

JOURNAL

OF

THE SENATE

AT A SESSION OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ALABAMA.

BEGUN AND HELD AT THE CITY OF TUSCALOOSA, ON THE FIRST MONDAY IN
NOVEMBER, 1837.

TUSCALOOSA:

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JOURNAL OF THE SENATE.

Monday, November 6th, 1837.— On the sixty day of November, one thousand eight hundred and thirty seven, being the first Monday of said month, and the day fixed by law for the meeting of the General Assembly of the State of Alabama, at Tuscaloosa. The following members appeared in the Senate Chamber of the State Capitol, and took their seats, to wit: From the Senatorial Districts composed of the counties of,

Blount— William H Musgrove.

Dallas— Jesse Beene.

Franklin— Benjamin Hudson.

Mobile, Washington, and Baldwin— James F Roberts

Morgan— John T Rather.

Pickens— Samuel B Moore.

St. Clair— Charles C P Farrar.

Wilcox— John M burke.

Clarke and Monroe— Neal Smith

Jefferson and Walker— Harrison W Goyne.

Limestone— Nathaniel Terry.

Madison— William Fleming.

Talladega, Benton and Randolph— William Arnold.

Marengo and Sumter— John Rains.

Montgomery— Thomas S Mays.

Perry— Henry C Lea.

Pike, Macon and Tallapoosa— John W Devereaux.

The following Senators elected in August ; last, to wit: from the districts composed of the counties of,

Autauga— Samuel S Simmons.

Barbour, Chambers and Russell— William Wellborn.

Bibb— James Hill.

Fayette and Marion— Burr W Wilson.

Greene— Thomas Riddle.

Henry, Covington and Dale— Richard C Spann

Jackson— Joseph P Frazier.

Lauderdale— Sidney C Posey.

Lawrence— James B Wallace.

Conechu and Butler— Herndon L Henderson.

Tuscaloosa— George W Crabb.

Shelby and Coosa— Daniel E Watrous.

Appeared, were qualified and took their seats.

Mr Rather being called to the Chair, the Senate proceeded to the election of a President, Jesse Beene being in nomination.

Those who voted for Mr Beene, are : Messrs Arnold Burke Crabb Devereaux Farrar Fleming Frazier Goyne Henderson Hill Hudson Lea Moore Musgrove Posey Rains Rather Riddle Simmons Smith Spann Terry Wallace Watrous Wellborn and Wilson. Mr Beene having received all the votes given, was declared duly elected President of the Senate:— Whereupon, Mr Beene was conducted to the Chair, made his acknowledgements to the Senate for the honor conferred upon him, was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of a Secretary— Henry L. Martin and Charles D Connor being in nomination. Those who voted for Mr Martin, are: Messrs President Arnold Crabb Farrar Frazier Goyne Musgrove Watrous Terry Wellborn and Wilson. Those who voted for C D Connor, are: Messrs Burke Devereaux Fleming Henderson Hill Hudson Lea Mays Moore Posey Rains Rather Riddle Roberts Simmons Smith Spann and Wallace. Mr Connor having received a majority of the votes given, was declared duly elected Secretary to the Senate—was qualified and entered upon the discharge of the duties of his office.

The Senate then proceeded to the election of an Assistant Secretary— Thomas B Childress Alone being in nomination, received all the votes given, was declared duly elected— was qualified and entered on the duties of his office.

The Senate then proceeded to the election of door keeper; Armstead R. Thomas, John Brown and Levi Lawler being in nomination; for Thomas 15; Brown 9; Lawler 5. Mr Thomas having received a majority of all the votes was declared duly elected door-keeper to the Senate, and entered on the duties of his office.

On motion of Mr Musgrove, Resolved, That the House of Representatives be informed that the Senate are now organized, by electing the Honorable Jesse Beene, President; Chas. D. Connor, Secretary: Thomas Childress, assistant Secretary : and, Armstead R. Thomas, Door-keeper— and are now ready to proceed to the public business.

On motion of Mr Frazier, Resolved, Whereas, the counties of De Kalb and Marshall have elected and returned Senators to the present Legislature, and as doubts have arisen respecting the legality of their election, Therefore be it Resolved, That their election, with all matters connected with it, be referred to a select committee, and that they report thereon at as early a day as practicable— which was on motion of Mr Rather laid on the table.

On motion of Mr Crabb, Resolved, The usual standing committees be appointed by the President, for the present session of the Senate.

On motion of Mr Smith, Resolved, That the door-keeper of the Senate be authorized to purchase fuel and stationary for the use of the Senate.

On motion of Mr Rains, Resolved, That the rules of decorum, for the government of the Senate last year be adopted for the present session, until otherwise ordered.

On motion of Mr Hudson, Resolved, That the Hon. Hugh McVay holds the office of Governor, by virtue of his office of President of the Senate only, and by resigning the office of Senator if he has done so— he thereby divested himself of all right to issue writs of election, or to discharge any duty which belongs to the office of Governor, and therefore, that the office of Senator of the district composed of Lauderdale county, is at this time vacant; which, on motion of Mr Rains was referred to a select committee, consisting of Messrs Rains, Moore, Riddle, Goyne and Smith.

On motion of Mr Crabb, Resolved, That the editors of the Public journals in the county of Tuscaloosa, be permitted to occupy places within the bar of the Senate for the purpose of reporting the proceedings therein.

On motion of Mr Rains, Resolved, That a committee be appointed on the part of the Senate, to act with such committee as may be appointed on the part of the House of Representatives, to inform His Excellency the Governor, that the two Houses are now organized and ready to receive any communication he may wish to make—whereupon, Messrs Rains, Lea and Hudson, were appointed said

committee.

On motion of Mr Rains, the Senate adjourned until to-morrow 10 o'clock.

Tuesday, 7th November, 1837.— The Senate met pursuant to adjournment.

Mr Hudson presented the account of M W Guy; which was referred to the committee on accounts and claims.

Mr Mays presented the annual report of the branch of the Bank of the State of Alabama at Montgomery; which was on motion of Mr Mays laid on the table.

A message from the House of Representatives informing the Senate of the organization of their House, by the election of James W McClung as Speaker; Gideon B Frierson as Principal Clerk; William Garrett as Assistant Clerk; Thomas Price Engrossing Clerk; John Tatom Door-Keeper; and James Rather as Messenger; also, that the House had appointed Messrs Smith and Williams a committee to wait on His Excellency the Governor; to act with such committee as may be appointed on the part of the Senate, and informs him of the organization of the two Houses, and of their readiness to receive any communication he may think proper to make; in which the Senate concurred.

Mr Hudson presented the petition of sundry citizens of Franklin county upon the subject of banking; which was referred to the committee on the State Bank.

Mr President presented the Comptroller's annual report of the state of the contingent fund; which was ordered to lie on the table and five hundred copies thereof to be printed.

Mr President announced the following standing committees:

On Propositions and Grievances.— Messrs Spann, Hill, Simmons Roberts and Arnold.

On Enrolled Bills.— Messrs Rains, Wilson, Arnold, Mays, Henderson and Farrar.

On the Judiciary.— Messrs Posey, Moore, Lea, Watrous, Goyne, Riddle, Rains, Smith, Wallace, Crabb, Mays, Musgrove, Fleming and Terry.

On Privileges and Elections.— Messrs Rather, Terry, Frazier, Musgrove and Devereaux.

On Inland Navigation and Internal Improvement.— Messrs Lea, Hudson, Moore, Farrar, Burk, Mays, Watrous, Posey and Arnold.

On Roads Bridges and Ferries.— Messrs Smith, Simmons, Hudson, Elmore, Farrar and Spann.

On County Boundaries.— Messrs Arnold, Farrar, Elmore, Rains, Hill and Wilson.

On Accounts and Claims.— Messrs Terry, Burke, Wilson, Roberts and Goyne.

On Education.— Messrs May, Wellborn, Musgrove, Riddle, Wallace, Frazier and Smith.

On State Capitol.— Messrs Crabb, Frazier, Simmons, Wilborne, Elmore, Rather and Wilson

On the State Bank.— Messrs Riddle, Burke, Wilson, Fleming, Posey, Rather and Frazier.

On Military Affairs.— Messrs Fleming, Goyne, Watrous, Simmons, Spann, Henderson and Farrar.

On Divorce Alimony.— Messrs Moore, Mays, Devereaux, Musgrove and Hill.

On State Printing.— Messrs Hudson, Wallace, Posey, Elmore, Goyne and Musgrove.

On motion of Mr Fleming, Resolved, That the committee on the State Bank be instructed to inquire into the expediency of passing a law to apportion the loans of the different banks to certain counties, and report by bill or otherwise.

Mr Mays introduced a bill to be entitled an act to change the manner of electing the President and Directors of the Bank of the State of Alabama and the several branches thereof, and for other purposes; which was read, and on motion of Mr Mays the constitutional rule was suspended; the bill was read the second time and referred to the following select committee: Messrs Mays, Hudson, Wallace, Burk, Terry, Crabb and Rather.

On motion of Mr Rather, Resolved, That with the concurrence of the House of Representatives, the two Houses will assembly in the Representatives Hall on Wednesday the 8th inst., at the hour of 12 o'clock, for the purpose of counting the votes and declaring the election of Governor, in pursuance of the provisions of the Constitution of this State.

Mr Rains from the committee appointed to wait on his Excellence the Governor and inform him of the organization of the two Houses of the General Assembly, and that they were ready to receive any communication he might choose to make; reported that they have performed the duty required and received for answer, that they would make a communication in writing to both Houses of the

General Assembly, this day at 12 o'clock.

Mr Frazier called from the table the resolution respecting the election of Senators elected from De Kalb and Marshall counties; which was taken up and referred to the committee on privileges and elections.

Mr Fleming introduced a bill to be entitled an act to repeal that part of the patrol law, compelling persons over forty-five years of age to do patrol duty; which was read the first time and ordered to a second reading on to morrow.

On motion of Mr Riddle, Resolved, That the President of the Bank of the State of Alabama, furnish the Senate with the amount of notes of a less denomination than five dollars that have been put in circulation, under the act approved June 22nd, 1837.

EXECUTIVE DEPARTMENT,
Tuscaloosa, Nov. 6, 1837.

Fellow Citizens of the Senate and House of Representatives:

The power authority appertaining to the office of Governor of Alabama, having devolved upon me under the Constitution, since the election of the late Chief Magistrate to the Senate of the United States, though distrustful of my ability for the proper discharge of such a duty— I proceed, under a sense of obligation, and agreeably to the usage heretofore established in like cases, to 'give to the General Assembly, information of the State of the Government, and to recommend to their consideration such measures as are deemed expedient.'

We are called upon, gentlemen, to renew our thanks to a king and bountiful Provident, for the continued blessings which he has bestowed upon us as a people, during the year that has passed since your last annual meeting. Although we have been visited in the meantime with an extraordinary seasons of pecuniary pressure and distress, we have still been highly favored. The crops of grain and other necessaries in most parts of the State have been abundant; and there has been made a fair average crop of our great staple production. With a slight local exceptions the health of our people have been good, and general peace and tranquility have prevailed.

To provide if possible for the exigencies of the times, connected with, and growing out of great pecuniary convulsion to which I have alluded, my predecessor convened in Extra Session of the General Assembly in June last. Among the Laws enacted at that Session the most prominent and important was one, for "extending the time of indebtedness to the Bank of the State of Alabama and its branches—for legalizing the suspension of specie payments—and for other purposes" The operations and effects of this law furnish subjects which are expected no doubt to claim my attention, and will demand more or less of yours. I have only to observe, that for want of accurate information it is out of my power to speak definitely and fully respecting the action of the several branches of the State under the law in question. Commissioners were appointed according to law, in proper time to examine into the condition and operations of all the banks, including the State Bank and branches and the two private Stock Banks in Mobile, whose several reports will be laid before you, it is presumed, early in the session, and will furnish you with full details of the business and transactions of all and each for the past year.

It affords me pleasure to bear testimony to the happy effect produced in our affairs by the law above mentioned. Within a very short period after its passage, distrust and alarm in a great measure subsided and quit and confidence between individuals respecting their pecuniary matters, were to a very considerable degree restored. I am informed by those who have had opportunities of knowing, that the number of suits brought to the Fall term of our Circuit Courts, as compared with the number brought to the previous spring Term of the Circuit Courts, or the summer Term of the County Courts, was greatly diminished; in many counties as much as one-third or even one-half.

It gives me equal or even greater pleasure to inform you, that I do not perceive, that this law has had any effect in depreciating the notes of the State Bank and its branches, beyond the depreciation (compared with specie as a standard) which the suspension of specie payments had previously and unavoidable occasioned. The paper of our Banks continues to be received among ourselves without hesitation, at par, even in the payment of judgment debts; and still passes currently, as I am informed, in most of the surrounding States. amidst the general distrust and confusion which prevail, I am convinced, it may be truly said of Alabama, that she enjoys a currency which gives here citizens less vexation and trouble—in their domestic dealings at least— has more uniformity—and excites less apprehension of ultimate entire soundness than any other State are pledged for the redemption of her notes. That the cre-

dit of our paper should remain so good under the circumstances is another strong proof of the excellence of our State Bank system. Let us, gentlemen, steadfastly maintain and guard the State Bank system. And if we could only devise some mode of organizing our directories which would keep selfish electioneers out of our Boards, the last ground of apprehension for its permanency and success would be removed.

The Five Millions of State Bonds directed by the law of the late Extra-Session to be issued to the State Bank and its several branches in equal portions, were prepared soon after the adjournment—whether these Bonds or any part of them have yet been disposed of, I am not officially informed.

Before dismissing this subject, I should inform the General Assembly that the aforesaid law of the late Extra-Session, so far as it was designed to modify and amend the charters of the “Bank of Mobile” and the “Planters and Merchants Bank of Mobile” has been accepted by the Stockholders of those Banks respectively— and that the Executive was notified of such acceptance within the time prescribed by law, by satisfactory documents now on file in the proper department.

It is more than probable, gentlemen, that you will be called upon during your present Session to issue more State Bonds or to create more banking capital in some shape or other. For years past this has

been the absorbing subject before our General Assembly, and I have little idea that the banking fever is yet entirely allayed. when we were prosperous and flourishing, men wanted more banking capital to facilitate the business, and develope, as they said, the resources of the counrry. Now, that we, together with the whole Union, are suffering under the efecte of a great pecuniary convulsion, there is no remedy for our disorders, with many, but more banks and banking capinal, I am candidly of opinion, gentlemen, that we do not want any more baking capital. I am under the impression that we have already more than prudence ever recommended, or our just want required. as to the evils of the times, they have been brought upon this State and upon the whole Union, in a great measure, by a heedless creation of banks and wild and prodigal issues of bank paper. The whole country is reduced just to that point where there is no resource left but the simple and natural one of growing and working out of its difficulties. In respect to the Banks which we now have, there is one object which above all others we should keep steadily in view— the resumption of specie payments— and we shall have enough as to effect to accomplish that object. And the State Bonds now undisposed of should be so employed as to effect, if possible, this great object; they should then be promptly taken up and cancelled and not be permitted in my humble judgment, upon any account, to become permanently added to the present banking capital of the State.

In the discharge of that part of my duty, by which I am required to recommend to the General Assembly such measures as I may deem expedient, I would respectfully call your attention to a thorough revision of the Criminal Law, and would further recommend to you the adoption of the Penitentiary system of punishment. This subject is now a novel one with the General Assembly of Alabama I am aware, yet a sense of my duty and its importance constrains me to invite your attention to it again.

Our penal code is defective— in my opinion radically so; the system is wrong. What is the great end and aim of human punishment? It is not vengeance—it is now retribution— it is this and no more— to terrify evil doers-- to deter men from crime. And how is this to be accomplished? There is one only means— certainty of adequate punishment. No penal code can ever be effectual which does not utterly shut out and take away from the offender all hope and expectation of escape or impunity after his guilt has been made manifest by proof. And what penal code can ever do this which does not or cannot justly graduate and apportion the punishment to the offence? None. Hence all experience proves, that where punishment is too sanguinary and severe, it can never secure the requisite certainty; courts, prosecutors, witnesses, and jurors, are at last but men, and their several duties and even their oaths are not more binding or controlling than te instructive principles of justice and humanity; these are ever seeking to apportion punishment to crime, and where this cannot be done, will rather suffer the guilty to escape altogether, than to inflict upon him excessive punishment. In such cases too, where the other means of escape fail, the pardoning power is almost always invoked with success. It need hardly be remarked, that where the punishment is too slight, or inadequate, thought it may be certain, it can never be effectual. Scrutinized by these principles, we find the defect which lies at the very root of our present penal code. Some of our punishments are too sanguinary: others too slight; and all more or less incapable of being properly apportioned to various and different degrees of guilt. The only instruments and means of punishment known to our laws, are whipping, branding the pillory, confinement in our common jails and death. Among these, death is too sanguinary ever to secure certainty of punishment, except for a very few of the most atrocious crimes— perhaps it may be properly considered a just and suitable punishment for the crime of wilful and deliberate murder only. And yet, various other offences and an inferior grade, of that offence also are punished, or rather declared to be punishable with death by our law. Whipping, branding, and the pillory, are punishments too barbarous in their charactet, and too revolting to the sensibilities of civilized society to secure certainty in any case; for minor offences at least; and they are too slight in their character as an adequate punishment for the more heinous offences; their duration of pain is too short, and the ignomy attached to them, operates too unequally, to be estimated as a substantial part of the punishment, inasmuch as ignomiey can cause but little terror to a majority of those who are prosecuted for infamous offences. In respect to the remaining punishment under our present system, namely, confinement in our common jails, it becomes, in many cases, I believe, a favor rather than punishment; the prisoner lives in idleness and ease at the State's expense. And a common jail where numbers have to be confined together, is the most complete sink of moral dsbasement and corrupting associations, that can be imagined— the prisoners body becomes enervated—his heart depraved—his feelings debased— and when he is turned loose, he is, in nine cases out of ten, a walking mass of moral contagion.

Not to go into greater detail, it must be apparent to every man who has bestowed the slightest attention on the subject, that our present system is wholly ineffectual in respect to two very common offences;— and these two are both of them offences which most intimately concern the peace and welfare of society. I allude to what in some of the States is known and distinguished as “Murder in the second degree”— and ‘Assault and battery with intent to commit murder.’

We hear of homicides in different parts of the State continually, and yet how few convictions for murder, and still fewer executions? How is this to be accounted for? I can conceive of no other sufficient reasons but these; most of these homicides are murders in the second degree; that is, homicides done not upon cool and deliberate malice, such as is manifested by previous threats— old grudges—lying in wait—poisoning— and concerted schemes to kill— but such as occur upon recent quarrels or sudden combats, where deadly weapons are resorted to without a strict or absolute necessity for their use in self defence; or in other words homicides upon malice impelled by law. such is the class of homicides which most frequently occur in our country and are prosecuted in our courts as murders— in the first degree as matter of course—no other distinction being known to our law. Juries in such cases will not convict in one case in every ten, as experience proves. Why? Death is too rigorous, too awful a punishment for a majority of these cases; and juries having in most instances no alternative left but to hang or acquit, they will often times acquit even when persuaded fully that the law demands at their hands a different verdict. and further when nature revolts at the consequence of a finding against the prisoner, and when always instructed by the courts that doubt amounts to an acquittal, how easy and how natural is it for juries to satisfy and quiet their consciences with doubts over a subject so perplexed and intricate as the crime of murder, and acquit a guilty man while they ever persuade themselves that they are acting up the obligation of their oaths.

In regard to the other offence mentioned namely "Assault and Battery with intent to commit murder" why is it that this offence continues so common— why do we hear of stabbings and shootings almost daily in some part or other in our State? It cannot be justly said, I am aware, that the punishment denounced by our law against this offence, is too severe to ensure certainty. No; this objection does not lie here — it is one of quite a contrary character— for the punishment denounced against this offence, although it may be certain enough, it is not adequate. The punishment is fine and imprisonment in our common jails— and reason and experience prove that it is insufficient in the terror which it inspires to prevent the offence. Where, say the courts is the use of confining a man in our common jails, beyond a week or a month at most? If he is a man without acute sensibilities he lies there at his ease and at the expense of the State. And if he be a man proud and honorable feelings, the going to jail is the chief punishment, not the staying there; after being actually put in, his sensibilities soon become blunted— his situation loses its horrors with its novelty, and he is liable only to become a worse man the longer he remains in this state of idleness, inactivity and vicious association. The reasons in both cases are against imposing a long term of confinement in our common jails. And if these reasons are good, the system is bad.

Call next upon experience, and what does it prove, concerning the adequacy of this punishment to prevent or diminish the frequency of this offence. It is not notorious, that dirks, dirk knives, Bowie knives and pistols, have been year after year, more common in the country? these disgusting instruments for human slaughter—most of them manufactured with the highest skill, curiously wrought and embellished, and very costly, are as regularly worn by thousands of men in the community, as any part of their necessary wearing apparel. And if the present punishment is adequate to their suppression, why have stabbings and shootings become so frequent, that the minds of peaceable men are kept continually shocked and agitated with either witnessing or hearing of this violent, bloody and outrageous offence? The evil calls loudly for a remedy.

And will a Penitentiary afford this, it may be asked? such is my firm persuasion. I should be very happy to see Alabama try the experiment at least. A great many of the States have already tried it, and as I learn from authentic sources, have found it effectual. Some of the first experiments many years ago, did not succeed well, I am aware, but the system of confinement and labor, has now been matured and perfected by time and experience. At this day it prevails over more than two-thirds of the Union—among the reas, in two of our adjoining States, Georgia and Tennessee. Georgia a few years ago determined to abolish the system but soon discovered her error, and returned to it again; and its influence and effect in Tennessee have been, as I learn, of the most decided and salutary character. Homicides there are rare, and the presence of deadly weapons in contests between man and man extremely so; and yet Tennessee a few years ago, and before the establishment of her penitentiary, was as celebrated for shooting, stabbing, and homicides, as Alabama now is. Nothing will ever do this, I believe, but a penitentiary; for the great principle upon which that system depends, guaranties its success. Confinement and hard labor can be so limited or extended, both in their duration and degree, as to furnish to juries the means of assigning with accuracy to every species of crime, and to every separate instance of even the same species of crime, the just and proper quantum of punishment it deserves; this will and must secure

certainty

of adequate punishment; and that will deter offenders and suppress crime.

But it is sometimes objected that the penitentiary system is more expensive than our present system.

The objection I

do not consider well founded. Take out the original cost of erecting the buildings, and I am satisfied, from

statistics

which have come under my observation, that a well regulated penitentiary after a few years would defray its

own expen-

ses. Many, nay, most of the well regulated penitentiaries in the Union, not only defray their own expenses,

but are a

source of some little revenue to the State? Under our present system, we have to pay annually several

thousand dollars

of jail fees for victualling offenders, and this much would in all likelihood be saved. I cannot accurately

ascertain, what

sum the State has to pay on an average yearly, for the purpose of above mentioned, inasmuch, as no

separate account of

the item "victualling offenders," has been kept. But the item for "apprehending, prosecuting, victualling and

re-

moving public offenders," amounted during the last year, to \$8,888 40, and I am inclined to think, that the

item of vic-

tualling alone must have constituted at least half of that sum.

And what would be the cost of erecting penitentiary buildings for this State? Not more than fifty or

sixty thousand

dollars at the highest calculation. Several of the Eastern penitentiaries of large size, have been erected for

sums far be-

low this. The Connecticut penitentiary at Wethersfield, fitted up for 232 convicts, cost but \$35,000, the

Baltimore pen-

itentiary, for 320 convicts, cost but \$46,820 and the Nashville penitentiary in Tennessee, for 200 convicts,

cost but about

\$56,000. But what would fifty or even one hundred thousand dollars be to the people of Alabama, who for

three years

past, have not paid one cent of State tax, and have an overflowing treasury, provided they could thereby

secure an effi-

cient and wholesome administration of penal justice?

Another objection usually made to the adoption of the penitentiary system, is, that when a penitentiary is once estab-

lished, every trifle is made a penitentiary offence. This objection does not go the principles, but relates

altogether to the

details of the system. The people can surely confide this matter of detail and expediency with every other,

to their rep-

resentatives, who are as likely to consult their wishes, and obey their instructions, who are as likely to

consult their

wishes, and obey their instructions in this, as in other cases. I consider this a complete answer to the

object.

