Mr Dorsey, for the remainder of the session, from and after to-morrow.

On motion of Mr Lowry, the letter of the Hon. Littleton Tazewell, communicated on Monday, was taken up and read, when Mr Cox moved in reference thereto, the following resolution:

Resolved, That the Secretary of State be required to lay before this house, a copy of the letter of the late Secretary of State, which gave rise to the letter of Mr Littleton W. Tazewell, a copy of which has been laid before this house—which was rejected.

Mr Magill called up the report of the committee of the whole made this morning, when, on motion of *Mr* Cox, the report on the first of said bills was agreed to, and the same ordered to be engrossed and read a third time to-morrow.

The report of the committee on the other of said bills, was agreed to.

The third of which was ordered, on motion of Mr Holliway, to be engrossed and read a third time to-morrow.

The bill to provide for the sale of the seminary lands, was read a third time, as amended.

Mr Grant moved an amendment thereto, by way of rider, by adding as a proviso to the first section: That the lands selected in the county of Pike, and the lands selected lying within one mile of the town of Independence, in the county of Jackson, shall not be sold for less than four dollars per acre; and that the north west quarter of section thirty-one, township sixty-one, in range five, west, containing ninety-six acres, adjoining the town of Wyaconda, shall not be offered for sale for less than five dollars per acre.

The question being taken on the rejection of the amendment, there were,

In the affirmative, Messrs. Ashby, Byrd, Blakey, Becknell, Burch, Canole, Drake, Garner, Inglish, Jones, Kavanaugh, Lowry, Martin of Ray, Noland and Ward--15.

In the negative, Messrs. Allen, Brock, Bell, Barrett, Cowan, Cox, Cole, Collard, Dorsey, Grimsley, Grant, Groom, Glascock, Hempstead, Kerr, Maulsbey, Martin of Jefferson, Murphy, Magill, Overall, Reyburn and Mr Speaker--22.

Messrs. Bent and Holliway absent.

Mr Kirtley, absent with leave--Mr Neill absent, sick.

Said amendment was read a second time, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, Mr Martin of Ray, moved its indefinite postponement, which was agreed to, ayes 25, noes 13.

Those voting in the affirmative, are Messrs. Byrd, Bent, Brock, Blakey, Becknell, Cox, Cole, Collard, Canole, Drake, Grimsley, Glascock, Holliway, Hempstead, Inglish, Kavanaugh, Kerr, Lowry, Martin of Jefferson, Martin of Ray, Murphy, Magill, Noland, Overall and Reyburn.

In the negative, were Messrs. Allen, Ashby, Bell, Burch, Barrett, Cowan, Dorsey, Grant, Groom, Jones, Maulsbey, Ward and Mr Speaker.

Mr Kirtley absent, with leave--Mr Neill absent, sick.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the following resolution, which is herewith respectfully submitted:

Resolved, That a committee of conference be appointed on the part of the Senate, to act with a like committee on the part of the House of Representatives, upon the subject of joint resolutions reported to the house by its committee of the whole, while acting on the State of the Republic, and communicated to the Senate on the 26th December last--the first of which is in relation to the Georgia resolutions, remonstrating against the assumption of power on the part of the General Government, to prosecute a system of Internal Improvement, and levying a tariff on imports, for the purpose of protecting domestic man-

ufactures; and second, relating to an amendment of the constitution of the United States, in the manner of electing the President and Vice-President; and also, upon the subject of the right and propriety of the Congress of the United States, appropriating money from the public treasury of the Union, in aid of the Colonization Society; communicated to the Senate by the Executive, on the 18th November last--and that Messrs. Gentry, Audrain and Boggs, have been appointed the committee on the part of the Senate.

The Senate have passed the joint resolution from the House of Representatives, in relation to the pay of witnesses, with an amendment, herewith returned for the concurrence of the House of Representatives.

Mr Hempstead gave notice, that on Friday next, he would offer to the House, a statement of facts to rebut the protest made this day, by Mr Kavanaugh.

Mr Grimsley gave notice, that on Friday, he would ask leave to introduce a bill for the preservation of the seminary lands in this State.

The house adjourned.

THURSDAY, January, 15.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled:

An act to define more certainly, the western boundary of the county of Saline.

An act supplementary to an act entitled an act regulating the office of Secretary of State, approved December 24th, 1824; and

A joint resolution proposing amendments to the constitution of this State.

Said bills and resolution were signed by the Speaker, and sent to the Senate for the signature of the President.

Mr Hempstead made the following report:

The joint committee appointed by the Senate and House of Representatives, to settle with Nathaniel Simonds, Esq. late Treasurer, with instructions to deliver over to James Earickson, Treasurer, all the funds, books, papers and furniture of the Treasury Department, beg leave to report:

That they have performed that duty, and found twenty-three thousand one hundred and forty two dollars, ninety six cents, in United States paper and specie, it being the unexpended balance in the treasury up to the 30th of September 1828, which they delivered to James Earickson on the 3d inst. together with such furniture as he then wanted, and they have this day delivered over to said Earickson four thousand nine hundred and ninety five dollars United Ssates' paper, and four dollars and sixty cents specie, being the remaining balance unexpended in the Treasury, and one thousand six hundred and twenty-eight dollars and thirty-one cents cash warrants redeemed, and thirty two thousand five hundred and six dollars 44 cents Auditor's Warrants redeemed, with three thousand seven hundred and sixty-five dollars

eighty three and three fourth cents interest thereon, and two thousand eight hundred and sixty seven dollars thirty four and one half cents interest on the same, all of which agrees with the late Treasurers' Books and the script furnished by the Auditor of Public Accounts: And they have also delivered over all the books, papers and furniture belonging to the department, having first posted and closed the books and taken the proper receipts therefor, one of which we have given to the late Treasurer, one to the Auditor of Public Accounts, and one to the Secretary of State. Your committee beg leave to state, that they have found every thing in the department in the most exact and correct order, and every facility has been promptly afforded them by mr. Simonds in their settlement with him, and in justice to him they must say that, he has discharged the duties of his office with honor to himself, and credit to the State. Having performed the duty assigned them, your committee beg leave to be discharged therefrom.

Which report was agreed to.

mr Kerr made the following report:

The select committee to whom was referred the petition of Daniel McHugh, requesting this Legislature to memorialize Congress, with regard to the great hardships, privations and sufferings of the said McHugh, previous to, and during the late war with Great Britain, and the loses which the petitioner has sustained by Indian depredations, have had the subject referred to them under consideration, and would beg leave to report in this behalf; that, however meritorious the claims of the said McHugh may be upon the General Government for relief, and however great his sufferings, privations and losses previous to and during the late war, yet, in as much as said petitioner has furnished no evidence to this committee of the facts stated in said petition, and the subject matter of the same is more properly referable to Congress, where relief will be had, if it should be obtained at all; this committee believing that said petition, unsupported as it is, by evidence, and the relief which it seeks having to be obtained through another deliberative body than this, it is not therefore, a fit subject for the further consideration of this Legislature, and beg leave to be discharged therefrom—all of which is respectfully submitted.

Which report was agreed to.

mr Bent made the following report:

The joint committee of conference on the disagreement of the two houses, on the bill to license grocers, have agreed to recommend to the Senate to recede from their amendment which strikes out 'five,' and inserts 'fifteen,' as the least sum for which grocers can obtain license.

Which report was agreed to.

mr Noland submitted the following:

Resolved, by the Senate and House of Representatives, That each and every actual settler now residing on seminary lands within this State, shall have the use of all such improvements free of rent, until such lands shall be offered for sale.

Which being a joint resolution, lies one day on the table.

mr Cox submitted the following resolution:

Resolved, That the Senate have leave to withdraw so much of their message, as relates to the Georgia resolutions, relating to the assumption of powers under the constitution of the United States, and amending said constitution.

Which, on motion of mr. Lowry, was laid on the table.

The bill to provide for surveying and making out a State Road, was read a third time.

mr Grant moved thereto an amendment by way of rider, which was to strike out in the 16th line the word 'four,' and insert in lieu thereof the word 'one,' which was twice read, and on motion of mr Martin of J, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, it was decided in the affirmative, ayes 28, noes 9.

Those voting in the affirmative, are messrs Allen, Byrd, Bent, Brock, Bell, Blakey, Burch, Barrett, Cowan, Cox, Collard, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Kavanaugh, Kerr, Maulsbey, Martin of J, Murphy, Magill, Neill, Overall, Reyburn and mr Speaker.

In the negative, were messrs Ashby, Becknell, Canole, Drake, Inglish, Jones, Lowry, Martin of R, and Noland.

mr Cole absent, on duty.

mr Kirtley absent with leave.

mr Ward absent sick.

On motion of mr Lowry, the Resolution of the Senate in relation to the Georgia resolutions, and the joint resolution recommending an amendment to the constitution of the United States, in the manner of electing the President and Vice President was taken up, and the question being, shall the house appoint a committee to confer with the committee from the Senate thereon? there were

In the affirmative, messrs Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Canole, Drake, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Lowry, Martin of R, Murphy, Magill, Neill, Noland, Reyburn and mr Speaker, 31.

In the negative, were messrs Cox, Grimsley, Grant and Kerr, 4.

messrs Bent and Cole absent on duty with leave.

messrs Bell, Garner, Maulsbey and Overall absent.

mr Kirtley absent with leave.

mr Ward absent sick.

So the committee of conference was ordered, and messrs. Martin of J, Lowry, Magill, Allen, and Glascock, appointed to compose it.

Message from the Senate by mr Wright, their Secretary:

Mr Speaker: The Senate have concurred in the passage of the following bills from the House of Representatives, to wit:

An act for the relief of Benjamin Hawkins.

An act to provide for laying out a State Road frym Smeltzer's Ferry on the Mississippi to the town of St. Charles, and

An act extending the benefit of the act for the relief of insolvent debtors to persons in confinement for fines, herewith returned.

They have passed an act for the relief of George K. McGunegle and Israel B. Read, Clerks of Loan Offices—herewith sent for the concurrence of the House of Representatives.

They have also passed the memorial from the House of Representatives on the subject of the Cumberland Road, with an amendment herewith sent for the concurrence of the House of Representatives.

