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-nually from the Bank of Kentucky for dividend, and tax on stock, upwards of $40,000; this sum under existing laws will not be received — It is believed, too, that the revenue derived from taxable property will be much less in 1824, than it has been, owing to a decreased estimate in the value of property on the Commissioners books. — There are some items of expenditure that have been increasing annually; One I think, well worth the consideration of the Legislature. I allude to the expense of taking care of and maintaining Lunatics. This expense has increased annually for a number of years. In 1822. the whole amount was $15490.44 In 1828 it is $19013.69. Whatever may be said about the inhumanity of separating this most unfortunate and most to be pitied portion of our citizens from their relations, would it not comport more with their own interest as well as the interest of the State to have them supported in the public Hospital where they will receive all the advantages of medical aid.

I refer to the above items merely to draw the attention of the Legislature to the subject. All necessary information they may need will be readily obtained from the Auditor.

The Penitentiary has been enlarged under the law of last Session, appropriating money for that purpose and I cannot in justice to the undertakers refrain from saying that the work has been done in a way that will I believe, satisfy the expectations, and merit the approbation of the Legislature.

On this subject you will have a Report from the Commissioners, designated by the Legislature to let and superintend the work. The ground now enclosed by the new wall will be amply sufficient I trust for many years to come. There is however much work to be done in building the necessary number of cells and work shops this labour may be performed by the Convicts during the next Summer (as the work cannot be well done in the Winter). During the last six months I have thought it necessary to allow two additional Sentinels to the Keeper, as the old walls were necessarily broken to commence building the new; this is a much temporary arrangement, and will cease when the new walls are finished.

The laws relating to, and intended for the Government

1823 of the Penitentiary are somewhat complicated, and in
Mr. S. - have unnecessary restraints on both, the Keeper and agent.
restraints which can only operate to the injury of the
institution; without producing either safety or benefit
to the public. - The Keeper should be authorised to draw
money from the Treasury with the approbation of the Govern-
or, in sufficient sums, to supply the raw materials ne-
cessary; he ought never to purchase on credit, let his ac-
count be strictly examined annually; this with the re-
sponsibility of the chief magistrate will be a sufficient
and best check on him. The agent should not be
tied down by unnecessary restrictions; he should be
authorised to sell on credit; and to those who would
purchase to sell again, he might be allowed to give six
or even twelve months credit; this I am well assured
would be a better arrangement than the plan of
sub agents under the law of last session. The hope
of selling the articles long on hand at vendue in
this place has been tryed and failed. The office of
Keeper is one of much importance to the community.
It requires a man of sound and strong mind, of in-
defatigable and unceasing attention to the duties of
his office; and although possessed of all those rare
combination of qualities, or talents, he must learn
the duties to be performed within the institution.

The great and most important object of the Legis-
lature in organizing the Penitentiary and chang-
ing the punishment for crimes; was the hope of
effecting a reformation in the culprit; to do this
much has been expected from solitary confinement
and hard labour combined. They are good, so far as
they go, but they certainly need, greatly need the gentle
aid of moral instruction; A a large proportion of
the convicts are not only illiterate; but what is more
they have no sense nor knowledge of the value and im-
portance of correct morals. - We have not a female
confined in the Penitentiary; and to the honor of that
class of our population; it may with truth be said
(and it reflects no less honour on the State) that
female convictions, since the organization of the Pen
have been rare. To what cause are we to ascribe this
great difference in the human character; if not
to the strongest sense of moral feelings in the female

than the males. Punishment or suffering alone does not often lead to a reform. It is in human nature to resist punishment which the culprit too often deems unnecessary and unjust. Is it too much to hope then, from the Legislature an appropriation sufficient to enable some pious respectable clergyman to devote his sabbaths to the benevolent purpose of instructing this unfortunate and degraded class of men. =

Our University still continues to flourish in an eminent degree. The law department promises much, not only in the diffusion of the necessary science of law but in the promotion of the science of Government in its various relations. The medical department has met with a success which it is believed has no parallel. The late visitation upon our ~~country~~ community has illustrated but too fully the correctness of the policy in promoting this institution — It would be desirable that the faculty would by some means organize themselves with the Physicians throughout the State so as to be able to collect the earliest possible information of the diseases which visit us under such incessant changes and discovering the most successful means of encountering them, to diffuse the knowledge thus acquired as speedily as possible and thereby render the science of the institution as universal and efficient as practicable — Our Southern College at Bowling green and centre college at Danville are both in successful operation. The Deaf and Dumb asylum at the latter place has been opened under most favourable auspices and promises much in illuminating the minds of those unfortunate persons, whom nature or accident has deprived of the ordinary means of acquiring knowledge. =

On the subject of the Bank of the commonwealth the Legislature will I presume pursue steadily the course pointed out in the charter, and which has been dated on by the preceding Legislatures. To issue more paper would be asking too much, and I am fully of opinion the debtors cannot meet heavier calls; let this course be adhered to, and the Bank will wind up itself as soon as the people of the State will be prepared to do without it — Permit me whilst on this subject to remark that the Bank of