Another strange objection is sometimes made to the penitentiary system, is this: that the degradation of confinement

in a penitentiary, is too extreme to connect with offences which honorable and high-minded men are liable in the frailty

of human nature to commit. This objection comes, in general, from such as think it more high minded to

decide their

own quarrels with the Bowie knife and pistol, than to inculcate and practice respect to civil authority, and

obedience to

the laws. If these high minded individuals stand in such dread of the degradation of confinement in a

penitentiary, it is

to my mind, the most convincing argument for the adoption of the system. High minded men ought, of all

others, to

be law-abiding men— if they be truly high minded, they will be so; from such examples of obedience and

submission are expected. Mere pretenders will be alarmed into submission, and that is what is most needed. Their pride will do, what their principle will not. When these are held in check, it is easy to control the ignorant and unpretending. It is sometimes even urged that criminals are too well treated in a penitentiary. I am for my own part, inclined to think, that hard labor—coarse food and clothing—absolute silence during the day, and solitary confinement during the night, are as much as human nature can well endure; especially when continued for months or years together. These added to the ignominy of the punishment, make penitentiaries, as I conceive, the most effectual terror to evil doers that the wit of man ever yet devised.

I have said nothing of the salutary influence, which this mode of punishment is calculated to exert upon the offender himself, as compared with the contrary influence which our present system is known to have— of the exercise of body he enjoys—the means of moral improvement thrown in his way— and the trade he acquires as contrasted with the enervation of body, and corruption of mind which the inactivity and vicious associations of our common jails must ever produce; as it has been my purpose to glance but slightly at the prominent features of the important subject in hand, I will simply remark in conclusion of this subject, that in my humble judgment, nothing which the present General Assembly could do, would so much redound to the welfare of the State, and their own honor as the establishment of a penitentiary; and with these impressions, I again cordially recommend them to that measure.

I beg leave to inform the General Assembly, that I have had applications of late from citizens of those countries of the State embraced by the Cherokee country, to raise and station in their vicinity a sufficient military force to afford them protection in case of any sudden breaking out of hostilities on the part of the Cherokees; which seems to be somewhat apprehended. I have not acceded to the wishes and requests of this portion of our fellow citizens, in part, because I did not conceive that I had the power to do so, and partly because the session of the General Assembly was so near at hand, that the subject could be speedily taken into consideration by them, should necessity require. Georgia, Tennessee and

North Carolina, as I understand, have forces stationed on the borders of the Cherokee country, to protect their citizens. The General Assembly can inquire and determine whether it is expedient and proper to follow their example in this respect.

A letter was received at this department, in August last, from the Secretary of War, advising the Executive that General Jessup was authorised to make a requisition on Alabama, for such militia and volunteers as in his judgment might be required in the prosecution of the present campaign against the Seminole Indians in Florida. On the 16th September, a letter was received from the Secretary of War, referring the former, in which the Executive is informed that the authority for a call is countermanded. Affairs remained thus, until the 17th October, when a letter under date the 2d of that month, was received from General Jessup, advising me of his authority from the Secretary of War, to call upon Alabama for troops, and signifying his acceptance of the volunteers, who had heretofore tendered their services from North Alabama. And on the 19th of October, I received authority from the Secretary at War, to respect the call of General Jessup. and on the 20th I despatched an express to General Andrew Moore, to whose brigade the volunteers belonged, authorising him, if Major Churchill of the United States army was not in the neighborhood, to cause the officers of the regiment to be elected, and press on to Florida without delay, to receive the order of General Jessup. To expedite the march which would be lengthened by passing by Mount Vernon. I took the responsibility of giving to the Colonel of the regiment, an order for the public arms, &c., at Montgomery, Irwinton, or elsewhere, in the direct route, with the understanding that the regiment should not be mustered out of service until its return to Alabama, when the arms, &c. could be returned to their proper depositories. In answer to which, General Moore informed me, that Major Churchill was in that neighborhood, and was expected to muster the volunteers into service on the 26th of October, and by this time, it is expected, they have advanced far towards the scene of their intended operations.

The question I know has been extensively agitated, and it is therefore probable that the present General Assembly will be urged to lend its assistance by memorial or instructions to our Senators in Congress, to the recharter of the Bank of United States, or the establishment of another National Bank. It will not be deemed out of place therefore, I trust, that I should concisely state my views and opinions on this subject. The late Bank of the United States I even considered as unconstitutional in its inception; the powers bestowed upon it as enormous, oppressive to other incorporations, derogatory to the States, and dangerous to public liberty. Its conduct especially during the latter years of its existence I looked upon as corrupting to public morals, presumptuous by its interference in politics, and highly delinquent, and withal insolent and insulting to the Government of the people, of which it was but an ill-starred progeny. I accordingly rejoiced when its charter expired, and sincerely trust never to see another National Bank of any kind established.

Such an institution can never be in my opinion constitutional, and I look forward to the time when it will no longer be deemed on any hand needful to the successful operation of the fiscal affairs of the Federal Government. The opinion is entertained by many of the most enlightened statesmen of our country that the fiscal affairs of the Federal Government can be conducted with safety and success without the aid of banks either State or National in any manner whatever. The present administration of the General Government seem to be earnestly recommending the policy of separating the connection between Bank and State effectually and forever. From the best reflection which I have bestowed upon the subject, I have arrived at the opinion that this is a policy which deserves the most hearty co-operation of the General Assembly in all the usual and constitutional modes in which that co-operation can be afforded.

I deeply regret that I cannot speak of our University, as equalling in prosperity its very ample endowment, or the just expectations of the public. As to what cause its declension is manly attributable there is a variety of opinion, or seems however agreed by all, that it is either from opposition to the faculty without, or to an improper administration of discipline, in consequence of which the students are not inspired with proper sentiments of respect and esteem for their preceptors, or else from a radical defect in the organization of the Institution. A large number of our well informed fellow citizens entertain the belief that its success would be greatly advanced by an adoption of the open system, (as it is designated,) a system which dispensed with a continuous Presidency, and substitutes in its stead, an alternation in the occupancy of the chair, by the different professors. The chief advantages of this system are understood to be, the suppression of all feelings of rivalry and envy towards the President on the part of his associates, and the equalization of the responsibility of the different members of the Faculty. Its success in the University of Virginia should commend it to our regard, if this were the proper period for organization.

At a meeting of the Board of Trustees convened in July, the President and Professors resigned their situations, the Professors of Chemistry, &c., afterwards consented to withdraw his resignation, and was continued in his place. The presidency was filled by the election of the Rev. Basil Manly, D. D., of Charleston, South Carolina, an individual of whom fame speaks in high terms, both as a Minister of the Gospel, a scholar, and a gentleman; the other chairs are still vacant but are expected to be filled at the next meeting of the board. After which we may be allowed to hope, that we shall witness our University rivalling the most distinguished Institutions of learning around us, and unsurpassed by any in the brilliancy, and usefulness of its career.

Our University is the hope of the State, and should be cherished, and overlooked, with the deepest solicitude. I would respectfully suggest to the General Assembly the propriety of so re-organizing the Board of Trustees as to provide a sufficient number of Trustees within convenient distance of the University to watch over and attend to such matters connected with the interests and prosperity of the Institution, as are constantly recurring, and require immediate

attention. The body of the Board under the present organization are too remote to afford any attention except at regulated stated periods. This is certainly a great defect and should be remedied.

I beg leave to invite the consideration of the General assembly to the propriety of establishing a State Library. Such an establishment would be the means of preserving the books, which we already have, or may hereafter acquire, while it would bring within the reach of every department of the Government, a fund of knowledge, the possession of which, is highly important in the discharge of public duties.

Several, perhaps most of the States have gone in advance of us upon this subject— and while our population and wealth are receiving such great accession, should not a just pride prompt us to adopt all proper measures to improve the moral condition of our people, and to give elevation to the character of the State?

Should the suggestions be regarded with favor, I would respectfully recommend that an arrangement be authorised with the library company of the Supreme Court, by which the books of that association, and those the State now has, or may hereafter obtain, be placed together, to make the beginning of a library to which additions can be made.

The duties imposed upon this department by act of the last Legislature, of appointing a commissioner, to receive, examine, audit and settle all claims against the State growing out of the late Indian hostilities, and of appointing three commissioners, "to revise the Militia Laws of the State of Alabama," were performed by my predecessor, by the appointment of Major Henry L. Martin to the former, and Generals Crabb, Bradford, and Booth to the latter. From those commissioners you will doubtless receive reports, informing you in what manner they have performed their duties.

In taking leave of you, Gentlemen, I humbly invoke the blessings of the Great Ruler of the Universe upon your deliberations; may the measures which you may deem it expedient to adopt during your present session redound to the common welfare of Alabama, meet the approbation of your constituents, and promote your individual honor and happiness.

Which was ordered to lie on table, and one thousand copies ordered to be printed for the use of the Senate.

Mr Crabb introduced a bill to be entitled an act to regulate the width of lanes in certain counties therein named; which was read a first and second time, under a suspension of the constitutional rule requiring bills to be read three several times on three several days, and referred to the committee on roads, bridges and ferries.

On motion of Mr Mays, Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing the common law jurisdiction of the several county courts of this State.

On motion of Mr Wallace, Resolved, That the committee on the State Bank be instructed to inquire into the expediency of requiring the several Banks of this State to issue bills of less denomination than one dollar during the suspension of specie payments.

On motion of Mr Wallace, Resolved, That the committee on the judiciary inquire into the expediency of modifying the law imposing penalties on those who pass or receive change bills.

The Senate then adjourned until ten o'clock to-morrow.

Wednesday, November 8th, 1837.— The Senate met pursuant to adjournment.

Message from the House of Representatives by Mr Garrett, informing the Senate of the adoption of the following resolution: Resolved, That the Senate be invited to assemble in the Representative hall on Saturday next, at eleven o'clock, A.M., for the purpose of counting the votes and declaring the election of Governor in pursuance of the provisions of the constitution of this State ; which was on motion of Mr Moore, laid on the table.

On motion of Mr Moore, Mr Wellborn was added to the committee on military affairs.

On motion of Mr Musgrove, Mr Arnold was added to the committee on privileges and elections ; and on motion of Mr Rather, Mr Rains was added to the same committee.

On motion Mr Burke, Mr Hudson was added to the committee on the State bank, and to the committee on accounts and claims.

On motion of Arnold, Mr Musgrove was added to the committee on internal improvement and inland navigation.

On motion of Mr Frazier, Mr Farrar was added to the committee on privileges and elections.

On motion of Mr Posey, Mr Wilson was added to the committee on the judiciary.

Mr Frazier presented the petition of certain citizens of Jackson county ; which was referred to the committee on military affairs.

On motion of Mr Rather, Resolved, That a select committee be appointed to collect the amount of appropriations made by the several acts of the Legislature for the payment of claims growing out the Creek and Seminole wars, for the purpose of preparing a memorial to the Congress of the United States, for the reimbursement of the same. Whereupon Messrs Rather, Crabb, Frazier, Wellbourne and Hudson were appointed said committee.

On motion of Mr Arnold, Resolved, That a select committee be appointed to investigate the claims growing out the Creek and Seminole wars. Whereupon Messrs Arnold, Mays, Wellborn, Musgrove, Farrar and Frazier were appointed said committee.

On motion of Mr Hudson, Resolved, That the committee on the State Bank inquire into the expediency of passing a law compelling the cashier of the State Bank of Alabama to pay in specie the postage chargeable to the State, whenever the State Treasurer shall present the account for the same; with leave to report by bill or otherwise.

On motion of Mr Fleming, Resolved, That a committee be appointed to consist of one member from each judicial circuit of this State to inquire into the expediency of establishing a penitentiary in this State; with leave to report by bill or otherwise. Messrs Fleming, Smith, burke, Crabb, Terry, Wellborn, Moore, Mays and Farrar were appointed said committee.

On motion of Mr Moore. Resolved, That the committee on the Judiciary be

instructed to inquire into the expediency of increasing the compensation of jurors.

The Senate then proceeded to the orders of the day, when the bill entitled an act repeal that part of the patrol law compelling persons over forty-five years of age to do patrol duty, was read a second time ; and on motion of Mr Crabb referred to a select committee, consisting of Messrs Crabb, Hudson and Rather.

Mr Rather called from the table the message of his excellency the Governor, which was made the special order of the day for to-morrow, in the committee of the whole.

On motion of Mr Rather, Resolved, That the Senate will this day at eleven o'clock, A.M. elect a committee on their part to consist of three members to act with such committee as may be elected on the part of the House of Representatives, to examine and report the condition of the Bank of the State of Alabama and its several branches; whereupon the Senate proceeded to the election of three members as said committee— Messrs Burke, smith, Rather, Watrous and Moore being in nomination. For Mr Burke twenty-four votes; for Mr smith nine votes; for Mr Rather twenty-two votes; for Mr Watrous seventeen votes; and for Mr Moore twelve notes. Messrs Burke, Rather and Watrous having the highest number of votes given, were declared duly elected.

On motion of Mr Crabb, Resolved, That the committee on roads, bridges and ferries be instructed to inquire into the expediency of changing the system of opening and keeping in repair the public roads of the State, by requiring contributions in money from the citizens for that purpose, instead of contribution in labor.

Mr Frazier introduced the claims of S Kirk and others; which was referred to the committee on claims growing out of the Creek war.

Mr Mays introduced a bill to be entitled an act to change the time of holding the county court of Montgomery county; which was read the first time, the rule suspended, read a second time, and ordered to be engrossed for a third reading on to-morrow.

The Senate then adjourned until to-morrow 10 o'clock.

Thursday, 9th November, 1837— The Senate met pursuant to adjournment.

Mr Arnold presented the claims of the jailor of Benton county; which was referred to the committee on accounts and claims.

Mr Arnold presented the account of A J Cleaveland ; which was referred to the select committee on claims arising out of the late Creek and Seminole wars.

Mr Rather from the committee on privileges and elections, to which was referred the resolution directing an inquiry into the admissibility to seats in the Senate of persons elected from the counties of Marshall and De Kalb, together with the certificates of the sheriffs of said counties, reported that they have had the same under consideration, and have instructed me to report that, in the opinion of the committee, the individuals thus elected have no right under the constitution and laws to a seat in the Senate. The ninth section of the third article of the constitution creates the Legislative department of the Government, provides for its organization, and for fixing from time to time the number of Senators and Representatives according to the rules of representation there laid down; and the apportionment when made is not subject to alteration until after the next census shall be taken. By the tenth section of the third article of the constitution the General Assembly is requested at the first session after the enumeration of the inhabitants to fix the law the whole number of Senators, and divide the State into the same number of Senatorial districts, each of which to be entitled to one Senator and no more; the apportionment law of 1834 defines the Senatorial districts and limits the number of Senators. Neither the county of De Kalb or

the county of Marshall is a senatorial district and until made such by law it is obvious that an election of Senator by either was unauthorised and entirely nugatory. The citizens of the counties in question were authorised by an act of the late called session to elect, each, one representative under the proviso of the ninth section of the third act, which declares that each county shall be entitled to at least one representative, and without due consideration of the difference of representation by counties and representation by senatorial districts, they have fallen into the error of supposing that representation by counties, entitled them to the same right by senatorial districts. It seems not to have occurred to them that there must be a senatorial district constituted by law to entitle the people residing within its limits to representation in the Senate— in other words, neither the county of Marshall or De Kalb are senatorial districts, they cannot therefore elect a senator. The committee are clearly of opinion that the sheriffs of the counties of De Kalb and Marshall are not authorised to hold the election to which they have certified; and that the certificates referred to the committee confer no right upon the persons to whom they were given to seats in this body.

Mr President presented to the Senate the following communication from the Secretary of the Senate.

Tuscaloosa, 9th November, 1837.— To the President of the Senate: sir: In obedience to the requisition of the Senate at its last session, I herewith lay before you, and the honorable body over which you preside, the proceedings of the joint committee had in relation to the president of the Bank of the State of Alabama, accompanied by a letter from that officer to the late president of the Senate which were entrusted to the care of the Secretary of the Senate for safe keeping at the late called session of the Senate. I have the honor to be your ob't serv't, &c.

C.D. CONNOR, Secretary to Senate.

Which communication and accompanying documents were on motion of Mr Crabb laid on the table.

On motion of Mr Crabb, Resolved, by the Senate, that a select committee be appointed by the Senate to act jointly with a similar committee raised by the House of Representatives for the purpose of investigating the manner in which the operations of the Bank of the State have been arranged, and the conduct of the several officers thereof touching the interest of said bank: and the treatment of any person or persons dealing therewith, or who have made application to do so; and the acts of any officer of said bank while such, calculated to operate upon the character of interests of said bank, or of such authority to compel the attendance of witnesses and to obtain such other evidence as may be deemed necessary to a full, rigid and thorough investigation into all the concerns of said institution, and the acts of its several officers in relation to the said bank, so as to ascertain and exhibit the manner in which it has been managed and the policy, views and impulses as far as practicable of those who have had the management thereof. Mr Burke moved further, that the president of the State bank be requested to make a full and explicit statement of the particular transaction of his having drawn from the same bank within the last year some large amount of specie, and having the same placed on special deposit to his credit. Mr Wallace moved to amend the amendment, by adding after the word "credit," and also that the said committee be instructed to inquire if the specie has been drawn from the bank and by whom; which amendments were adopted. Mr Crabb moved further to amend by the following, after the word "whom," and that the said president be permitted by said committee to examine before them any witness he may desire; which was adopted. Mr Crabb moved further, to amend by adding the word "statement and before the word "of," the following, to

the committee; when Mr President, Mr Rather in the chair, moved to amend Mr Crabb's amendment, by adding after the word "committee," the words "and the Senate;" which amendments were adopted, and the resolution passed the Senate. Messrs Crabb, Wilson and Lea were appointed said committee.

Mr Frazier introduced a bill to be entitled an act for the relief of Arthur C Beard and R McNly Hook ; which was read a first time and ordered to be engrossed for a third reading on to-morrow.

The Senate then adjourned until ten o'clock to-morrow.

Friday, November 10th, 1837.— The Senate met pursuant to adjournment.

Mr President announced the following communication from the President of the Bank of the State of Alabama, at Tuscaloosa, 8th November: Hon. Jesse Beene, President of the Senate: Sir—In obedience to a resolution of the Senate, I have the honor to state, that, twenty-seven thousand three hundred dollars of the denominations of one, two, and three, have been issued and circulated under the act of the 22nd of June last. Very respectfully, &c.

WM. D. STONE, President.

Which was laid on the table.

Mr Posey presented the accounts of the sheriff and jailor of Lauderdale county; which was referred to the committee on accounts and claims.

Mr Riddle from the committee on the State Bank, reported as inexpedient the resolution requiring the several banks of this State to issue bills of a less denomination than one dollars, during the suspension of specie payments; in which the Senate concurred.

Mr Rains from the select committee to which was referred the resolution in relation to the President of the Senate discharging the duties of the office of Governor, and that he resigning his seat as Senator, would thereby divest himself of all right to issue Writs of Election, to discharge any duties appertaining to the office of Governor; and that, therefore, the Senatorial district of Lauderdale is unrepresented in the Senate, have had the same under consideration, and after a careful examination of the points in the constitution which have a bearing on this subject, have instructed me to make the following report: That the President of Senate, when he qualifies and enters upon the office of Governor of the State, by the provisions of the constitution, becomes immediately invested with all the rights and privileges appertaining to said office, and his seat for Senator becomes thereby vacated. Any person therefore, who may be properly elected to fill such vacancy, by virtue of a writ of election issued by him, is duly and constitutionally elected a member of the Senate for the time prescribed, and is entitled to discharge the duties of the same. It is the opinion therefore of the committee, under the foregoing view of the subject, that the seat of the Senator from the district of Lauderdale, is at this time properly and constitutionally filled; in which the Senate concurred. Yeas 26, Nays 3.

Those who voted in the affirmative, are Messrs President Arnold Burk Crabb Elmore Farrar Fleming Frazier Goyne Henderson Hill Lee Mays Moore Musgrove Rains Rather Roberts Simmons Smith Span Terry Wallace Watrous Wellborn and Wilson.

Those who voted in the negative, are Messrs Devereaux Hudson and Riddle.

On motion of Mr Crabb, Resolved, That the committee on internal improve and inland navigation be instructed to inquire into and report to the Senate the best plan for the improvement of the navigation of the Coosa, Tombeckbee, Cahawba and Black-Warrior rivers.

Message from the House of Representatives— Mr President: The House of Representatives have adopted the following resolution: Resolved, with the concurrence of the Senate, the two Houses will assemble in the hall of the House of Representatives on to-morrow at twelve o'clock, for the purpose of electing a State Printer: in which they ask the concurrence of your honorable body. Mr

Fleming moved to suspend the further consideration of the message until Monday next; which was then concurred in.

Message from the House of Representatives: Mr President: The House of Representatives have adopted the following resolution: Resolved, That their House will forthwith proceed to the election of a committee on the part of the House to act with such committee as may be elected on the part of the Senate to examine the affairs of the Bank of the State of Alabama. They have elected Messrs Payne, Calhoun and Vining said committee: which was laid on the table.

On motion of Mr Wellborn, Resolved, That a select committee be appointed to inquire into the expediency of establishing a branch of the Bank of the State at Irwinton in the county of Barbour; whereupon, Messrs Wellborn, Spann, Mays, Terry and Rather were appointed said committee.

On motion of Mr Arnold, Resolved, That a select committee be appointed to enquire into the expediency of establishing an agency of the Bank of the State of Alabama and its branches, in the town of Jacksonville, in Benton county; whereupon, Messrs Arnold, Farrar, Moore, Wellborn and Posey were appointed said committee.

Mr Smith introduced a bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Coosa, Tallapoosa, Tombeckbee and Black Warrior rivers; which was read a first and second time under the suspension of the constitutional rule, and referred to the committee on internal improvement and inland navigation.

Message from the House of Representatives informing the Senate that they were ready to receive them in their Hall of for the purpose of electing a State Printer; whereupon, the Senate repaired to the hall, were seated, and Mr President announced the object of the meeting.

The two Houses then proceeded to the election. Messrs Ferguson & Eaton alone being in nomination, received 115 votes, all the votes given, were declared duly elected State Printers for the ensuing year. The Senate then withdrew to their chamber and Mr President resumed his seat.

Mr President announced a communication from the President of the State Bank, in pursuance of a resolution of the Senate adopted on yesterday, in relation to the withdrawal of specie from the bank, within the last year; which was on motion of Mr Lee laid on the table.

Mr President announced the annual report of the President of the Bank of the State of Alabama; which was ordered to lie on the table.

On motion of Mr Hudson, Resolved, That the committee on education be instructed to inquire into the expediency of so altering and amending the incorporation of the La Grange college, as to authorise the faculty of said institution to compell all suspended or expelled students to leave the immediate neighborhood and not remain within five miles of said College under the penalty of being punished by civil authority ; with leave to report by bill or otherwise.

Mr Simmons introduced a bill to be entitled an act to amend an act entitled an act to incorporate the town of Wetumpka, approved 18th January, 1834, which was read and ordered to a second reading on to-morrow.

On motion of Mr Smith, Resolved, That the President of the Bank of the State of Alabama, be instructed to furnish the Senate at as early a period as practicable, the amount invested as Stock in the Bank of the Three per cent fund, what amount of said fund is yet in said bank Stock, what amount has been paid out and the objects for which it has been paid, the specific amount so paid to each object, and what amount of the two per cent fund is now due this State.

On motion of Mr Burke, Resolved, That with a view of curtailing our circu-

lating medium and affording the Bank an opportunity of resuming specie payments at an early day, that the committee of the State Bank be instructed to inquire into the expediency of allowing the State Bank and its branches to redeem their circulation by receiving in payment their own paper for the Bonds created at the called session, at this time held by the respective banks, and that they have leave to report by bill or otherwise.

The Senate then, on motion of Mr Moore, resolved itself into a committee of the whole on the Governor's message; and after some time spent therein, the committee rose, and through their chairman, Mr Moore, reported the following resolutions; which were respectively adopted by the Senate. Resolved, That so much of the Governor's message as relates to the Bank of the State of Alabama and its several branches, be referred to the committee on the State Bank. That so much as relates to the penitentiary system, be referred to the select committee raised on that subject. That so much as relates to the Cherokee country, be referred to the committee on military affairs. That so much as relates to a re-charter of the Bank of the United States or the establishing a National Bank, be referred to the judiciary committee. That so much as relates to the University, be referred to the committee on education. That so much as relates to a State Library, be referred to a select committee.