The bill from the Senate to authorize the procurement of a loan of money to the State of Missouri for the purpose of paying off the State debt was read, and on motion of mr Cole, the rule requiring bills to be read on three several days was dispensed with, the bill read a second time and committed to a committee of the whole house.

Message from the Senate, by mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to the amendments made by the House of Representatives to the bill from the Senate providing for the disposition of the three per cent. fund.

The bill to amend and repeal, in part, an act to provide for the management and protection of school lands, and for the establishment and government of common schools, was read, and on motion of mr Grant, the rule requiring bills to be read on three several days was dispensed with, the bill read a second time, and, on motion of mr Grimsley, committed to a committee of the whole house.

The bill from the Senate to provide for the final settlement of the business of the several Loan Offices was read a second time as amended, and, on motion of mr Reyburn, committed to a committee of the whole house.

The amendment made by the Senate to the resolution for the pay of the witnesses summoned in the case of the impeachment of Judge Todd, was read and concurred in.

The resolution from the Senate in relation to printing the laws and joint resolutions of the present session of the General Assembly was read a second time, and ordered to a third reading on to morrow.

Message from the Senate by mr Boggs:

Mr Speaker: There was this morning introduced into the Senate a bill for the relief of settlers on the Seminary Lands and for preserving said lands from waste and injury.

The amendments made by the Senate to the memorial to Congress on the subject of the Cumberland Road, was read and concurred in.

On motion of mr Allen, the house resolved itself into a committee of the whole, on the orders of the day, mr Cox in the chair, and took into consideration the bill from the Senate to provide for the final settlement of the business of the several Loan Offices, and reported thereto an amendment.

The report of the committee of the whole was agreed to, and the bill ordered, on motion of mr Cox, to be engrossed, and read a third time on Saturday.

mr Burch, from the committee on the permanent seat of government, reported a bill to authorize the commissioner of the permanent seat of government to sell lots, and for other purposes, which was read and ordered to a second reading.

mr Canole called up the letter from the Hon. mr Tazewell, acknowledging the receipt of the resolutions on the hill to graduate the price of public lands.

mr Lowry moved that the same be entered upon the journal, and the question being taken thereon, there were,

In the affirmative, messrs Burch, Drake, Inglish, Kavanaugh, Lowry, Martin of R, and Magill, 7.

In the negative, were messrs Allen, Ashby, Byrd, Brock, Blakey, Barrett, Cowan, Cox, Cole, Collard, Canole, Grimsley, Grant Groom, Glascock, Holliway, Hempstead, Jones, Kerr, Murphy, Overall, Reyburn and mr Speaker, 23.

messrs Bent and Martin of J, absent on duty, with leave.

messrs Bell, Becknell, Garner, Maulsbey and Noland absent.

mr Kirtley absent with leave.

messrs Neill and Ward absent, sick.

So the motion was rejected.

On motion of mr Magill, the bill for the payment of money to certain persons therein named was taken up, read a third and passed.

mr Noland asked leave to withdraw the joint resolution submitted by himself this morning; which was granted.

mr Burch from the joint committee on enrolled bills reported as truly enrolled a bill to divorce Wm. Patten and Martha his wife, late Martha Mark, from the bonds of matrimony, and

An act to amend an act entitled an act supplementary to an act entitled an act to establish and regulate the Treasury Department, approved 16th February, 1825.

mr Speaker signed said bills, and they were sent to the Senate for the signature of the President.

On motion of mr Lowry, mr Blakey was added to the joint committeee of conference on the resolutions of the legislature of Georgia and the joint resolution proposing an amendment to the constitution of the United States, in the manner of electing the President and Vice President.

On motion of mr Blakey, mr Garner was added to the same committee.

On motion of mr Becknell, mr Ashby was added to the same committee.

On motion of mr Grant, the resolution submitted on yesterday by mr Inglish, and laid on the table, was taken up and considered.

mr Lowry moved to amend the preamble thereto by striking out all the words contained therein as a quotation, and inserting in their stead the following: 'They have descended to the rehearsal of petty pecadilloes in the moral conduct of mr S. and nothing (I believe) has been too vile to assert, or too mean to adopt. In fine, they have triumphed and they exult; which was agreed to.

mr Lowry moved a further amendment to the preamble, by striking out the words 'two letters,' and inserting in their stead 'a letter' which was agreed to.

mr Drake moved an amendment to the resolution, which was to

strike out the words 'two letters,' and insert in lieu thereof 'letter,' which was agreed to.

On motion of mr Ashby, the resolution was laid on the table.

On motion of mr Martin of J, the house resolved itself into a committee of the whole on the orders of the day, mr Martin of J, in the chair, and took into consideration the bill from the Senate to amend and repeal, in part, an act entitled an act to provide for the management and protection of school lands, and for the establishment and protection of common schools, and for other purposes, to which they reported an amendment.

The report of the committee of the whole was agreed to, and the amendments ordered, on motion of mr Magill, to be engrossed, and together with the bill read a third time to-morrow.

Message from the Senate, by mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to the amendment made to the bill to divorce Eliza W. Hays, late Eliza W. Clanton from the bonds of matrimony by her contracted with Greenup Hays.

They have also agreed to the amendments make by the House of Representatives to the bill from the Senate to be entitled an act to repeal, in part, and to amend an act entitled an act to provide for building bridges, approved the 14th January, 1825.

The house adjourned.

FRIDAY, JANUARY 16.

mr Cole, from the committee on the judiciary, mage the following report:

The committee on the judiciary to whom was referred a communication of the Secretary of State, in relation to the act to provide for the distribution of the decisions of the Supreme Court, beg leave to report: That said committee deem it unnecessary to make any further addition to existing laws in relation to that subject, and beg leave to be discharged from the further consideration thereof.

Which report was agreed to.

mr Cole, from the same committee, made the following report:

The committee on the judiciary to whom was referred the communication of the Secretary of State, in relation to the irregular returns of the Sheriffs of the several counties of the abstract of votes for Governor, beg leave to state, they are not advised they can make any addition to existing laws in relation to that subject that would be advantageous at this late period of the session of the Legislature, and pray to be discharged from the further consideration thereof.

Which report was agreed to.

mr Cole, from the same committee, made the following report:

The committee on the judiciary, to whom was referred the communication of the Treasurer of this State, in answer to a resolution of the House of Representatives, requiring him to inform that body what amount of Loan Office Certificates had been paid into the Treasury since the date of his last report, have had the subject referred to them

under consideration, and beg leave to report, that in the opinion of this committee, the proposed loan to the State and the investiture of that and the three per cent. fund, in the manner now proposed, the speedy redemption of Auditor's Warrants and Loan Office Certificates, and their withdrawal from circulation, and the existing laws with regard to crimes and punishments, render further legislation in this behalf, unnecessary at this time. This committee, therefore, ask leave to be discharged from the further consideration thereof.

Which report was agreed to.

mr Grant from the select committe to whom was referred the bill from the Senate, entitled an act, to amend and alter the several laws of this State concerning executors, administrators, and for other purposes, reported the same with amendments.

On motion of mr Grant, said bill together with the amendments was committed to a committee of the whole house.

The bill to amend an act entitled an act to enable persons held in slavery to sue for their freedom was read a third time.

Mr Becknell moved to strike out the first section thereof, together with the enacting clause; and the question being taken, there were,

In the affirmative, messrs. Allen, Ashby, Byrd, Brock, Bell, Becknell, Burch, Barrett, Cowan, Cox, Cole, Collard, Canole, Drake, Garner, Grimsley, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Lowry, Martin of Jefferson, Martin of Ray, Murphy, Magill, Neill, Noland, Overall, Reyburn and mr Speaker—31.

In the negative, were messrs. Bent, Grant, Groom and Kerr—4.

messrs. Blakey, Kirtley and Maulsbey absent—mr Ward absent sick.

So the bill was rejected.

mr Cox called up the resolution offered by mr Inglish on yesterday, and moved that the question be taken on its rejection, when there were,

In the affirmative, messrs. Allen, Brock, Bell, Barrett, Cox, Collard, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Jones, Kerr, Maulsbey, Martin of Jefferson, Overall and mr Speaker —19.

In the negative, were messrs. Ashby, Byrd, Becknell, Burch, Cowan, Canole, Drake, Inglish, Kavanaugh, Lowry, Martin of Ray, Magill, Neill, Noland and Reyburn—15.

messrs. Blakey, Cole, Maulsbey and Kirtley absent—mr Ward absent, sick.

So the resolution was rejected.

The bill from the Senate for the benefit of George K. McGunnegle and Israel B. Read, clerks of Loan Offices, was read, when mr Byrd moved that the house reject it; which was decided in the negative—and on motion of mr Overall, the rule requiring bills to be read on three several days, was dispensed with, the bill read a second time, and on motion of mr martin of Jefferson, committed to a committee of the whole house.

The resolution from the Senate in relation to printing the laws and joint resolutions of the present session, was read a third time.

mr Allen moved an amendment thereto, which was to strike out 'one thousand,' and insert 'eight hundred'—which was read three several times and agreed to; and the resolution, as amended, passed.

mr Maulsbey asked leave to withdraw the papers on which was founded the claim of R. C. Johnson, Sheriff of New Madrid county.

Which was granted.

mr Groom asked leave to withdraw the petition and papers relative to the claim of John C. Gorden; which was granted.

Mr Magill asked leave to withdraw the grant and plat of survey of the village of St. Ferdinand; which was granted.

On motion of mr Lowry, the house resolved itself into a committee of the whole on the the orders of the day, mr Bell in the chair, and took into consideration the bill from the Senate to alter and amend the several laws of this State concerning executors, administrators and for other purposes; to which they reported sundry amendments.

Mr Canole moved to lay said report on the table; which was rejected, and the report agreed to.

On motion mr Magill, the amendments were ordered to be engrossed, and together with the bill, read a third time to-morrow.

On motion of mr Magill, mr Grimsley was added to the committee of conference to whom was referred the disagreement of the two houses, on the bill imposing a tax on licenses to venders of merchandize and pedlars.

Mr Magill asked leave of absence for mr Ward for the remainder of the session, from and after to-morrow; which was granted.

