

satisfactory manner, the parts which had formerly been omitted. The country was then barren, and it was deemed unnecessary to run the line; it had now become valuable, and it was important to have the line in those places ascertained and marked, which he had no doubt could be done in a satisfactory manner.

Mr. Humphreys in the next place made some remarks on the justice and policy of that part of the late act of the legislature of Tennessee, which provides that claims under the authority of Virginia to lands on the south side of the proposed boundary, should have validity according to their age. He appealed to the precedents of laws enacted on this principle by Virginia and North Carolina, to quiet land claims on each side of their boundary, emanating from the opposite side; and also to similar laws passed by Virginia and Kentucky. He concluded with an appeal to the sensibility and magnanimity of the committee, on the propriety of settling these differences in an amicable manner, without carrying the controversy before the councils of the nation, to degrade ourselves, by our disputes, from that high eminence which we now occupy in the estimation of the world.

The committee then proceeded to the reading of the documents communicated by the secretary of state; but as they were very voluminous the reading was discontinued. The most important fact disclosed, was, that by the observations of the late Capt. Lewis, who made the tour of the Pacific ocean with Clarke, the line run by Walker is nearly ten miles too far to the north.

CIRCUIT COURT BILL.

Mr. F. Johnson moved to fill the blank allowing the increase of salary, with seven hundred and fifty dollars, so as to make the whole salary one thousand five hundred. Mr. Beauchamp was opposed to so much. He thought a salary of one thousand would be enough. Mr. Rowan thought the circuit judges entitled to as large salaries as the judges of the court of appeals. The labours required of them were as arduous, as those required of the latter; and it was equally or more important, that we should have talents in the inferior courts in which the people would confide. He thought one thousand five hundred dollars not more than equal now, in the altered prices of things, to seven hundred and fifty at the time the present salaries were established. They ought to have salaries which would support them and their families in a genteel and independent manner. The salaries of the assistants, which had been dispensed with, would furnish the funds for this increase without any additional taxation. He thought one thousand five hundred rather inclined to close fistiveness than profusion. The people would not in his opinion be dissatisfied with this increase, unless it excited electioneering purpose. For his part he was willing to go still higher. Mr. F. Johnson had thought that twelve hundred dollars would suit his part of the country; but in conversing with gentlemen from more populous and wealthy parts of the state, he was convinced that fifteen hundred or more, would be as little as would command the best talents in those parts. He was willing to compromise at fifteen hundred dollars. This was as small a sum as would command the best lawyers through the state generally. He deemed it equally important that the best talents should be had in circuit courts as in the court of appeals. Under the direction of the circuit judge is the record to be made, from which the superior court is to form its decision. He said his motion did not increase the salary of the whole court, but only gave it to a single judge instead of three. Mr. George disapproved of high salaries, as likely to do more injury than none at all. It would hold out a lure to avaricious office hunters who would obtain the office by improper means. He was opposed to removing the assistant judges—he thought them in many cases the best part of the court. Mr. Beauchamp said it was acknowledged on all hands, that there was an incompetency in some part of the court, but gentlemen disagreed as to the part; let us not, said he, give a great salary to any part, till we find by experience where the fault lies; give a small increase now, and if we find that the circuit judges are competent, then raise their salaries, otherwise dismiss them, and give high salaries to get better. He would not vote for the bill if this motion carried. Mr. Mills would not vote for it, if the salary was not thus raised. He would consent to raise the salaries of the present judges, though in his opinion incompetent, under a belief, that a change in the judges must take place in a few years. By looking back, it would be seen that within a few years past almost an entire change had occurred; and it was reasonable to expect the same again. He asked the gentlemen from Henry (Mr. George) to make a calculation, & see whether the sum of one thousand five hundred dollars would meet all his expenses? Let him calculate all the products of his farm consumed at home, with all his expenses, and see whether it would not exceed that sum. He instanced a number of officers, such as clerks of courts, clerks in bank, &

even clerks in common stores, who received larger sums than the present circuit judges, though it was only necessary that they should be able to write well and keep accounts.