Mr Rather introduced a bill to be entitled an act for the government of turn-pike roads; which was read a first and second time, under a suspension of the constitutional rule, and referred to a select committee consisting, of Messrs Rather, Smith and Lea.

On motion of Mr Hudson, Resolved, That the select committee raised on the part of the Senate to examine and report on the condition of the State Bank and its several branches, be instructed as far as practicable to inquire and report to the Senate, the manner in which the Branch Banks at Huntsville and Decatur have loaned the million of cash contemplated by the relief law; and further inquire what sums have been assigned to each county, designating the counties so embraced.

The Senate then proceeded to the orders of the day; when the engrossed bill entitled an act to change the time of holding the county courts of Montgomery county, was read a third time and passed the Senate.

The engrossed bill for the relief of Arthur C. Beard and R. McKinley Hook was taken up, read a third time and rejected— yeas 9, nays 19.

Yeas— Messrs President Arnold Farrar Frazier Goyne Moore Musgrove Posey and Smith
Nays – Messrs Burke Crabb Devereaux Elmore Fleming Hill Hudson Lea mays Rains Rather Rid-
dle Simmons Spann Terry Wallace Watrous Wellborn and Wilson.

The Senate then adjourned to ten o'clock to-morrow.

Saturday, 11th November.— The Senate met pursuant to adjournment.

Mr Musgrove presented the petition of sundry citizens of Blount county, which was referred to the judiciary committee.

Mr Musgrove presented the counter petition of sundry citizens of Blount county ; which was referred to the judiciary committee.

Mr Rather presented the memorial of the President and directors of the Branch at Decatur; which was referred to the committee on the State Bank.

Mr Posey from the judiciary committee to which was referred the resolution in relation to abolishing the common law jurisdiction of the county court, reported the same as inexpedient when Mr Crabb moved to lay the report on the table; which was carried.

Mr Rather called from the table the message from the House proposing to count the votes for Governor; which was taken up and concurred in.

Mr Hudson introduced a bill to increase the pay of jurors in Franklin county; which was read a first and second time, under a suspension of the constitutional rule; and, on motion of Mr Moore, referred to a select committee, consisting of Messrs Moore, Hudson and Spann.

Mr Rather introduced a bill for the relief of Nancy Grubb; which was read first time and ordered to a second reading on Monday next.

Mr Rather introduced a bill to be entitled an act authorizing John Orr to erect gates; which was read first time and ordered to second on Monday next.

Mr Musgrove introduced a bill to be entitled an act to reduce the number of days that hands shall be subject to work on public roads in the county of Blount, and for other purposes; was read first time and ordered to a second on Monday next.

Mr Riddle introduced the following rule for the government of the Senate; Rule 38th. No smoking shall be allowed within the Senate chamber, while the Senate is in session; nor shall any senator wear his hat without the leave of the Senate: which lies on the table one day.

Mr Crabb introduced the following resolution, Resolved, That the standing committee on education be instructed to inquire into the best mode of increasing the benefits of common school education throughout the State, and to propose and report a plan for that purpose.

Mr Wallace introduced a bill to be entitled an act to authorise the formation of limited partnerships; which was read first time, and on motion of Mr Rather, was laid on the table, and 150 copies ordered to be printed.

Mr President presented the report of the Commissioners of the Bank of the State of Alabama; which was laid on the table.

Mr President presented the report of the President of the Branch Bank of the State of Alabama at Mobile; which was laid on the table.

Message from his excellency the Governor:

Executive Department, November 11th, 1837.

To the General Assembly— I have to inform the General Assembly, that since the last session of the Legislature, I have proceeded to make the following appointments, viz: William L. Jones to be judge of the county court of Clarke county, vice W. R. Hamilton; Armstead B. Dowson to be judge of the county court of Coosa county, vice Robert M. Martin. I have received the resignation of the judge of the county court of De Kalb county, but no appointment has been made.

HUGH McVAY.

Message from the House of Representatives: Mr President— The House of Representatives have adopted the following joint resolution: Resolved by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That the Secretary of the State is not entitled to demand or receive any fee for the annexation of the Seal of the State, to the State Bonds or other public instruments. They have also passed a bill of the following title: An act to incorporate the Clayton Academy; to which they respectfully ask the concurrence of the Senate. They concur in the resolution of the Senate, proposing the appointment of a committee of three, to act with such committee as may be appointed on the part of the House of Representative, to investigate the manner in which the operation of the Bank of the State has been managed, and into the conduct of its Officers, and have appointed on their part, Messrs Smith of M. Porter and Williams.

Resolution from the House of Representatives, in relation to the fees of the Secretary of State, was taken up, read the first time, and ordered to a second reading on Monday next.

Message from the House of Representatives, informing the Senate of their readiness to receive them in the Hall of the House, for the purpose of delivering and counting the votes for Governor of the State of Alabama: Whereupon the Senate repaired to the House, were seated, and Mr President announced the object of the meeting of the two Houses.— The two Houses then proceeded to the county, and it appeared that Arthur P. Bagby had

twenty-one thousand, eight hundred votes, and Samuel W. Oliver, seventeen thousand, six

hundred and sixty-three votes. Mr. Bagby having a majority of all the votes given, was declared by Mr. Speaker, duly and constitutionally elected Governor of the State of Alabama, for the ensuing two years.

The Senate then withdrew to their Chamber, and Mr. President resumed his Chair. Engrossed bill entitled an act to incorporate the Clayton Academy; which was read the first and second time, and referred to the committee on education.

Mr. Burke moved to reconsider the vote taken on the resolution authorising the Bank to issue change bills; which was reconsidered, and recommitted to the committee on the State Bank.

The Senate then proceeded to the orders of the day; when the bill to be entitled "an act to incorporate the town of West Wetumpka," was read second time, and ordered to be engrossed for a third reading on Monday next; when the Senate adjourned to ten o'clock on Monday next.

Monday, November 13. — The Senate met pursuant to adjournment.

Mr. Wellborn presented the petition of sundry citizens of Irwinton on the subject of a Branch Bank; which was referred to the select committee raised on that subject.

Mr. Posey presented the memorial of William W. Garrard; which was referred to the committee on claims growing out of the Creek war.

Mr. Musgrove presented the account of John Ratliff; which was referred to the same committee.

Mr. Simmons presented the memorial of D. H. Bingham, which was referred to the committee on internal improvements and inland navigation.

Mr. Wellborn introduced a bill to be entitled "an act to authorise Seth Love and William Wellborn to erect a wharf on the Chattahoocha river, opposite the town of Irwinton; which was read a first and second time, under a suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Wallace presented the petition of sundry citizens of Lawrence county, in favor of James Seward; which was referred to the committee on proposition and grievances.

Mr. Moore from the committee to which was referred the bill entitled "an act to increase the pay of jurors in the county of Franklin;" reported the same with the following amendments; In the seventh line, strike out "county," and insert "counties," in the line after the word "Franklin," insert the words "Pickens and Bibb;" at the end of the 8th line, insert "of Grand or Petit Jurors;" which was concurred in, and the bill ordered to engrossed for a third reading on to-morrow.

Mr. Rather from the select committee, to which was referred the bill for the government of Turnpike roads, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Goyne asked and obtained leave of absence for Mr. Arnold until Thursday next.

Mr. Wilson introduced a bill to be entitled "an act to declare Sipsey river a public highway;" which was read a first and second time, under a suspension of the constitutional rule, and on motion of Mr. Wilson, referred to a select committee, consisting of Messrs. Wilson, Moore and Crabb.

On motion of Mr. Riddle, Resolved, That the committee on the State Bank inquire into the expediency of authorising said Bank and Branch Banks, to deal in cotton in such manner and under such regulations as they shall deem most prudent for the safety of the Banks, with a view to replenish their vaults with specie; with leave to report by bill or otherwise.

On motion of Mr. Crabb, whereas it is believed to be customary in most civilized countries to open the daily sessions of Legislative Assemblages, by a solemn appeal to the throne of Heaven, for a blessing upon the deliberations of the day, and whereas it is also believed that such a practice involved, no less in duty to God and constituents as a christian people, than it contributes to soothe the asperities of our nature and to promote good order, and kindly feelings, which greatly aid in the attainment of the proper end of all legislation: Therefore be it resolved by the Senate, that the reverend Clergy of the city of Tuscaloosa, be respectfully invited to perform to this body, in such order as they may arrange among themselves, the usual offices of Chaplain, at the commencement of each

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morning session, during the remainder of the present session: And be it further resolved, that a select committee be appointed to communicate the foregoing to the Clergy of said city, and receive their answer; which was adopted.

On motion of Mr. Rains, Resolved, That the judiciary committee be instructed to inquire into the expediency of requiring the judge of each county court of the several counties, to reside in one mile of their respective court houses.

Mr. Burke called up the commissioners report on the State Bank, the reports of the President of the Bank and the Branch Bank at Montgomery; which were ordered, one hundred and fifty copies of each to be printed, for the use of the Senate.

Message from the House of Representatives, informing the Senate that the House of Representatives had passed a bill entitled "an act to incorporate the town of Gerard in Russell county." That they had adopted a resolution appointing a committee, consisting of Messrs. May, Baker and Booker, to wait on the Governor, and know when it will suit his pleasure to take the oaths of office; in which the concurrence of the Senate is asked; and Messrs. Moore, Terry and Burke, were appointed said committee.

On motion of Mr. Crabb, Resolved, That the ladies who desire to witness the proceedings of the Senate, be admitted to seats in the Lobby of the Senate Chamber.

Mr. Fleming presented the annual report of the President of the Branch of the Bank of the State of Alabama at Huntsville; which was ordered to lie on the table, and one hundred and fifty copies thereof to be printed.

Engrossed bill from the House of Representatives, entitled "an act to incorporate the town of Gerald; was read and ordered to a second reading on to-morrow.

Mr. Riddle called up the proposed 38th rule; when Mr. Burke moved to amend the same, by the following substitute: "No smoking shall be allowed within the Senate Chamber, while the Senate is in Session;" which was adopted, and became the 38th rule of the Senate.

On motion of Mr. Frazier, Resolved, That the committee on internal improvement and inland navigation, inquire into the expediency of setting apart a portion of the nett profits of the State Bank and its several branches, as a fund for the purpose of internal improvement: Also, that said committee inquire what other funds are in possession of the State, which might be applied to the same purpose, by which the State may create a permanent fund for the aforesaid purpose, and report by bill or otherwise.

Mr. Lee introduced a bill to be entitled "an act prescribing the mode of establishing and licensing toll-bridges, cause-ways and ferries: also, defining the rights and liabilities of the owners thereof; which was read, and on motion of Mr. Rather laid on the table, and one hundred and fifty copies ordered to be printed.

Mr. Farrar presented a memorial to the Congress of the United States, which was read and ordered to a second reading on to-morrow.

The Senate then proceeded to the orders of the day; when the bill to be entitled "an act to repeal in part an act entitled an act to reduced the number of days that hands shall be subject to work on public roads in the county of Blount; was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled "an act for the relief of Nancy Grubb," was read a second time and ordered to be engrossed for a third reading on to-morrow.

The bill to be entitled "an act, authorising John Orr, to erect gates," was read a second time and referred to the committee on roads, bridges and ferries.

Resolution in relation to the fees and annexation of the seal of the State, by the Secretary of State, was read a second time and referred to the judiciary committee.

Engrossed bill entitled "an act to amend an act to incorporate the town of West Wetumpka," was read a third time and passed the Senate; when the Senate adjourned to ten o'clock to-morrow morning.

Tuesday, 14th November 1837. — The Senate met pursuant to adjournment.

Mr. Riddle from the committee on the State Bank to which was referred the resolution requiring the State to be divided into banking districts, reported a bill to be entitled an act to authorise the branch banks at Huntsville and Decatur, to limit their loans; which was read a first and second time, under suspension of

the constitutional rule: when Mr. Frazier offered an amendment: when Mr. Mays moved to refer the bill and amendment to a select committee, consisting of one member from each banking districts: which was carried and the bill so referred. Messrs Mays, Crabb, Fleming, Wallace and Burk, were appointed said committee.

Mr. Riddle from the bank committee to which was referred the resolution in relation to the apportionment of the loans of the bank, reported a bill to be entitled an act to lay off the State of Alabama into banking districts; which was read a first and second time under a suspension of the constitutional rule, and on motion of Mr. Hudson, referred to the select committee on the preceding bill.

Mr. Riddle from the same committee to which was referred the resolution requiring the Cashier of the State Bank to pay certain claims in specie, reported a bill to be entitled an act requiring the Cashier of the State Bank to pay certain claims in specie; which was read a first and second time under a suspension of the constitutional rule, an on motion of Mr. Hudson, it was ordered to be engrossed for a third reading on to-morrow.

Mr. Moore from the select committee appointed to wait on the Honorable Arthur P. Bagby and inform him of his election to the Executive Chair and to ascertain when it would suit his pleasure to take the oaths of office, reported that the committee had performed the duty assigned them and received for answer that he would take the oaths of the 21 st instant; which was laid on the table.

On motion of Mr. Rather, Resolved, That the judiciary committee be instructed to inquire into the expediency of allowing the same damages on all cases brought up to the circuit or county court by cerciorari as are now allowed by law on appeals: Provided, The presiding Judge shall be of opinion that the cause so taken up was for delay.

Mr. Musgrove introduced a bill to be entitled an act to authorise Thomas B. Cooper and associates to establish a turnpike road in the county of Cherokee; which was read the first time and ordered to a second reading on to-morrow.

On motion of Mr. Terry, Resolved, That the committee on education be instructed to inquire into the expediency of setting apart a suitable amount out of profits arising from the banking capital of the Bank of the State of Alabama and its several branches, for the purpose of establishing schools in those townships the sixteenth sections of which are insufficient for that purpose; with instructions to report as early as practicable.

Mr. Lee introduced a bill to be entitled an act to authorise the issuance of executions in certain cases; which was read and ordered to a second reading on to-morrow.

On motion of Mr. Wellborn, Resolved, That a committee be appointed to inquire into the propriety of paying the Russell county volunteers under the command of Captain E. E. Packs for the services rendered the State during the late Creek War, and that they have leave to introduce witness in support of their claims.

On motion of Mr. Rather, Resolved, That the judiciary committee be instructed to inquire what amendments are necessary to the existing law for taking depositions of certain officers of this State, and particularly in relation to taking the depositions of the President, Directors and other officers of the State Bank or its branches.

Mr. Musgrove introduced a bill to be entitled an act to incorporate the town of Blountsville, in Blount county; which was read a first and second time under the suspension of the constitutional rule, and ordered to be engrossed for a third reading on to-morrow.

Mr. Wellborn presented the accounts of sundry citizens; which was referred to committee on claims growing out of the Creek War.

Mr. Lee introduced a bill to be entitled an act to suppress mal-practice by factors, carriers and other agents; which was read a first and second time under a suspension of the constitutional rule; and on motion of Mr. Lea referred to the judiciary committee.

A message from the House of Representatives informing the Senate that they had passed a bill of the following title "an act to explain an act establishing certain ferries in Washington county; in which they as the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act to explain an act establishing certain ferries in the county of Washington, passed January 5, 1832; was read, and on motion of Mr. Roberts, read a second and third time under a suspension of the constitutional rule and passed the Senate.

The Senate then proceeded to the orders of the day; when the engrossed bill to be entitled act to incorporate the town of Gerard; was read a second time and ordered to a third reading on to-morrow.

Joint memorial to the Congress of the United States; which was read a second time, and on motion of Mr. Farrar, referred to a select committee consisting of Messrs. Farrar, Rather and Terry.

Engrossed bill entitled an act to increase the pay of jurors in certain counties therein named; was read a third time and passed the Senate.

Engrossed bill entitled an act to reduce the number of days that hands shall be subject to work on public road in the county of Blount; was read a third time and rejected. Yeas 6, Nays 18.

Yeas— Messrs Frazie Lee Musgrove Posey Wallace and Wellborn.

Nays— Messrs President Burk Crabb Devereaux Elmore Farrar Henderson Hill Hudson Mays Rather Roberts Simmons Smith Spann Terry Watrous and Wilson.

Engrossed bill entitled an act for the relief of Nancy Grubb; was read a third time and passed the Senate.

Engrossed bill entitled act to authorise Seth Love and William Wellborn to erect a wharf on the Chattahooche river, in the town of Irwinton; was read a third time and passed the Senate.

Engrossed bill entitled an act for the government of turnpike roads; was read a third time and passed the Senate.

The Senate then adjourned until 10 o'clock to-morrow.

Wednesday, November 15 th. — The Senate met pursuant to adjournment.

Mr. Lea from the committee on internal improvements and inland navigation to which was referred the resolution instructing them to inquire into the expediency of setting apart a portion of nett profits of the State Bank and its several branches, for the purpose of internal improvement, and also to inquire what other funds are under the control of the Legislature, which might be applied to the same purpose, so as to create a permanent fund: reported, that knowing it to be the policy and determination of the Legislature, to create no additional embarrassments to our banks, but to expedite as much as possible a speedy resumption of specie payments, it would not in the opinion of the committee be consistent with the interest of the State to set apart or appropriate any portion of the profits of the banking institutions to that purpose at this time. In relation to the remaining inquiry, the committee deem it barley necessary to remark, that the three per cent fund, arising from the sale of the public lands within the State, as designated in the terms of admission of the State into the Union, invested in bank stock and amounting at this time to upwards of four hundred and fifty thou-

sand dollars, is fund especially designated for purposes of internal improvement; besides these, the committee are aware of no other fund that can be said to be in possession of the State or under the control of the Legislature, which could be applied to that purpose. The investigation of the committee being restricted by the terms of the resolution itself to the propriety of creating an aggregate fund by union of the different resources of the State, for the purpose of internal improvement. The committee have come to the conclusion, that under existing circumstances, the whole object of the resolution is inexpedient.

Message from the House of Representatives by Mr. Garrett: Mr. President: The House of Representatives have passed a bill from the Senate of the following title: "an act to change the time of holding the county court of Montgomery county." They have also passed bills which originated in the House of Representatives of the following titles; An act for the relief of Horatio G. Harbin; an act to incorporate the town of Yorkeville in Pickens county; an act to repeal an act exempting certain property from levy or sale by virtue of an execution, so far as regards the county of Henry; an act authorising the election of an assessor and tax collector in the counties of Lauderdale and Montgomery; an act to explain an act entitled an act for the relief of Cassander Kelly, approved November 26 th, 1836. They have adopted a joint resolution instructing our Senators and requesting our Representatives in Congress to procure a quarter section of land for the widows and orphans of those persons who fell in the late war with Great Britain; in which they ask the concurrence of the Senate.

Engrossed bill from the House of Representatives entitled an act for the relief of Horatio G. Harbin; was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to incorporate the town of Yorkville, in Pickens county; was read first time, the constitutional rule suspended, read a second time forthwith and ordered to a third reading on to-morrow.

Engrossed bill from the House of Representatives to be entitled an act to authorise the election of an assessor and tax collector in the county of Lauderdale; which was read the first time and ordered to a second reading on to-morrow.

Engrossed bill from the House of Representatives entitled an act to explain an act entitled an act for the relief of Cassander Kelly; which was read first and second time and referred to the Judiciary committee.

Joint resolution of the Senate and House of Representatives to the Congress of the United States; was read the first time and ordered to a second reading on to-morrow.

On motion of Mr. Fleming, Resolved, That a committee be appointed to visit the arsenal and examine the arms if there be any, and report their condition to the Senate.

Mr. Burke introduced a bill to be entitled "an act to authorise the Bank of the State of Alabama to discount accommodation paper to run not longer than nine months to mature; which was read a first time, the rule suspended, read a second time and referred to the committee on the State Bank.

On motion of Mr. Frazier, Resolved, That the committee on the State Bank be instructed to examine and revise all Bank reports and accompanying documents and cause a condensed report of the most important parts thereof to be made out and one hundred and fifty copies thereof printed for the use of the Legislature, with as little delay as possible; which, on motion of Mr. Hudson, was laid on the table until to-morrow.

Mr. Mays presented the report of the commissioners appointed to examine the Branch Bank of the State at Montgomery ; which was laid on the table.

Mr. Mays also presented the remonstrance of the President and Directors of the Branch of the Bank of the State of Alabama; which was laid on the table.

Mr. Crabb from the select committee to wait on the clergy of this city, reported that the committee had performed the duty assigned them, and received for answer that the clergy would alternately perform prayers in the Senate chamber at the opening of each morning session ; and that the said committee had instructed him to report the following resolution: Resolved, That the President be requested to carry into execution on the part of the Senate the arrangement proposed by the reverend clergy; which was concurred in.

Mr. President presented the report of the Comptroller of public accounts in relation to the Alabama Life Insurance and Trust Company; which was, on motion of Mr. Burke, laid on the table, and one hundred and fifty copies ordered to be printed.

Mr. Posey introduced a bill to be entitled an act to amend an act entitled an act to incorporate the Florence Bridge company, approved January 12 th, 1832; which was read the first time and ordered to a second reading on to-morrow.

Message from his excellency the Governor:

Executive Department, November 15 th 1837

To the General Assembly — I have to inform you that I have received the resignation of the Hon.

J.

V. Perryman, as judge of the county court of Conecuh county.

HUGH McVAY.

Which was ordered to lie on table.

Mr. Lea introduced a bill to be entitled an act to authorise the establishment of private ways, and to repeal certain acts therein named; which was read a first and second time and referred to the committee on roads, bridges and ferries.

On motion of Mr. Terry, Mr. Riddle was added to the committee appointed on the memorial to the Congress of the United States.

On motion of Mr. Hudson, Mr. Lea was added to the committee on education.

On motion of Mr. Crabb, Messrs Riddle and Goyne was added to the committee on internal improvement and inland navigation.

Mr. Hill introduced a bill to be entitled an act to emancipate a certain slave therein named; which was read a first and second time, under a suspension of the rule, and referred to a select committee, consisting of Messrs Hill, Hudson and Moore.

The Senate then proceeded to the orders of the day; when the bill to be entitled an act to incorporate the town of Gerard, was read a third time and passed the Senate.

The bill to be entitled an act to authorise Thomas B. Cooper and his associates to establish a turnpike road in the county of Cherokee, was read a second time, and referred to committee on roads, bridges and ferries.

The bill entitled an act to authorise the issuance of executions in certain cases, was read a second time and referred to the judiciary committee.

Engrossed bill entitled an act to incorporate the town of Blountsville, in Blount County, was read a third time and passed the Senate.

Engrossed bill entitled an act requiring the Cashier of the State Bank to pay certain claims in specie, was read a third time and passed the Senate.

On motion of Mr. Rather, Resolved, That the committee on the State bank inquire into the expediency of having notices severed thirty days before the commencement of the suits that are brought for the use of the State Bank or its Branches, and report by bill or otherwise.

On motion of Mr. Crabb, Resolved, That the committee on public accounts report of the Senate the amount of unexpended balances now to the credit of the seat of government fund, and the amount of debts due to the said fund, specifying the amount of such debts now due, and falling due hereafter, and the times when said amount will become due.

The Senate then adjourned until ten o'clock to-morrow.

Thursday, November 16 th, 1837.— The Senate met pursuant to adjournment.

Mr. Arnold presented the petition of sundry citizens of Benton county; which was, on motion of Mr. Arnold, referred to the committee on privileges and elections.

Mr. Smith from the committee on roads, bridges and ferries, to which was referred the bill entitled an act to regulate the width of lanes in certain counties therein named, reported the same back to the Senate, making the provisions of the bill a general law, when Mr. Terry moved to postpone the further consideration of the bill and report until the first day of August next; which was carried Yeas 17, nays 13

Those who voted in the affirmative, were Messrs. Presidents Arnold Burke Devereaux Elmore Goyne Henderson Lea May Musgrove Rains Roberts Smith Spann Terry Wellborn and Wilson.

Those who voted in the negative, were Messrs Crabb Farrar Fleming Frazier Hill Hudson Moore Posey Rather Riddle Simmons Wallace and Watrous.

Mr. Smith from the same committee to which was referred a resolution inquiring into the expediency of changing the system of opening and keeping in repair the public roads, reported the same as inexpedient: when Mr. Crabb moved to lay the report on the table, which was lost. The Senate then concurred in the report.