1823 the commonwealth, was organized, and the endorsement
Nov. 4. and replevin laws passed for different purposes, and in-
tended to operate on seperate and distinct classes of
debtors; they were not essentially dependent on each
other. the Bank was intended to relieve a very numerous
class of debtors, whose debts were small, and where
both creditor and debtor were citizens of the State, and
whose debts, though small individually, amounted to up-
wards of 2000000 of dollars, all of which were under
judgment and execution, and the property ready to be
sacrificed in most cases for little more than the officers
fees, it cannot be doubted by any that such an amount
of property exposed by the officers at the same time,
or in a short period, would not have brought a tenth
perhaps not a twentieth of its value, this numerous
and I will venture to say this class of honest debtors,
have been relieved by loans from the bank. their creditors
have been satisfied, and they allowed sufficient time
to raise the money by adopting the very sage advice,
which we have all read in our almanacks since the
days of poor Job, and may yet read from most public
documents, and news papers, Of thrifty and economy,
an advice always good in itself but when given to
a man whose sole property the labour of many years
is in the hands of an officer, and about to be torn
from him for one tenth of its value in a few days, a
week or months it is then little better than insult.
The class of debtors for whose benefit the Replevin
law was passed, were those whose debts were so large
that the limited loans of the Bank could not reach;
to give them time; was all the Legislature could do
for them. to what extent they may have been enabled
to avail themselves of the time they have already
had, will be better known to the collected wisdom
of the Legislature, than to myself. One thing I believe
is certain, that many of them cannot yet pay their
debts in specie. — I have given this plain narra-
tive of the history of our relief laws, and notwithstanding
the abuse which has been heaped upon them by the
designing and ignorant, I have not a doubt, but that
from the then situation of the Country, they were es-
sentially necessary and better calculated to do more
justice between creditor and debtor, than any other course

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in the power of the Legislature.

The Supreme Court of the United States have decided the cause involving the validity of our occupying Claimant laws on which so much, both in principle and property depended, and in which we very properly took so great an interest; and notwithstanding the provision of the compact with Virginia, that in the event of a dispute concerning the meaning or execution of the instruments, that the same should be referred to a tribunal therein provided for, And notwithstanding Virginia had long acquiesced in our interpretation and execution of its stipulations; And that when we made the proposition, she refused to constitute the tribunal, and make the reference, yet that Court took cognizance of the compact between the States, as they would have done of a contract between private persons. And by misunderstanding its meaning (which has been fully proven by our distinguished and patriotic Counsel, and also farther illustrated in the same view by an eminent citizen) And by disregarding what had been esteemed the well settled distinction between right and remedy, declared the whole of our occupying Claimant laws contrary to the compact and void.

and the court of appeals of our own State following somewhat (for they do not perfectly agree) this disregard of the ancient distinction between right and remedy, have lately given a decision, by which they declare our Replevin and (consequently it is believed) property laws unconstitutional, and void whenever they may be so asserted by the creditor. The decision was given in the case of a contract made prior to the passage of the law. Whether in consequence of the provision in these laws in relation to the indorsement on executions, they will not give the same decision in cases of contracts subsequently made is a subject of conjecture. These decisions have produced much excitement and alarm throughout the State.

The Courts rely for the support of their decisions on that clause of the constitution of the United States which declares that "no State shall pass any law impairing the obligation of contracts." From these words our Court draws the conclusion that the remedial laws existing at the time of the contract is made part of the contract, and cannot be changed by a future Legislature.

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It is the great and leading principle in our Federal as well as State Constitution that the people shall govern, to secure this important right more effectually the members of our Legislature are elected for short periods for the sole purpose that the people may by means of these elections effect a remedy for existing evils, amend, change or repeal all laws that are found oppressive or injurious to the community. I am not an advocate for Legislative infallibility, I would not therefore cloathe them with the power of doing much evil and by the same principle take from the people the right as well as the power to apply the proper remedy. It is settled that Congress as well as the State Legislatures have the power to grant charters of incorporation. It is also well known that there are three leading interests in the United States the mercantile, the agricultural and the manufacturing, suppose then that one of these interests (the mercantile or manufacturing) should by any means obtain a majority in each house of Congress. And thus obtain a charter of incorporation granting them privileges injurious to the other two pursuits which would run for forty or fifty years and for which they would pay a bonus. Will any rational man say there is no power in the Government to relieve the community from such a grievance. It too often happens that men employed for a length of time in Courts of law either as Judges or inferior actors become in feeling and conscience completely legalized. Man is very much the creature of habit. Such a one would probably tell you the contract was a fair one, the bonus had been paid and the law was in favour of the corporation. But would any honest moral man hesitate a moment in voting the repeal of such laws. I will mention one other view in which this principle contended for by the Courts if submitted to, may become dangerous to the Government as well as to the best interests of the people. Ours is a Government founded on moral principles, its strongest support is in the affections of the people. Any Judicial act, that tends to alienate the minds and consequently the affections of large portions of the citizens. For instance, as in the present case a whole State by unhinging and overturning the course of Legislation and adjudi

cation acted on for years past, must in the same degree weaken the power, and render less secure the stability of the Government. I need not be told that the General Government is authorised to use physical force to put down insurrection and enforce the execution of its laws. I know it; but I know too, with equal certainty, that they may when the Government shall be compelled to resort to the bayonet to compel a State to submit to its laws, will not long precede an event, most of all others to be deprecated. — I refer to these strong points to shew to what extent this principle may be carried as to the immediate effects, the incalculable litigation and distress it may produce within this State.

I leave it with the Legislature, who are better able to judge than myself. But the immediate effects and consequences of those decisions on the property and pecuniary relations of the community, is not the view in which most is to be apprehended. The principles they would establish and effects they would produce, sink much deeper and would produce infinitely more permanent evils. — They strike at the sovereignty of the State and the right of the people to govern themselves. It is in this view that they have been contemplated and justly excited the apprehensions of the most intelligent & sober minded members of the community. And in this view the subject is committed to your most solemn consideration. In your wisdom the remedy is expected to be devised, for it is with pride as well as pleasure I am enabled to say (and say it without flattery) that there is a due proportion of the talents of the state in the present Legislature. I may fairly hope then, that on this highly important subject, as well as all others that may come before them, they will act with that cool, dispassionate manly deliberation which will always be found the surest as well as the shortest road to a ~~good~~ correct decision. Whatever course the Legislature may adopt in supporting and sustaining the just rights of the State, and protecting the citizens from the evils to be dreaded from this new doctrine, and to say the least of it, this doubtful construction gain to the constitution of the United States, which I have little doubt be approved

by your constituents and go far to quiet their apprehensions on this important subject

Other subjects that may occur during the Session will be communicated in due time. It will give me pleasure to co operate with you on all measures calculated to promote the public interest

I am Gentlemen
With Due respect
Yours,
John Adams

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823 The Governor sent the following message to the
Nov. 5. house of Representatives, by the Secretary of State, Viz.

