Transylvania University, Feb: 9th, 1825.

Sir.

Prof~~o~~ Matthews is confined to his bed with illness at this time, and has requested me to answer your letter of the 1st instant for him. He is gratified with the appointment, which you have announced to him, as a mark of public confidence and approbation, and will cheerfully accept of it, provided the duties can be discharged between the 13th of July next, and the 1st of the following October. This is the period of our vacation, and will probably be a suitable season for the purpose named in the commission. He will not however be able to advance money for the expenses of the enterprise, and would be happy to receive in=

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formation from you upon this point. He has never seen a copy of the law, to which reference is made in the instrument from the Governor. Perhaps the law explains all that he wishes to know in connexion with the service; and on this account, it is desirable to have a copy transmitted to him. Money will probably be advanced from the treasury for all necessary purposes. Should any instruments of a particularly accurate and excellent character be required, is he authorized to procure them? He will answer you definitively and promptly, when he gains from you the information here contemplated.

Very respectfully Yours,
Horace Holley.

Mr. P. S. Loughborough,
Assistant Secretary.

and ap=
fully accept

Public Service.

6

P S Loughborough Esqr,
Assistant Secretary of State,
Frankfort,
Kentucky.

Hopkinsville Febry. 11th 1826

D.r Sir

I have just rec.d Several letters from Logan County, informing me that E. M. Ewing will be a Candidate for the Senate, of Course will resign his office as Commonwealths attorney, & altho, I have ever been averse to be troublesome to an Executive of my State, yet in this Case I may be pardoned when I have Talents & Character Combined. John F. Todd Esqr is a gentleman of Standing, in society, & worthy of patronage, by those who know him, it is also worthy of remark that he is Amongst the few of his profession, who Stood by us in the Trying Hour, & Still Sticks

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if your Excellency feels disposed to notice this man; it will be pleasing to many Who know him best, & gratifying to your Obt friend & Very Humble Servant

Yours Truly

P.S. I think Mr Todd will make an Excellent Commonwealths attorney —

Y. E.

His Excellency

Jos. Desha

Frankfort - Ky

Office of State, Frankfort, Ky. Feb. 12. 1825

Sir:

Your of the 9th instant has been received. As Mr. Matthews is confined by indisposition, I take the liberty of addressing this letter to you, once of transmitting for his use a copy of the desired Law. — In answer to the matter contained in your letter, I am directed to say that, should Mr. Matthews finally resolve to perform the business entrusted to him by the Executive and Senate, he may choose any time for it between this and the meeting of the next General Assembly, in order that he may report the result to them. The period of vacation in the University would be as eligible as any other. — With regard to the advance from the public treasury, of a sum for the attainment of the purposes contemplated by the Law, - a reference to the act transmitted will shew that no provision has been made therefor. Nor is there any general Law authorising the executive or any officer of government to draw.

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in anticipation, any money from the public purse in this or similar cases. The constitution has placed the public funds under the control of the Legislature solely, and in the 5th Sec. of the 6th Article has positively forbidden the issuing of any part of them unless "in pursuance of appropriations made by Law" As no appropriation has been made in the present case, the executive would not feel authorised to issue its order for the advance to Mr. Matthews of any sum to defray his expences, how proper soever such advance might seem in any other point of view.

If Mr. Matthews determines to execute the work without any advance his bill of expences and services when laid before the Legislature accompanying his report will doubtless be covered by an express appropriation.

It is desired by the Governor that Mr. Matthews transmit his final acceptance or refusal as early as may be convenient, in order that some one may be appointed who will perform the duty as the ~~work~~ it must be done against the next session of the Legislature

Respectfully your Obt. Servt.

S Laughborough

Asst. Secy.

H Holley Br. Fr. Un.

Letter to H Holley

Kentucky Lincoln County Court Oct.

At a County Court holden for the County of Lincoln at the Court house in the town of Stanford on monday the 13th day of February 1826.