Mr. Smith from the same committee to which was referred the bill in relation to John Orr, erecting gates reported the same with amendment. Mr. Fleming moved to amend by inserting after the word "Orr" "and all other persons;" when Mr. Rather moved that the bill and amendment lie on the table; which was carried.

Mr. President reported a communication of the President of the State Bank in answer to a resolution of the Senate in relation to the three per cent fund, which was, on motion Mr. Hudson, referred to the committee on internal improvement, and inland navigation.

Mr. Posey from the committee on the judiciary, to which was referred the resolution in relation to damages in cases of certiorari brought to the circuit and county courts being the same as in appeals, reported the same as inexpedient in which the Senate concurred.

Mr. Posey from the same committee to which was referred the petition of sundry citizens of Blount county, as also the counter memorial to the same, in relation to certain leases of land on the sixteenth section in said county reported, that the subject matter of the petition and counter memorial were not properly cognizable by the Legislature, but belonged to the courts of justice; in which the Senate concurred.

Mr. Posey from the judiciary committee, to which was referred the resolution instructing them to inquire what amendments were necessary to the law allowing the taking of depositions of certain officers of their State; reported that no amendments are deemed necessary by the committee, and that it is inexpedient to legislate upon the subject; which, on motion of Mr. Rather, was on the table.

Mr. Posey from the same committee, to which was referred the resolution instructing them to inquire into the expediency of increasing the compensation of jurors, reported the same as inexpedient; in which the Senate concurred.

Mr. Terry presented the report of the branch of the Bank at Huntsville; which was laid on the table and one hundred and fifty copies ordered to be printed.

Mr. Arnold presented a memorial to the Congress of the United States, praying pre-emption rights to the Cherokee lands; which was read the first and second time, and referred to the select committee on memorials of the public domain; when on motion of Mr. Rather, Mr. Arnold was added to said committee.

Mr. Wellborn from the committee on that part of the Governor's message which relates to State Library, reported that they had the same under consideration, and thought it inexpedient to legislate on the subject at this time.

On motion of Mr. Hudson, Resolved, That a committee be raised on the part of the Senate, to act with such committee as may be raised on the part of the House of Representatives, to examine the Comptroller's and Treasurer's office; whereupon Messrs Hudson, Crabb and Wellborn was appointed said committee.

On motion of Mr. Simmons, Resolved, That the committee on internal improvement and inland navigation be instructed to inquire into the expediency of appropriating fifty thousand dollars of the three per cent fund, for the purpose of improving the navigation of the Coosa river from the Ten Islands to Weduska fall, or Fort Williams.

Mr. Crabb introduced a bill to be entitled an act to repeal an act declaring that part of Byler's turnpike road which lies in Tuscaloosa county, a county road; which was read a first time and ordered to a second reading on to-morrow.

Mr. Wallace introduced a bill to be entitled an act to change the mode of bringing suits by the Bank of the State of Alabama and its several Branches; which was read a first time, the rule suspended, read a second time and referred to the judiciary committee.

Mr. Frazer presented the account of John Starks; which was referred to the select committee on Indian claims.

Mr. Posey presented the petition of Gabriel Bumpass; which was referred to the committee on propositions and grievances.

Mr. Mays introduced a bill to be entitled an act for the relief of John L. Dorsey; which was read and ordered to a second reading on to-morrow.

Mr. Arnold presented the account of Samuel Fariss; which was referred to the committee on Indians expenditures.

Mr. Wallace called from the table a bill to be entitled an act to authorise the formation of limited partnerships; which was read the second time and referred to the judiciary committee.

Message from the House of Representatives — Mr. President: The House of Representatives have passed bills of the following titles, viz: An act for the support of paupers in the county of Monroe: an act to incorporate the Marengo Blues; an act for the relief of Thomas C. Russell, Baxter Taylor, and James Taylor; an act to remove the seat of justice in the county of Pike, and for other purposes; an act to remunerate certain persons therein named and for other purposes; an act to incorporate the town of Fredonia, in the county of chambers. They have also adopted the following resolution: Resolved, That a committee of three be appointed on the part of this House, to act with such committee as may be appointed on the part of the Senate, whose duty it shall be to arrange for publication, the various reports which have been made, or may be made, during the present session of the General Assembly, by the respective Presidents of the Bank of the State of Alabama and its several branches; and also the reports of the commissioners appointed by the Governor to examine into the condition of said banks, which are ordered to be printed, and to condense the same if they

should deem it expedient; they have appointed on their part, Messrs May, Porter and Payne, to act on said committee. In all of which they ask the concurrence of the Senate.

The Senate concurred in the above resolution in relation to printing the bank reports, and Messrs. Burk, Riddle, and Watrous, were appointed a committee on the part of the Senate.

Engrossed bill from the House, entitled an act for the support of paupers in the county of Monroe, was read a first and second time, and on motion of Mr. Smith, referred to a select committee consisting of Messrs Smith, Lea, and Terry.

Engrossed bill entitled an act to incorporate the Marengo Blues, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act for the relief of Thomas C. Russell, Baxter Taylor, and James Taylor, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to remove the seat of justice in Pike county and for other purposes, was read a first and second time, and on motion of Mr. Hudson, referred to a select committee, consisting of Messrs Devereaux, Hudson and Burke.

Engrossed bill to be entitled an act to remunerate certain persons therein named and for other purposes, was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to incorporate the town of Fredonia, in Chambers county, was read and ordered to a second reading on to-morrow.

Message from the House of Representatives proposing to elect a Solicitor for the first judicial circuit on to-morrow at the hour of 12 o'clock; in which resolution the Senate concurred.

Message from the House of Representatives by Mr. Frierson — Mr. President: I am instructed by the House, to communicate to the Senate, certain documents addressed to the House by his Excellency the Governor in relation to the sale of the State Bonds, which together with the accompanying documents were laid on the table.

Mr. Rains introduced a bill to be entitled an act to emancipate a certain woman of color therein named; which was read a first and second time and referred to the committee on propositions and grievances.

The Senate then proceeded to the orders of the day: when the bill for the relief of Horatio G. Harbin, was read the second time and referred to a select committee consisting of Messrs Rather, Elmore and Henderson.

A bill to be entitled an act to incorporate the town of Yorkville in Pickens county; was read a third time and passed the Senate.

Engrossed bill entitled an act to repeal an act exempting certain property from levy or sale by virtue of an execution so far as the county of Henry is concerned; was read a second time and referred to the Judiciary committee.

Engrossed bill to be entitled an act to authorise the election of an assessor and tax collector for the county of Lauderdale; was read a second time and referred to the judiciary committee.

Joint resolution to the Congress of the United States; was read a second time and referred to the select committee raised on memorials in relation to the public domain.

A bill to be entitled an act to amend an act entitled an act to incorporate the Florence Bridge Company; was read a second time and referred to the judiciary committee.

Resolution in relation to condensing the printing of the bank reports : was laid on the table.

Mr. Rather called from the table the bill authorising John Orr to erect gates, and moved to refer the bill to the select committee to which was referred the bill for the relief Horatio G. Harbin ; when Mr. Elmore moved, that the committee be instructed to report a general bill on the subject; which was carried and the committee so instructed.

Mr. Goyne moved to add Mr. Simmons to the committee on internal improvement and inland navigation: which was carried.

The Senate then adjourned to ten o'clock to-morrow.

Friday, November 17th, 1837 — The Senate met pursuant to adjournment.

Mr. Wilson presented the account of William Clements ; which was referred to committee on accounts and claims.

Mr. Rather presented the report of the Quarter Master General ; which was referred to the committee on military affairs.

Mr. Crabb presented the account of Dandridge — ; which was referred to the committee on accounts and claims.

Mr. Rains presented the petition of Leah Goodwin, which was referred to the committee on propositions and grievances.

On motion of Mr. Wallace, Resolved, That with the concurrence of the House of Representatives, the two Houses will proceed this day at the hour of twelve o'clock, to the election of a Solicitor for the fourth judicial circuit. Mr. Rains from the committee on enrolled bills, reported as correctly enrolled, an act to change the time of holding the county courts of Montgomery county.

On motion of Mr. Lea, Resolved, That his Excellency the Governor be required to furnish the Senate as early as practicable, with information, whether the services of a commissioner, such as was appointed by the late Governor, by an act approved December 22 nd, 1836, to receive examine and settle claims, against the State, growing out of the late Indian hostilities in this State, and may not now be dispensed with, and whether the duties of that office may not be in futrue, as well or better controlled by the Comptroller of public accounts or some other officer, so as to obviate the unnecessary expense to the State.

Mr. Mays from the select committee to which was referred the bill to be entitled an act to change manner of choosing the President and Directors of the Bank of the State of Alabama and its several branches, reported the same with the following amendments, strike out the fifth and last section of the original bill and insert a fourth additional section; in which the Senate concurred, and one hundred and fifty copies was ordered to be printed for the use of the Senate.

Mr. Arnold introduced a bill to be entitled an act to incorporate a regiment of Cavalry in the county of Benton ; which was read the first and second time and referred to the military committee.

Mr. Simmons introduced a bill to be entitled an act to incorporate the town of West Wetumpka, and repeal an act entitled an act to incorporate the town of Wetumpka, approved January 8th , 1834 ; which was read the first time, the rule suspended and read the second time and referred to the judiciary committee.

Mr. Watrous introduced a bill to be entitled an act to alter the boundaries of certain counties therein named and for other purposes; which was read and ordered to a second reading on to-morrow.

Mr. Posey introduced a bill to be entitled an act for the relief of the purchasers of the sixteenth section, township one, range ten west, in the county of Lauderdale, and for other purposes; which was read and ordered to a second reading.

Mr. Rather introduced a bill to be entitled an act to provide for taking depositions of certain officers therein named; which was read and ordered to a second reading on to-morrow.

Mr. Watrous introduced the following resolution: Resolved, That the committee on inland navigation and internal improvements, be instructed to inquire into the expediency of appropriating ten thousand dollars of the three per cent fund annually for the period of five years, to be applied to the improvement of the navigation of the Coosa river, with leave to report by bill or otherwise.

Message from the House of Representatives — Mr. President: The House of Representative have passed bills of the following titles, viz: An act to attach West Gurley, a citizen of the county of Jefferson, to the county of Blount, and for other purposes; an act to divorce John J. Coleman from his wife Emiline K. Coleman; an act for the relief of George W. Fisher guardian of Lewis Griffith: an act to divorce Campbell McMurtry from his wife Nancy McMurtry; an act to establish the dividing line between the seventh and seventy-eight regiment of Alabama militia and for other purposes, an act for the relief of Seabern B. Gray, administrator of Cynthia Mangham deceased late of Chambers county; an act to compensate Dennis Dent and Samuel Meek for slaves executed according to law; an act to incorporate the Argus company of riflemen in the county of Lowndes: an act to authorise George W. Keys, administrator of George Keyes deceased, to remove sundry negroes from this State to the State of Mississippi; all which originated in the House of Representatives, and in which they respectfully ask the concurrence of the Senate.

Engrossed bill from the House of Representatives to be entitled an act to attach West Gurley, a citizen of the county of Jefferson to the county of Blount, and for other purposes; was read and ordered to a second reading on to-morrow.

Message from the House of Representatives informing the Senate they were ready to receive then in ther Hall for the purpose of electing a solicitor of the first judicial circuit; whereupon, the Senate repaired to the Hall of House, were seated, and Mr. President announced the object of the meeting — Messrs F. S. Blount and B. B. Breeden being in nomination. For Mr. Blount 48, for Mr. Breeden 69.

Those who voted for Mr. Blount, are: Messrs Burke Devereaux Elmore Henderson Hudson Lea Mays Riddle, Simmons Smith Wallace and Watrous of the Senate. Messrs Speaker Alston Ashust Baker Bates Bestor Brevard Burk Calhoun Clough Cook Cottrell Daniel Davis of M Erwin Godbold Greening Lee Long Martin McClellan McLemore Oliver Perryman Phillips Priest Puckett Ross Scott of M. Simonton Stephenson Sullivan Tarrant Weissinger Williams of H. and Womack of the House of Representatives.

Those who voted for Mr. Breeden, are: Messrs President Arnold Crabb Farrar Fleming Frazier Goyne Hill Moore Musgrove Posey Rather Spann Terry Wellborn and Wilson of the Senate. Messrs Aldridge Andress Beauchamp Blake Booker Boston Brashier Cane Carmack Clifton Cobb Cochran Coman Cress Davis of B. DeJarnett Gann Gordon Hammond Horton Jones of C. King May McAlpin McClanahan of M. McClanahan of S. Morris Owen Parker Payne Porter Primm Rawls Rogers Scott of J. Sheffield Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of M. Spencer Taylor Tiffin Toulmin Vining Warren Williams of P. Williams of T. Wilson and Young of the House of Representatives.

Mr. Breeden having received a majority of all the votes given , was declared by Mr. President to be duly and constitutionally elected solicitor of the first judicial circuit.

The Senate then withdrew to their chamber, and Mr. President resumed his chair, when the bill from the House of Representatives entitled an act to divorce John S. Coleman from his wife Emiline R. Coleman, was read a first, second and third time, under a suspension of the constitutional rule, on motion of Mr. Moore, and the bill passed the Senate.

The Senate then adjourned to ten o'clock to-morrow.

Saturday, 18 th November, 1837 — The Senate met pursuant to adjournment.

Mr. Arnold presented the petition of sundry citizens of Benton, Talladega and St. Clair counties, which was referred to the select committee, on the subject of establishing a bank at Jacksonville.

Mr. Devereaux presented the petition of James Larkin and others; which was referred to the committee on county boundaries.

Mr. Rains reported as correctly enrolled an act establishing certain ferries in the county of Washington; and an act to incorporate the town of Gerald in Russell county.

Mr. Posey from the Judiciary committee, to which was referred the bill to authorise the issuance of executions in certain cases, reported the same with the following amendments: insert the words "he believes" after the word "that" in the seventh line of the first section; in which the Senate concurred, and the bill as amended on motion of Mr. Lea, was recommitted to a select committee, consisting of Messrs Lea, Rains and Crabb.

Mr. Posey from the same committee, to which was referred the engrossed bill entitled an act to explain an act entitled an act for the relief Casarda Kelly, reported the same without amendment, and the bill was ordered to a third reading on Monday next.

Mr. Posey from the same committee, reported without amendment the bill entitled an act authorising the elections of an assessor and tax collector for the county of Lauderdale; which was ordered to a third reading on Monday next.

Mr. Posey from the same committee, to which was referred the bill entitled an act to incorporate Florence bridge company, reported the same without amendment; which was ordered to be engrossed for a third reading on Monday next.

Mr. Rather from the select committee, to which was referred the bill for the relief of Horatio Harbin: And also the bill authorising John Orr to erect gates, reported a substitute for both bills; which was adopted, and the bill rejected.

Mr. Hudson asked leave of absence for Mr. Hill until Monday next: Also for Mr. Simmons until Monday week.

Mr. Wallace asked and obtained leave of absence for Mr. Roberts indefinitely.

On motion of Mr. Posey, Resolved, that the committee on the State Bank, examine into the expediency of allowing six per cent interest upon the canal fund, which has been deposited from time to time in the State Bank; also the branch bank at Decatur by the receiver of the Land Office at Courtland, to be applied to the completion of the Muscle Shoals Canal.

Mr. Musgrove presented a memorial to the Congress of the United States, requesting a grant of land in each township, where the sixteenth sections have proved valueless; which was read a first and second time and referred to the select committee on that subject.

On motion of Mr. Smith, Resolved, That the committee on the judiciary inquire into the expediency of so amending the laws, as to authorise on or more justices of peace to hold the orphans' court and other ordinary business of said court, on the death resignation, removal or absence of the judge of said court.

Mr. Arnold introduced a bill to be entitled an act to change the time of holding the county court of Benton; which was read and ordered to a second reading on Monday next.

On motion of Mr. Terry, Resolved, The committee on the State Bank inquire into the expediency of amending the charter of the State Bank and its several branches, so as to give to the President and Directors of each, the power of fixing the annual salary of their respective clerks and officers; and also of set-

ting apart a suitable sum in the State Bank and several branches for that purpose; with leave to report by bill or otherwise.

Engrossed bill from the House to be entitled an act to divorce Campbell McMurtry from his wife Nancy McMurtry, was read a first and second time and referred to the committee on divorce and alimony.

Engrossed bill for the relief of George W. Fisher, guardian of Lewis Griffith, was read a first and second time under suspension of the constitutional rule and referred to the judiciary committee.

Message from the Governor, informing the Senate that he did on yesterday approve and sign: "An act to change the time of holding the county court of Montgomery county."

Engrossed bill to establish the dividing line between the 70 th and 78 th regiment of Alabama militia and for other purposes, was read a first and second time and referred to the committee on military affairs, on motion of Mr. Hudson.

Engrossed bill entitled an act to incorporate the Capetan Academy, was read and ordered to a second reading on Monday next.

Engrossed bill for the relief of Seaborn Gray, administrator of Cynthia Mangham, late of Chambers county was read a first and second time, and on motion of Mr. Wallace, referred to the judiciary committee.

Engrossed bill to compensate Dennis Dent and Samuel M. Meek, for slaves executed according to law.

Engrossed bill to be entitled an act to incorporate the Argus company of volunteer rifleman in the county of Lowndes, was read a first and second time, and on motion of Mr. Elmore, referred to the committee on military affairs.

Engrossed bill to authorise Washington Keys, administrator of George Keys, deceased, to remove sundry negroes from this State to the State of Mississippi, was read a first and second time, on motion of Mr. Terry, and referred to the judiciary committee.

Message from the House of Representatives — Mr. President: The House of Representatives have passed bills which originated in the Senate of the following titles, viz: An act to authorise Seth Love and William Wellborn to establish a wharf on the Chattahoocha river, in the town of Irwinton; an act for the relief of Nancy Grubb. The House have passed bills of the following titles: An act to declare Bottle Creek a public highway, and for other purposes; an act to raise a revenue for the county of Covington and to regulate the compensation allowed to clerks and sheriffs for ex officio services in said county; an act to incorporate the town of Columbiana in Shelby county; an act to divorce Sarah Loyd from her husband Benjamin E. Loyd; an act to provide for the recovery of slaves in certain cases; an act allowing the first battalion of the eleventh regiment of Alabama militia an additional company; an act to incorporate the Oakville Female Academy in Lawrence; an act to divorce Polley Findley from her husband Josiah Findley ; an act to authorise Richard D. Shackleford to erect a toll bridge across the Suckanatchie river; an act for the relief of the legal representatives of Turner Ivey, deceased; an act for the better regulation of the apportionment on so much of the Federal road as constitutes the boundary line between the counties of Monroe and Conecuh; an act to secure the fines of defaulters for working on the public roads : an act to alter in part the boundary line between the counties of Conecuh and Butler; an act to amend an act to incorporate the town of Talladega ; an act to require the several Medical boards of this State to keep a seal of office; an act to amend the patrol laws now in force in the counties of Franklin, Dale and Shelby. They have adopted the following resolutions: Resolved, That with the concurrence of the Senate the two

Houses will assemble in the Representative hall for the purpose of electing a judge of the county court for Coosa county, on to-morrow the 18th inst., at 12 o'clock, noon; in all of which they ask the concurrence of the Senate. They concur in the resolutions of the Senate raising a committee to examine the Comptroller's and Treasure's office and have appointed on their part, Messrs. Porter, May and Brevard.

On motion of Mr. Watrous the resolution of the House proposing to elect a judge of the county court of Coosa county, was laid on the table.

Engrossed bill entitled an act declaring Bottle Creek a highway, and for other purposes, was read and ordered to a second reading on Monday next.

Engrossed bill entitled an act to raise a revenue for the county of Covington and to regulate the compensation allowed to clerks and sheriffs for ex officio services in said county, was read and ordered to a second reading on Monday next.

Engrossed bill entitled an act to incorporate the town of Columbiana in Shelby county, was read and ordered to a second reading on Monday next.

Engrossed bill to divorce Sarah Loyd from her husband Benjamin E. Loyd, was read a first and second time and referred to the committee on divorce and alimony.

Engrossed bill entitled an act to provide for the recovery of the value of slaves in certain cases, was read a first and second time, on motion of Mr. Hudson, and referred to the judiciary committee.

The engrossed bill authorising the first battalion of the fourteenth regiment of Alabama militia an additional company was read a first and second time and referred to the committee on military affairs.

Engrossed bill entitled an act to incorporate the Oakville Female Academy in Lawrence county, which was read and ordered to a second reading on Monday next.

Engrossed bill entitled an act to divorce Polley Findley from her husband Joseph Finley, was read a first and second time and referred to the committee on divorce and alimony.

Engrossed bill entitled an act to authorise Richard D. Shackleford to build a bridge across the Suckanatchie river in Sumpter county, was read a first and second time and referred to the committee on roads, bridges and ferries.

Engrossed bill for the relief of the legal representatives of Turner Ivy, wa read a first time and referred to the committee on propositions and grievances.

Engrossed bill for the better regulation of the apportionment of overseers on so much of the Federal road as constitutes the boundary line between the counties of Monroe and Conecuh, was read and ordered to a second reading on Monday next.

Engrossed bill for securing the fines of defaulters for working on public roads, was read and ordered to a second reading on Monday next.

Engrossed bill to alter in part the boundary line between the counties of Conecuh and Butler, was read a first and second time and referred to the committee on county boundaries.

Engrossed bill to incorporate the town of Talladega, was read and ordered to a second reading on Monday next.

Engrossed bill to be entitled an act to require the several Medical boards of this State to keep a seal of office, was read and ordered to a second reading on Monday next.

Engrossed bill entitled an act to amend the patrol laws now in force in the

counties of Franklin, Dale and Shelby, was read a first and second time and referred to the committee raised on that subject.

Mr Wallace introduced a bill to regulate the taxation of costs in suits by the Bank of the State of Alabama and its Branches, which was read a first and second time on motion of Mr Wallace, and referred to the judiciary committee.

On motion of Mr Smith, Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the law so as to make it a criminal offence against any person who will keep an open door and retail spirits on the Sabbath day, or sell spirits to negroes.

Mr Moore introduced a bill to be entitled an act to amend an entitled an act to authorise the Sipsey bridge company to establish a ferry for a limited time, which was read a first and second time, under the suspension of the constitutional rule, and on motion of Mr Moore, referred to a select committee, consisting of Messrs Moore, Crabb and Rather.

On motion of Mr Terry, Resolved, That a committee be appointed on the part of the Senate to act with such committee as may be appointed on the part of the House for the purpose of waiting on the Governor elect, at the hour of twelve o'clock on Tuesday next, and inform him that the two houses are ready to receive him in the Representative hall, for the purpose of witnessing the administration of the oaths of office; whereupon Messrs Terry, Elmore and Smith, were appointed said committee.

On motion of Mr Mays the voted taken this day on the report of the select committee on the bills for the relief of Horatio G. Harbin and John Orr was reconsidered, and the bills recommitted to the same committee.

The Senate then proceeded to the orders of the day; when the bill to attach West Gurley of Jefferson county to the county of Blount, was read a second time and referred to the judiciary committee.

The bill for the relief of Thomas C. Russell, Baxter Taylor and James Taylor, was read a second time and ordered to a third reading on Monday next.

Engrossed bill entitled on act to remunerate certain persons therein named, was read a second time and ordered to a third reading on Monday next.

Engrossed bill entitled an act to incorporate the town of Fredonia in the county of Chambers, was read a second time and ordered to a third reading on Monday next.

Bill for the relief of John L. Dorsey, was read a second time and referred to the committee on propositions and grievances.

Engrossed bill to incorporate the Marengo Blues, was read a second time and referred to the military committee.

The bill to be entitled an act to repeal an act declaring that part of Byler's road lying in the county of Tuscaloosa a county road, was read a second time and ordered to be engrossed for a third reading on Monday next.

The bill to be entitled an act to provide for taking the depositions of certain persons therein named, was read a third time and referred to the judiciary committee.

The bill entitled an act for the relief of the purchasers of the Sixteenth section in township one and range west in the county of Lauderdale was read a second time and ordered to be engrossed for a third reading on Monday next.

A bill to be entitled an act to alter the boundary of certain counties therein named, was read a second time and referred to the committee on county boundaries.

On motion of Mr Terry, Mr Crabb was added to the committee on military affairs.