On motion of mr Allen, the house again resolved itself into a committe of the whole on the orders of the day, mr Kerr in the chair, and took into consideration the bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts; to which they reported sundry amendments.

Also, the bill from the Senate to authorize the procurement of a loan of money to the State of Missouri, for the purpose of paying off the State debt; to which they reported sundry amendments.

Also, the bill from the Senate for the benefit of George K. McGunnegle and Israel B. Read, clerks of Loan Offices; and reported the same with a recommendation to strike out the first section, with the enacting clause.

On motion of mr Magill, the report of the committee on the first of said bills, was agreed to, and the same ordered to be engrossed and read a third time to-morrow.

On motion of mr Grant, the report of the committee on the second of said bills, was agreed to, the amendments ordered to be engrossed, and together with the bill, read a third time to-morrow.

Mr Overall moved that the report of the committee on the third of said bills be laid on the table; which was rejected, and the same agreed to, ayes, 23, noes 10.

Those voting in the affirmative, are messrs. Allen, Ashby, Byrd, Brock, Blakey, Burch, Cowan, Canole, Drake, Garner, Groom, Holli-

way, Inglish, Jones, Kavanaugh, Kerr, Lowry, Martin of Ray, Murphy, Magill, Neill, Noland and mr Speaker.

In the negative, were messrs. Bell, Cox, Collard, Grimsley, Grant, Glascock, Hempstead, Maulsbey, Overall and Reyburn.

Messrs. Bent, Cole and Martin of Jefferson, absent on duty, with leave.

messrs. Becknell, Barrett and Kirtley, absent.

mr Ward absent, sick.

Message from the Governor by the Secretary of State:

To the Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed an enrolled bill of the following title, to wit:

An act to attach a part of Pike county to the county of Ralls.

JOHN MILLER.

January 16th, 1829.

mr Burch, from the joint committee on enrolled bills, reported that they had, on yesterday, presented to the Governor for his approval, bills of the following titles, to wit:

An act supplementary to an act entitled an act regulating the office of Secretary of State, approved December 24th, 1824.

An act to attach a part of Pike county to the county of Ralls.

An act to divorce William Patten and Martha, his wife, late Martha Mark, from the bonds of matrimony.

An act to define more certainly, the western boundary of the county of New-Madrid, and for other purposes.

An act to amend an act entitled an act supplementary to an act entitled an act to establish and regulate the Treasury Department, approved 16th February, 1825; and

A resolution directing Calvin Gunn to print five hundred copies of the journals of each house of the General Assembly.

mr Burch, from the same committee, reported that they had examined and found truly enrolled, an act to provide for the disposition of the three per cent. fund.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the President.

The bill to authorize the commissioner of the permanent seat of government to sell lots, and for other purposes, was read a second time, and on motion of mr Grant, committed to a committee of the whole house.

The house adjourned.

SATURDAY, JANUARY 17.

mr Bent made the following report:

The select committee to whom was referred the petition of Andrew Hamilton and Joseph Inks for a lease, on particular conditions, of the sixteenth section of township forty-four, range three, east, have had the same under consideration, and have instructed me to report: That

they are unable to discover any matters in the same contained, worthy the consideration of this house. They, therefore, beg leave to be discharged from the further consideration of said petition; and that the petitioners have leave to withdrw the same--which was agreed to.

The bill from the Senate to authorize the procurement of a loan of money to the State of *Missouri*, for the purpose of paying off the State debt, was read a third time.

mr *Magill* moved its indefinite postponement.

mr Noland moved to lay it on the table; which was rejected, and the question recurring on its indefinite postponement, it was decided in the affirmative, ayes 23, noes 13.

Those voting in the affirmative, are messrs. Allen, Ashby, Byrd, Brock, Bell, Blakey, Becknell, Barrett, Cowan, Canole, Drake, Garner, Groom, Glascock, Holliway, Inglish, Jones, Kavanaugh, martin of Ray, murphy, magill, Neill and Reyburn.

In the negative, were messrs. Bent, Burch, Cox, Collard, Grimsley, Grant, Hempstead, Kerr, Lowry, maulsbey, Noland, Overall and mr Speaker.

messrs. Cole and martin of Jefferson absent on duty, with leave.

mr Kirtley excused from voting—mr Ward absent, sick.

mr Burch, from the joint committee on enrolled bills, reported as truly enrolled, bills of the following titles, to wit:

An act to divorce Eliza W. Hays, late Eliza W. Clanton, from the bonds of matrimony by her contracted with Greenup Hays.

An act providing for the removal of the seat of justice of the county of Cole; and

An act to repeal, in part, and to amend an act entitled an act to provide for building bridges, approved 14th January, 1825.

Said bills were signed by the Speaker, and sent to the Senate for the signature of the President.

On motion of mr Holliway, the house resolved itself into a committee of the whole on the orders of the day, mr Brock in the chair, and took into consideration the bill to authorize the commissioner of the permanent seat of government to sell lots, and for other purposes; to which they reported an amendment.

The report of the committee of the whole was agreed to, and on motion of mr Kirtley, the bill considered as engrossed, and ordered to be read a third time to-day.

The bill from the Senate supplementary to an act to provide for the final settlement of the business of the several Loan Offices, was read a third time, as amended; the blank in the first section filled with the words 'first day of *May*;' in the second section, with the words 'two thousand;' in the seventh section, with the words 'seventy-five;' and the last, with the words 'first day of April.'

The question then recurring on the passage of the bill, it was decided in the affirmative.

The bill from the Senate to amend the several laws of this State, concerning executors, administrators, and for other purposes, was read a third time, as amended.

mr magill moved an amendment by way of rider, which was to add as a proviso to the fourth section: That the same regulations shall be observed in settling all demands in virtue of this section, in relation to their classification, as is provided for in the act to which this is an amendment—which was twice read, when,

On motion of mr Garner, the bill and amendments were laid on the table.

mr Ashby asked leave of absence for mr Bell, for the remainder of the session; which was granted.

Mr Garner asked and obtained leave of absence for Mr *M*aulsbey, for the remainder of the session.

Mr Groom made the following report:

The select committee to whom was referred the petition of sundry citizens of the county of Montgomery, praying that the State should pay the costs incurred by said county, in the prosecution of one Simeon C. Madison for horse stealing, have had the same under consideration, and have instructed me to report:

That, as the said Madison was a man who had no permanent place of residence in this State, and was committing depredations of the same character in divers counties in this State, and was accidentally first detected and prosecuted in the county of Montgomery—your committee, therefore, deem it the part of sound policy, that the State should pay the cost of said prosecution, as it would have the effect to make the inhabitants of every county vigilant in bringing to justice, offenders of this character, against the laws of the land.

The question being taken on agreeing to said report, there were,

In the affirmative, Messrs. Burch, Cox and Groom—3.

In the negative, were Messrs. Allen, Ashby, Byrd, Brock, Blakey, Becknell, Barrett, Canole, Drake, Garner, Grimsley, Grant, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Kirtley, Lowry, Maulsbey, Martin of Ray, Murphy, Magill, Neill, Noland, Reyburn and Mr Speaker—28.

Messrs. Bent, Cole and Martin of Jefferson absent on duty, with leave.

Messrs. Bell, Cowan, Collard, Glascock and Overall absent.

So the report was rejected.

The bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts, was read a third time.

Mr Kirtley moved an amendment by way of rider, which was to strike out the words 'passage thereof,' (the last in the bill,) and insert in lieu thereof, the words 'first day of May next;' which was read three several times and agreed to.

The question recurring on the passage of the bill, it was decided in the affirmative.

Ordered that the title thereof be 'an act.'

The bill authorizing the commissioner of the permanent seat of gov-

ernment to sell lots, and for other purposes, was read a third time and passed.

Ordered that the title thereof be 'an act.'

The house adjourned to Monday.

MONDAY, JANUARY 19.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, bills of the following titles, to wit:

An act to amend and repeal in part, an act entitled an act to provide for the management and protection of school lands, and for the establishment and government of common schools, approved 17th of January, 1825.

An act for the relief of Overton Bettis and Hardy Allard.

An act extending the benefit of the act for the relief of insolvent debtors to persons in confinement for fines.

An act to provide for laying out a State road from Smeltzer's ferry on the Mississippi, to the town of St. Charles.

An act supplementary to an act entitled an act taxing billiard tables, approved November 26th, 1824.

An act for the relief of Benjamin Hawkins; and

A resolution directing to what fund shall be charged the amount paid to witnesses in the case of the State against the Hon. David Todd.

Mr Speaker signed said bills, and they were sent to the Senate for the signature of the President.

Mr Magill, from the select committee to whom was re-committed the bill supplementary to an act to organize, govern and discipline the militia, and for the further organizing and disciplining the militia, reported the same with sundry amendments; which were read, and on motion of Mr Magill, ordered to be engrossed and read a third time to-morrow.

Mr Grant, from the select committee to whom was referred the petition of George Bullitt, reported a bill for the relief of George Bullitt; which was read, when

Mr Garner moved a dispensation of the rule requiring bills to be read on three several days, and that the bill be read a second time to-day; which was rejected.

On motion of Mr Cole, the vote just taken thereon, it was decided

Mr Murphy moved its indefinite

Those voting in the affirmative

Brock, Blakey, Becknell, Burch,

Glascock, Inglish, Jones, Kerr,

gill, Neill, Noland, Overall, Reyburn,

In the negative, were Messrs. B

Grant, Hempstead, Kirtley and M

having re-appeared and taken his

protest against

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ig to have a written constitution is

strange is it, that ours should be

nment.

however, that the exercise of the

a ground. While indulging in

nstitution upon which the advo-

mittee have supposed it possible,

tion of the 1st article of the consti-

Messrs. Bent, Cole and Martin of Jefferson absent on duty, with leave.

Messrs. Holliway and Kavanaugh absent.

Message from the Senate by Mr Baber, their Assistant Secretary:

Mr Speaker: I am instructed to inform the House of Representatives, that the Senate have rejected the bill from the House of Representatives to organize the county of Randolph.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the following bills from the House of Representatives, to wit:

A bill to amend an act entitled an act to regulate proceedings in chancery; and

A bill amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases; herewith returned.