Mr. Hughes was opposed to raising the salaries of the present judges at all, as he deemed them wholly incompetent. Mr. Rowan spoke again. He defended the circuit judges. He thought it very improper to abuse them in the manner in which it was too customary to speak of them on this floor. More respect was due to that co-ordinate and important branch of the government. He thought the assistant judges good honest men, but they were no lawyers; and it was impossible that they could, merely by acting as judges, become lawyers. Mr. Buckner would vote against the bill if such a high salary were allowed. He would not place men above their business by giving an exorbitant amount.

A considerable extent of debate was taken by the above, and a number of other gentlemen. The proposition for fifteen hundred, and one for twelve hundred, were successively negated by considerable majorities. The blank was finally filled with one thousand; and the bill was then passed—39—36.

THURSDAY, JAN. 11.

After the dispatch of some ordinary business, the bill further to regulate the court of appeals was taken up, and a motion made to re-commit it to a select committee. A debate of some length ensued as to the policy and propriety of the re-commitment—the vote being taken, it passed in the affirmative. A large number of gentlemen being named on the committee, by the speaker and different members, a debate occurred as to the propriety of limiting the committee; which was finally determined in favor of an unlimited number, and seventeen were appointed in all.

The house then went into committee of the whole on the bill to establish the *Farmers Bank*. The question on the subject of having a common dividend throughout the system, or a separate dividend for each branch, was again discussed at considerable length, and determined in favor of the common dividend; and as a matter of course, the directors of the branches were made appointable by the mother bank. Several other minor amendments were offered, some of which were adopted, and others rejected. It was finally moved to strike out that part of the last section, which bars the legislature from diminishing the duration of the charter, and the amount of capital; from establishing branches by law; and from taxing the stock of this bank any higher than the stock of the bank of Kentucky. The motion was discussed at length, and decided in the negative. The committee then rose.

FARMERS BANK BILL.

(In the following sketch of Mr. Thompson's speech on this subject, our readers will see the principal reasons, which induced the house to decide in favor of a common dividend.)

The motion of Mr. F. Johnson to amend that part of the bill, which required each branch to have a separate dividend, being under consideration—

Mr. W. Thompson, said he hoped the committee would not think him troublesome; he assured them he had no fondness for hearing himself talk; but as he had the proposed amendment very much at heart, he wished to offer a few observations. By the previous provisions in the bill, the mother bank was to make such rules and regulations for the government of the branch banks, as she might think proper; she was also to be responsible for the solvency of the branches; it followed then of course, that if she were not interested in the profits of the branch banks, it would be her interest to depress them and contract the circulation of their paper as much as possible; for according to the amount of paper which they might issue, so would be the extent of her responsibility, and the danger of her sustaining a loss, from the insolvency of the branches.

On the contrary, if there should be a unity of interest between the mother bank and each of the branches, by having a common dividend, the whole institution would harmonize; there would be a reciprocal and friendly co-operation through the whole system; the interest of one department would be the interest of the others; and from this community of interest and mutual co-operation, we might calculate that the institution would prosper in all its ramifications, equally with any other in the union.

Under present circumstances, I am willing to establish a bank at Louisville, with branches in other places, for the purpose of giving facilities to our commerce, which seems to be turning in that direction; which nature herself has pointed out to us; and for the purpose of counteracting the undue influence of the state bank. I would give to each every advantage that it is practicable to give them, and let them act as checks and counter checks upon each other.

I am not willing to annex to this experiment of banking, which is said to be a dangerous one, the additional experiment proposed—that of destroying the community of interest between the mother bank and the branches. I

should on this important question, be in favour of keeping as much as possible within the sphere of experiments that have been well tried and have always proved successful. A mother bank, making laws for the regulation of its branches, and yet having no interest in the prosperity of those branches, but on the contrary being interested in their depression, is a kind of heterogeneous and inconsistent institution that never in my opinion could flourish.