On motion of Mr Lea, Mr Smith was added to the committee on internal improvement and inland navigation.

On motion of Mr Lea, Resolved, That the judiciary committee inquire into the expediency of allowing parties to suits brought on open accounts the benefits of their own oaths, so as to avoid the expense incident to suits of that description and report by bill or otherwise.

The Senate then adjourned to ten o'clock on Monday next.

Monday, November 20th. —The Senate met pursuant to adjournment.

Message from the House of Representatives informing the Senate that they have adopted a joint memorial to the Congress of the United States, praying for a donation of lands to the citizen soldiers. They have adopted the following joint resolution: Resolved, (the Senate concurring,) That a committee of three be appointed, on the part of the House, to act with such committee as may be appointed on the part of the Senate to designate the order of ceremony to be observed on the installation of the Governor elect; that they make all necessary and suitable arrangements for that purpose. and that they report the same for the approval of their respective houses, prior to the 21st inst and have appointed on their part Messrs May, Shields and Davis. In which the Senate concurred, and Messrs Posey, Wellborn and Smith were appointed said committee on the part of the Senate.

Mr President announced the report of the Comptroller of Public Accounts upon the government fund which was, on motion of Mr Crabb, referred to the committee on the State capitol.

Mr Devereaux, from the select committee to which was referred the bill entitled an act to remove the seat of justice for Pike county reported the same without amendment; which was ordered to a third reading on Monday next.

Joint memorial to the Congress of the United States praying for a donation of land to citizens soldiers; was read a first and second time and referred to a select committee.

Message from the Governor, by Mr Gooch, his private secretary:

Executive Department, Nov. 20th, 1837.

To the Senate —In compliance with the request of the Senate, in their resolution of the 17th inst. I have the honor to answer to the inquiries therein stated, that the number of the claims therein referred to, recently presented for my approval, have been small, and, judging from the large number and amount of those already settled and paid, there can be, it is hoped, but few now remaining unpaid.

I would therefore respectfully suggest, as my opinion, that, should it be deemed expedient that such claims should continue to be paid during the recess of the Legislature by the State, that the duty of receiving, auditing and settling them, can as well be confided to the Comptroller of public accounts, by which the compensation of a special commissioner would be saved; an expense to the State, which is in my opinion no longer necessary.

HUGH McVAY

Which was on motion of Mr Lee referred to the committee on claims growing out of the Creek war, with instructions to report a bill in conformity with the message.

Message from the House of Representatives, concurring in the resolution appointing a committee to wait on the Governor elect, at the hour of 12 o'clock, on the 21st, and that they have appointed on their part, messrs. Smith of M. May and Payne.

Mr Mays presented the petition of sundry citizens of Montgomery county, in favor of John L. Dorsey; which was referred to the committee on propositions and grievances.

Mr Arnold introduced a bill to be entitled an act to provide for repairing the streets and alleys in the town of Jacksonville; which was read a first and second time, on a suspension of the constitutional rule, and on motion of Mr Arnold , ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Mays, Mr Devereaux was added to the committee on county boundaries.

Mr Rather called from the table the bill to be entitled an act prescribing the mode of establishing and licensing all bridges, causeways and ferries; Also defining the rights and liabilities of the owners thereof ; which was read a second time and referred to the committee on roads, bridges and ferries, on mr Crabb's motion.

The Senate then proceeded to the orders of the day when the bill to be entitled an act to change the time of holding the county court of Benton county was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill entitled an act to incorporate the Cusetah academy was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act to compensate Dennis Dent and Samuel M. Meek for slaves executed according to law, was read a third time and passed the Senate.

Engrossed bill entitled an act to incorporate the Oakville female academy in the count of Lawrence, which was read the third time and passed the Senate.

Engrossed bill to be entitled an act for the better regulating the appointment of overseers, on so much of the federal roads as constitutes the dividing line between the counties of Monroe and Conecuh ; was read second time, referred to select committee consisting of Messrs Henderson and Smith.

Engrossed bill entitled an act to secure the fines for defaulters for working on public roads, was read second time; and on motion of Mr Hudson, referred to judiciary committee.

Engrossed bill to be entitled an act to incorporate the town of Talladega, was read second time: an on motion of Mr Arnold , was referred to a select committee, consisting of Messrs Arnold, Wilson and Spann.

Engrossed bill entitled an act to require the several medical boards of this State to keep a seal of office ; was read second time, and on motion of Mr Crabb, was referred to the judiciary committee.

Engrossed bill to be entitled an act to raise a revenue for the county of Covington, and to regulate the compensation allowed to clerks and sheriffs for ex-officio services in said courts; which was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to declare Bottle Creek a public highway, for purposes therein named; was read a second time, and on motion of Mr Henderson, the rule was suspended, read third time and passed the Senate .

Engrossed bill to be entitled an act to incorporate the town of Columbiana, in Shelby county ; which was read second time, ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to explain an act for the relief of Cassander Kelly; which was read third time and passed the Senate.

Engrossed bill entitled an act to authorize the election of an assessor and tax collector for the county of Lauderdale ; which was read third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of the purchasers of the sixteenth section , township one, range ten west, in the county of Lauderdale; was read third time and passed the Senate.

Engrossed bill to be entitled an act to repeal an act declaring that part of By-

ler's turnpike road, in the county of Tuscaloosa, a county road, was taken up. Mr Wallace moved to reconsider the voted of Saturday ordering the bill to a third reading ; which was carried, and the bill was referred to the judiciary committee.

Engrossed bill to be entitled an act to amend an act incorporating the Florence bridge company ; was read third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of Thomas C. Russell, Barter Taylor and James Taylor; was read third time and passed the Senate .

Engrossed bill to remunerate certain persons therein named, and for other purposes; was read third time and passed the Senate.

Engrossed bill to be entitled an act to incorporate the town of Fredonia , in the county of Chambers; which was read third time and passed the Senate.

Mr Rains from the committee enrolled bills, reported as collectly enrolled, an act to divorce John J. Coleman from his wife Emerline R. Coleman ; an act to incorporate the town of Yorkville in Pickens county; an act for the relief of Nancy Grubb; an act to authorize Seth Love and William Wellborn to erect a wharf on the Chattahoochee river in the town of Irwinton.

Mr Lee introduced the following resolution: Whereas the president of the Bank of the State of Alabama is presumed to be intimately acquainted with the present condition, future prospects and general policy of said bank and its several branches: Therefore resolved, that he be requested to communicate in writing to the Senate , at as early a day as convenient , his views as to whether any action of the legislature is necessary, and if any, what measures will be best calculated to enable said bank to resume specie payments at as early a day as possible, and with the least possible or no injury to the community.

Mr Burk introduced the following resolution: Resolved, that the special committee appointed upon the public domain, be instructed to inquire into the propriety of memorializing the Congress of the United States upon the subject of granting to the State of Alabama, the entire control of the two per cent fund arising from the sale of the public lands within the limits of said State.

Mr Burke called from the table the report of the commissioners appointed to examine the branch of the bank of the State of Alabama at Montgomery ; also, the remonstrance of the president and directors of said bank thereto; which were ordered to be printed; one hundred and fifty copies for the use of the Senate.

On motion of Mr Mays, Resolved, that editors of the several newspapers in this State, be permitted to take seats within the bar of the Senate.

On motion of Mr Lee, Resolved, that the judiciary committee be instructed to inquire into the expediency of extending the benefit of the attachment laws to securities and obligors; with leave to report by bill or otherwise.

The Senate adjourned until to-morrow 10 o'clock.

Tuesday, November 21 .-The Senate met pursuant to adjournment .

Mr Watrous presented the memorial of many citizens of Wetumpka, on the subject of banking facilities ; which was on motion of Mr Watrous laid on the table.

Mr Wellborn presented the petition of sundry citizens of Irwinton, asking corporate powers to build a bridge across the Chattahoochee; which was on motion of Mr Wellborn , referred to a select committee, consisting of Messrs Wellborn, Smith and Rains.

Mr Moore, from the committee on divorce and alimony, reported without amendment the bill to divorce Campbell McMurtry from his wife Nancy McMurtry; which was ordered to a third reading on to-morrow : also, the bill divorcing Polly Finley from her husband Joseph Finley ; and the bill divorcing Sarah Loyd from her husband Benjamin E. Loyd ; all of which were ordered to third reading on to-morrow.

Mr Riddle , from the committee on the State bank, to which was recommitted the resolution inquiring into the expediency of the banks issuing bills less than one dollar, reported the same as inexpedient, and moved to lay the reported resolution on the table; which was carried.

Mr Burke, from the select joint committee on the part of the Senate, to examine the bank reports if necessary, and condense the same for speedy publication, reported that they had received the assurance of the public printer, that the documents above referred to would be ready for both Houses the first of next week; which was laid on the table.

Mr Arnold from the select committee on claims , arising out of the Creek war, to which sundry claims had been referred, reported a bill to be entitled an act to compensate certain persons for articles furnished troops, while in the service of the United States; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Arnold from the same committee, to which was referred certain claims, reported a bill to be entitled an act to provide for the payment of horses lost while in the service of the United States and for other purposes; which was read a first and second time, and on motion of Mr Wellborn, laid on the table,

Mr Arnold from the same committee , to which were referred the memorial of William W. Garrard, reported that the same was not properly referable to that committee, but recommended that the memorial be recommitted to the committee on propositions and grievances , in which the Senate concurred , and the bill was so referred.

Mr Rather from the select committee, to which was referred the bill for the relief of Horatio G. Harbin, reported the same with an amendment as section two and three, in which the Senate concurred, and the bill was ordered to a third reading on to-morrow.

Mr Arnold moved to take from the table the bill to provide for the payment of horses lost while in the service of the United States; which was carried, and the bill recommitted to the same committee.

Mr Wellborn presented the accounts of Moore and Martin Fields and Morgan; which were referred to the committee on claims arising out of the Creek war.

Mr Arnold from the select committee, to whom was referred the bill to amend an act to incorporate the town of Talledega, reported the same without amendment, which was ordered to a third reading on to-morrow.

Mr Wellborn introduced a bill to be entitled an act to establish a bank at Irwinton, Barbour county; which was read, laid on the table ,on motion of Mr Wellborn ,and one hundred and fifty copies ordered to be printed.

Mr Rains introduced a bill to be entitled an act authorizing the bank of the State of Alabama to loan a certain sum of money therein mentioned, and for other purposes; which was read a first and second time on motion of Mr Rains, and referred to the committee on internal improvements and inland navigation.

The Senate then proceeded to the orders of the day , when the engrossed bill entitled an act to remove the seat justice in the county of Pike, was read a third time and passed the Senate .

Engrossed bill entitled an act to incorporate the Casetah academy; was read a third time and passed the Senate.

Engrossed bill entitled an act to raise a revenue for the county of Covington, and to regulate the compensation allowed to clerks and sheriffs for ex-officio services in said county; was read a third time and passed the Senate .

Engrossed bill entitled an act to incorporate the town of Columbiana in Shelby county , was read a third time and passed the Senate.

Engrossed bill to provide for repairing the streets and allies of the town of Jacksonville, was read a third time and passed the Senate.

Engrossed bill entitled an act to change the time of holding the county court of Benton county, was read a third time and passed the Senate.

On motion of Mr Hill, Resolved, That the committee on privileges and elections inquire into the expediency of abolishing an election precinct at the Bigg Springs in the county of Bibb, and establishing one in lieu thereof at Hinds ; mill in said county, with leave to report by bill or otherwise.

Mr Gann introduced a bill entitled an act to declare Allaaby creek in the county of Henry a public highway , and for other purposes therein named; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Arnold asked leave of absence of the Senator from Jefferson indefinitely ; which was granted.

Mr Mays introduced the following resolution: Resolved, That the committee on education be instructed to inquire into the expediency of increasing the salary of the President and Professors of the University of Alabama , and that they be authorise to report by bill or otherwise.

Mr Crabb introduced the following resolution: Resolved, That the standing committee on the State Bank, be instructed to inquire into the policy ,(first of reducing the numbers of Directors of said bank and its several branches, to a number not less than six to each bank and branch,) second, of limiting the total indebtedness and liability to said bank and branches directly or indirectly, of any President or Director thereof , to a sum not exceeding ten thousand dollars, and third, of requiring of each President and Director aforesaid an official bond with ample security, in a sum not less than double the amount of the limitation of their respective liability and indebtedness as aforesaid.

Mr Posey from the joint committee appointed to designate the order of ceremony to be observed by both Houses of the General Assembly reported the following order:

Both Houses of the General Assembly shall suspend business at fifteen minutes past eleven o'clock A. M. The Door Keeper shall remove the Chairs of the Senate Chamber to the Area of the Hall of the House of Representatives for the accommodation of the Senate ; and they shall also provide seats in the Area for the accommodation of the ladies, Judges of the Supreme and Circuit Courts and revolutionary soldiers who shall be invited to take seats within the Bar of the House. The Senate shall be invited to repair to the Hall of the House at ten minutes before 12 o'clock. At 12 o'clock the Governor Elect, accompanied by the acting Governor and Champlain and the select joint committee shall enter the Hall of the House. The Governor, Elect acting Governor and Chaplain shall take their sets by the Speaker and President of the Senate. The Chaplain will then perform the duties required of him; the Governor Elect will then deliver his inaugural address after which the oaths of office will be administered by the Speaker of the House. The Governor , Chaplain and committee of arrangements will first leave the House; and next the President and members of the Senate; when the Senate shall have returned to their Chamber, both Houses will adjourn for the day. All of which is respectfully submitted.

Message from the House of Representatives informing the Senate that they were ready to receive them in the Hall, for the purpose of witnessing the administration of the oaths of office to the Governor Elect: Whereupon the Senate repaired to the Hall of the House , were seated, and Mr President announced the object of the meeting ; when after an address to the throne of grace by the Rev. Robert L Kennon, the Hon. Arthur P. Bagby delivered an inaugural address to both Houses of the General Assembly, and took the necessary oaths of office, which were administered by James W. McClung , Speaker of the House of Representatives: The Senate then withdrew to their Chamber ; Mr President resumed his Chair ; the Senate then adjourned until to-morrow 10 o'clock.

Wednesday , November 23.—The Senate met pursuant to adjournment.

Mr Rains presented the petition of sundry citizens of Marengo county, in relation to a lottery; which was on motion of Mr Rains referred to a select committee , consisting of Messrs Rains, Lee and Wellborn.

Mr Mays presented the petition sundry citizens of Montgomery county, in behalf of Charles Cobb; which was read and referred to the committee on propositions and grievances.

On motion of Mr Hudson, Resolved , That his Excellency, the Governor , be requested to fur-

nish the Senate such information as he may have, in relation to the boundary line between this State and the State of Georgia, together with such other suggestions as he may think proper to make on the subject.

On motion of Mr Crabb, Resolved, That his Excellency, Arthur P. Bagby, be requested to furnish the Senate with a copy of his inaugural address, to be spread on the journals of the Senate and for publication.

On motion of Mr Riddle, Resolved, That the committee on the State Bank be instructed to inquire into the expediency of raising the interest on the unsold and joining a part of the capital stock of the branch of the bank of the State of Alabama at Mobile, from five to six per cent, with leave to report by bill or otherwise.

On motion of Mr Rather , mr Mays was added to the committee on the State Bank.

On motion of Mr Riddle, Resolved, That the committee on the State Bank inquire into the expediency of authorising the Bank of the State of Alabama, to issue on the sinking fund and the surplus revenue capital stock.

Mr President presented the following communication of the President of the Bank of the State of Alabama, in obedience of a resolution of the Senate of the 20th inst.

BANK OF THE STATE OF ALABAMA,
Tuscaloosa , November 22, 1837.

Hon . Jesse Beene , President of the Senate.

Sir—In compliance with a resolution adopted by the Senate, on the 20th instant, directing that the President of the Bank of the State of Alabama , be requested to communicate in writing, to the Senate, his views in relation to such measures to be adopted of specie payments ,at as early a day as possible, and with the least possible or no injury to the community. The undersigned has the honor to submit to the Senate those views, which if acted upon, he believes, will enable the Bank to resume specie payments at no very distant day.

The resumption of specie payments, by the banking institutions of the State, is a subject upon which he has bestowed much anxious thought ; and the means by which so desirable an end may be accomplished , he fears are not such as will satisfy the cupidity of those who would still use the banks, notwithstanding their present disabled condition , to extricate themselves from all their own embarrassments. While he would not be understood as opposing the policy of the State in extending its assistance to her embarrassed citizens, in all cases so far as it may be done, with a prudent regard to the stability of her banking institutions, and the credit of the State. Yet in the present pecuniary crisis, the undersigned is firmly persuaded, that the measures to be adopted, should be those of curtailment and restriction , rather than any enlargement of capital or expansion of issues. He would therefore suggest to the General Assembly, those means and measures, for their adoption, which , after the maturest reflection, he has been able to bestow upon the subject, he believes will have the most direct tendency, to promote the end contemplated by the resolution.

In the first place, he believes an act should be passed prohibiting the sale of all the State bonds, now on sold, and restricting the banks from discounting say accommodation paper until specie payments shall be resumed ; and also from the purchase of bills of exchange , until sound exchange on the Northern cities, at not more than sixty days sight , or not having more than sixty days to run, or on Europe, at not more than four months sight, or not having more than four months to run, may be purchased at par; and within twelve months after the resumption of specie payments by the banks; and that their circulation shall in no case exceed two dollars in paper for one of specie in their vaults : Provided however , that if by drafts upon the bank for specie, at any time the circulation should be made to exceed two for one, then the banks should cease to discount notes until the circulation should be again brought within that limit.

The undersigned is of opinion, that it would be of no use whatever, for the legislature to contract loans to enable the banks to resume specie payments , before the circulation of the notes of the banks can be so reduced , as with enable the banks to purchase good sound exchange. For if ten millions of specie were added to the present means of the bank, they might be able to resume for a short period , but the want of exchange would soon compel them again to suspend.--- The only advantage that our banks would derive from a loan, would be that in the event of the banks in the neighboring States being ready and able to resume specie payments, the loan applied to the reduction of the circulation of the banks of our State, would enable them to resume at the same time, and before collections could be made from the debtors to the banks to a sufficient amount.

By prohibiting the sale of the bonds now authorised to be sold, about four hundred thousand dollars per annum, in the interest at six per cent , would be saved to the State. This large annual saving is an object well worth the consideration of the legislature under any circumstances, but more particularly so, when it is considered, if the whole amount of these bonds, could be immediately realised to the banks , it would be of no advantage to them, since with their present large circulation, no exchange could be purchased by the banks, to sustain them if they should resume specie payments. In the present condition of the monied affairs of the country , when

the circulation of most of the banks is so extended, they cannot compare with the individual brokers in the market for exchange.

It may be objected by some , that so great a curtailment of the issues of the banks , as would necessarily result from the adoption of the course herein recommended, would operate prejudicially upon the interests of the community. In reply to such an objection it may confidently be asked, if it can ever prejudice the interests of the community to have a sound and safe currency—one that would command funds of any description that the trade of the country required? Was it not for the purpose of establishing such a currency in the community that the State Bank was

founded? If the value of property would be reduced by such curtailment, it should be remembered that the reduction would be gradual, and, forasmuch as every thing else would be affected, in an equal degree, a piece of productive property would remain as valuable as before. The debtor, it is true, would be affected by it, but not to any serious extent; because ample time is now allowed those indebted to the bank, to make the money due, before it is payable. Private debtors, or those indebted to individuals would not feel the effects of such curtailment and restriction on the part of the banks to so great an extent as they would the present expanded state of the circulation; for if that circulation is to be increased or continued, so that exchange cannot be obtained for it, it will surely depreciate, and to that degree that individual creditors will not receive it in payment except at a rate of discount far greater than any reduction in the value of property that would ensue from the adoption of such measures as have been herein suggested. It may here be remarked that the curtailment recommended should only extend so far as to enable the banks to resume and continue specie payments, and to place them in a condition to extend to the community those facilities of which they now stand so much in need, and for the want of which they so justly complain.

The undersigned does not mean to be understood as saying that the whole community will be able to extricate themselves from all their embarrassments—this is utterly impossible—failures must take place, and sacrifices of property must be the inevitable result of the wild and extravagant speculations that have been carried on, in giving and promising to give more for property than it can be sold for; such transactions cannot be affected by any measure that the Legislature may adopt; nor should those who have participated in them be made the special objects of legislative favor, by keeping up that inflated state of the currency from which an artificial value attaches to their property, until some honest and industrious citizen shall be made the dupe of the deception.

Individuals embarrassed by speculations of this character, may flatter themselves that they shall come through them without loss, but it can only be in the event of a further increase of bank issues, and then if it fall not upon themselves, it will, with aggravated weight, upon some one. As yet unseduced by the flattering prospect of extravagant gains, from the industrious pursuit of some honest calling. Great losses must ultimately result from the extravagant prices to which property had advanced within a few years all over the country. This advance has been unnatural, beyond what was warranted by the increase of the population or business of the country; and has been caused chiefly, it is believed, by an extravagant increase in the business of banking—a too extensive issue of bank paper. Arising from this cause, it is evident as any proposition in political economy can be made, that these unnatural prices in property must fall: and it is conceived to be the part of wise legislation to make this fall as light as it can be done—to render the descent from the artificial elevation we have attained to, as easy as possible. The means by which this can be best accomplished, it is thought with confidence, are those restrictive ones that have been recommended; and in no case does the undersigned think a loan should be resorted to, unless with a view to be negotiated prospectively, in case the banks in the other States should resume specie payments before those of our own State shall have sufficiently reduced their circulation. By collections, to enable them to resume at the same time. If no further discounts by the banks are permitted, it is believed to reduce their circulation, and enable them to resume specie payments by the first of July, 1839, and to purchase good exchange sufficient to sustain them.

If these suggestions should be acted upon by the Legislature, the undersigned is of opinion that specie payments may be resumed and continued at a day much earlier than otherwise could. Any increase of capital will be found to be unavailing, because that capital may be changed into the notes of other banks, notes of individuals stock notes, and other securities that cannot be reconverted to specie when that commodity happens to be most wanted.

If the banks should, after specie payments shall have been resumed, be restricted in their issues to two dollars of paper for one of specie in their vaults, for the reason that specie continues the only legal currency of the land, and is the only basis that can be relied on as a safe, certain and unchangeable restriction to be placed upon the overissues of the banks, it may with confidence be predicted that such a restriction would ensure a plentiful supply of specie in the vaults of our banks, for all business purposes, and that supply of specie would, by keeping the circulation with-

in judicious limits, ensure a sufficient amount of exchange to protect it. And then the banks of the State of Alabama can and will hereafter furnish to the citizens of the State a safe and sound currency—one that will answer all the purposes of trade and exchange—a currency that will be readily convertible into specie at home, and not liable to depreciation abroad. And then, and not till then, will the great object for which the banking institutions of the State were established, be attained. With these views, I have the honor to be, very respectfully, your ob't serv't

W.D. STONE, President.

Which, on motion of Mr Burke was read and laid on the table; and on motion of Mr Lee one hundred and fifty copies were ordered to be printed.

Mr Hudson introduced a bill to incorporate the West Wetumpka wharf and warehouse company; which was read a first and second time and referred to the judiciary committee.

Mr Musgrove presented the petition of sundry citizens of Blount county; which was referred, on motion of Mr Musgrove, to the committee on county boundaries.

Mr Musgrove presented the petition of sundry citizens of Walker county, which was referred to the same committee.

Mr Mays from the committee on education, to which the subject had been referred, reported a bill to be entitled an act to amend an act entitled an act to establish Lagrange college; which was read and ordered to a second reading on to-morrow.

Mr Mays, from the same committee, to which was referred the bill entitled an act to incorporate the Clayton academy, reported the same without amendment, and the bill was ordered to a third reading on to-morrow.

Mr Crabb made the following report to the General Assembly of the State of Alabama:
Tuscaloosa, 16th November, 1837.

To the General Assembly of the State of Alabama: You have already been officially informed that the undersigned, together with Major General Booth, were appointed, by the late executive of this State, Governor Clay, pursuant to an act of the legislature to revise, amend and digest the militia laws, in such manner as to ensure a sufficient and uniform system, and to submit such system to the legislature for its consideration.