They have disagreed to the amendments made by the House of Representatives, to the resolution directing Calvin Gunn to print one thousand copies of the laws and joint resolutions of the present session of the General Assembly; also, herewith returned.

There have been introduced into the Senate, bills of the following titles, to wit:

A bill supplementary to an act entitled an act providing for the disposition of the three per cent. fund; and

A bill creating a municipal court for the city of St. Louis, and for other purposes.

They have, also, rejected the bill from the House of Representatives, to lay off and define the bounds of Lewis and Clark counties.

Mr Martin of Jefferson made the following report:—

Mr Speaker:—The joint committee of conference to whom was referred the consideration of certain resolutions, communicated by the House of Representatives to the Senate, on the 26th December last, embracing, first: certain resolutions adopted by the General Assembly of Georgia, remonstrating against the assumption of power on the part of the General Government, to prosecute a system of Internal Improvement, and levying a tariff on imports for the purpose of protecting domestic manufactures—and secondly, in relation to an amendment of the constitution of the United States, in the manner of electing the President and Vice-President—and, also, upon the subject of the right [illegible] the Congress of the United States appropriating money [illegible] the Union, in aid of the Colonization [illegible] Senate, by the Executive, on the [illegible] omit a report on the second and

read a third time.

Mr Kirtley moved to amend the Treasury [illegible] strike out the words 'passage there' [illegible] in lieu thereof, the words 'first day o' [illegible] several times and agreed to.

The question recurring on the pass[illegible] [illegible]ives of the State of Missouri, in [illegible] purpose of more certainly secur[illegible] [illegible]ted States, their equal rights and [illegible] [illegible]egislatures of the several States, the [illegible] [illegible]d in the following resolution:

the affirmative.

Ordered that the title thereof b[illegible]

The bill authorizing the commiss[illegible]

of the State of Missouri, That it is [illegible] of the United States, so as to pre-

vide an uniform mode of electing the President and Vice-President throughout the several States; and to give to the people of the United States the privilege of voting directly for the President and Vice-President, without the intervention of electors—reserving to the States respectively, their due weight in relation to the said election, as is now granted to them by the constitution of the United States; and the election of President and Vice-President should, in no case whatever, be submitted to the decision of the House of Representatives of the United States.

And be it further resolved, That a copy of the above resolution be forwarded to each of our Senators and Representative in Congress, and they are hereby requested to make use of their best endeavors to procure an amendment to the constitution of the United States, which will embrace the principles contained in the foregoing resolution—and that the Executive of this State, be requested to forward a copy of the foregoing resolution, to the Executives of each State, with a request that they lay them before their respective Legislatures.

The joint committee to whom was referred a report and resolution of the several houses of the Legislature of Georgia, appproved Dec. 27, 1827, declaring that the Congress of the United States have no constitutional power to appropriate money to aid the American Colonization Society, Report: That in the doctrines, sentiments and opinions expressed and held by that report, they for the most part, concur, and that the principles avowed by the resolutions in question, meet their decided approbation. Your committee insist that the government of the United States, is a government of limited powers. That no powers can be rightly and constitutionally exercised by that government, unless it be those which are expressly granted, or those plainly impled by such express grants of power; and they further contend that Congress has no power to appropriate money for any object, unless it be to carry into effect some one of the powers so expressed or impliedly granted.

The power is not expressly granted, and your committee can find no clause in the constitution of the United States, from which such opinion can be implied. They cannot conceive that it is within the reason, spirit or meaning of any provison of that instrument. If the exercise of the power in question be claimed on the grounds that congress can appropriate funds *for any purpose whatever*, as is claimed by some politicians, then this committee enter their solemn protest against such an exercise of power, and unhesitatingly pronounce it to be a political heresy, deserving the severest reprobation. If this latitudinous doctrine be true, then, our pretending to have a written constitution is a mere mockery; and much more strange is it, that ours should be considered a limited form of government.

This committee cannot suppose, however, that the exercise of the power in question is based upon such a ground. While indulging in conjecture, as to the clause of the constitution upon which the advocates of this measure rely, the committee have supposed it possible, that as the 1st clause of the 8th section of the 1st article of the consti-

tution, is considered as affording power to effect the purposes of every latitudinarian, where he can find no other clause upon which to rest, this part of the constitution now resorted to. This provides that congress shall have power, 1st to levy and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States. Now, if the words 'general welfare,' afford the power in question, then it affords power to do any act which in the opinion of a majority of Congress, would promote the general welfare; and if this doctrine be correct, then all the other parts of the constitution, which declare the power that congress shall possess, are worse than useless. If there be any room for construction as to this clause, we cannot suppose that these words were intended to mean more than to give congress free and complete power over the subjects in that clause mentioned. It seems to the committee that no other construction can be given to the words in question, without giving to congress almost unlimited power. Your committee entirely concur in the report made to the Legislature of Georgia, where it is said that 'if the question of power is to be determined by construction, it is manifest on the face of the constitutiou itself, that the convetion intended to prohibit Congress from the exercise of such power." For if the view before taken does not prove this position to be correct, that portion of the constitution which apportions representation and taxation, and distinctly recognizes the right of property in that description of population upon which the exercise of this power is intended to operate, clearly shews that no power was given to congress to interfere with this species of property. It is very far from the wish of this committee to attempt to restrit in any manner, the efforts of individuals in support of that society; it is to the interference of government to which they object. They seriously apprehend that if this step be taken, the next proposition will be that government shall take the colony under its protection, and then it will be urged that congress should appropriate money for the purpose of purchasing slaves, liberating and transporting them to that colony. They are not unmindful of the progress of public sentiment on this subject; nor will they conceal the fact, that in proportion to the exertions and sensibility which the citizens of the several slave holding states have manifested towards free people of color, and to this society, have the demands of the advocates of the measure increased. Believing that congress has not the power in question—wishing to preserve harmony throughout the union—and desiring to avoid the angry passions, which a subject of so much delicacy would excite, the committee recommend the adoption of the following resolutions:

Resolved, by the Senate and House of Representatives, of the State of Missouri, That in their opinion the congress of the United States have no power to appropriate money to aid the American colonization society.

And be it further resolved, That copies of the above report and resolutions be forwarded to our Senators and Representative in congress,

with a request that if any attempt be made to exercise such a power, they lay them before the two houses of congress.

And be it further resolved, That a copy of the above report and resolutions be forwarded to the governor of each state in the union, with a request that the same be laid before the legislature thereof.

Being joint resolutions, the foregoing, by a rule of the house lie one day on the table.

mr Grimsley asked and obtained leave of absence for mr Cox, for the remainder of the session from and after to-morrow.

The disagreement of the Senate to the amendment made to the resolution in relation to printing the laws and joint resolutions of the present session, was read and considered, and on motion of mr Kirtley, the amendment receded from.

mr Reyburn moved a reconsideration of the vote taken on Saturday on the bill from the Senate, authorizing the procurement of a loan of money to the State of *Missouri* for the purpose of paying off the State debt.

Which was agreed to.

On motion of mr Cox, said bill was laid on the table.

On motion of mr magill, the house went into recess, subject to the call of the chair.

When the house convened, on motion of mr Garner, the bill from the Senate to alter and amend the several laws of this State, concerning executors and administrators and for other purposes, was taken up.

mr Garner moved an amendment by way of rider to the amendment heretofore made, which was to strike out the fourth section, and insert in lieu thereof 'that any person having a demand or claim against the estate of any deceased person, may establish the same by the testimony of any disinterested person before the court having the settlement of such estate, by the claimants giving the executor or administrator ten days previous notice of his intention to present such claim, or by the executor or administrator waiving the necessity of such notice in open court; and if the court is satisfied upon such evidence, that the claim or demand is just, they shall cause the clerk to endorse on the same that it is allowed, and the number of the class to which it belongs, and such endorsement shall be a sufficient justification to the executor or administrator paying the same, any thing in any law to the contrary notwithstanding.'

Which was twice read, considered as engrossed, read a third time and passed.

The question recurring on the passage of the bill, it was decided in the affirmative.

The house adjourned.

TUESDAY, January, 20.

mr Magill made the following report:

The committee of conference appointed on the disagreement between the two houses, to the amendments made by the Senate to the

bill to amend an act entitled, an act imposing a tax on venders of merchandize and pedlars and for other purposes, have agreed to recommend to their respective houses, that the Senate do recede from their first and second amendment to said bill, and that they insert 'forty,' in the fifth line of the second section of said bill, relating to venders of lottery tickets.

Which report was agreed to.

The joint resolution, relating to the amendment of the constitution of the United States was read, and on motion of mr Magill, the rule requiring three several readings on different days was dispensed with, and the resolutions read a second time, when,

On motion of mr Lowry, the rule was further dispensed with, and the resolutions read a third time.

mr Kirtley moved to lay them on the table, which was rejected.

The question recurring on their passage, was decided in the affirmative, ayes 30, noes 3.

Those voting in the affirmative, are messrs Allen, Ashby, Byrd, Brock, Blakey, Becknell, Burch, Barrett, Cowan, Cole, Canole, Drake, Garner, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Lowry, Martin of J, Martin R, Murphy, Magill, Neill, Noland. Overall, Reyburn and mr Speaker.

In the negative, were messrs Bent, Grimsley and Kerr.

messrs Collard and Kirtley absent.

The report and joint resolutions in relation to the constitutional competency of the general government to appropriate money from the national treasury, in aid of the American Colonization Society was read, and on motion of mr Lowry, the rule requiring three several readings on different days was dispensed with, and the resolutions read a second time.

mr Noland moved to lay them on the table, which was rejected.

motion of mr Martin of R, that there be a call of the members, rejected.

mr Byrd moved a division of the question, and that it first be taken on the rejection of the preamble, which being agreed to, there was,

In the affirmative, messrs Byrd, Brock, Barrett, Cole, Collard Grimsley, Grant, Jones, Kerr, Kirtley and Overall, 11.

In the negative, were messrs Allen, Ashby, Blakey, Becknell, Burch, Cowan, Canole, Drake, Garner, Groom, Hempstead, Inglish, Kavanaugh, Lowry, Martin of J, Martin of R, Murphy, Magill, Neill, Noland, Reyburn and mr Speaker 22.

messrs Bent, Glascock and Holliway absent.