In the works of Deity, as well as in those of man, there must be harmony, or confusion and ruin would be the inevitable result—destroy the harmony of nature and the wreck of worlds would be the consequence; so in the institutions of man, there must be the same laws of harmony; a jarring or confliction in the ramifications of a system would prove destructive to the whole.

Descend even to the private walks of life, and we see the great necessity for mutual co-operation; for in vulgar phrase, if man and wife pull at different ends of the rope, what are the consequences? Too hideous and melancholy to be named.

Wherever there is an opposition of interest, there cannot be a union of exertion. Louisville has advantages from nature superior to any part of the state; she must be the emporium of our commerce; but she cannot demand this charter as a right from the Commonwealth; and when we give her this additional advantage, it would be but right to exact from her terms which would conduce to the general good.—Give to Louisville alone a capital of six millions of dollars more than she possesses, and a monied aristocracy might be reared upon it which would be dangerous to the Commonwealth; but compel her to divide the profits of that fictitious capital derived from the bounty of the legislature, with the different towns where branches may be established, and the diffusion of wealth will destroy the dangers of such an aristocracy. Louisville then would be the centre, from which blood and vitality would be circulated through the whole community. The mother bank at Louisville would no doubt make the greatest dividend; and hence if the dividends were declared separate, capitalists would never buy stock in any of the branches, while the mother bank had any in market; and thus it would be rendered difficult, perhaps impossible, to put any branch into operation. All the little towns through the country would be deprived of the use of their own funds. The mother bank would absorb them all in consequence of the greater profits which she could yield upon them. But let the dividend be common, and it will then be immaterial to the capitalist, who has money to invest, whether he purchases stock in the mother bank, or in the branch to be established in his own town.

SATURDAY, JAN. 13.

The select committee to whom the subject of the boundary between this state and Tennessee was referred reported the following resolution:

Resolved, as the opinion of this committee, that a law ought to pass establishing Walker's line as the line between the state of Tennessee and Kentucky; and providing for the appointment of commissioners to run and remark said line, and to ascertain the true chartered limits of said states upon condition that the state of Tennessee will guarantee the title to the claimants, to all the lands which may be included within the chartered limits of the state of Kentucky and south of Walker's line, granted either by the state of Virginia or Kentucky; and the state of Kentucky shall guarantee all the claims to land which have been granted by the states of North Carolina and Tennessee which shall lie within the chartered limits of Tennessee and north of Walker's line.

Mr. Blackburn moved to amend the resolution so as to establish Walker's line as far as the Tennessee river; & west of that river, in the unsettled country now held by the Indians, to ascertain and establish the true chartered boundary. His motion was negated—and Mr. Rowan then offered an amendment as a substitute for the resolution of the committee, from which it differed only in providing, that the state which should gain territory beyond its chartered limits by the establishment of Walker's line, should pay the other a fair price for the same, instead of guaranteeing the land claims of the opposite party included therein. This amendment was adopted.

The select committee to whom was referred the bill to continue in force the law of last session to suspend law process in certain cases, reported as a substitute for the same, a transcript of said law, omitting the unnecessary sections. Several amendments were offered, discussed at considerable length and rejected—and the house adjourned without getting thro' the bill.

MONDAY, JAN. 15.

Mr. F. Johnson, the chairman of the committee appointed to inquire into the situation of the Transylvania University, informed the house that the committee had progressed in the inquiry, and to enable them to proceed and complete it, he moved to give the committee power to send for persons—Messrs. South and Rowan opposed

the motion—Messrs. F. Johnson, Mills and Allan supported it. Mr. Rowan said the board of trustees had made an ample report to the committee, and had sent all their records for many years back. He thought this sufficient; and that it would be improper to send for persons, to give their particular views, and criminate any gentleman in that institution in an exparte manner. He trusted the legislature was not to be made the organ of a faction to prosecute any individual. On the other side it was argued, that the committee had been appointed to enquire into the manner, in which the trustees had managed the institution; that the information which they had yet received was chiefly on one side of the question; that they had been informed there was other information in the possession of persons who would not attend the committee unless regularly summoned; and that to require the committee to investigate the subject, and deny them power to call for the necessary information, would be very preposterous & inconsistent. The question being taken, the power was given—Messrs. South, Rowan and two or three others voting against it.