Gentlemen
of the House of Representatives,

On the day of the adjournment of the last general assembly an enrolled Bill, which had originated in the House of Representatives, and passed both branches of the Legislature, entitled "an act to alter the mode of summoning petit jurors" was presented to me for my approval and signature. The great difficulty which I encountered in attempting to reconcile its provisions to the principles of our constitution and fundamental principles of our policy in its administration induced me to forbear then to approve it. - A just difference for the opinion of even a small majority of the Representatives of the people, although expressed on but one occasion, and then, it is believed, with hesitation, induced me to pause in determining to withhold my signature. But I could not satisfy myself that the operation of the bill would not produce an embarrassment in the Treasury department before the provision could be made by a succeeding Legislature. No intimation was given by that body of an intention to provide the necessary sum, that the operation of the measure would have produced the embarrassment is now manifest; hence a postponement of the bill in some form seemed to be necessary. But I was most strongly inclined to hold up my decision by the consideration that the subject was one of great importance to the people both in relation to their political rights, and in respect to the burthens of the Government upon them and that by the postponement the Bill would be thrown back into the forum of the people whose opinion a succeeding Legislature would be able

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to announce. —

The bill in substance provides - that the County Courts shall elect at least one hundred intelligent and respectable house keepers. That from this hundred thirty shall be designated by lottery to serve as Jurors at the succeeding Circuit Court. That a Jury shall be drawn by lot from this thirty for the trial of each cause, saving the right of challenge &c. That the jurors shall be paid out of the Treasury the sum of one dollar per day. That the tax on law process shall be increased to one dollar; and that the successful party shall pay for the verdict before rendered, one dollar and twenty five cents to be taxed in the costs of suit, and to defray the expences of the system, one fourth of the profits of the Bank of the Commonwealth is appropriated. The section of the constitution alluded to is in these words "The ancient mode of trial by Jury shall be held sacred and the right thereof remain inviolate" That this provision of the Constitution secures to every litigant the right to have every issue tried by a Jury, which according to the common and Statute law at the adoption of the constitution was triable by this tribunal only is conceded by all. Is this the extent of the design of the section. If it were it would be readily conceded, that no extraordinary liberality of construction ought to be resorted to for the purpose of restraining the power of Legislation. But it is not believed the clause is so confined in its purpose. — It is one of those provisions designed not only for a denial of power to the Legislature for the benefit of the litigant but is emphatically designed for the purpose of securing to the people in their original individual capacities the exercise of an important power in the administration of justice to themselves. a power the exercise of which is essential to liberty itself. That the people are all jurors and triers by right of each other, and each other cause, is an essential constituent of that equality which is the basis of the Republic. A moments recollection on how the right had always been held and contemplated in the country where the institution had its origin and from whom we derived it, will be conclusive that such were the views of the convention. It should be therefore literally construed to preserve this equality. adopting this liberality it is believed the clause not only secures the right and mode of trial but also secures the mode of congregating and constituting the Jury itself

This construction prescribes the jury itself, and the important right of the people. The contrary construction leaves the tribunal in the power of Legislation in relation to the elements, the mode of their congregation, and every thing else prior to their array. And whilst the right to the mode of trial would be said to be preserved, the tribunal itself may lose every particle of its "ancient" mode of trial by jury with that "sanctity" contemplated by the constitution.

If such an interpretation can be maintained, then I am fully satisfied, it is highly impolitic to exercise the power of even commencing an innovation which might lead in such an extreme. That they shall be composed of the patriarchal and apostolic number and no others. That they shall be chosen by the Sheriff or some other Executive officer, whose office it has been since its first institution, and not by the court before whom the trial is to be had, nor any other judicial tribunal. That they shall be chosen for the trial of each cause and brought fresh from the body of the people in their ordinary occupations, and native purity. And not constituted officers for fixed periods, whereby they might be to such an extent habituated to the authority of the court and influence of the bar, as to lose that independence and individuality of character for which the institution has been so much prized nor to feel importance as the solicited intelligence of the community. That all the people "good and lawful men" might be equally entitled to the privilege of exercising this important power, without going through a judicial inquisition, as to the extent of their respectability or degree of intelligence.

The Judicial officers now hold their offices for life. By their tribunal, and out of their members are now appointed all the Executive and ministerial officers of their decrees. By the present jury system only are the people associated with them. The bill proposes to add to the system under the name of Jurors, an additional appendage to be connected to them by both their appointment and exercise of duty. Is it desirable to thus round off the corps and render them thus distinct from the people with so great additional means of influence. There is no provision for rotation in the hundreds, and it is not probable it would be observed in practice. The exercise of the right of suffrage, and the decision of facts upon which the law is applied and administered to the people, constitutes the two principal claims by which the people control &

restrain those to whom they have delegated their functions. By the right of suffrage, they control the Legislative and Executive Departments. The Judiciary is one step beyond their immediate control. they should then hold fast to their part in their decision of controversies that the ancient limits of the court may be preserved. To grant to a court who hold their offices for life, and fill their own vacancies, the power of electing and setting apart the hundred, who only shall constitute this check upon the Judiciary, and who in all probability would become of one spirit with the tribunals who created them, and the one under whose control they would exercise their functions, would be a measure which it is difficult for me to perceive the motive of prudence or policy to dictate. –