So the motion to strike out the preamble was rejected.

mr Jones moved its reference to the next general assembly, which was rejected.

mr Kirtley moved to lay them on the table till the first day of June, which was agreed to, ayes 22, noes 10.

Those voting in the affirmative, are Messrs Allen, Ashby, Byrd, Brock, Blakey, Barrett, Cowan, Cole, Collard, Canole, Drake, Garner, Crimsley, Grant, Groom, Hempstead, Jones, Kavanaugh, Kerr, Kirtley, Overall and Mr Speaker.

In the negative, were Messrs. Becknell, Burch, Inglish, Lowry, Martin of J, Martin of R, Murphy, *Ma*gill, Neill and Noland.

Messrs Bent, Glascock, Holliway and Reyburn, absent.

Message from the Senate, by Mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to the report made by the joint committee of conference, on the disagreement between the two houses on the bill imposing a tax on venders of merchandize and pedlars.

They have passed a bill to provide for the next election of a Representative or Representatives in Congress from this State, herewith sent for the concurrence of the House of Representatives.

The said bill being read, on motion of Mr Allen, the rule requiring bills to be read on three several days was dispensed with, the bill read a second time, and ordered to a third reading to-morrow.

The bill from the Senate authorizing a loan of money to the State of Missouri, for the purpose of paying off the State debt was taken up, read a third time, and, on motion of Mr Ashby, recommitted to a committee of the whole house.

Mr Noland submitted the following:

Resolved, That the General Assembly of the State of Missouri, do adjourn sine die on the 22d of January 1829, at 3 o'clock P. M. if such be the pleasure of the Senate.

Ordered that the Senate be informed thereof.

Which, on motion of Magill, was laid on the table.

Motion of Mr Jones, that the house resolve itself into a committee of the whole on the orders of the day, decided in the negative.

The bill supplementary to an act for the further organizing and disciplining the militia was read a third time.

Mr Overall moved to amend said bill by way of rider by striking out the seventh section, which was rejected, and the question recurring on the passage of the bill, was decided in the affirmative, ayes 24, noes 10.

Those voting in the affirmative, are Messrs Allen, Ashby, Bent, Blakey, Becknell, Burch, Cowan, Cole. Canole, Drake, Groom, Holliway, Inglish, Jones, Kavanaugh, Kirtley, Lowry, Martin of J, Martin of R, Murphy, Magill, Neill, Noland and Mr Speaker.

In the negative, were Messrs Byrd, Brock, Barrett, Collard, Grimsley, Grant, Hempstead, Kerr, Overall and Reyburn.

Messrs Garner and Holliway absent.

Ordered, that the title thereof be 'an act.'

On motion of Mr Holliway, the house resolved itself into a committee of the whole, on the orders of the day, mr Ashby in the chair, and took into consideration the bill from the Senate authorizing a loan of money to the State of Missouri, for the purpose of paying off the State debt, to which they reported sundry amendments.

The report of the committee was agreed to, and the amendments ordered to be engrossed and, together with the bill, read a third time to-morrow.

Mr Drake submitted the following resolution:

Resolved, That the chief clerk be directed to arrange, file and label the papers of the present session of the general assembly, and deposite the same along with those of the previous sessions, for which service, he shall be allowed the sum of $, to be paid out of the contingent fund of this house.

Mr Drake proposed to fill the blank in said resolution with the word 'fifteen.'

Which was rejected.

On motion of Mr Lowry, said blank was filled with the word 'ten.'

The question recurring on the adoption of the resolution, it was rejected.

Message from the Senate, by *Mr* Wright, their Secretary:

Mr Speaker: The Senate this day adopted the following resolution, and have appointed Messrs Gentry, Audrain and Boggs, the committee therein referred to.

Resolved, by the Senate, That a committee of be appointed to join such committee as may be appointed on the part of the House of Representatives, to examine the Treasury Department, to ascertain whether the late Treasurer be not a defaulter in relation to the three per cent. fund; whether he did not draw on the Treasurer of the United States for the amount of that fund, due this State for the first half of the year 1828, before his late report was made to the General Assembly, and, whether he has any instrument of writing binding the person who was authorized to draw for that amount, and, if so, to procure it or ascertain its nature; and that a copy of the report of the present Treasurer, with the accompanying papers, be transmitted with this resolution to the House of Representatives.

The Senate rescinded the votes on the indefinite postponement of the acts from the House of Representatives organizing the county of Crawford, and the county of Randolph.

In reference to the resolution contained in the foregoing, Mr Lowry submitted the following:

Resolved, That a committee of five be appointed by this house, to join such committee as has been appointed on the part of the Senate, to examine the Treasury Department, to ascertain whether the late Treasurer (N. Simonds) be a defaulter in regard to the three per cent. fund, or in any other manner, and report the same to this house.

Mr magill called for the previous question, which being agreed to, there were

In the affirmative, Messrs Asdby, Byrd, Blakey, Becknell, Cole, Collard, Canole, Drake, Kavanaugh, Lowry, Martin of J, Martin of R, Magill, Neill, Noland and Reyburn, 16.

In the negative, were Messrs Allen, Bent, Brock, Barrett, Cowan, Garner, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Jones, Kerr, Kirtley, Murphy, Overall and Mr Speaker, 18.

Messrs Burch and English absent.

So the resolution was rejected.

The house adjourned.

WEDNESDAY, January 21.

Mr Canole presented the petition of sundry citizens of Howard county, praying relief for Aaron Whitney, from an order of disfranchisement made by the circuit court of said county, which was read, and on motion of *Mr* Magill, referred to the next General Assembly.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled,

An act entitled an act imposing a tax on venders of merchandize and pedlars, and for other purposes.

An act to license grocers.

An act entitled an act to revive and continue in force, in part, an act entitled an act establishing the State roads therein mentioned.

A memorial to the Senate and House of Representatives of the United States; and

A memorial to Congress on the subject of the Cumberland road.

Mr Speaker signed said bills and memorials, and they were sent to the Senate for the signature of the President.

On motion of *Mr* Garner,

Resolved, That no bill, resolution or memorial shall be introduced into this house after this morning, unless it be done in furtherance of business now before this house, or a committee thereof, except for adjournment.

Mr Allen called up the resolution submitted by Mr Noland on yesterday, which being read.

Mr Noland moved an amendment, which was to strike out all after the word 'resolved,' and insert 'that the two houses will adjourn on Thursday the 22nd inst. *sine die*;' which was agreed to.

The question recurring on the resolution, as amended, it was decided the affirmative.

The bill from the Senate to provide for the next election of a Representative or Representatives in Congress, was read a third time and passed.

On motion of Mr Magill, the house went into recess, subject to the call of the chair.

When they had convened, Mr Gentry of the Senate, announced the following message:

Mr Speaker: The Senate have passed the bill from the House of Representatives, organizing the county of Randolph, with an amendment, herewith sent for the concurrence of the House of Representatives.

Said amendments were read and concurred in.

The Speaker laid before the house, a communication from Mr Nathaniel Simonds, late Treasurer of this State, which was read.

Mr Overall moved to lay the communication on the table, which was rejected.

Mr Magill moved that the house refuse to entertain it, which was agreed to, ayes 19, noes 16.

Those voting in the affirmative, are Messrs. Allen, Ashby, Byrd, Bla-

key, Becknell, Burch, Cowan, Canole, Drake, Holliway, Inglish, Kavanaugh, Lowry, Martin of Jefferson, Martin of Ray, Magill, Neill, Noland and Reyburn.

In the negative, were Messrs. Brock, Barrett, Cole, Collard, Garner, Grimsley, Grant, Groom, Glascock, Hempstead, Jones, Kerr, Kirtley, Murphy, Overall and Mr Speaker.

Mr Bent absent.

Message from the Senate by Mr Boggs:

Mr Speaker: The Senate, acting as a court of impeachment, in the case of the State of Missouri, against the Hon. David Todd, Judge of the first judicial circuit of said State, have decided, that the said David Todd be fully and entirely acquitted from each and every charge and specification, contained in the articles of impeachment, preferred against him by the House of Representatives.

The bill from the Senate authorizing the loan of a sum of money to the State of Missouri, for the purpose of paying off the State debt, was read a third time and passed, ayes 21, noes 12.

Those voting in the affirmative, are Messrs. Ashby, Becknell, Burch, Cole, Collard, Canole, Grimsley, Grant, Groom, Glascock, Hempstead, Inglish, Kavanaugh, Kerr, Kirtley, Martin of Ray, Neill, Noland, Overall and Mr Speaker.

In the negative, were Messrs. Allen, Byrd, Brock, Blakey, Barrett, Cowan, Drake, Garner, Holliway, Jones, *Mu*rphy and *Ma*gill.

Messrs. Bent, Lowry and Martin of Jefferson absent.

The bill from the Senate to extend the time of redemption for real estate which has been sold for taxes, was read a third time.

Mr Grant moved an amendment, which was to strike out the words 'legally authorized,' in the sixth line of the first section; which was read three several times and agreed to.

The question recurring on the passage of the bill, it was decided in the affirmative.

*Me*ssage from the Senate by mr Boggs:

Mr Speaker: The Senate have this day passed a bill of the following title, to wit:

An act supplementary to an act entitled an act providing for the disposition of the three per cent. fund, approved the 21st January 1829; herewith sent for the concurrence of the House of Representatives.

The amendments made by the Senate to the bill to organize the county of Crawford, were read and considered.

Mr Garner moved thereon, the appointment of a committee of conference; which was rejected.

The first and second of said amendments being concurred in,

Mr Cole moved a re-consideration of the vote taken on agreeing to the first amendment; which being agreed to, *Mr* Cole moved an amendment thereto, which was to insert after the word 'Crawford,' in the fifth line, the words 'which is hereby attached to the judicial circuit in this State;' which was agreed to.

Mr Grant moved to fill the blank in said amendment with the word 'fourth.'

Mr Grimsley moved an adjournment; which was rejected, and the question recurring on filling the blank with the word 'fourth,' it was decided in the affirmative, ayes 26, noes 7.