The undersigned entered upon their duties in this matter without the desired and of their appointed coadjutor, after, in courtesy to him, protracting for several days an efficient prosecution thereof, which circumstance has caused a corresponding delay in the conclusion of their labors. We now, however, have the honor to submit, with diffidence, the result of our efforts to justify the confidence reposed in us by his excellency, and to fulfil the object of the legislature in authorizing this commission, confiding that this enlightened assembly will duly appreciate the intrinsic difficulty of our undertaking. Should our system, upon examination, receive the sanction of the general assembly, permit us to recommend the publication, in connection with, and as a part of it, the following additions, to wit: 1. The oath against dwelling. 2. The rules and articles of war, prescribed for the government of the armies of the United States. 3. The several acts of Congress relating to the militia of the State. 4. Regulations approved by the President, prescribing the uniform of the federal army. 5. Extracts from Cooper's system of tactics and regulations for the militia, to be found in part IV, omitting from page seven to twenty-nine, and from forty-nine to fifty-five, inclusive; and 6. Forms of returns of the strength and condition of regiments and brigades. Very respectfully,
GEO. W. CRABB,

J. T. BRADFORD

Message from the House of Representatives informing the Senate that they have passed a joint memorial to the Congress of the United States, in which the concurrence of the Senate is asked.

Joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States, was read and ordered to a second reading on to-morrow.

The Senate then proceeded to the orders of the day.

Engrossed bill entitled an act to amend an act to incorporate the town of Talladega, was read a third time and passed the Senate.

Engrossed bill entitled an act for the relief of Horatio G. Harbin, was read a third time and passed the Senate, when Mr Arnold moved to amend the caption by adding and for other purposes, which was carried.

The bill entitled an act to divorce Sarah Loyd from her husband Benjamin E. Loyd, Campbell McMurtry from his wife Nancy McMurtry and Polly Finley from her husband Joseph Finley, were read a third time and passed the Senate.

Engrossed bill entitled an act to declare Allabby creek a public highway and for other purposes was read a third time and passed the Senate.

Engrossed bill entitled an act to compensate certain persons for articles furnished troops while in the service of the United States, was read a third time and passed the Senate.

On motion of Mr Musgrove, Mr Frazier was added to the committee on military affairs.

Mr Hudson presented the memorial of William Cooper, which was referred to the judiciary committee.

Mr Moore from the select committee to which was referred the bill in relation to the Sipsey bridge and causeway company, reported the same with the amendments which were concurred in, and on motion of Mr Cobb, laid on the table.

Mr Hill, from the select committee to which was referred the bill to emancipate a certain slave therein named, reported a substitute for the bill, which adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Moore introduced a bill to be entitled an act to incorporate the Pickens Light Dragoon which was read a first and second time, and referred to the committee on military affairs.

Mr Wellborn presented the account of Robert H. Howard ; which was referred to the committee on claims growing out of the Creek war.

The Senate then adjourned until 10 o'clock to-morrow.

Thursday, 23d November.—The Senate met pursuant to adjournment.

Mr Crabb from the committee on county boundaries to which was referred the bill to be entitled an act to alter the boundaries of certain counties therein named, and for other purposes, reported the following amendment strike out twenty and insert twenty three, ' in the second section; strike out' ten and insert thirteen ; also, strike out eleven and insert fourteen; in which the senate concurred and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Arnold from the committee on county boundaries, to which was referred the petition of sundry citizens of Pike county, reported a bill to be entitled an act to attach part of Pike county to Macon; which was read a first and second time on motion of Mr Arnold, and ordered to be engrossed for a third reading on to-morrow.

Mr Crabb from the select committee, to which was referred a bill to be entitled an act to repeal that part of the patrol laws compelling persons over forty-five years of age to perform patrol duty, reported a substitute for the same; in which the Senate concurred ; when on motion of Mr Fleming the substitute and original bill was recommitted to a select committee, consisting of Messrs. Fleming Smith and Moore.

Mr Perryman from the judiciary committee to which was referred the bill to provide for taking the depositions of certain officers, reported the same as inexpedient ; in which the Senate concurred.

Mr Spann from the committee on propositions and grievances to which was referred the petition of James Seward, reported a bill to be entitled an act for the relief of James Seward of Lawrence county; which was read a first and second time, under a suspension of the constitutional rule on motion of Mr Wallace, and ordered to be engrossed for a third reading on to-morrow.

Mr Spann from the committee on propositions and grievances to which was referred the bill entitled an act for the relief of the legal representatives of Turner Ivy, reported the same without amendment; and the bill was ordered to a third reading on to-morrow.

Mr Spann from the same committee to which was referred a bill to be entitled an act to emancipate a certain woman of color therein named, reported the same as inexpedient, in which the Senate concurred.

Mr Smith from the select committee to which was referred the bill for the support of paupers in the county of Monroe , reported the same without amendment; when the bill was ordered to a third reading on to-morrow.

Mr Arnold from the committee on county boundaries to which was referred the bill to alter in part the boundary line between the counties of Conecuh and Butler, reported the same without amendment ; when a bill was ordered to a third reading on to-morrow.

Mr Posey from the judiciary committee to whom was referred the bill to be entitled an act to suppress mal-practice by factors, carriers and agents, reported the same with the following amendments : strike out the words in the first section, "shall stand in the pillory for two hours, for three successive days," and at the end of the section, insert "at the discretion of the jury by whom the indictment is tried, who may inflict one or both of the aforesaid penalties; " which were concurred in , and the bill ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Spann, Mr Mays was added to the committee on propositions and grievances.

Mr Posey from the judiciary committee to which was referred the bill to be entitled an act exempting certain property from levy or sale by virtue of an execution, so far as regards the county of Henry, reported the same with an amendment, and the bill was ordered to a third reading on to-morrow.

Mr Henderson from the select committee to whom was referred a bill regulating the appointment of overseers on so much of the federal road as constitute the boundary line between the counties of Monroe and Conecuh, reported the same without amendment . The bill was ordered to a third reading on to-morrow.

On motion of Mr Burke, Resolved, That the committee on the State Bank be instructed to in-

quire into the propriety of providing by law against the practice of bank directors recommending paper to their respective boards for discount and further inquire of this evil could not be effectually guarded against, by passing a law requiring all notes or bills offered at banks for discount, to be recommended by a representative of the county where the maker of such paper resides, or from some respectable individual from said county, unless a majority of the board personally knows the parties to be good and solvent, with leave to report by bill or otherwise. Mr. Rather moved further be it resolved, that where any President or Director recommends any paper to the State Bank or branches, the same shall be entered on record in a book kept for that purpose.

On motion of Mr Fleming, Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law, compelling plaintiffs at law to give security for the costs of suits, with leave to report by bill or otherwise.

Mr Wallace from the judiciary committee to whom was referred a resolution of the House of Representatives, denying the right of the Secretary of State to charge any fee for affixing the seal of State to any public documents have had the same under consideration and instruct me to report that they concur in the resolution, and have also instructed me to report a bill to be entitled an act to compensate the Secretary of State for certain services therein named; which was read a first time, rule suspended, read a second time, and on motion of Mr Hudson laid on the table until Saturday next.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the Oakville academy; an act to incorporate the Cusetah academy; an act to explain an act entitled an act for the relief of Cassander Kelly, approved November 26th 1836; an act for the relief of Thomas C. Russell, Barter Taylor and Samuel Taylor; an act to incorporate the town of Fredonia in the county of Chambers.

Message from the House of Representatives, by Mr Frierson, their principal clerk—

Mr President: The House of Representatives have passed bills of the following titles, which originated in the Senate, viz: An act to increase the pay of jurors in certain counties therein named, and have amended the same as shown in the bill, an act to incorporate the town of Blountsville in Blount county: They have also passed bills which originated in the House of Representatives. the following titles, viz: An act to change the time of converting the General Assembly; and act authorising the judge and commissioners of roads and revenue of Butler county to levy a county tax; an act to regulate the width of lanes on public roads in the counties of Lawrence, Madison, Jackson, Franklin, Bibb, Pickens, St. Clair and Autauga; an act authorise compensation to the commissioners of roads and revenue in Sumter county; an act to subject certain persons therein named to road duty; an act to amend an act for the establishment of schools in the county of Mobile, and to provide a fund for the maintenance of the same, passed December 19, 1836; an act to repeal in part the several acts and amendments establishing and incorporating the town of St. Stephens and Rodney in Washington county; an act to amend the laws in relation to grand jurors; an act to regulate the compensation of witnesses in civil cases, and for other purposes; an act more particularly to define the number of petit jurors to be drawn for the county of Covington and for other purposes, in which they ask the concurrence of the Senate.

Engrossed bill entitled an act to permanently establish the seat of justice of Tallapoosa county, was read and ordered to a second reading on to-morrow.

Engrossed bill to change the time of convening the General Assembly, was read and the rule being suspended was read a second time, and referred to a special committee consisting of Messrs. Hudson, Fleming and Riddle.

Engrossed bill entitled an act authorising the judge of the county court and commissioners of Butler county, to levy a county tax, was read and ordered to a second reading on to-morrow.

Engrossed bill to compensate the commissioners of roads in Sumter county, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to subject certain persons therein named to road duty, was read a first and second time, and referred to a select committee, consisting of messrs. Hudson, Wallace and Farrar.

Engrossed bill to regulate the width of lanes in certain counties therein named was read a first and second time, and referred to a select committee, consisting of messrs. Crabb, Frazier and Fleming.

Engrossed bill entitled an act to amend an act for the establishment of schools in Mobile county, was read and ordered to a second reading on to-morrow

Engrossed bill to repeal in part the several acts and amendments incorporating the town of St. Stephens and Rodney, was read a first and second time and ordered to a second reading on to-morrow.

Engrossed bill to amend the laws in relation to grand jurors; which was read a first and second time and referred to the judiciary committee.

Engrossed bill more particularly to define the number of petit jurors to be drawn for the county

of Covington was read a first and second time and ordered to a second reading on to-morrow.

Engrossed bill to regulate the compensation of witnesses in civil cases, was read a first and second time and referred to the judiciary committee.

Mr Crabb called from the table the bill to incorporate the Sipsey Bridge and Causeway company; which was read and ordered to be engrossed for a third reading on to-morrow.

The Senate then proceeded to the orders of the day; when the bill to incorporate the Clayton academy, was read a third time and passed the Senate.

Joint memorial to the Congress of the United States, was read a second time, and on motion of mr Hudson referred to the judiciary committee.

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The bill entitled an act to amend an act to establish Lagrange College, was read a second time and referred to the judiciary committee.

Engrossed bill entitled an act for the relief of Bobb a man of color, was read a third time and passed the Senate.

Mr Rather in the chair ; mr President moved to reconsider the voted taken this morning on the bill to emancipate a certain woman of color; which was carried and the bill laid on the table.

On motion of Mr Posey Mr Rains was added to the committee internal improvement and inland navigation.

Mr Walters called from the table the memorial from the citizens of Wetumpka, which was referred to the committee on the State Bank.

On motion of Lee Resolved, That the committee on the State Bank inquire into the propriety of changing the laws for the government of said bank and branches so as to divide the State into compact districts and to authorise the election on one director for each county, composing the several districts, and allow the directors of the several districts to elect the President of the bank or branch bank in their respective districts. The Senate adjourned to 10 o'clock to -morrow.

Friday, November 23.—The Senate met pursuant to adjournment.

Mr Arnold presented the account of Wylie Harbin ; which was referred to the committee on claims arising out of the Creek war .

Mr Riddle from the committee on the State Bank to which was referred the resolution inquiring into the expediency of raising the interest on the State bonds to be sold by the branch bank at Mobile, from five to six per cent, reported the same as inexpedient; in which the Senate concurred.

Mr Riddle from the same committee, to which was referred the resolution requiring the bank to issue notices where suit is brought reported the same as inexpedient, in which the Senate concurred.

Mr Riddle from the same committee, to which was referred the resolution inquiring into the expediency of giving the State bank and its Branches, the power of fixing the salaries of their respective officer, reported the same as inexpedient ; in which the Senate concurred.

Mr Riddle from the same committee, to which was referred the resolution inquiring into expediency of the State Bank of Alabama, issuing upon the sinking fund and the surplus revenue as capital stock, reported the same as inexpedient; in which the Senate concurred.

Mr Riddle from the same committee, to which was referred the bill to be entitled an act to authorise the Bank of the State of Alabama, to discount accommodation paper, having not a longer time than nine months to run , reported the same without amendment; when the bill was referred to a select committee, consisting of messrs. Crabb, Burke and Rather.

Mr Riddle from the same committee, to which was referred the resolution inquiring into the expediency of allowing six per cent interest on the land fund, which has been deposited in the Bank of the State or the branch bank at Decatur, reported the same as inexpedient; in which the Senate concurred.

Message from his Excellency, the Governor, informing the Senate that he did on yesterday approve and sign the following bills originating in the Senate: An act to authorise Seth Love and William Wellborn to erect a wharf on the Chattahoochee river; an act for the relief of Nancy Grubb.

Mr Wilson from the select committee, to whom was referred a bill to be entitled an act to declare Sipsey river a public highway, reported the same back with an additional section which was concurred in , and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled , an act to compensate Dennis Dent and Samuel M. Meek for slaves executed according to law; an act to remove the seat of justice in the county of Pike and for other purposes; an act to declare Bottle creek in Conecuh county a public highway and for other purposes therein named; an act to raise a revenue for the county of Covington , and to regulate the compensation allowed to clerks and sheriffs for ex-officio services in said county; an act to authorise the election of an assessor and tax collector for the counties of Lauderdale and Montgomery ; an act to remunerate certain persons therein named ,and for other purposes.

Mr Farrar from the select committee, to whom was referred a joint memorial to the Congress

of the United States on the subject of the public lands, reported the same without amendment. Mr Mays moved to recommit the memorial to a select committee; which was adopted and messrs. Mays, Wallace and Crabb were appointed said committee.

Mr Lee from the special committee, to whom was referred a bill to be entitled an act to authorise the issuance of execution in certain cases, reported the same back to the Senate without amendment, and on motion of _____ was laid on the table.

Mr Rather introduced a bill to be entitled an act to amend an to entitled an act to authorise the building of a court house in the county of Morgan; which was read a first time and ordered to a second reading on to-morrow.

Mr Wilson introduced a bill to be entitled an act to authorise the judge and commissioners of roads and revenue of Fayette county, to levy a special tax and for other purposes; which was read a first time and ordered to a second reading on to-morrow.

Mr Crabb from the select committee to whom was referred a bill to be entitled an act to alter and amend the patrol law now in force in the counties of Franklin, Dale and Shelby, reported the same back without amendment, which was read a third time and passed the Senate.

Mr Mays called from the table a bill to be entitled an act, to change the manner of electing the president and directors of the bank of the State of Alabama, and the several branches thereof, and for other purposes, which was taken up and made the special order of the day for to-morrow at 12 o'clock.

Mr Hudson introduced a bill to entitled an act to incorporate the Tallapoosa improvement and navigation company, which was read the first time and the constitutional rule suspended, read a second time and referred to the judiciary committee.

Mr Hudson introduced a bill to grant wharfing privileges to certain persons therein named, which was read a first time, and the rule being suspended, read a second time and referred to the judiciary committee.

Mr Farrar from the select committee to whom was referred sundry memorials to the Congress of the United States, reported the same back without amendment, and on motion of Mr Farrar, referred to a select committee consisting of messrs Mays, Wallace and Crabb.

Message from the House of Representatives –Mr Speaker: The House of Representatives concur in the amendment made by the Senate to the bill for the relief of Horatio G. Harbin, and have adopted the following resolution: Resolved, That, with the concurrence of the Senate, the two houses of the General Assembly will elect, on Saturday, the 25th instant, a judge of the county court for the county of Coosa; and on Tuesday the 28th instant, a judge of the county court for Fayette county and a member of the medical board at Livingston, in Sumter county. They have also adopted joint resolutions on the importance of graduating the price of public lands and of allowing entries to be made of twenty acre lots; in which they ask the concurrence of the Senate.

Joint resolutions for graduating the price of public lands and of allowing entries to be made of twenty acre lots; which was read and referred to a select committee, consisting of messrs Mays, Wallace and Crabb.

The Senate then proceeded to the orders of the day.

Engrossed bill to be entitled act more particularly to define the number of petit jurors to be drawn for the county of Covington, and for other purposes, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to repeal an act exempting certain property from levy or sale by virtue of an execution, so far as regards the county of Henry; which was read a third time and passed the Senate.

Engrossed bill to be entitled an act to alter in part the boundary line between the counties of Conecuh and Butler, was read a third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of paupers in the county of Monroe, was read a third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of the legal representatives of Turner Ivy, was read a third time and passed the Senate.

Engrossed bill entitled an act to repeal in part the several acts and amendments incorporating the town of St. Stephens and Rodney in Washington county, was read a third time and passed the Senate.

Engrossed bill entitled an act to amend an act for the establishment of schools in the county of Mobile, was read a second time and referred to the judiciary committee.

Engrossed bill entitled an act to locate the seat of justice in Russell county, was read a second time and ordered to a second reading on to-morrow.

Engrossed bill entitled an act for the better regulation of the appointments of overseers on so much of the federal road as constitutes the boundary line between the counties of Monroe and Conecuh, was read a third time and passed the Senate.

Engrossed bill to be entitled an act permanently to establish the seat of justice of Tallapoosa

county, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act authorising the judge and commissioners of roads and revenues of Butler county to levy a tax, was read a second time and ordered to a third reading on to-morrow.

Engrossed bill entitled an act to authorise compensation to the commissioners of roads and revenue in Sumter county, was read a third time and passed the Senate.

Engrossed bill entitled an act to amend an act to authorise the Sipsev bridge and causeway company to establish a ferry for a limited time, was read a third time and passed the Senate.

Engrossed bill to alter the boundaries of certain counties therein named, and for other purposes, was read a third time and passed the Senate.

Engrossed bill entitled an act for the relief of James Seward, of Lawrence county, was read a third time and passed the Senate.

Engrossed bill to attach a part of Pike county to Monroe, was read a third time and passed the Senate.

On motion of Mr Rather, Resolved, That the committee on the State capitol be instructed to inquire into the expediency of covering the capitol with tin or some other fire proof material, and report by bill or otherwise.

The Senate then adjourned till ten o'clock to-morrow morning.

Saturday, 25th November.—The Senate met pursuant to adjournment.

The Senate then concurred in the resolutions from the House, to elect a judge of the county court of Coosa county, and a judge of the county court of Fayette, and a member of the medical board at Livingston.

Message from his excellency the Governor—

Executive Department, 23rd November, 1837.

To the Hon. Jesse Beene, President of the Senate : Sir—In compliance with a resolution of the Senate, requiring for the purpose of publication , I herewith submit a copy of my inaugural address:

Gentlemen of the Senate and House of Representatives:

In appearing before the assembled representatives of the people, for the purpose of receiving in their presence, the solemn injunctions of the constitution. I propose in pursuance of a custom, sanctioned by the high example of all my predecessors in office, as well as most others in similar situations, respectfully to submit to you a brief outline of the policy I design to pursue, and the principles by which I intend to be governed in the discharge of the duties of the responsible station to which I have been called ,by the voice of a free and enlightened people.

And, although it has not been my peculiar good fortune, to enter upon the discharge of the important duties, appertaining to the Chief Magistracy of this State, amidst scenes of so much prosperity as those by which some portions of our history has been signalized—although a portion of our population are suffering severely from the desolating hand of disease and death, and an unusually large portion of our fellow citizens acutely feel the oppressive weight of pecuniary embarrassment; there is still abundant cause of gratulation, and of gratitude to the Almighty disposer of events, that the people of our State, generally, are blest with the enjoyment of excellent health; that there is every reason to hope, and expect, that the husbandman will receive an adequate recompense for his industry, capital and labor; and above all, under the admirable form of Government, which we received as a rich inheritance from a glorious ancestry, we are still in the enjoyment, without alloy or the prospect of interruption, of a much larger portion of rational, regulated liberty than has fallen to the lot of any other people, in any of the ages or nations that have gone before us. And it is confidently believed, that while we continue to pursue the course marked out by intelligence, virtue and patriotism, we may not only rest assured that we are safe in the enjoyment of the blessings and privileges flowing from that system ourselves : but we may also indulge the pleasing hope, of transmitting them unimpaired, through countless future generations, to our latest posterity.

In estimating the causes which by their operation and influence have a tendency to elevate or depress the character of communities; it is easy to be perceived, that religion and sound morality are the only stable and lasting pillars upon which any system of wholesome, well regulated system of education, To the establishment and support of such a system should every eye be directed, and in favor of it, should our best energies be exerted. It is a subject full of interest, and surrounded with the most agreeable as well as the most solemn reflections. Indeed, when we consider its influence in preparing mankind for usefulness and respectability in this life, and for an higher state of enjoyment in that which is to come, it is but natural that it should occupy a large space in the reflections and deliberations of the philanthropist, the patriot , and the statesmen. And it will afford me great pleasure, while I have the honor of a participation in the public councils to contribute my best exertions to the promotion of this great and important subject. Next to the cultivation and expansion of those moral and intellectual faculties with which we have been endowed for wise and beneficent purposes, is, the improvement of the natural physical resources with which we have been favored , from the same beneficent source.

To improve the advantages of this description which we already enjoy, and to increase them by a well regulated system of internal improvement, would, in my opinion, be promoting the permanent in-

terest of every portion of the State and would be compatible, in every respect, with the extended intelligence and enterprising spirit of the age in which we live.

It is impossible to contemplate that beautiful system devised for us by the wisdom of our ancestors, without being deeply impressed with the indispensable necessity of keeping up a clear line of demarcation between the State and Federal authorities. Indeed, I am so unalterably of opinion that it is by constant observance of this line alone, that we can preserve our institutions in their pristine purity, that I enter upon the duties confided to me by my fellow citizens, with a fixed determination to yield a ready and cheerful compliance with the laws of the United States constitutionally enacted, and to enforce them too, so far as their faithful execution may depend on the exercise of power with which the executive of this State is invested by the constitution, on the one hand, and on the other, to stand as a cen-

tinel on the watchtower, to guard protect and defined the legitimate rights of the State from all encroachment violation or abuse, to the utmost of my ability.

In connection with this delicate and interesting subject, as to the relative powers, rights and duties of the State and Federal governments, I trust it will not be considered amiss, upon this occasion, to present to you a candid expression of my views on a subject, in relation to which I entertain opinions at variance with many of those in the correctness of whose judgment generally I have great confidence, for the purity of whose patriotism, displayed upon all proper occasions, places them above all suspicion. I allude to the constitutional power of Congress to establish a National Bank. Viewing this question as one depending exclusively upon the powers of Congress I shall examine it in that light alone. For if it can be shewn that Congress have no power to create such an institution without an alarming encroachment on the rights of the States, it would be an useless consumption of time to discuss the question of expediency—unless indeed, we have been so far influenced and misled, by the disastrous cry of hard times, as to be willing to surrender up our most valuable rights at the shrine of expediency or convenience—a proposition to the correctness of which I am by no means prepared to submit.

The government of the United States, is a government of limited powers. According to an express provision of the Federal constitution all the powers not delegated to Congress by the Constitution, nor prohibited by it to the State, remain with the States respectively, or with the people. This provision constitutes and establishes the great citadel of the rights of the States, and the people. From its proud battlements the awful forms of the fathers of the republic with the guardian genius of the constitution at their head, are still seen, through the lapse of years, by the eye of patriotism, pointing to the great barrier they intended to establish between State and Federal authority, and which they fondly hoped would stand forever, and saying to the latter, so far shalt thou go, and no farther.

In order to ascertain and determine, this question correctly, let us first examine the federal constitution and see, if this (banking) power has been delegated to Congress? Is it to be found among the powers delegated to Congress?

The Federal constitution contains no provision, nor expression calculated, nor as is believed intended, to confer such a power, according to any established rule of interpreting language, or construing instruments. Mankind generally in the use of language, employ such terms as are best calculated to convey their meaning, especially when engaged in a subject so grave as the formation of a fundamental law. And it is impossible to conceive that a body, a numerous body of men, who were not only the brightest intellectual ornaments of the age in which they lived, but the rays of whose superior intelligence will serve as a lamp to the feet of their descendants (while they continue to walk in the footsteps of their ancestors, and I hope they will never depart from them) through all future time, could not find terms to empower Congress to incorporate a national bank, if they had intended to delegate that power. The constitution of the United States is a written compact voluntarily entered into by the parties to it, for the most important and salutary purposes; that it is to assert for themselves, and secure to their children through countless generations, the enjoyment of the sacred rights of liberty and property with all their attendant blessings, benefits and advantages. The rule ratified by time, in the construction of written instruments, (if they are doubtful in their terms) is, to resort to the intention of the parties. Let the aid of this rule be invoked. Was it the intention of the justly venerated framers of the constitution to delegate this banking power to Congress? The warning voice of contemporaneous history answers the question. For the proposition to confer such a power on Congress was made, and rejected by a large majority of that illustrious assembly.