Mr. Mills reported a bill further to regulate the Bourbon Academy.

The bill to suspend law process in certain cases was passed to a third reading by yeas and nays—57 to 12.

The bill to alter the mode of taking in lists of taxable property, was read the second time; and the yeas and nays being taken on its passage to a third reading, there were, yeas 43, nays 26.

A variety of other business was done in the orders of the day, but nothing decisive on any important measure.

TUESDAY, JAN. 16.

Mr. Beauchamp reported a bill to repeal the law concerning champarty and maintenance—it subjects those who shall be convicted of champarty, to fine and imprisonment at the discretion of the jury.

COURT OF APPEALS.

Mr. Mills from the select committee on the subject, reported the bill further to regulate the court of appeals, with sundry amendments, which reinstate the counties and seats of the courts, formerly struck out—Mr. Blackburn moved to lay it on the table, with a view to have time to examine the rules of the house, whether the amendments were not out of order, as having already been decided. Mr. Rowan insisted, that the reference of the subject to the committee without restriction, gave the committee power to report any amendment, or give the bill any form, which they might think proper, although the point involved had previously been decided in the house. He thought it absurd too, for the house to stop to investigate its rules of action, before it proceeded to act. Mr. Blackburn said, that the house had no power itself to make the amendments reported; and of course could not have delegated a power to the committee to make them. He referred to the decision of the chair in the similar case, which occurred in the circuit court bill. The speaker addressed the house; explained his view of the subject; and said under his present impressions, he would decide on the same principle he had recognized before; but he would like to have time for further consideration.—A motion to lay the bill on the table for the present, was rejected. The speaker then decided the amendments out of order. Mr. Mills appealed to the house. Mr. Cosby proposed to move for the reconsideration of the vote which struck Woodford from the first district; to give way to which motion, Mr. Mills withdrew his appeal. Messrs. Blackburn and Letcher spoke in opposition to the reconsideration.—Messrs. Rowan and Mills advocated it. Mr. W. Thompson moved to postpone the further consideration of the bill to the first of March. Mr. Harrison called for the yeas and nays, and the same being taken, there were for postponing thirty, against it forty.

Mr. F. Johnson then spoke in favor of reconsidering the vote on Woodford—Mr. Marshall spoke against it. The vote being taken, there were 34 for reconsidering, and against it 37.—The county of Woodford was then on motion of Mr. Letcher attached to the fourth district.

Mr. Payne moved to strike out Fayette from the first district, which was negated. Mr. Harrison moved to reconsider the vote, which struck out Russellville as the seat of the court.—Messrs. Harrison, Breathitt, Renick and Thompson spoke in favor of reconsidering—Messrs. Patton, Beauchamp and Blackburn were against it. The vote being taken, it passed in the negative and Greenville in Muhlenburg county was adopted as the seat of the court in that district. Mr. J. T. Johnson moved to reconsider the vote which decided on Stanford as the seat of the court in the fourth district.—Messrs. Letcher, South and Blackburn defended the motion—Mr. Craig spoke against it. Yeas 34, Noes 27.—The question then occurred on agreeing to Stanford as the site of the court—that having been reported from committee of the whole on a former occasion. Mr. Rowan moved to strike Stanford from the report, and insert Danville. A division of the question was called for,

and Stanford struck from the report by a majority of one. Mr. Letcher spoke against Danville, and Mr. Rowan in its favor. Several other members made some remarks; and the question being taken,—for Danville 43, against it 31. For the seat in the first district, Mountsterling, Cynthia, Ellisville, Owingsville, Lexington and Newport were named by different gentlemen; and the yeas and nays being taken on Mountsterling, it was rejected—26 to 46.—The vote being taken on Cynthia, it carried in the affirmative.