Those voting in the affirmative, are Messrs. Ashby, Bent. Brock, Becknell, Burch, Cole, Collard, Canole, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr. Kirtley, Lowry, Magill, Neill, Noland, Reyburn and mr Speaker.

In the negative, were messrs. Allen, Byrd, Blakey, Barrett, Cowan, Garner and Murphy.

Messrs. Martin of Jefferson, Martin of Ray and Overall absent.

The question being next on the amendment, as amended, it was agreed to.

Mr Grimsley moved an adjournment; which was rejected.

The question being taken on the third amendment made by the Senate, it was disagreed to.

Mr Grant moved a re-consideration of the votes on the several amendments.

Mr Becknell moved the previous question on said motion; which was rejected, and the question recurring on the motion of Mr Grant, it was decided in the negative, ayes 13, noes 20.

Those voting in the affirmative, are Messrs. Allen, Byrd, Bent, Barrett, Cowan, Garner, Grimsley, Grant, Hempstead, Jones, Kerr, Kirtley and Mr. Speaker.

In the negative, were Messrs. Ashby, Brock, Blakey, Becknell, Burch, Cole, Collard, Canole, Drake, Groom, Glascock, Holliway, Inglish, Kavanaugh, Lowry, Martin of Ray, Magill, Neill, Noland and Reyburn.

Messrs. Martin of Jefferson, Murphy and Overall absent.

Message from the Governor by the Secretary of State:

The Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed enrolled bills of the following titles, to wit:

An act for the relief of Benjamin Hawkins.

An act supplementary to an act entitled an act taxing billiard tables, approved November 26th, 1824.

An act providing for the removal of the seat of justice of the county of Cole.

An act to provide for laying out a State road from Smeltzer's ferry on the Mississippi, to the town of St. Charles.

An act extending the benefit of the act for the relief of insolvent debtors, to persons in coofinement for fines.

An act for the relief of Overton Bettis and Hardy Allard.

A resolution directing to what fund shall be charged the amount paid the witnesses in the case of the impeachment against the Hon. David Todd.

JOHN MILLER.

January 21st, 1829.

Mr Glascock made the following report:

The select committee to whom was referred so much of the Governor's message as relates to the culture of hemp and tobacco, have had the same under consideration, and have instructed me to report, as follows:—

That the richness and fertility of soil, the temperature of the climate, and the conveniency of large navigable rivers, seem to indicate the State of Missouri as a most fit and proper region for the culture of hemp; and, notwithstanding these great natural advantages, the growing of hemp has been, and still is, almost wholly neglected by the yeomanry of the country.

This neglect, it is presumed, in part, is to be imputed to the prevailing belief, that fortunes are to be speedily and certainly made by digging lead mineral. However, the experience of a few years has been sufficient to dissipate this delusive belief from the minds of all impartial observers. The fact is, that a few fortunate adventurers have suddenly grown rich by the mining business, while the great mass of laborers employed, have continued to make but small profits for their toil and drudgery. The inference to be drawn from these premises is, therefore, almost inevitable, that the same or a like number employed in agricultural pursuits, would have produced more profit in the aggregate, besides the great advantage accruing to the State in permanent improvement and lasting wealth.

The encouragement of the cultivation of hemp, and particularly the improvement of its quality by water-rotting, are believed to be objects well deserving the most solemn deliberation of the General Assembly. It cannot be denied that Russian hemp does, at this present time, command fifty per cent. more in value, in the Eastern Cities of the United States, than the American hemp; and that the superiority in quality and in price, entirely depends upon the fact, that Russian hemp is water-rotted; while the American hemp is dew-rotted. The great superiority of water-rotted hemp, both as to its quality and durability, when manufactured into duck, or manufactured into cordage, are abundantly manifested in their use in the Navy of the United States. Therefore, considering the increase of wealth to be anticipated, as well as the benefit to be derived to the State, from the proper culture, improvement and preparation of an article that might speedily be made a great staple article in the commerce of this State, to wit, water-rotted hemp, and its importance to all the citizens of the State; your committee would not now hesitate to report a bill, proposing to give premiums, at different points in the State, "for the best ton of water-rotted hemp," the growth and produce of this State, were it not for the embarrassed situation of the finances of the State. Under this consideration, it has been deemed inexpedient to report any such bill at the present session, unless instructed by the house so to do—all of which is respectfully submitted.

Which report was agreed to.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have concurred in the passage of the following bills from the House of Representatives, viz:

A bill supplementary to an act entitled ac act to organize, govern and discipline the militia, approved 12th February, 1825, and to amend an act entitled an act for the further organizing and disciplining the militia, approved 1st January, 1827; and

A bill to authorize the commissioner of the permanent seat of government to sell lots, and for other purposes; herewith returned.

The amendments made by the Senate to the bill to amend an act entitled an act to amend an act to provide for levying, assessing and collecting State and county taxes, were read and considered; the first of said amendments was agreed to; the second, disagreed to.

The third of said amendments was agreed to—and the fourth disagreed to.

Mr Kirtley moved an amendment to the fifth of said amendments, which was to make the eighth and ninth, the ninth and tenth sections; which was agreed to.

Mr Kirtley moved further to amend said amendment, by adding as a proviso to the tenth section, 'that where there are several tracts of land sold to one individual, the Auditor shall convey the whole number of tracts, so sold, in one deed; and the fees for the certificate, the executing and acknowledging said deed, shall be no more than if there was but one tract of land contained in said deed.

On motion of Mr Grant, said bill and amendments were laid on the table.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have passed the bill from the House of Representatives, to provide for surveying and marking out a State road, with amendments; herewith sent for the concurrence of the House of Representatives.

Which said amendments were read and concurred in.

Message from the Senate by Mr Boggs:

Mr Speaker: The Senate have agreed to the amendments made by the House of Representatives, to an act supplementary to an act to provide for the final settlement of the business of the several Loan Offices.

On motion of Mr Glascock,

Resolved, That the committee appointed by the Governor, on the part of this house, to examine the Treasury Department previous to the meeting of this General Assembly, be authorized to join such committee as the Senate may appoint, to burn the Auditor's Warrants, and the Loan Office paper, which has been examined and reported upon by them.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, bills of the following titles, to wit:

An act for the payment of money to certain persons therein named.

An act to provide for the next election of a Representative or Representatives in Congress, from this State.

An act amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases.

A resolution directing Calvin Gunn to print one thousand copies of the laws and joint resolutions of the present session of the General Assembly.

Mr Speaker signed said bills and resolution, and they were sent to the Senate for the signature of the President.

The bill from the Senate supplementary to an act entitled an act providing for the disposition of the three per cent. fund, was read, and on motion of Mr Magill, the rule requiring bills to be read on three several days, was dispensed with, the bill read a second time and laid on the table.

On motion of *Mr* Kirtley, the house went into recess, subject to the call of the Speaker.

When the house convened, Mr Walker from the Senate, announced the following message:

Mr Speaker: The Senate have agreed to the amendments made by the House of Representatives, to the bill from the Senate entitled an act to alter and amend the several laws of this State concerning executors, administrators and for other purposes.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, An act to organize the county of Randolph.

Mr Speaker signed said bill, and it was sent to the Senate for the signature of the President.

The house adjourned.

THURSDAY, JANUARY 22.

Mr Bent submitted the following motion:

That the journal of yesterday be so amended as to spread the communication or the substance thereof of N. Simonds, stating the reasons why he had not paid over a sum of money which he had drawn for on the Treasurer of the United States, a short time before the election of Treasurer, and shewing that he was not a defaulter, as is implied in the resolution passed by the Senate, and that he had acted in strict conformity with the law requiring him to draw, and with a strict regard for the best interest of the State; and also, the three per cent. fund, which in virtue of his office as treasurer he had the care of.

Mr Magill, called for a division of the question, and that it be first taken on amending the journal, and the question being put, shall the journal be amended? there were,

In the affirmative Messrs Bent, Brock, Grant, Kirtley and Mr Speaker, 5.

In the negative were Messrs Allen, Byrd, Blakey, Becknell, Burch, Cowan, Cole, Collard, Canole, Drake, Garner, Grimsley, Groom, Holliway, Hempstead, Inglish, Jones, Kavanaugh, Kerr, Lowry, Martin of J, Martin of R, Murphy, Magill, Neill, Noland, Overall and Reyburn, 28.

Messrs Ashby, Barrett, and Glascock absent.

So the motion was rejected.

Message from the Senate by Mr Boggs:

Mr Speaker: The Senate have this day passed a bill of the following title, to wit:

An act for the relief of the settlers on the seminary lands, and to preserve said lands from waste and damage, herewith sent for the concurrence of the House of Representatives.

Mr Blakey from the joint committee on enrolled bills reported as truly enrolled bills of the following titles, to wit:

An act to provide for surveying and making out a state road.

An act to authorize the Commissioner of the permanent seat of government to sell lots and for other purposes.

An act supplementary to an act entitled an act to organize, govern and discipline the militia, and for the further organizing and disciplining the militia.

Mr Speaker signed said bills and they were sent to the Senate for the signature of the President.

On motion of Mr Byrd, the bill supplementary to an act entitled an act to provide for the disposition of the three per cent. fund, approved 21st January 1829, was taken up.

Mr Overall moved its indefinite postponment,

Mr Allen moved an amendment, which was to strike out all after the enacting clause, and insert 'that in case the three per cent. fund and such other funds as have been appropriated for the redemption of Auditor's Warrants issued prior to the year 1824, in virtue of an act entitled an act providing for the disposition of the three per cent. fund, approved the 21st January 1829, should exceed the amount of warrants issued as aforesaid, it shall be the duty of the Treasurer, to redeem in the same manner, and to give the like notice as required by said act, the next warrants of the oldest date issued by the Auditor of Public Accounts on the State Treasurer, so far as said funds will extend.

On motion of Mr Grimsley, said bill and amendments were laid on the table.

The bill from the Senate for the relief of the settlers on the Seminary lands and for the purpose of preserving said lands from waste and injury, was read, and on motion of Mr Allen, the rule requiring three several readings on different days was dispensed with, the bill read a second time, and on motion of Mr Magill laid on the table.