If then, this power so far from having been delegated to Congress was expressly withheld from them, let us proceed to inquire, whether the next ground assumed for the exercise of this power can be sustained. Congress shall have power to pass all laws necessary and proper for carrying the enumerated powers into effect.

This after the whole doctrine of implied powers has been exhausted, is the last and only ground upon which the advocates of a National Bank attempt to fortify themselves. But it cannot be successfully contended, that this provision confers upon Congress, any distinct, substantive power whatever. It is merely in aid of the powers expressly granted and was intended not to enlarge the express powers, but to enable Congress to carry the delegated powers into effect. And so far from its having the effect of enlarging the powers of Congress it operates and was doubtless intended, to operate as a restriction and limitation upon the powers of Congress for it does not authorize them to pass all such laws as they may deem expedient, but rigidly confines them down to such, as are necessary and proper, (not for creating

new powers) but for carrying the enumerated powers into effect. And it cannot require an extraordinary stretch of penetration and sagacity to distinguish between the enactment of laws to carry given powers into effect, and the exercise of a power not named in the enactment of laws to carry given powers which would be greater than all the rest combined, and which in time, like Aaron's serpent, would swallow up the rest.

For once concede to Congress the Banking power, and it needs no ghost to tell us that they will soon accumulate to themselves all the other answers of the government the States and the people. I am not ignorant that a construction of the federal constitution, different from the one for which I contend, and which I believe to be conscientiously correct, has received the sanction of some of the greatest and best men that this, or any other country has produced —men whose talents entitle their opinions to the most exalted respect—the picture of whose lives reflected all the virtues which adorn and embellish human nature, and whose patriotism was as pure and spotless, as their lives were useful and glorious. But they

were but men, and therefore liable to be mistaken; and however much I might be disposed to felicitate myself upon a coincidence of opinion with these matchless spirits of an age gone by, or with that portion of my fellow-citizens, who concur with them in opinion, a solemn conviction on my mind, leads to the conclusion, as I have heretofore had occasion to remark, that is better to forego the benefits that would result from the establishment of a National Bank of any kind, than to overstep the boundary of the constitution. I therefore adhere firmly to the opinion, that without an amendment of the federal constitution, Congress have no power to incorporate a bank of any kind.

How far the operation and influence of such an institution might tend to mitigate the severity of the present pecuniary embarrassments of the country, I shall not, at this time, assume the province of determining. I incline strongly to the opinion, however, and my confidence in the correctness of that opinion is a source of infinite satisfaction to me, that the embarrassments of the people in this State, are not, by any means so great or extensive, as many, no doubt honestly, believe.

And, even if I should be mistaken in this opinion, it appears to me that I cannot be mistaken in supposing that prudence and sound economy in the contracting of debts, and promptness and punctuality in the payment of them when contracted, will be found much more effectual safeguards against pecuniary embarrassments, than any system of banking which the ingenuity of man can devise. That a Bank of the United States, founded upon proper principles (if the constitution permitted it,) would to some extent have the effect of establishing a uniform currency, and of affording many facilities to commerce, are propositions the truth of which have never been denied by me. And if the proposition were submitted for the first time to clothe Congress with that power, would be entitled to the most mature and deliberate consideration. But such is not the case. A Bank of the United States has, during the existence of this government, been in operation for forty years, within which period numerous banking institutions have been created by the different States. The last act incorporating a Bank of the United States has expired by the terms of its limitation, and the real question which now presents itself to the people of the States and especially to those who are clothed in this great crisis of our affairs with the guardianship and protection of their interest, is, what effect would the resumption of such a power, and the establishment of such an institution have on the interests of the State institutions, and the private stock institutions created by the authority of the States. To regulate the currency, is the great benefit which the advocates of a national bank seems to expect from it. There are in the absence of a national bank but two descriptions of currency in circulation. Gold and silver and bank paper issued under the authority of the States. The value of the former is fixed and invariable, and requires not regulation, as its value is uniform throughout the nation. The value of the other, like all similar representatives of money is liable to be affected by those great convulsions in trade, from which no part of the commercial world ever has been or ever will be exempt, while mankind, under the controlling influence of a spirit of boundless speculation, continue to tax their ingenuity to find out new expedients and reject the salutary lessons of experience, and which is believed to be the primary cause of all the evils under which a portion of every commercial community now labors. Would it be safe, prudent or wise, in the present known and admitted condition of our State institutions to encourage or consent to the establishment of a great national institution, clothed with the gigantic power, not only of regulating the issues, but of controlling every monied institution in the United States; thereby exerting an influence paramount to all the other banking institutions in the country, and imparting to, or withholding from, the breath of life at its mere volition?

The most anxious reflection upon the subject has satisfied my own mind, conclusively, that it would, in the present situation of affairs, be unwise, impolitic and fraught with the most dangerous consequences, to consent to the exercise of such a power by the general government. I trust, I shall not be suspected of hostility to the government of our common country. Indeed, I console myself with the reflection that, on all proper occasions, I have manifested my devotion to it. I look upon it as the highest specimen of human wisdom and virtue, and my prayer is, that it will last.

"Until the Stars shall cease to shine,
The sun himself grow dim with age,
And nature sink in years."

Neither am I actuated by an unworthy spirit of jealousy towards those who administer it. Far, very far, from it. But it is the peculiar good fortune of the people of this country to live under a written constitution. So long as we confine ourselves within the written land marks of that sacred instrument, we are secure; but the very moment we overstep the bounds of the constitution, and resort to implication and construction, we, in the language of the great apostle of liberty, used in reference to this very subject, enter a boundless field, no longer susceptible of limit or definition. If a Bank of the United States be necessary, let the great fountain of all undelegated power (the people) be appealed to, and that will settle definitively this momentous question. I have felt myself at liberty to enter somewhat at large into an expression of my views in relation to this subject, not only because it was one of prominent importance in the canvass which resulted in my election to the responsible station upon the duties of which, with unaffected diffidence, I am about to enter, but for the more weighty reason, that it is of vast importance to the people of this, as well as the other States; and upon the correct determination of which, the welfare of future generations will greatly depend.

The banking institutions of our own State present a subject of the gravest importance for the consideration of the public servants and representatives of the people. And I entertain no doubt that you, gentlemen, who are so justly distinguished by the confidence of your fellow-citizens, will be fully alive to the importance of this interesting subject. It would be uncandid in me not to express to you the entire conviction resting on my mind, that the excessive issues of paper money and the easy facility with

which it is obtained, are among the greatest evils that mark the present times. It is alike injurious to the banks and the people. The one depreciates the value of paper money, and the other has a tendency to keep the people constantly in debt, in pursuit of fleeting, visionary speculation. But we have the corrective in our own hands, and it is the part of wisdom to profit by the lessons of experience. Cautious circumspection in creating banking institutions and confiding the management of such as are already in existence to faithful and judicious agents, and constantly exercising over them that vigilant legislative control and supervision which duty and responsibility to a generous and confiding people indicate as necessary, will I entertain the most confident expectation and belief, shortly place the banking institutions of this State in that sound and healthy condition to which every good citizen must feel deeply solicitous to see them restored. Indeed, the people, the only legitimate source of power in this favored land have an important task to perform in the accomplishment of this great work themselves.

Let them discard and discountenance the fallacious and delusive idea that they are rich in proportion to the amount of money they can borrow, or the quantity of property they can purchase upon credit. Let them remember that a state of pecuniary obligation and embarrassment, is not a state of freedom and independence. It is at best but mitigated servitude. This is not the proud and lofty spirit by which the better days of every Republic have been characterized, and I candidly confess to you, that I have seen the apprehension and alarm the disposition manifested by too many, to place themselves under obligations to the public to almost any amount, and to lean gently on the arm of the government to extricate them from embarrassments which had their origin in private contracts.

What would an American citizen think if he was told at his entrance into life that he was compelled to take upon him a load of debt, that the whole period of his existence, spent in the ordinary pursuits of gain, would be too short to enable him to pay. Instead of looking upon the government as the ark of his political safety, and the depository in which he could freely and cheerfully confide all his rights, he would view it with jealousy and distrust, as an absorbing monster, that would devour the proceeds of days of toil, and exact from him by constant drains the earnings of a well spent life. And yet in these times of high speculation we see the young, and the old, and the middle aged, all rushing with eager impetuosity into the fearful vortex of banking power, and in nine cases out of ten subjecting themselves to lives of peril, unrest and painful anxiety, and entailing upon their children poverty and ruin. I do not deny that under a government constituted as ours is, there should be a reciprocal relation and dependance between the Government and the people. But this Government has no means or power except what it derives from the people. And I consider it an axiom the truth of which should never be lost sight of, that it is the only true policy of every wise administration of a popular representative government to render the Government dependant upon the will and the affections of the people, and to exempt the people as far as practicable from any dependance on the Government. The annuals of history furnish us with the most instructive and portentous lessons upon this subject. The government of Rome winding itself by degrees into the confidence of the people, seduced her citizens from the path of liberty and happiness: first, by providing for their amusement, by the exhibition of public games and shows; next by providing for their instruction; thirdly by assuming the payment of their debts; and feeding from the public granaries was the last sad act in the melancholy scene of departing liberty. I wish to avert from my country these evils; and if in the humble part I am destined to act on the theatre of public life, I should be instrumental either by precept or example, in bringing back or maintaining our public institutions in the pristine purity and simplicity in which they were conceived and practised by our ancestors, it will be an ample reward for the zeal and fidelity with which I am resolved to devote myself to the service of my country.

Entertaining the opinions I do upon the subject of personal dependance between the citizen and the State Government, it is but natural that I should be equally opposed to the dependance of the State institutions upon the General Government — and more especially, of any dependance upon the Federal Treasury. Keep the States without the pale, or influence of the Federal Treasury, and confine the Federal Government to its constitutional sphere of action, are maxims with me, established upon the best reflection of which, I am capable. It is in this way and in this alone, that we can preserve that great conservative principle, so often misquoted and misapplied, which lies at the bottom of our federative system.

I am, therefore, clearly in favor of a dissolution of the connection between the National Treasury, and, our banking institutions, at the earliest period at which it can be effected. Indeed, such has long

been by repugnance to that State of dependence, that I was utterly averse, at a time, when we were all floating smoothly along on the pleasant wave of prosperity, to receiving that portion of the surplus revenue, which was allotted to this State, under a late law of the United States.

Not only, was I opposed to this measure, from an apprehension that it might form a pretext for taking money out of the pockets of the people, where it is always safest, when not required by the actual necessities of the Government; but for the more obvious reason, that communities or individuals who contract pecuniary obligations in prosperous times, will always be subjected to embarrassment and inconvenience, and not unfrequently to inability to discharge them, when those calamitous changes come upon them, from which neither Governments nor individuals are exempt.

Nothing is better calculated to produce an harmonious action of our political system, than a frank and liberal interchange, and a candid opinion among those who are clothed, by the constitution, with the exercise of the powers appertaining to the different departments of the Government. Under the influence of this impression, I have at this, my entrance into office, expressed my sentiments in relation to the topics I have felt it to be my duty to notice, with the frankness that should always characterize, the intercourse between the servants of a free people, not doubting, for a moment, that they will be responded to in the same liberal and manly spirit, by those who are entrusted with the administration of the other departments of the Government.

Perhaps the harmony of action cannot, in any way, be so well preserved and maintained, or by confining each department of the Government to its appropriate sphere of action, and the exercise of such powers as have been specially delegated to it. Those confided by the constitution to the department to which I have been called, by the unbiased suffrage of a free people, are recommendatory and executive. And it affords me pleasure to state in this place and on this great public occasion, that the meritorious

labors and enlightened forecast, of my predecessors in this high office, especially who no longer benefit the country by their services, nor embellish and adorn society by the constant exercise of the intellectual, moral and social virtues for which they were so eminently distinguished; and who have been translated to a brighter state of existence; have left unerring land marks to guide the footsteps of those who are disposed to imitate their examples, in administering the Government upon those sound principles of republicanism, which are the surest indications of superior intelligence and devoted patriotism.

The executive branch of the duties of the Chief Magistrate, is, in every light in which it can be viewed, a matter of infinite delicacy and importance. The faithful execution of the laws of an enlightened community, is a matter of the last importance to human society; and upon it depends to a great extent, all that is beautiful in the theory or valuable in the practice of the Government, under which we live. To see such laws as the legislature in their wisdom may enact, faithfully executed, I consider as one of the most imperative requirements of the constitution. And although cases may occur in which it will be proper to mitigate the severity of our penal code, by tempering the judgment with mercy, by the exercise of that clemency with which the executive is invested by the constitution, these cases must be marked by peculiar circumstances, and will form exceptions, rather than the general rule of official conduct, which a sacred sense of duty will compel me to pursue, while I continue to discharge the functions of Governor of the State of Alabama.

It is impossible to recur even for a moment to the painful subject of crimes and punishments, without being struck with the necessity of some great, radical and important change in this respect. Our penal code is too sanguinary, for the intelligence, and it is confidently believed, for the virtue, of the age in which we live.

If it be true, that it is the certainty, more than the severity of punishment, which operates as a preventive of crime, that great end would in my opinion, be much more effectually secured, by the amelioration of our system, of punishments, which at present bear too close an affinity to the bloody code of the middle ages. A professional life, not of very short duration, not barren of incidents calculated to awaken reflection upon this subject, so intimately connected with humanity, as well as public justice, has brought my own mind fully to the conclusion, that a well digested and properly arranged system of penitentiary punishments, would be the best that human wisdom could devise. Whether this be the proper time for introducing such a change is a question properly referable to the wisdom of the Representatives of the people. From the advanced period of your present session, at which I enter upon my official duties, I am not sensible of any necessity, for troubling you with an additional communication in the form of a regular message. And even if circumstances should hereafter render it proper, I shall find my labors very much abridged, by the able and judicious views submitted to you by my immediate predecessors in office, who by a long life of faithful and patriotic public service has eminently entitled him to the respect, esteem and gratitude of the people of this State, and in the correctness of whose views as submitted to you in his annual message, generally, I fully concur.

It would be doing violence to my own sense of duty, were I to omit upon this solemn and interesting occasion to tender to you, gentlemen, and through you to our common constituents, the deep and lasting sense of obligation I am under to the people of this State, for the honor they have conferred upon me in calling me to the highest office in their gift.

That obligation I can only hope to discharge, by a constant endeavor to perform with fidelity the various and important duties connected with the trust confided to me. And although I am too deeply conscious of the inadequacy of my ability to discharge in the manner that I could wish, and which the people have a right to expect, the multifarious duties connected with the chief magistracy of this State; so far as upright zeal and honest intentions can atone for incompetent abilities, I shall not be found wanting.

Conscious of the rectitude of my intentions and depending for support on the liberality and patriotism of the people to sustain me in the administration of the laws, with a firm reliance on the overruling wisdom and goodness of divine providence, I shall enter upon the duties allotted to me by the constitution, with an immovable determination to be governed by no other principle, than a desire to promote the happiness, welfare and prosperity of the people of Alabama — uninfluenced by any other motive than the good of our beloved country.

Mr Fleming presented the account of Dandridge Farish; which was referred to the committee on accounts and claims.

Mr Williams presented the account of John McCall; which was referred to the committee on claims, growing out of the Creek war.

Mr Moore presented the petition of certain citizens of Pickens; which was referred to the select committee, consisting of Messrs. Moore, Wilson and Wellborn.

Mr Posey from the judiciary committee, reported without amendment the bill to incorporate the West Wetumpka wharf and warehouse company; which was ordered to be engrossed for a third reading on Monday next.

Mr Posey from the same committee, reported without amendment the bill to require the several medical boards to keep a seal of office; the bill to secure fines for defaulters working on public roads; which were ordered to a third reading on Monday next.

Mr Posey from the same committee, reported without amendment the bill to provide for the recovery of the value of slaves; which was on motion referred to a select committee, consisting of Messrs Watrous, Lee and Rather.

Mr Posey from the same committee, reported without amendment the bill to attach West Girley to Blount county; which was on motion of Mr Smith, referred to a select committee, consisting of messrs Smith, Musgrove and Spann.

Mr Posey from the same committee, to whom was referred the bill entitled an act to amend an act to establish LaGrange College, reported the same as inexpedient; when Mr Lee moved to refer the bill and report to a select committee, was carried; messrs Lee, Hudson and Moore were appointed said committee.

Mr Posey from the same committee, reported as inexpedient to be legislated upon, the bill for the relief of George W. Fisher; and the bill to authorize Washington Keys to remove sundry negroes from this State to Mississippi ; in which the Senate concurred.

Mr Posey from the same committee, to which was referred the bill to amend the law in relation to the grand jurors, reported the same with amendment, by striking out the second section; in which the Senate concurred, and the bill was read a third time and passed the Senate.

Mr Posey from the same committee, to which was referred the bill to authorize the formation of limited partnerships, reported the same without amendment; which was on motion of Mr Rather, laid on the table.

Mr Posey from the same committee, reported without amendment the bill to change the mode of bringing suits by the bank of the State and its several branches ; Mr Crabb moved to lay the bill on the table, which was lost: Mr Fleming moved to make the bill the special order of the day for Monday, which was lost ; the bill was then ordered to be engrossed for a third reading on Monday.

Message from the House of Representatives, informing the Senate that they are ready to receive them in their Hall, for the purpose of electing a judge of the county court of Coosa county: Whereupon, the Senate repaired to the Hall of the House, were seated, and Mr President announced the object of the meeting: Messrs E. Pond and W. Stone being in nomination.

Those who voted for Mr Pond are, Mr President, Arnold Crabb Devereaux Farrer Fleming Frazier Henderson Hill Hudson Moore Musgrove Posey Rather Simmons Spann and Wilson: Representatives, Messrs Aldridge Baker Bates Beauchamp Bestor Blake Booker Boston Brazier Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Coman Cook Cross Davis of M. Erwin Finley Gann Gordon Hammond Horton Johnson Jones of B. King Long Lucas Martin McAlpin McClannahan of M. McClannahan of S. McClellan McCord Morris Nelson Owen Payne Priest Primm Puckett Rogers Scott of J. Shields Simmons of L. Simmons of P. Simonton Slaughter Skinner Smith of D. Smith of M. Stephenson Tarrant Toulmin Vining Williams of H. Williams of P. Williams of T. and Wilson.

Those who voted for Mr Stone are, Messrs Burke Elmore Lee Mays Rains Wallace Watrous: Representatives, Mr Speaker Andress Ashurst Calhoun Daniel Godbold Jones of C. Oliver Perryman Phillips Porter Rawls Scott of M. Sheffield Weissinger and Young.

Several votes were given for Mr Dawson, who was withdrawn.

Mr Pond having a majority of all the votes given, was declared by Mr Speaker duly elected judge of the county court of Coosa county: the Senate then withdrew to their Chamber, and Mr President resumed his chair.

The bill to be entitled an act to change the mode of electing the president and directors of the bank of the State of Alabama and its branches, being the special order of the day was taken up, and on motion of Mr Mays made the special order of Monday next.

Mr Smith from the committee on roads, bridges and ferries, to which was referred the bill authorising Shackelford to build a toll bridge across Sukanatchee river, reported the same with sundry amendments, which were concurred in; and the bill on motion of Mr Lee, referred to a committee, consisting of Messrs Lee, Smith and Goyne.

Mr Smith from the same committee, reported without amendment, the bill en-

titled an act authorising the establishment of private ways, and to repeat certain acts therein named ; when the bill was ordered to be engrossed for a third reading on Monday next.

Mr Smith from the same committee, reported as inexpedient the bill authorising Thomas B. Cooper to establish a turnpike road in the county of Cherokee; which was on motion of Mr Simmons laid on the table.

Mr Moore from the judiciary committee to which was referred the resolution inquiring into the expediency of allowing parties the benefit of their own oath in suits brought on open accounts, reported the same as inexpedient; in which the Senate concurred.

Mr Moore from the same committee, to which was referred the resolution requiring the amendments of the law so as to require two justices of the peace to hold the county court in case of death, resignation or absence of the county judge, reported the same as inexpedient, when Mr Smith moved to lay the report on the table, which was lost; the report of the committee was then concurred in.

Mr Moore from the same committee, reported that it was inexpedient to legislate on the resolution amending the law, so as to make it a criminal offense against any person keeping open doors and retailing spirituous liquors on the Sabbath; in which the Senate concurred.

Mr Hudson from the select committee, to which was referred the bill to be entitled an act to subject certain persons therein named to road duty, reported the same without amendment ; when Mr Rains moved indefinitely to postpone the bill, which was carried.

Mr Mays introduced a bill to be entitled an act to lay out the country of Macon into military beats; which was read a first and second time and referred to the committee on military affairs, under a suspension of the constitutional rule.

On motion of Mr Moore, Resolved, that hereafter five members of the committee on the judiciary, may constitute a quorum: provided, that all the members of said committee be summoned to attend: Mr Lee moved to amend by adding and the committee on internal improvements and inland navigation, after the word "judiciary;" which was adopted.

Mr Crabb asked and obtained leave of absence for Mr Riddle for one week.

Mr Wallace introduced a bill to be entitled an act to amend the law in relation to sheriffs and coroners; which was read and ordered to a second reading on Monday next.

Mr Smith introduced a bill to be entitled an act for the relief of Theophilia L. Toulman, late sheriff of Mobile county; which was read and ordered to a second reading on Monday next.

On motion of Mr Crabb, Resolved, that the committee on the State Bank inquire whether the branch bank at Decatur has refused, in any case, to remit damage pursuant to the relief law of the last session; when the Senate adjourned to 10 o'clock on Monday next.

Monday, November 27. — The Senate met pursuant to adjournment.

Mr Spann from the committee on propositions and grievances, to which was referred the petition of sundry citizens of Montgomery county, in favor of a colored man, reported the same as inexpedient to be legislated upon ; in which the Senate concurred.

Mr Spann from the same committee, to which was referred the petition of Gabriel Bumpas, reported the same as inexpedient; when Mr Arnold moved that the petition be referred to a select committee, which was carried; and Messrs Posey, Moore and Terry, were appointed said committee.

Mr Spann from the same committee, to which was referred the memorial to

William Granard, reported the same back as improperly referred, and asked that it be referred to the committee on accounts and claims ; when Mr Frazier moved that it be referred to a select committee, which prevailed; and Messrs Frazier, Posey and Wellborn were appointed said committee.

Mr Terry from the committee on accounts and claims, to which was referred the account of James Benham, reported the same as inexpedient; in which the Senate concurred.

Mr Terry from the same committee, made the same report on the claims of Dandridge Farriss; which was on motion of Mr Crab, was laid on the table.

Mr Fleming from the select committee, to which was referred the bill to exonerate persons over forty years of age from serving as patrol, reported a substitute, which was adopted; when Mr Devereaux moved to amend the bill, adding Macon and Tallapoosa; when Mr Burke moved to recommit the bill, with instructions to bring in a general bill; which was carried and the bill recommitted.

Mr Fleming from the select committee, to which was referred the bill changing the time of convening the legislature, reported the same without amendment; when MR Burke moved to amend by striking out the first Monday in November, and insert the first Monday in January, which was lost; Mr Smith moved the third Monday in November, which was lost: Mr Terry moved to strike out the first Monday in December, and insert the third Monday in January: Mr Rather called for a division of the question, which was carried, and the Senate refused to strike out, when Mr Crabb moved to read the bill a third time forthwith, which motion Mr President pronounced out of order; Mr Hudson then moved to suspend the constitutional rule; which was carried, and the bill read a third time and passed the Senate.

Those who voted in the affirmative are, Messrs Arnold Crabb Devereaux Elmore Henderson Hill Hudson Lee Mays Moore Musgrove Rains Rather Smith Terry Watrous and Wilson.

Those who voted in the negative are, Messrs President Farrar Frazier Goyne Posey Simmons Spann Wallace and Wellborn.