That the bill would make an extensive innovation, upon (at least the out works) of an institution coeval with the liberties of our remote ancestors, and held to be the main pillar of their liberty. An institution which migrated with the first adventurers to the colony from which we have descended, was cherished by them, in their colonial state, and held sacred, when they attained the rank of an independent state, an institution which has been thus emphatically recognised by the framers of our fundamental law, are certainly considerations, apart from all others, which should dispose us at least to the most mature deliberation. That the institution is as important to us, as to the people of England, is not contended. Our liberties rest on many pillars, the remnant of theirs has but few, but this consideration should not induce us to be less tenacious of any one. That the present system is burthensome to the people, is an argument in favour of the bill. But it is one which ought always to be heard with the utmost jealousy. It is addressed to the love of ease, it is a proposition to them, to yield the exercise of a right because, it is inconvenient, and to pay a compensation to a few, to perform the duty for them. It proposes a diminution of the exercise of self government, and an increase of taxation. The consequences of this course, are too well understood to be required to be enumerated. But the burthen of the present system is said to be unequal. I cannot however apprehend that the important changes proposed by the bill, are necessary to obviate this objection, and al-

though it does not properly belong to this communication, I will suggest that this inequality might be remedied by simply giving each citizen the right to claim to be exempted from more than certain service within a given time. This would also have the effect of producing greater variety in the elements of juries, which it is believed would be advantageous to both the public and litigants.

That the system is not calculated to produce juries calculated to correctly decide the causes brought before them, is another argument in favour of the change. But this should be heard with still less countenance that the people are not qualified for the rule of themselves, ever been an apology for those, who would deprive them of its exercise, and kindly perform the duty for them.

The present system is perhaps better calculated to produce juries calculated to correctly decide the causes brought before them, than any that could be devised to produce a jury faithfully representing in miniature a tribunal, whatever may be said of its defects, must be the safest and best calculated to do substantial justice between litigants, who are as varient in characters as the Tribunal, and whose controversies and witnesses partake of the same infinite diversity.

But to admit that such a jury is not qualified to decide questions of fact presented to them in the simplicity which the excellent system of pleadings between the parties was designed and is calculated to do upon the testimony of witnesses examined before them with the aid of the directions of the Court would it seems to me be going far in preparing us to admit that the people are not qualified to understand and decide upon their important political rights and interests, and that they should be more completely confided to a chosen few. Indeed the abandonment of the exercise of the former would be well calculated to render them less qualified for the exercise of the latter prerogative.

The great increase of the expense of Government which the measure would occasion constitutes no small objection to its approval. The cheapness of a government of the people has always been held to be one of its chief excellencies and every departure from economy is not only a relinquishment of the Excellence to that extent, but endangers its other properties. — The measure is designed to be permanent, the fund out of which the expences are proposed to be paid inadequate at present

is temporary in its character, consequently direct taxes upon property (indirect levies on labour) would have to be resorted to, to sustain it.

The increase of the expence of litigation ultimately to fall on the party least able to bear it, forms a minor objection, but not altogether to be disregarded.

The novelty and probable inconvenience of requiring a fence to be paid for the verdict, which might not always be worth the sum, and therefore not willingly paid is only noticed.

These considerations have induced me to withhold my signature from the bill, and to return it to your house in which it originated — By this course the bill is brought before you, who have had ample time to reflect, and full opportunities to know the result of the deliberations of the people,

Let their will be done

John Adair

" The Governor remitted a fine of $4, imposed on Peter Hurst by a court of assessments, for the 23d Regiment of Kentucky militia, for failing to perform militia duty in the year 1822.

" The Governor pardoned William Sturman who was at the September term 1823 of the Circuit Court of Madison County, convicted of grand larceny, and sentenced to a confinement in the Jail and Penitentiary house of this commonwealth for one year.

6th " The Governor issued an order to the auditor of Public accounts, in favour of William Harvin Keeper of the Kentucky Penitentiary, for a warrant on the Treasury for $500, for the use of the said Institution.

" The Governor remitted the forfeiture of a recognizance entered into by Thomas Reynolds, at the march Term 1822, of the Circuit Court of Nelson county, as security for the appearance of William Hancock, the penalty attached to which is $1500 each.

" The Governor remitted the forfeiture of a recognizance entered into by Jacob Hauts, as security for Enoch H. Fleece, charged with felony, which recognizance was

forfeited, and a judgment rendered at the Term of the Circuit Court of Livingston County against the said Jacob Houts for one thousand dollars.

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" 7th The Governor remitted a fine of $11. imposed on Orson Flowers by the County Court of Grayson County for failing to attend said Court as a justice of the peace.

" Also a fine of $20 imposed on George Myers by a justice of the peace in and for Nicholas County under the rioting act.

" Also a fine of $100. imposed on Nathan Benbrook by the Circuit Court of Simpson County at the august Term 1823. for a breach of the peace.

" Also a fine of $15. imposed on John Musick by the County Court of Grayson in August 1823 for failing to give in a list of his taxable property.

" Also a fine of $15. imposed on John Hatfield by the County Court of Grayson in August 1823. for failing to give in a list of his taxable property

" Also a fine of $10. imposed on Lunsford Jones by the Circuit Court of Garrard County at the September Term 1823 for intemperance and misbehaviour.

" The Governor sent the following message to the Senate by R. P. Waggener viz.

Gentlemen of the Senate.

I nominate for your advice and consent the following gentlemen to be commissioned during good behaviour and their residence within the bounds of their respective commands viz.

Stephen Mullins Major of the 27th Regiment Kentucky Militia vice Joseph Wingate removed.

Robert Barnett Brigadier General of the 12th Brigade vice William Ewing refused to accept

John Adair

November 7th 1823.

" The Governor remitted a fine of $15. imposed on Charles Nash by a Court of assessment for the 43d

Regiment of Kentucky Militia for failing to make
1823. a return a the delinquents in his company.

Nov: 7: The Governor remitted fines of $10 each imposed on Squire Hendricks and William Hays by the Circuit-Court of Warren County at the Term for an affray.

8th The Governor remitted a fine of $14 and 100 per cent on $28. imposed on William Scott by the County Court of Jessamine for failing to pay over money collected by him for fines &c. as constable of the said county.

" The Governor sent the following message to the Senate by Robert. P. Waggener Viz:

Gentlemen of the Senate.