Mr Burch from the joint committee on enrolled bills reported as truly enrolled

An act to extend the time of redemption of real estate, which has been sold for taxes, and

An act supplementary to an act to provide for the final settlement of the business of the several loan offices.

Mr Speaker signed said bills and they were sent to the Senate for the signature of the president.

Mr Reyburn moved a reconsideration of the vote taken on the motion of Mr Bent, to amend the journal of yesterday in reference to the communication of N. Simonds, which was agreed to.

Mr Magill moved an amendment thereto, which was to strike out o the motion all after the word 'Simonds,' which was agreed to.

Mr Grimsley moved to lay it on the table, which was rejected.

Mr Kirtley moved an amendment, which was to insert after the word 'Simonds,' the words 'upon the journals,' which was rejected.

The question recurring on the motion as amended, it was rejected.

The bill supplementary to an act entitled an act to amend an act entitled an act to provide for levying, assessing and collecting state and county taxes was taken up, and the question being on the amendment of Mr Kirley,

Mr Ashby moved an amendment to the amendment, which was to strike out all after the word 'addition,' and insert in lieu thereof 'twelve and a half cents for each additional tract,' which being accepted,

Mr Allen moved an amendment, which was to strike out of the amendment of the Senate the words 'one dollar' and insert in lieu thereof the words 'seventy-five cents; which was read three several times and agreed to.

The sixth amendment of the Senate was disagreed to.

Mr Blakey from the joint committee on enrolled bills, reported as truly enrolled an act to alter and amend the several laws of this State concerning executors, administrators, and for other purposes.

Said bill was signed by the Speaker, and sent to the Senate for the signature of the President.

Message from the Governor, by the Secretary of State:

To the Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed enrolled bills of the following titles:—

An act to amend an act entitled an act imposing a tax on venders of merchandize and pedlars and for other purposes.

An act amendatory of an act entitled an act to provide for changing the venue in civil and criminal cases.

An act to organize the county of Randolph.

An act for the payment of money to certain persons therein named.

An act to amend an act entitled an act to regulate proceedings in chancery.

An act to license grocers.

A memorial to the Senate and House of Representatives of the United States, on the subject of clearing out the rapids of the Mississippi.

A memorial to Congress on the subject of the Cumberland road.

JOHN MILLER.

January 22d, 1829.

Message from the Senate, by *Mr* Wright, their Secretary.

Mr Speaker: The Senate have agreed to the report of the joint committee of conference in relation to an amendment of the constitution of the United States, in the manner of electing the President and Vice-President.

They have also agreed to the report of the same committee in relation to a report and joint resolution from the Senate and House of Representatives of the State of Georgia, declaring that the Congress of the United States have no power to appropriate money from the Treasury of the Union, in aid of the American Colonizrtion Socieiy.

The Senate have passed the bill from the House of Representatives to regulate the State Library, herewith returned.

They have passed a joint Resolution, appointing commissioners to select a site for the seat of justice of the county of Randolph, to which they ask the concurrence of the House of Kepresentatives.

They have also passed a joint resolution appropriating two hundred dollars for printing the laws and journals, to which they ask the concurrence of the House of Reresentatives.

They have receded from their amendments to the act from the House of Representatives to organize the county of Crawford, and have concurred in the amendments made by the House of Representatives to the first amendment of the Senate to said act.

Mr *M*artin of R, called up the bill from the Senate for the relief of the settlers on the Seminary lands, and for the purpose of protecting said lands from waste and injury; when

On motion of Mr Magill, the rule requiring bills to be read on three several days was dispensed with, and said bill read a third time.

Mr Noland moved an amendment, which was to insert after the word 'permitted' in the third line of the first section 'for and in consideration of improvements by them thereon heretofore made.'

Which was read three several times and agreed to.

*M*r Kirtley moved to amend the title of said bill by striking out all after the word 'act,' and inserting 'for the purpose of preserving the seminary lands from waste and damage, which was read three several times and agreed to.

The question recurring on the passage of the bill, it was decided in the affirmative.

The joint resolution from the Senate relating to the seat of justice of the county of Randolph, was read three several times, (the rule requiring three several readings on different days having been previously dispensed with), and passed.

Mr Overall moved to take up the bill from the Senate supplementary to an act to provide for the disposition of the three per cent. fund, which was rejected.

Mr Blakey moved a reconsideration of the report of the joint committee on the constitutional competency of congress to appropriate money in aid of the American Colonization Society.

Which was agreed to.

On motion of Mr Blakey, said report was laid on the table.

Message from the Senate, by *M*r Wright, their Secretary:

Mr Speaker: The Senate have agreed to the amendments made by the House of Representatives, to the bill entitled an act to authorize the procurement of a loan of money to the State of Missouri, for the

purpose of paying off the State debt, with an amendment herewith sent for the concurrence of the House of Representatives.

They have also agreed to the resolution from the House of Representatives, relative to the adjournment of the present General Assembly, with an amendment, also herewith sent for the concurrence of the House of Representatives.

The amendments to said bill and resolution were read and concurred in.

On motion of Mr Grant, the bill from the Senate supplementary to an act to provide for the disposition of the three per cent. fund was taken up, and the question being on the amendment offered on yesterday it was agreed to.

The question recurring on the passage of the bill, it was decided in the affirmative,

The Speaker having retired from the chair,

On motion of Mr Garner,

Resolved unanimously, by the House of Representatives, that the thanks of this House are due John Thornton Speaker of the House of Representatives for the attention and ability he has constantly shewn during the present arduous session, in the discharge of the important duties of the chair confided to him.

On motion of *Mr* Burch,

Resolved unanimously, that the thanks of the House of Reprentatives be presented to James H. Burch, Chief Clerk, for the very prompt, able and satisfactory manner with which he has discharged the important duties of his office during the present arduous session

Mr Glascock communicated the following report:

The joint committee of this General Assembly who were yesterday authorized by resolution to burn the Loan Office paper and Auditor's Warrants which had been examined by the joint committee appointed by the Governor to examine the Treasury Department, respectfully report: That they have burned in the office of the Treasurer, all the Auditor's Warrants referred to in said resolution, and they have communicated a correct account of the same to the Auditor.

JAMES JONES, *of the Senate.*
ARCH. KAVANAUGH, } *of the H. of Repre-*
STEPHEN GLASCOCK, } *sentatives*

On motion of *Mr* Martin of J, the report of the joint committee on the subject of the constitutional competency of congress to appropriate money from the public Treasury in aid of the American Colonization Society was taken up and considerd.

Mr Ashby moved the previous question, which being agreed to, there were.

In the affirmative Messrs Allen, Ashby, Byrd, Blakey, Becknell, Burch, Cowan, Collard, Canole, Drake, Groom, Holliway, Hempstead, Inglish, Kavanaugh, Lowry, Martin of J, Martin of R, Magill, Neill, Nuland, Reyburn and Mr Speaker, 23.

In the negative were Messrs Burch, Barrett, Cole, Grimsley, Grant, Jones, Kerr, Kirtley, Murphy and Overall, 10.

Mr Bent absent sick.

Messrs Garner and Glascock absent.

So the report and resolutions were agreed to.

The resolution from the Senate appropriating $200 for printing the laws and joint resolutions was read three several times, (the rule requiring three several readings on different days having been dispensed with) and passed.

On motion of Mr Grant, the house adjourned to half past 7 o'clock.

The house met pursuant to adjournment.

Mr Magill moved a re-consideration of the vote taken on the resolution offered by Mr Drake on yesterday, which being agreed to,

Mr Glascock moved to amend said resolution, by striking out all after the word 'resolved,' and inserting in lieu thereof, 'that the Chief Clerk be directed to prepare an accurate index to the journal of the present session, after the manner of the journals of Congress; for which service he shall be allowed the sum of sixty dollars, to be paid out of the contingent fund of this house;'—which was agreed to.

The question recurring on the resolution, as amended, it was agreed to.

On motion of Mr Ashby,

Resolved, unanimously, That the thanks of this house be presented to Philip Cole, Esq. for the able and conciliatory manner with which he has discharged the duties of Speaker pro-tempore, during the present session.

Message from the Senate by Mr Wright, their Secretary:

Mr Speaker: The Senate have agreed to the amendment made by the House of Representatives, to an act supplementary to an act providing for the disposition of the three per cent. fund.

They have, also, concurred in the amendments made by the House of Representatives, to the bill from the Senate for the relief of the settlers on the seminary lands, and for preserving said lands from waste and damage.

They have agreed to the first amendment of the House of Representatives, to the amandments made by the Senate to the bill to amend an act to provide for levying, assessing and collecting State and county taxes.

They, also, concur in the amendments made in the sixth line of section nine; and they have receded from their second, fourth and sixth amendments to said bill.

They have, also, passed the bill from the House of Representatives, supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts, with amendments; herewith submitted for the concurrence of the House of Representatives.

The Senate have passed an act supplementary to an act to organize Randolph county; herewith sent for the concurrence of the House of Representatives.

The amendments made by the Senate to the bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts, were read and considered.

Mr Cole moved to amend the second of said amendments, by striking out the word 'April;' which was agreed to.

Mr Kirtley moved to strike out of the same amendment, the words 'August and September,' and insert 'May and September;' which was agreed to.

Mr Garner moved to strike out the word 'May;' which was rejected.

The question recurring on the amendments, as amended, it was decided in the affirmative, ayes 26, noes 6.

Those voting in the affirmative, are Messrs. Ashby, Brock, Blakey, Becknell, Cole, Collard, Canole, Drake, Grimsley, Grant, Groom, Glascock, Holliway, Hempstead, Inglish, Jones, Kerr, Kirtley, Lowry, Martin of Jefferson, Martin of Ray, Neill, Noland, Overall, Reyburn and Mr Speaker.

In the negative, were Messrs. Allen, Byrd, Barrett, Cowan, Garner, and Murphy.

Mr Bent absent, sick.

Messrs. Kavanaugh and Magill absent.

Mr Blakey, from the joint committee on enrolled bills, reported as truly enrolled, a joint resolution proposing amendments to the constitution of the United States; and

An act to regulate the State library, and to provide for the improvement and increase thereof.