The County of Lincoln being entitled to another justice of the peace, in pursuance to an act passed at the last session of the general assembly of the Commonwealth of Kentucky, whereupon it is ordered that Lewis Ball & Isaac Williams be recommended to his excellency Joseph Desha governor of this Commonwealth, as proper persons, one of whom to be commissioned a Justice of the peace in & for the County of Lincoln, a majority of all of the justices of the peace in Lincoln County being present & concurring in the above nomination, and that this the wish of this Court that Lewis Ball be commissioned

a majority of all of the justices of the peace in Lincoln County being present & concurring therein, do order that William Shanks & Elisha Vaughn be recommended to his excellency Joseph Desha governor of this Commonwealth as proper persons one of whom to be commissioned a Justice of the peace in Lincoln County to fill the vacancy occasioned by the appointment of Benjamin Field Sheriff of Lincoln County, and that it is the wish of the Court that

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Nelson and Shanks be) Commissioned.

Kentucky Lincoln County Set.

I Thomas Helm clerk of the Lincoln County Court do hereby certify that the foregoing are true Copies of the orders made at the February term of the Lincoln County Court in the year eighteen hundred & twenty six, nominating certain persons to fill the office of Justice of the Peace in Lincoln County

In testimony whereof I have hereunto subscribed my name this 15th day of February 1826.

Thomas Helm clerk.

Lincoln 6

Justices

Feb. 18. 1826.

Lexington February 28th 1825

Sir

Your communication to Mr Polley of the 22d inst. relative to subjects incidentally connected with my appointment to survey an east and west line in lat. 36° was handed to me in due time. Indisposition has hitherto prevented me from replying, which I now do for the purpose of respectfully declining the acceptance of the commission with which I have been honored, and stating my reasons for this determination.

After a careful examination of the copy of the law relative to this business which you were so good as to transmit, I have been led to conclude that the legislature anticipated no other means as necessary to the accomplishment of this survey, than the use of the common circumferentor or compass; under this impression they could not have anticipated any great expense, or attendant on the business - and would probably be much disappointed and disappointed ~~at them~~ on being presented at their next meeting with a bill probably amounting to two thousand dollars, expended in accomplishing the objects of the law. The expenditure would certainly amount

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to mar that sum, and might considerably exceed it—
To those conversant with the subject it is well known
that a parallel of latitude cannot be traced by means
of the compass alone, and the reason is obvious, for
all parallels of latitude are small circles of the sphere
while every line traced by the compass is a portion of a
great circle of the sphere which can never coincide
with a small circle— Besides this difficulty which
must be removed by particular means, instruments for
celestial observations, that will ascertain the latitude within
5" of a degree are necessary, which cannot be done by the
Sextant, as it only measures angles to within 30" of a de-
gree— A Zenith sector, or at least a repeating circle, a time
piece and a transit instrument would therefore be necessa-
ry, add to this, the party employed could not well con-
sist of less than eight persons, whose wages, and expenses
of living, together with that of tent and camp equipage
would considerably swell the expence— With these views
I cannot commit to involve the State in an amount of
expence which the Legislature had probably not
anticipated— and independent of this consideration
I am not in a situation to make those necessary

advance, & I am not well convinced of the propriety of so doing, I have therefore only to return the commission with which the Executive has honored me, together with my warmest acknowledgments for that good opinion which induced it to prefer me in the appointment—

With sentiments of the truest respect

Yours &c Thomas L. McK

P. S. Loughborough Esq
acting Secy of State

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Lexington Ky March 3

Paid 12

To

J. J. Loughborough Esq

Acting Secretary of State

Frankfort

Ky

1825

McCracken Cty 25th Febr 1826

His Excellency Joseph Desha

It appears to be the Genral voice of the people of this county that the vacancy occationed by the resignation of Joseph Owen one of the associate Judges of this county should be fill by Mr. John McElya and have been solicited. to send a recommendation to your Excellency, I my self beleiving him as well qualifyed to fill said vacancy as any other citizen of this county I therefore have deemed it necessary to recommend said McElya (as we should in all probelety have no court in may next that being the time appointed by law) in consigence of the distance the Honble Circuit Judge lives from this and the time of our courts convening is so badly arranged as to render it very inconvenient for him to attend I hope you will fill that office I am yours &c

In and Obd Servant
Robt Fletcher

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McCracken
Cty H. Febr 25th

37 3/4

His Excellency Joseph Dishal
Frankfort
Ky.