I nominate for your advice and consent Joseph R. Given to be commissioned Sheriff of the County of Caldwell in the place of David Osborn resigned, to continue in office for and during the balance of the Term for which the said Osborn was commissioned.

November 8th 1823. John Adair

" The Governor by and with the advice and consent of the Senate, commissioned Joseph R. Given Sheriff of the County of Caldwell agreeably to the foregoing message.

" The Governor pardoned Edward Phelps. who was at the Term 1823 of the Circuit Court of Woodford county, convicted of horse stealing and sentenced to a confinement in the Jail and Penitentiary house of this commonwealth. for four years

10 The Governor by and with the advice and consent of the Senate, commissioned

Stephen Mullens Major of the 21st Regiment of Kentucky Militia, in the place of Joseph Wingate Removed, to take rank from this date, and to continue in office during good behaviour, and residence within the bounds of his command.

" The Governor remitted a fine of $11.70. imposed on Thomas Story by the Circuit Court of Boone county at the

November Term 1822 for an assault and Battery.

10th. The Governor by and with the advice and consent of the Senate. Commissioned Robert Barnett, Brigadier General of the 17th Brigade of Kentucky Militia, to take rank from this date and to continue in office during good behaviour and residence within the bounds of his command.

11th. The Governor remitted the forfeiture of a recognizance entered into by William Brown principal and Robert McCalla and James Brown, Securities, for his appearance at the September Term 1822 of the Circuit Court of Scott County to answer a charge of Felony. Which recognizance was forfeited, and at the June Term 1823 a Judgment was rendered against the said Securities for the sum of $66.66⅔ Cents.

" The Governor remitted a fine of $20 imposed on Capt. Thomas Lester by a Court of assessments for the 52nd Regiment of Kentucky Militia for failing to return a list of his delinquents for the year 1822.

12th The Governor remitted a fine of $5. imposed on George Moore by a Court of assessments for the 11th Regiment of Kentucky Militia for not appearing on parade with boots on

" The Governor remitted a fine of seventy five Shillings imposed on James Comely by the Circuit Court of Garrard County for profane swearing.

13th The Governor sent the following message to the Senate by Robt. J. Waggener, viz.

Gentlemen of the Senate.

I nominate for your advice and consent. Charles Ward, to be commissioned Sheriff of the County of Mason, in the place of James Chambers deceased to continue in office for and during the balance of the Term for which said Chambers was commissioned.

also James Patton, to be commissioned Sheriff of the County of Harrison in the place of John Berry who has resigned, to continue in office for and during the balance of the Term for which said Berry was commissioned.

November 13th 1823 John Adair

Nov. 13. 1823. The Governor by and with the advice and consent of the Senate Commissioned Charles Ward Sheriff of the County of Mason in the place of James Chambers dec'd. for and during the balance of the Term for which said Chambers was commissioned

Also James Patton Sheriff of the County of Harrison in the place of John Berry resigned for and during the balance of the Term for which said Berry was commissioned.

" The Governor remitted a fine of $10. imposed on Isaac Ritter by a court of assessments for the 45th Regiment of Kentucky Militia for failing to attend the said Court. Also a fine of $5. imposed for failing to make a return of the delinquents in his company.

" The Governor remitted a fine of $50. imposed on Wesley M. Cook by the Circuit Court of Knox County at the July Term 1823 for an assault and Battery.

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15 The Governor issued an order to the auditor of Public accounts for a warrant of the Treasury in favour of William Hardin Keeper of the Kentucky Penitentiary for $300. for the use of the said Institution.

" The Governor remitted a fine of $14.25. imposed on Thomas Heady by the Circuit Court of Shelby County at the July Term 1823 for an assault and battery.

" Also a fine of mentioned in the petition of Joseph Newport and others imposed on them by a Court of assessments for the 67th Regiment of Kentucky Militia for non attendance &c. of Boone County.

" The Governor certified under the seal of the Commonwealth that John M. Foster is Register of the land office of the State of Kentucky duly commissioned and qualified.

17th The Governor certified under the seal of the Commonwealth that Christopher Tompkins was on the 13th of October 1823 a Circuit Judge in and for the State of Kentucky and presiding Judge of the Cumberland Circuit Courts duly commissioned and qualified.

" 17th The Governor remitted a fine of $25. imposed on John Martin by the Circuit Court of Monroe County at the last Term for profane swearing.

" The Governor remitted Eighteen per centum Damages imposed on John Hughes Jr. Clerk of the Circuit and County Courts of Washington, by the General Court, at the last Term, for taxes received on law process and on seals of office for the year ending in 1822.

" Also Eighteen per centum Damages on John McKinney Jr. Clerk of the County Court of Woodford County, for taxes received on law process and seal of office for the year ending 1822.

" The Governor pardoned Elijah Lynch, who was at the June Term 1821 of the Circuit Court of Warren County convicted of felony, and sentenced to a confinement in the Jail and Penitentiary house of this commonwealth for four years.

" The Governor remitted a fine of $10 imposed on James McBrown by the Circuit Court of Floyd County at the October Term 1823 for a contempt.

18th The Governor pardoned Moses Williams, who was at the October Term 1820 of the Circuit Court of Jefferson County convicted of Horse stealing, and sentenced to a confinement in the Jail and Penitentiary house of this Commonwealth for two years.

20 The Governor pardoned John H. Miller, who was at the September Term 1823 of the Circuit Court of Woodford County convicted of Manslaughter, and sentenced to a confinement in the Jail and Penitentiary house of this Commonwealth for five years.

21. The Governor remitted a fine of $10 imposed on John Canafax by a Jury in and for Pulaski County for a breach of the peace.

Nov. 21. 1823. The Governor sent to each Branch of the Legislature the following Message by the Secretary of State viz.

Gentlemen of the Senate and
House of Representatives.