Said bill and resolution were signed by the Speaker, and sent to the Senate for the signature of the President.

The bill from the Senate supplementary to an act to organize Randolph county, was read three several times, (the rule requiring bills to be read three several days, having been dispensed with,) and passed.

Mr Burch, from the joint committee on enrolled bills, reported as truly enrolled—

An act to authorize the procurement of a loan of money to the State of Missouri, for the purpose of paying off the State debt.

Mr Speaker signed said bill and it was sent to the Senate for the signature of the President.

Message from Senate by Mr Boggs:

Mr Speaker: The Senate have concurred in the amendments made by the House of Representatives to the amendment made by the Senate to the bill supplementary to an act to establish judicial districts and circuits, and prescribing the times and places of holding courts, which is herewith returned.

Mr Blakey, from the committee on enrolled bills, reported as duly enrolled, an act to organize the county of Crawford.

Said bill was signed by the Speaker, and sent to the Senate for the signature of the President.

The house adjourned, to 7 o'clock to-morrow morning.

AN ABSTRACT

OF THE CENSUS OF THE SEVERAL COUNTIES OF THE

STATE OF MISSOURI, FOR THE YEAR 1828.

NAMES OF COUNTIES.	FREE WHITE MALES.						FREE WHITE FEMALES.						Slaves.	Free persons of colour.	Persons bound out to service for a term of years.	Total amount in the several counties.
	Under ten years of age.	Over ten and under eighteen.	Over eighteen and under twenty-one	Over 21 and under forty-five.	Forty-five and upwards.	AGGREGATE.	Under ten years of age.	Over ten and under eighteen.	Over eighteen and under twenty-one.	Over 21 and under forty-five.	Forty-five and upwards.	AGGREGATE.				
Jefferson,	455	174	43	360	89	1121	433	214	32	309	73	1061	176	10		2367
Madison,	377	182	61	274	99	993	317	157	54	227	74	829	444	3	7	2276
Saline,	245	144	39	220	61	709	222	133	44	153	41	593	341	16		1659
St. Charles,	531	269	104	390	182	1476	488	291	101	352	106	1338	659	33	8	3514
Franklin,	536	236	72	370	102	1316	477	326	64	315	78	1260	271	5		2852
Marion,	340	180	50	327	69	967	337	166	54	212	66	835	605	2		2409
St. Francois,	357	160	53	275	103	948	293	137	51	229	57	767	349	10	6	2080
Howard,	1535	737	196	1037	316	3871	1299	665	230	1040	285	3519	2326	14		9730
Cooper,	1056	448	119	724	198	2545	944	475	141	641	155	2356	811	19	13	5744
Boone,	1298	599	167	1006	238	3308	1267	528	161	871	209	3036	1533	4	9	7890
Wayne,	548	263	60	373	119	1363	551	239	65	342	76	1273	361	11	1	3009
Cape Gerardeau,	1033	601	208	798	285	2925	1024	566	211	701	204	2706	868	8		6507
Jackson,	414	173	38	302	65	993	380	184	53	246	38	901	136			2029
Pike,	772	414	115	624	169	2094	730	375	111	501	128	1845	825	3	1	4768
St. Louis,	1610	799	229	2114	436	5188	1567	774	258	1308	346	4253	2231	251	57	11980
Lincoln,	499	230	58	349	91	1227	486	221	71	296	72	1146	451	2		2826
Ralls,	411	162	54	351	76	1054	372	139	62	276	60	909	487			2450
New Madrid,	296	128	68	260	79	831	267	128	62	196	62	715	332	6	9	1893
Perry,	449	253	78	350	113	1243	433	206	67	300	83	1089	406	4		2742
Ste. Genevieve,	215	149	38	177	81	666	183	133	58	152	77	603	408	34		1705
Washington,	1033	475	161	899	289	2857	939	414	127	508	152	2140	1215	24		6236
Cole,	456	186	55	345	101	1143	444	202	60	281	80	1067	263	3	2	2478
Callaway,	698	308	100	592	148	1826	692	298	95	439	108	1632	1056	3		4517
Ray,	363	176	58	273	73	943	321	158	66	202	52	799	99	2		1843
Scott,	244	155	41	203	62	705	242	148	44	187	47	668	337			1610
Montgomery,	656	296	60	394	99	1505	484	246	62	368	73	1233	516			3254
Gasconade,	395	173	78	363	92	1101	372	171	62	243	62	910	188			2199
Lafayette,	387	183	44	310	78	1002	358	158	44	250	65	875	323	3		2203
Clay,	750	318	89	660	129	1946	757	285	113	469	123	1747	674	9		4376
Chariton,	612	245	65	433	102	1457	536	244	58	358	71	1267	534	5		3263

Free white males and females, 92801—Slaves, 19124—Free persons of colour, 484—Total, 112409.

SECRETARY'S OFFICE, November 25th, 1828.

I SPENCER PETTIS, Secretary of State, do hereby certify the foregoing to be a complete and correct Abstract of the Census of the several counties of this State, as shewn by the returns made to my Office by the respective Sheriffs.

SPENCER PETTIS.

FRIDAY, JANUARY 23.

On motion of Mr. Martin of R. the reading of the journal of yesterday was dispensed with.

Mr. Kirtley asked and obtained leave of absence for Messrs. Reyburn and Murphy, from and after to-day.

On motion of Mr. Drake,

Resolved, by the Senate and House of Representatives, That so much of the joint resolution in regard to the adjournment *sine die* as makes the hour of adjournment 9 o'clock, be rescinded, and that both houses will adjourn to day *sine die*.

Message from the Governor by the Secretary of State:

To the Hon. the House of Representatives of the State of Missouri.

I have this day approved and signed enrolled bills of the following titles, viz:

An act to provide for surveying and marking out a State road.

An act supplementary to an act entitled, an act to organize, govern and discipline the militia, approved 12th Feb. 1825, and to amend an act entitled, an act for the further organizing and disciplining the militia, approved the 1st January, 1827.

An act to authorize the commissioner of the permanent seat of government, to sell lots, and for other purposes.

An act to organize the county of Crawford.

An act to regulate the State library and to provide for the improvement and increase thereof and for other purposes.

A resolution recommending an amendment to the Constitution of the United States.

JOHN MILLER.

23d January, 1829.

Mr. Blakey from the joint committee on enrolled bills, reported as truly enrolled,

An act to amend an act entitled, an act to amend an act entitled, an act to provide for levying, assessing and collecting State and county taxes.

An act supplementary to an act to establish judicial districts and circuits and prescribing the times and places of holding courts.

And a resolution relating to the American colonization society.

Mr. Speaker signed said bills and resolution, and they were sent to the Senate for the signature of the President.

Message from the Senate by *Mr.* Boggs:

Mr. Speaker--The Senate concur in passing the joint resolution altering the time of adjournment *sine die*, herewith returned.

Mv. Blakey from the joint committee on enrolled bills reported as truly enrolled,

A resolution making an additional appropriation for printing the laws and journals of the present session.

Said resolution was signed by the Speaker, and sent to the Senate for the signature of the President.

On motion of Mr. Grant, the house went into recess, subject to the

call of the chair; when they convened, Mr. Gentry of the Senate announced the following message:

Mr. Speaker—The Senate have appointed Messrs. Gentry, Bollinger and Jackson a committee on their part to join such committee as the House of Representatives may appoint to wait on the Governor and inform him that the two houses of the General Assembly will be ready to adjourn this day if he has no further communication to make to them.

Messrs. Kirtley, Glascock, Garner, Bent and Allen were appointed the committee on the part of the house.

Message from the Senate by Mr. Miller:

Mr. Speaker—The Senate have passed a joint resolution for the appointment of commissioners to locate the permanent seat of justice of the county of Saline, herewith sent for the concurrence of the House of Representatives.

On motion of Mr. Garner, said resolution was indefinitely postponed.

Mr. Burch from the joint committee on enrolled bills, reported as truly enrolled, an act attaching the county of St. Charles to the third judicial district, which was signed by the Speaker, and sent to the Senate for the signature of the President.

Message from the Governor, by the Secretary of State:

The Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed enrolled bills of the following titles, to wit:

An act to amend an act entitled an act to amend an act entitled, an act to provide for levying, assessing and collecting State and county taxes, approved January 3d, 1827.

An act supplementary to an act to establish judicial districts and prescribing the times and places of holding courts.

A report of the joint committee on the subject of certain resolutions adopted by the General Assembly of Georgia relating to the colonization society.

JOHN MILLER.

January 23d, 1829.

On motion of Mr. Grimsley, leave of absence was granted to Mr. Overall for the remainder of the session.

A message from the Senate by Mr Gentry.

Mr. Speaker—I am instructed to inform the House of Represenatives that the Senate have unamimously elected Lilburn W. Boggs, Esq. President protempore of the Senate.

On motion, the house adjourned to half past one o'clock.

On motion of Mr. Blakey,

Resolved unanimously, That the thanks of this house are due Elijah Stapp for his diligent and attentive discharge of the duties of doorkeeper during this arduous and protracted session of the General Assembly.

Message from the Governor by the Secretary of State:

The Hon. the House of Representatives of the State of Missouri:

I have this day approved and signed an enrolled bill of the following title:

An act attaching the county of St. Charles to the third judicial district.

JOHN MILLER.

23d January, 1829.

Mr. Kirtley from the joint committee appointed to wait on the Governor and inform him that the two houses were ready to adjourn *sine die*, if he had no further communication to make, reported that they had performed that duty, and had received for answer, that his excellency had no further communication to make.

On motion of Mr. Kirtley, Messrs. Brock, Lowry and Martin of J. were appointed a committee to inform the Senate, that the house is now ready to adjourn *sine die*.

Message from the Senate by the committee therein named:

Mr. Speaker—The Senate have appointed Messrs. Gentry, Walker and Hawkins a committee to inform the House of Representatives that the Senate are now ready to adjourn *sine die*.

On motion of Mr. Byrd,

The house adjourned *sine die*.

JOHN THORNTON,
Speaker of the House of Representatives.

Teste,
JAMES H. BIRCH,
Chief Clerk of the House of Representatives.

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