WEDNESDAY, JAN. 17.

In conformity with a resolution respecting the election of bank directors, &c. the house proceeded to hold an election to choose the said officers.—The present Treasurer, Public Printers, and President of the Bank, were re-elected without opposition. The following gentlemen were nominated for bank directors—Bibb, Miller, Taylor, M. Kinney, Noel, Lee, Dudley, Foster, Gerard, and Todd—Those in italics were elected.

Mr. Patton reported a bill to amend the duelling act—it provides that gentlemen who were in the army during the late war, shall be exempted from the penalties of the said act, from the time of its passage, up to a period subsequent to the reduction of the army in 1815. Passed to a second reading.

Mr. Crutcher offered a resolution that the general assembly will adjourn on the first of February sine die.

COURT OF APPEALS.

Mr. Letcher moved to reconsider the vote of a former day, on the question to strike out the word four, as applied to the number of districts.—The question being taken, it passed in the negative—Mr. Beauchamp then called for the yeas and nays on the question of engrossing the bill and reading it a third time—being taken, there were yeas 35, nays 39—so the bill was rejected.

Mr. Rowan moved for leave to bring in a bill to provide for holding the court of appeals hereafter in the town of—Mr. M'Acree moved to fill the blanks with Harrodsburg and Mercer. Mr. Rowan withdrew his motion for leave—He then moved for leave to bring in a bill to change the site of the court of appeals. His object was to carry the court to a central point. Mr. South called for the yeas and nays on the question. Mr. M'Acree spoke in favor of the leave. The yeas and nays being taken there were for the leave, 39, against it 36.—This removal is intended as the entering wedge, with which the court is to be split next session.

CONGRESS.

REMARKS OF MR. JOHNSON, OF K.
On the bill providing for the payment for property lost, captured or destroyed, in the service of the United States.

The amendment to include the horses lost by the volunteers on the expedition to the Thames, being under consideration.

Mr. JOHNSON said, the character of the man, immediately interested in this subject, had the strongest claim upon the justice of congress. The farmers and mechanics, and men who generally speaking, gained a livelihood by labor; men who had lived in domestic ease, quiet and happiness until called upon to defend the soil & the rights of their country; men of moderate circumstances, and many of them really poor, flocked to your standard, virtuous valiant and patriotic; they never aimed at power, and authority, and distinction, save that which has arisen from the glory they have acquired from their valiant deeds, and having by their toils and sufferings elevated the character of the nation to the highest pinnacle, are satisfied to retire to private life, to enjoy, under the shade of the vine and the fig tree, the rights and privileges which they have with others, defended—these are the men who must be affected by the decision of this question; these are the men who ask for justice, not charity, although they believe, that upon this principle, an appeal would not be raised. This bill makes unjust distinctions. Cases of hardship are omitted. Horses lost in battle, from unavoidable casualties, should be classed with horses killed in battle. No reason can be given why the distinction should be made. Justice discards any such rule. Why pay for horses killed in battle? because the risk is not ordinary, but extraordinary. The same reason will embrace horses lost, in battle. In each case congress is bound in justice and good policy to remunerate the sufferers.

Again, the bill provides for the payment of horses lost for want of forage; this is a very important provision, founded in justice, arising from an implied obligation on the part of the States to pay damages resulting from a failure on the part of the government to furnish forage which was one condition upon which the mounted volunteers undertook to serve his country, and it was impracticable to comply with this positive stipulation, and that is admitted, the misfortune should not rest upon the citizen soldier, but on government. But, Mr. Johnson said, a case as strong as either of the others, presented itself for consideration.