I lay before you letters addressed to me by the Governors of the States of Massachusetts Georgia and New York together with the Resolutions of the Legislatures of those States respectively refusing to concur in a certain amendment to the Constitution of the United States by the Commonwealth of Pennsylvania.

The Resolution of the Legislature of Pennsylvania referred to appears to have been communicated to the House of Representatives by my predecessor at the session of eighteen hundred and nineteen.

All which is respectfully submitted.

With sentiments of high regard

Yours

John Adair

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22. The Governor sent the following message to each branch of the Legislature by the Secretary of State viz.

Gentlemen of the Senate and
House of Representatives.

I lay before you a copy of an act of the Legislature of Virginia entitled "an act providing for opening a road from the line dividing Virginia from Kentucky on the Louisa fork of Sandy River to the rich land of Grint River," communicated to me by the Governor of Virginia agreeably to a resolution of the General assembly of that State. Which are respectfully submitted.

With considerations of Respect.

Yours

November 22nd 1823 John Adair

" The Governor issued an order to the auditor of Public accounts for a Warrant on the Treasury in favour of William Hardin Keeper of the Kentucky Penitentiary for $200. for the use of the said Institution

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" The Governor remitted the forfeiture of a recognizance entered into by Andrew Goodman as security for the appearance of Gilbertin Goodman charged

with having Stabbed Alexander Wooldridge, which Recognizance was forfeited by the said Martin Goodman and a judgment entered at the September Term 1823. of the Circuit Court of Adair County against the said Arslem Goodman for $400.

23

24. The Governor sent the following message to each branch of the Legislature by the Secretary of State. Viz.

Gentlemen of the Senate and
House of Representatives.

I herewith transmit to you a report and certain resolutions of the General Assembly of the State of Illinois, communicated to me, by the Governor of that State, on the subject of the claim originated by the State of Maryland to grants of lands from the United States, for the purpose of Education, on which the Legislature of this State has heretofore acted, and communicated to Illinois, and our other Sister States.

With Due Respect
Yours &c
John Adair

Nov. 24th 1823.

" The Governor issued an order to the Auditor of Public accounts, for a Warrant on the Treasury in favour of William Hardin Keeper of the Kentucky Penitentiary for $800 for the use of the said Institution.

" The Governor sent to the House of Representatives the following message by the Rob. Waggener, Viz.

To the House of Representatives.

Gentlemen

In compliance with a demand made by me on the Governor of the State of Ohio, for Isaac Hill a fugitive from the justice of this commonwealth, the Governor issued his Warrant, and caused the fugitive to be arrested and delivered to the agent appointed to receive him. In the performance of this office that Government incurred a charge of Seventy three dollars 84 cents, which this State in justice ought to reimburse.

The Governor addressed me on the subject, but there is no law authorising me to draw the money from the Treasury. I have therefore to request that you make the proper appropriation for the purpose. I herewith

transmit to the House the letter of the Governor together with the Bill of costs therein referred to

Respectfully &c

Nov. 24th 1823. John Adair

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23. " The Governor remitted a fine of $300 imposed on James H. Ballinger, clerk of the county Court
Nov. 24th of Shaw, by the General Court of the Commonwealth of Kentucky at the last August Term for failing to return to the Auditor of Public accounts the Sheriffs bond for the collection of the Revenue of said County for the year 1822.

" also a fine of $300 imposed on W. H. Griggsby by the General Court at the last August Term for failing to return to the Auditor of Public accounts the Sheriffs bond for the collection of the Revenue of the County of Henderson for the year 1822.

25th The Governor transmitted to each Branch of the Legislature the following Message by the Secretary of State Viz

Gentlemen of the Senate and
House of Representatives,

In conformity to the request of the Governor of the State of Maryland made in pursuance of a Resolution of the General assembly of that State, I lay before you a copy of the Report of the commissioners appointed by the Executives of Maryland and Virginia to survey the River Potomac made to that Government and transmitted by the Governor for this purpose.

With Respect
Yours &c
John Adair

" The Governor remitted a fine of $10 imposed on Lunsford Jones by a justice of the peace for Garrard County for retailing Spirituous liquors without license.

26th The Governor remitted a fine of $15. imposed on George Hardwick by the Circuit Court of Lawrence County at the October Term 1823 for a breach of the peace

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1822 Feb 26th

The Governor remitted a fine of $17.50 imposed on John Dillon, by a Justice of the peace in and for Floyd County for profane swearing.

" Also a fine of $5 imposed on Nathan Cadel by a Jury before a Justice of the peace in and for Floyd County for a breach of the peace.

" The Governor sent the following message to the Senate by Robert J. Waggener viz

Gentlemen of the Senate.

Since the last Session of the General assembly sundry vacancies have taken place in the military department which have been filled by appointments to expire with the present Session & therefore nominate for your advice and consent the following Gentlemen to be commissioned and to hold their Offices during good behaviour and their residence within their respective commands viz

" William Freeman Colonel of the 74th Regiment in the place of James Canady resigned, to take rank from the 18th December 1822.

" Solomon Mullikin Major of the same Regiment vice Richard L. Smith promoted.

Richard L. Smith Lt. Colonel of the same Regiment vice William Freeman promoted.

James Thomas Lt. Colonel of the 61st Regiment vice John C. Smith rejected.

John McFadden Major of the same Regiment vice Andrew H. Cole rejected.

Nathan A. Dallam Colonel of the 97th Regiment vice Charles Caldwell resigned.

James C. Anderson Lt. Colonel of the same Regiment vice Nathan A. Dallam promoted.

John Lander Major of the same Regiment vice James C. Anderson promoted.

Robert Lewis Colonel of the 89th Regiment vice James Robertson resigned.

James L. Glenn Lt. Colonel of the 102nd Regiment vice John Mann resigned.

James Mansfield Major of the same Regiment vice James L. Glenn promoted.

1823
Nov. 26th

William J. Morton Brigade Quarter master of the 11th Brigade vice Willis Loving resigned.

James Rooney Colonel of the 85th Regiment vice Charles Allen removed.

Joseph Scott Lt Colonel of the Same Regiment vice James Rooney promoted.

Alexander Dunlap Lt Colonel of the 106th Regiment vice Anderson Taylor resigned

John Steele Major of the Same Regiment vice Alexander Dunlap promoted.

John Williamson Colonel of the 12th Regiment vice Joseph Readington resigned.

James Patterson Lt Colonel of the Same Regiment vice John Williamson promoted.

Benjamin B. Ballard Major of the Same Regiment vice James Patterson promoted.

Pleasant Sandridge Colonel of the 16th Regiment vice Charles C. Cabniss removed.

Peter B. Atwood Lt Colonel of the Same Regiment vice Pleasant Sandridge promoted.

Joel Woodward major of the Same Regiment vice Peter B. Atwood promoted.

Samuel Williams Colonel of the 46th Regiment vice James Wilson Stricker off into another Regiment

John M. Emmerson Lt Colonel of the Same Regiment vice Samuel Williams promoted.

George H. Rawlard Major of the Same Regiment vice John M. Emmerson promoted.

John Wallace Colonel of the 8th Regiment vice James Darley promoted.

William C. Prewitt Lt Colonel of the Same Regiment vice John Wallace promoted.

Andrew J. Hughes Colonel of the 13th Regiment vice Henrley Roberts resigned

Samuel Snap Lt Colonel of the Same Regiment vice Hendley Roberts promoted.

William Newton Colonel of the 73d Regiment vice James Hollingshead resigned.

William M. Suddath Colonel of the 65th Regiment vice John Crockell resigned

Ephraim Caldwell Lt Colonel of the Same Regiment vice William M. Suddath promoted.

23 Barnabas S. Johnson Major of the same Regiment

Nov 26th Vice Ephraim Caldwell promoted

Isaac M. Dabney Brigadier General of the 21st

Brigade. Vice John H. Morris resigned

William H. Young Lt. Colonel of the 51st Regiment

Vice William Biggers resigned

George H. Gerton Major of the same Regiment

Vice William H. Young promoted.

William D. Harlow major of the 94th Regiment

Vice George Murrell refused to accept.

John Haddox Colonel of the 80th Regiment Vice

Elijah Combs promoted

Robert Brashears Lt. Colonel of the same Regiment

Vice John Haddox promoted.

Hardin Combs Major of the same Regiment

Vice Robert Brashears promoted.

Paul Pigg Colonel of the 68th Regiment Vice

John Gilbert resigned

Claiborne W. White Lt. Colonel of the same Regiment

Vice Elijah McWhiter resigned

Jacob Oglesby Colonel of the 33d Regiment. Vice

Isaac M. Dabney promoted.

Jacob Newkirk Lt. Colonel of the same Regiment

Vice Jacob Oglesby promoted.

George Smith Major of the same Regiment.

Vice James Ruby resigned

Robert M. Hatton Brigadier General of the 6th

Brigade. Vice George Brattzell resigned

Alexander Tilford Colonel of the 77th Regiment

Vice Robert M. Hatton promoted.

Thomas H. Bradford Lt. Colonel of the same

Regiment Vice Alexander Tilford promoted.

George W. Hall Major of the same Regiment

Vice Thomas H. Bradford promoted.

Jarvis Jackson Lt. Colonel of 75th Regiment. Vice

Joseph Parsons resigned.

Benjamin Huggins Major of the same Regiment

Vice Jarvis Jackson promoted.

John Wiles Lt. Colonel of the 44th Regiment

Vice George Dunagan resigned

William Perry Major of the same Regiment

Vice John Wiles promoted.

1823 John H. Miller Colonel of the 1st Regiment
Nov. 24th Vice John Sutton resigned
William Guthrie Lt. Colonel of the same Regiment
Vice Springer Augustus deceased.
George N. Chambers Major of the same Regiment
Vice John H. Miller promoted.
George Eye Colonel of the 89th Regiment
Vice Joseph Early resigned
Charles C. Carson Lt. Colonel of the 79th Regiment
Vice William Fish resigned
Lofton Cook Major of the same Regiment
Vice Charles C. Carson promoted.
Samuel Ireland Major General of the 6th
Division. Vice James Vimerall Cashiered
Robert Martin Brigadier General of the 2d Brigade
Vice Benjamin Shackleff resigned
Ambrose Dudley Major of the 8th Regiment Vice
William C. Prewitt promoted
John Owens Major of the 17th Regiment Vice
Burnell Parish promoted.
Reuben Adams Lt. Colonel of the 100th Regiment
Vice John C. Bacon resigned
John Woolfolk Major of the same Regiment Vice
Reuben Adams promoted.
Thomas Baird Brigadier General of the 2d Brigade
Vice Samuel Ireland promoted.
Enoch Stant Major of the 85th Regiment
Vice Joseph Scott promoted.
George Pearcy Colonel of the 18th Regiment
Vice James Ford resigned
Samuel Harbinson Lt. Colonel of the same
Regiment Vice George Pearcy promoted.
Andrew White Major of the same Regiment
Vice Samuel Harbinson promoted.
James Roberts Colonel of the 88th Regiment
Vice William M. Rice resigned
Charles T. Chilton Lt. Colonel of the same Regiment
Vice A. Mitchell resigned
Joseph Lecompte Major of the same Regiment
Vice James Roberts promoted.
William Kennedy Colonel of the 48th Regiment
Vice David Perry resigned

23 Benjamin D. Beall Major of the same Regiment
" 24th Vice George M. Beall promoted.
George M. Beall Lt Colonel of the same Regiment
Vice William Kennedy promoted.
William Garnett major of the 67th Regiment
Vice George Venice resigned
Henry G. Tompkins Brigade Quarter master of
the 21st Brigade
William Smith major General of the 12th Division
Vice George Britain resigned
Joseph Eve Brigadier General of the 24th Brigade
Vice William Smith promoted.
Thomas S. Tate Major of the 22nd Regiment.
Vice Hugh Innes deceased
Thomas Johns Major of the 98th Regiment. Vice
William Reney resigned
Thomas Alexander major of the 13th Regiment
Vice Baker, resigned
William Parcels Brigade Inspector of the 23d
Brigade Vice Daniel Moreman resigned
Robert Hanson Brigade Quarter master of the same
Brigade Vice Amstead H. Churchill resigned
John H. Rudd Brigadier General of the 24th Brigade
Vice William Mountjoy deceased
John Payne Colonel of the 38th Regiment Vice
John H. Rudd promoted.
Joseph Morris Lt Colonel of the same Regiment
Vice John Payne promoted.
John Best Major of the same Regiment Vice
Joseph Morris promoted.
November 24th 1823 John Adair

" " The Governor remitted a fine of $3 imposed on Philemon H. Lacey by a Court of assessments for the 34th Regiment for failing to perform Militia duty in 1822.

" 27 The Governor sent the following message to the Senate by Robert J. Waggener Viz
Gentlemen of the Senate
I nominate for your advice and consent, Lewis Wilcoxon Colo. of the 32nd Regiment
Vice William Morrow deceased
James Samuel Lieutenant Colonel of the same

Regiment Vice Lewis Wilcoxon promoted.

Edward Hickey Major of the same Regiment Vice James Samuel promoted.

John Young Colonel of the 27th Regiment Vice Valentine Thompson resigned

James Allen Lt. Colonel of the same Regiment Vice John Young promoted.

Solomon Reasoner Major of the same Regiment Vice James Allen promoted.

Robert Hunter Division Quarter master of the 6th Division. Vice Benjamin F. Duffy resigned

Henry Gridler Division Inspector of the 9th Division.

Ashur W. Graham Division Quarter master of the same Division.

Thomas Fletcher Major General of the 3d Division. Vice Martin D. Hardin deceased

William Pratt Lieutenant Colonel of the 39th Regiment. Vice Samuel ~~Pile~~ Pile deceased

Stephen D. B. Stewart Major of the same Regiment Vice William Pratt promoted.

November 27th 1823

John Adair

The Governor remitted a fine of $10.00 imposed on John Frazer by a Justice of the peace in and for Woodford County under the rioting act.

The Governor issued an order to the auditor of Public accounts in favour of William Hardin Keeper of the Kentucky Penitentiary for a warrant of the Treasury for $200 for the use of the said Institution.

The Governor remitted the forfeiture of a recognizance entered into by Bennet G. Cartwright as security for the appearance of Sawyer Williams and William Williams charged with felony. Which recognizance was forfeited, and at the October Term last of the Circuit Court of Hickman County a judgment was rendered against the said Cartwright for the sum of One hundred Dollars

The Governor sent the following message to the Senate by the Secretary of State. Viz

Regiment vice Lewis Wilcoxon promoted.

Edward Hickey Major of the same Regiment vice James Samuel promoted.

John Young Colonel of the 29th Regiment vice Valentine Thompson resigned

James Allen Lt. Colonel of the same Regiment vice John Young promoted.

Solomon Reasoner Major of the same Regiment vice James Allen promoted.

Robert Hunter Division Quarter master of the 6th Division. vice Benjamin F. Deposy resigned

Henry Grider Division Inspector of the 9th Division.

Asher W. Graham Division Quarter Master of the same Division.

Thomas Fletcher Major General of the 3d Division. vice Martin D. Hardin deceased

William Pratt Lieutenant Colonel of the 39th Regiment. vice Samuel ~~Pile~~ Pile deceased

Stephen D. B. Stewart Major of the same Regiment vice William Pratt promoted.

November 27th 1823

John Adair

The Governor remitted a fine of $10.00 imposed on John Drager by a Justice of the peace in and for Hardin County under the rioting act.

The Governor issued an order to the auditor of Public accounts in favour of William Hardin Keeper of the Kentucky Penitentiary for a warrant of the Treasury for $200 for the use of the said Institution.

Dec 2nd. The Governor remitted the forfeiture of a recognizance entered into by Bennet G. Cartwright as security for the appearance of Sanger Williams and William Williams charged with felony. which recognizance was forfeited, and at the October Term last of the Circuit Court of Hickman County a judgment was rendered against the said Cartwright for the sum of One hundred Dollars.

The Governor sent the following message to the Senate by the Secretary of State viz

1823
Dec 2nd

Gentlemen of the Senate.

I nominate for your advice and consent the following Gentlemen to be commissioned during good behaviour.

Richard Taylor Jr. Surveyor of the land set apart for the officers and soldiers of the Virginia State line

Simeon S. Goodwin Notary Public in and for the County of Jefferson.

Isaac Darnell Notary Public in and for the County of Hickman.

David G. Cowan Notary Public in and for the County of Mercer.

Dec. 2nd 1823

John Adair

" " The Governor sent the following messages to the Senate by Robert J. Waggener Viz

Gentlemen of the Senate.

The office of Secretary of State having been vacated by the death of J. Cabell Breckinridge Esq. since the last Session of the General Assembly and the vacancy having been filled during the recess of the Senate, by an appointment which will expire with its present Session.

I nominate for your advice and consent Thomas B. Monroe (who was so appointed) Secretary of State to be commissioned according to the provisions of the constitution for the balance of the present Gubernatorial term.

John Adair

Dec. 2nd 1823

" " Gentlemen of the Senate.

I nominate for your advice and consent Garland Lillard to be commissioned Major, of the 92nd Regiment of the Kentucky Militia in the place of Archibald Elliott resigned to continue in office during good behaviour, and residence within the bounds of his command.

John Adair

Dec 2nd 1823

" " The Governor by and with the advice and consent of the Senate, commissioned the following gentlemen to continue in office during good behaviour, and their residence within the bounds of their respective commands Viz.