Mr Fleming from the select committee to which wa referred the bill to authorize the branch bank at Huntsville and Decatur to limit their loans, reported a substitute to be entitled an act the better regulate the loans of the branch of the State Bank at Huntsville: when Mr Crabb moved to recommit the bill, with instructions to bring in a general bill; which was carried.

Those who voted in the affirmative are, Mr President Burke Crabb Devereaux Elmore Henderson Hill Hudson Lee Simmons Smith Spann Watrous and Wilson.

Those who voted in the negative are, Messrs Farrar Frazier Mays Musgrove Posey Rather Terry Wallace and Wellborn.

Mr Smith called up the special order of the day, being the bill to change the mode of electing the president and directors of the Bank of the State and its branches; which was on motion of Mr Mays, made the special order of the say for Wednesday next at 12 o'clock.

Mr Crabb from the select committee, to which was referred the bill to regulate the width of lanes in certain counties, reported the same without amendments; when Mr Smith moved to indefinitely postpone the bill; which was carried.

Those who voted for in the affirmative are, Mr President Devereaux Elmore Goyne Henderson Lee Mays Musgrove Rains Rather Smith Terry Watrous and Wellborn.

Those who voted in the negative are, Messrs Arnold Crabb Farrar Fleming Frazier Hill Hudson Moore Posey Simmons Spann Wallace and Wilson.

Mr Henderson introduced a bill to be entitled an act to amend an act incorporating the subscribers to the Alabama Florida and Georgia rail road; which was read a first and second time under a suspension of the rule, on motion of Mr Henderson, and referred to the committee on internal improvements, and inland na-

vigation.

Mr Lee from the committee on internal improvements and inland navigation, to which was referred the bill entitled an act to incorporate the navigation of the Alabama, Cahawba, Coosa, Tallapoosa, Tombeckbee, and Black Warrior rivers, reported the same back with sundry amendments, striking from the bill wherever they occur, the specific amount appropriated, and leaving the same blank; also, by the addition of a proviso at the end of the bill, providing that not more than half the amount appropriated shall be drawn in any one year; in all of which the Senate concurred, and on motion of Mr Smith, the bill laid on the table, and one hundred and fifty copies to be printed.

Mr Rather introduced a bill entitled an act to repeal the 19th section of an act therein named, which was read and ordered to a second reading on to-morrow.

Mr Watrous introduced a bill entitled an act to incorporate the Alabama insurance and trust company, in the town of Wetumpka; which was read, and on motion for Mr Watrous, the rule suspended, read a second time and referred to the judiciary committee.

Mr Watrous introduced a bill entitled an act, to repeal in part an act therein named; which was read and ordered to a second reading on to-morrow.

Mr Wellborn presented the account and memorial of John Aiken; which was referred to the committee on claims growing out of the Creek war.

Mr Rather introduced a bill for the relief of the purchasers of sixteenth section, in township six, of range two west, in the county of Morgan; which was read a first and second time, and referred to the committee on education. The Senate then adjourned to 10 o'clock to-morrow.

Tuesday, November 28.— The Senate met pursuant to adjournment.

Mr Rather presented the petition of James young; which was on motion of Mr Rather, referred to a select committee, consisting of Messrs Rather, Fleming and Crabb.

Mr Rather presented the account of E. R. Wallace; which was referred to the committee on account and claims.

Mr Frazier presented the account of Rodah Horton; which was referred to the committee on claims, arising out of the Creek War.

Mr Crabb presented the account of John J. Webster; which was referred to the committee on accounts and claims.

Mr Roberts presented the memorial of sundry young men of Mobile, upon the subject of privileges as a fire company; which was on motion of Mr Roberts, referred to a select committee, consisting of Messrs Roberts, Farrar and Spann.

Mr Spann presented the account of John Love; which was referred to the committee on accounts and claims.

Mr Spann from the committee on propositions and grievances, reported without amendments the bill for the relief of John Dorsey; which was ordered to be engrossed for a third reading on to-morrow.

Mr Posey from the committee to which was referred a bill to be entitled an act to amend an act for the establishment of schools in the county of Mobile, reported the same with the following amendments in the caption, after the word "entitled," insert "an act:" in the first section strike out the words "a tax fee," and the words "the tax fees" on the second section, and insert in lieu thereof, "the jury tax;" in which amendments the Senate concurred, and the bill was ordered to a third reading on to-morrow.

Mr Posey from the same committee, to which was referred the bill for the relief of Seborne Gray, administrator of Cynthia Mangham, deceased reported that the relief proposes to be introduced to the said administrator, as inexpedient, and out not to pass; the Senate then concurred in the report of the committee and refused to order the bill to be read a third time.

Mr Posey from the same committee, to which was referred the joint memorial to the Congress of the United States, reported the same without amendment, when Mr Burke moved to lay the memorial on the table; which was carried.

Mr President presented the annual report of the treasurer; which was on motion laid on the table, and one thousand copies ordered to be printed.

Mr President presented the annual report of the comptroller of public accounts; which was on motion of Mr Hudson, one thousand copies ordered to be printed, and on motion of Mr Smith, both reports were ordered to be printed together, and in pamphlet form.

Mr Smith from the committee on roads, bridges and ferries, to which was referred the bill entitled an act prescribing the mode of establishing and licensing toll bridges, causeways and ferries; also, defining the rights and liabilities of the owners of the same, reported the following amendments to the bill, viz: in the third line of the third section insert, "or establish a toll bridge or causeway or ferry, in pursuance of this or any other act of the legislature;" at the end of the third section, insert, "or so high as to overflow its usual banks or place of high water mark;" and at the end of the sixth section insert, "provided that this act shall not extend to persons passing round toll bridges and turnpike gates, over their own, or the lands of their neighbors, with the consent of their neighbors, but travelling on such roads, or in crossing any river or creek in their own craft;" and at the end of the seventh section insert, "except so much as relates to the penalty for not keeping up the same in repair;" in all of which the Senate concurred, and the bill was ordered to a third reading on to-morrow.

Mr Lee moved to amend the second section, after the word so insert for such length of time as they may deem expedient; which carried; Mr Crabb moved to strike out the words presume to; which was carried.

Mr Arnold from the committee on claims, growing out of the Creek war, to which was referred the bill entitled an act to provide for the payment of horses lost while in the service of the United States, and for other purposes, reported the same as an amendment as section two; in which the Senate concurred; when Mr Rather moved that the bill be recommitted, with instruction to report two distinct bills, one for horses lost, and another for other articles furnished; which prevailed, and the bill was so referred.

Mr Lee from the select committee, to which was referred the bill entitled an act to authorise Richard Shackelford to erect a toll bridge over the Suckernatchee river, reported the same with a proviso, that said bridge should not be within two miles of any other public bridge or ferry by water, on said river, and a proviso limiting the term of said right to twenty years; in which the Senate concurred, and the bill was ordered to a third reading on to-morrow.

Mr Fleming from the select committee, to which was referred the bill to be entitled an act to exonerate persons over forty years of age from patrol duty, reported the same with the following amendment in the first section of the bill, to strike out the words Madison county, and insert the State of Alabama; in which the Senate concurred.

Mr Moore moved to amend the bill by the following proviso: provided the provisions of this act shall not extend to Pickens county: Mr Lee moved further to amend the bill, by striking out all after the enacting clause, and insert the following: that hereafter no persons over the age of forty-five years, shall be liable to patrol duty; unless they be owners of slaves, and that all persons over the age of fifty are exempted from the same; which amendment was lost; Mr Lee moved then moved to amend the bill by striking out "the State of Alabama," and insert in lieu thereof, "the county of Madison;" when Mr Smith called the

previous question; which was sustained, and the main question, shall the bill be engrossed for a third reading on to-morrow, was put and lost: Yeas 14, nays 14.

Those who voted in the affirmative are, Mr President Burk Devereaux Fleming Goyne Henderson Hudson Roberts Simmons Smith Spann Terry Wallace and Wellborn.

Those who voted in the negative are, Messrs Crabb Elmore Farrar Frazier Hill Lee Mays Moore Musgrove Posey Rains Rather Watrous and Wilson.

Message from the House of Representatives— Mr President: The House of Representatives have amended the Senate's resolution, proposing to go into the election of a solicitor of the fourth judicial circuit, by striking out seventeenth of November at noon, and inserting this day, 28th, at half past 12 o'clock; in which the Senate concurred.

Mr Rains from the committee on enrolled bills, reported the following acts as correctly enrolled: An act for the relief of Horatio G. Harbin and others; an act to alter and amend the patrol laws now in force in the counties of Franklin, Dale and Shelby; an act more particularly to define the number of petit jurors to be drawn from the county of Covington and for other purposes; an act to repeal an act exempting certain property from levy or sale, by virtue of an execution, so far as regards the county of Henry; an act to alter in part the boundary line between the counties of Conecuh and Butler; an act for the support of paupers in the county of Monroe; an act to repeal in part the several acts and amendments establishing and incorporating the towns of St. Stephens and Rodney, in Washington county; an act for the better regulating the appointment of overseers on so much of the federal road as constitutes the boundary line between the counties of Monroe and Conecuh; an act to authorise compensation to the commissioners of revenue and roads in certain counties therein named; an act for the relief of the legal representatives of Turner Ivy, deceased; and an act to incorporate the Clayton Academy.

Mr Wellborn from the select committee, which was referred the petition of sundry citizens of the town of Irwinton, reported a bill to be entitled an act to incorporate the Irwinton bridge company ; which was read a first time and ordered to a second reading on to-morrow.

Message from the House of Representatives, informing the Senate that they were ready to receive them in their Hall for the purpose of electing a judge of the county court of Fayette county; a member of the medical board at Livingston, and a solicitor of the fourth judicial circuit; whereupon, the Senate repaired to the Hall of the House, were seated, and Mr President announced the object of the meeting of the two Houses; the two Houses then proceeded to the election of a judge of the county court of Fayette county; Walter Harkins alone being in nomination, received one hundred and fifteen votes, being all the votes given, and a majority of both Houses, was declared duly elected judge of the county court of Fayette county.

The two Houses then proceeded to the election of a member of the medical board at Livingston; Alexander M. Garber alone in nomination, received one hundred and eighteen votes, being all the votes given, and a majority of both Houses, was declared by Mr Speaker duly elected a member of the medical board at Livingston.

The two House then proceed to the election of a solicitor for the fourth judicial circuit; Messrs George S. Houston and William S. Richardson being in nomination; for Mr Houston 66; for Mr Richardson 56.

Those who voted for Mr Houston are, Messrs President Farrar Frazier Goyne Henderson Hill Moore

Musgrove Posey Smith Spann Terry and Wilson: Representatives, Aldridge Beauchamp Blake Booker Boston Brasher Cain Carmack Cobb Cochran Cross Davis of B. DeJarnett Finley Gann Godbold Gordon Hammond High Horton King Lee Lucas Martin of B. May McClannahan of M. McClannahan of S. Morris Nelson Owen Parker Payne Rodgers Rawls Scott of J. Sheffield Shields Simmons of L. Sim-

mons of P. Simonton Skinner Smith of D. Smith of M. Taylor Tiffin Toulmin Vining Williams of P. Wilson and Womack.

Those who voted for Mr Richardson are, Messrs Burke Crabb Devereaux Elmore Fleming Hudson Lee Mays Rains Rather Roberts Simmons Wallace Watrous and Wellborn: Representatives, Messrs Speaker Alston Andress Ashurst Bates Bestor Brevard Burt Calhoun Clough Coman Cook Cottrell Daniel Davis of M. Greening Johnson Jones of B. Jones of C. Lucas Martin of P. McAlpin McClellan McCord McLemore Oliver Perryman Phillips Porter Priest Puckett Ross Scott of M. Slaughter Stephenson Tarrant Weissinger Williams of H. and Young.

Mr Houston having received a majority of all the votes, was declared by Mr Speaker duly elected solicitor of the fourth judicial circuit.

The Senate then repaired to their chambers, and Mr President resumed his seat.

Message from the Governor, informing the Senate of the resignation of the judge of the county court of Tallapoosa county; which was laid on the table.

Message from the Governor, enclosing the report of Henry L. Martin, the commissioners to audit and settle claims arising out the Creek war; which was referred to select committee upon that subject.

Mr Simmons introduced a bill to be entitled an act to grant L. and R. Dozier to use and enjoy a portion of the west branch of the Coosa river in West Wetumpka, for wharfing purposes; which was read a first and second time on motion of Mr Simmons, and referred to the judiciary committee.

Mr Frazier introduced a bill to be entitled an act to change the line between the first and thirty-fifty regiment of Alabama militia, read a first and second time, under a suspension of the rule; which was then referred to the committee on military affairs.

Mr Lee from the committee on internal improvements and inland navigation, to which was referred a resolution inquiring into the best plan for improving the navigation of certain rivers therein named, reported that they had already reported a bill embracing the objects of the resolution, which was laid on the table.

Mr Arnold introduced the petition of sundry citizens of Cherokee county; which was referred to the committee on roads, bridges and ferries, when the Senate adjourned to 10 o'clock to-morrow.

Wednesday, November 29.— Senate met according to adjournment.

Mr Crabb presented the account of S. H. Barringer; which was on motion of Mr Crabb, referred to the committee on accounts and claims.

Mr Lee from the committee on navigation and internal improvements, reported a bill to be entitled an act to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road, without amendment; in motion of Mr Roberts, was laid on the table until to-morrow.

Mr Hudson presented the account of A. R. Thomas; which was referred to the committee on accounts and claims.

Mr Wellborn presented the account of Shackelford, arising out of the Creek war; which was referred to a select committee raised on that subject.

On motion of Mr Hudson, Resolved, that the a committee on roads, bridges and ferries be instructed to inquire into the expediency of passing a law, compelling individuals to keep open a pass way on section lines, with leave to report by bill or otherwise.

Mr Roberts introduced a bill to be entitled an act to incorporate the fireman's insurance company of Mobile; was read first time, rule suspended, read a second time, and referred to judiciary committee.

Mr Posey moved to reconsider the vote taken of yesterday, on the bill to be entitled an act to exonerate persons over forty-five years of age from patrol duty; which was reconsidered: Mr Fleming moved to strike out the State of Ala-

bama in the first session, and insert Madison county ; which was carried: on motion of Messrs Devereaux, Pike, Macon and Tallapoosa, was added after the word Madison ; and on motion of Messrs. Burke, Wilcox, and on motion of messrs. Arnold, Benton, and on motion of Messrs. Smith, Clarke and Monroe ; which was concurred in : Mr. Crabb moved to amend the bill by adding a second section, and be it further enacted, that no person in this State, who shall have served the United States, or either of them, during the revolutionary war, or who shall be at the time of service required, a pensioner of the United States, shall be liable to patrol duty; which was adopted. The bill was then ordered to be engrossed and read a third time to-morrow.

Those who voted in the affirmative are, Messrs. President Arnold Burke Crabb Devereaux Elmore Fleming Frazier Goyne Henderson Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Spann Terry Wallace Watrous and Wellborn.

Those who voted in the negative are Messrs. Mays and Wilson.

Mr. President presented a message from his Excellency the Governor, A. P. Bagby.

Executive Department, November 29 th, 1837.

To the Honorable Jesse Beene, President of the Senate.

Sir : Herewith I have the honor to transmit to the Senate the report of the commissioners appointed by the Executive of this State, to examine into the condition of the Planter's and Merchants' Bank at Mobile; on motion of Mr. Crabb the report was laid on the table.

Mr. Crabb called from the table the bill to be entitled an act to compensate the Secretary of State for certain services therein named; when Mr. Lee moved to strike out "five" and insert "three" which was carried, and the bill ordered to be engrossed for a third reading on to-morrow.

The Senate then processed to the orders of the day, when the special order being the bill to change the mode of electing the president and directors of the bank of the State of Alabama and its several branches, was taken up; when Mr. Mays moved to amend the bill by striking out the word "four" in the first section, and insert "three;" which was carried, when Mr. Burke moved to refer the bill to a select committee; which was carried, and the bill referred to Messrs. Burke, Mays and Terry.

Mr. Terry introduced joint resolutions expressive of the General Assembly of the State of Alabama, upon the policy of divorcing Bank and State, as respects the action of the general government in her fiscal affairs; which was read and ordered to a second reading on to-morrow.

Message from the House of Representatives — Mr. President: The House of Representatives have passed bills of the following titles: An act for the protection of the remains of the dead and for other purposes; an act to suppress mal practice by factors, carriers, and other agents; an act to attach Barny Ivy of Macon county, to the county of Russell; an act to prohibit persons driving stocks of cattle from Mississippi, to the county of Fayette, and for other purposes; an act to divorce Jinsey Tidwell from her husband Peter B. Tidwell; an act to attach the county of Bibb to the third judicial circuit, an act to authorize the formation of limited partnerships; an act to change the time of holding the courts of the eight judicial circuit; an act for the relief of securities in certain cases ; an act to regulate certain judicial proceedings; in all of which the concurrence of the Senate is asked.

Engrossed bill entitled an act for the protection of the dead, and for other purposes, was read a first and second time, on motion of Mr. Rains, under a suspension of the rule, and on a motion of Mr. Crabb, referred to the judiciary committee.

Engrossed bill entitled an act to suppress mal practices by factors, carriers and

other agents; was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to attach Barney Ivy, a citizen of Macon county, to the county of Russell; was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to prohibit persons from driving stock from the State of Mississippi to the county Fayette; was read a first and second time, under a suspension of the rule, and on motion of mr. Wilson, was referred to a select committee, consisting messrs. Wilson, Arnold and Spann.

Engrossed bill to Ginny Tidwell for her husband Peter B. Tidwell; was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to attach Bibb county on to the third judicial circuit; was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to authorize the formation of limited partnerships; was read a first and second time under a suspension of the constitutional rule, on motion of mr Wallace, and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to change the time of holding the courts of the eighth judicial circuit of the State of Alabama; was read a first and second time, under a suspension of the rule ; and on motion of mr Simmons, referred to a select committee, consisting of messrs. Simmons, Crabb and Watrous.

Engrossed bill for the relief of securities in certain cases; was read a first and second time, and on motion of Mr. Lee, referred to the judiciary committee.

Engrossed bill entitled an act to regulate certain judicial proceeding: was read a first and second time, under suspension of the constitutional rule, on motion of Mr. Hudson: and referred to the judiciary committee.

The Senate then adjourned to 10 o'clock to-morrow.

Thursday, November 30. — The Senate met pursuant to adjournment.

Mr. Rather presented the claim of Wm. And N. Newson ; which was referred to the committee on propositions and grievances.

Mr. Roberts presented the petition of the Irish benevolent association; which was on motion of mr Roberts referred to the select committee, consisting of Messrs Roberts, Wallace and Smith.

Mr. Roberts presented the memorial of the Alabama life insurance and trust company; which was laid on the table.

Mr. Devereaux presented the petition of sundry citizens of Macon county, in favor of Robert Gregory ; which was referred to the committee on propositions and grievances.

Mr. Rain presented the memorial of the Linden railroad company ; which was read and laid on the table.

Mr. Fleming from the committee on military affairs, to which was referred the bill to be entitled an act to change the line between the first and thirty-fifth regiments of Alabama militia, reported the same without amendments: and the bill was ordered to be engrossed for a third reading on tom-morrow.

Mr. President presented a communication from the president of the University, inviting the Senate to attend the collegiate commencement exercises on Wednesday next; which was read and laid on the table.

Mr. Fleming presented the petition of Wm. Smith; which was referred to the judiciary committee.

Mr. Rather introduced a bill to be entitled an act to define the limits of the town of Somerville, in Madison county, and to incorporate the same; which was on motion of mr Rather, read a first and second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of mr. Burke, mr. Smith was added to the select committee on electing bank directors.

Mr. Roberts introduced a bill to alter and amend the charter of the Alabama life insurance and trust company ; which was on motion of mr Roberts, referred to the judiciary committee after a fist and second reading, under a suspension of the constitutional rule, together with the petition on the same subject previously laid on the table.

Mr. Arnold from the committee on county boundaries ; to which was referred the petitions from the counties of Blount and Walker, reported that there was not sufficient territory to form a new county, as prayed for by the petitioners, and that it was inexpedient ; in which the Senate concurred.

Mr. Roberts presented the memorial of the president and directors of the Mobile and Cedar Point rail road company ; which was read and referred to the committee on internal improvements and inland navigation.

Mr. Watrous introduced a bill to be entitled an act to amend an act to incorporate the town of Wetumpka ; which was read and ordered to a second reading on to-morrow.

Mr. Rains from the committee on enrolled bills, reported the following bills as correctly enrolled; An act to amend the law in relation to grand jurors; an act to change the time of commencing the General Assembly.

Mr. President presented the following communication from the cashier of the bank of the State of Alabama, viz:

BANK OF THE STATE OF ALABAMA. }
TUSCALOOSA, 29 TH Nov. 1837. }

To the Hon. Jesse Beene, President of the Senate,

SIR: In the annual report of the condition of the bank made on the 8 th., by Col. Wm. D. Stone, President, — that officer has thought proper to question the correctness of a statement made by me, in my examination before a committee, of the Legislature, at the late called session.

As my character has been thus publicly assailed, I hope it will not be thought improper for me to vindicate myself through the same channel. The statement alluded to, was, that the time Col. Stone, drew from the bank \$9,750 in specie, on the 16 th of May last, I could have checked on New York for that amount, and that I would have preferred it, had it been rather than to have paid the specie. When col. Stone found it necessary to defend his conduct, in drawing specie from this bank, he discovered the statement of mine to stand directly opposed to the only excuse which he deemed at all plausible; and hence he has attempted to disprove it. For this purpose, he states, that when he was in Mobile, in April last, he was informed by the Cashier of the Branch Bank at that place, that he had dawn a check for \$12,000 on the Poenix Bank at New York, which had come back protested and that he feared a similar fate awaited one of \$50,000 which he had drawn to pay the semi annual interest on the State Bonds; that in consequence of this information, he (Col Stone,) on his return to Tuscaloosa, requested me to husband my New York funds; and that in answer to inquiries made by citizens of this city, he had informed them, that the Bank was not checking on New York at that time. He then adds, "with this exposition of New York Funds at the control of the Bank, and the use which the institution expected to apply them to, I leave it to Mr. Comegys, to explain why, with a proper regard to the credit of the bank and the State, he said that he would rather have redeemed the hills with a check, than with specie." Col. Stone also gave a statement of the account between this bank and the bank of America, from the 16 th of May, up to the 19 th of September, showing that at the latter date, the balance was against this bank, evidently intending that it should be inferred, that his fears about the \$50,000 check had been justified by the event. Thus it will be seen that the only ground relied on by Col. Stone for the position he assumed, was the contingent demand arising from the \$50,000 check: in this view of the case, it would appear very extraordinary, that Col. Stone should have omitted to state the fate of that check; but he very well knew that it would have swept from under him his whole ground; as that check was duly paid, and consequently, never demanded of this bank. As the semi-annual interest due from this bank, had been paid up to the 1 st of May last, there was no possible demand, that could have been made from New York until the first of the present month, when the semi-annual interest of \$3000 would again fall due. But I am aware, that he might contend with much plausibility, that the fate of the \$50,000 check was not known at that time, and that it was the diotate of prudence, to provide for it. To this it may be answered, that even though that check had been unconditional, instead of a

contigent demand, still the bank could have checked for \$9,750, without the least possible injury to it, in credit or otherwise: as the following facts will fully prove. This bank had to its credit in the Bank of America on the 16 th of May last, \$2,3459, and it had authority to overdraw for \$50,000, it had also. \$38,000 of bills of exchange payable in New York running to maturity of which \$28,000 were soon afterwards actually paid. In aid of these funds, it had on hand, \$50,000 in United States Bank Notes, making it all \$151,159. The balance against this bank, on the 19th of September of \$10,201.12, was not produced by a demand for the payment of the \$50,000 check as the drift of Col. Stone's argu-

ment leaves it to be inferred, but partly by debts forwarded to their bank for collection, of which subsequently to the 16 th of May, and prior to the 19 th of September, more than \$20,000 were collected and placed to the credit of the Bank of America. This unexpected sum together, with more than \$16,500 of check drawn by this bank on the Bank of America, between the 16 th of May and the 19 th of September, of which more than \$10,000 were drawn within the first fifteen days after Col. Stone drew the specie accounts for the balance against this bank on the 19 th of September. These facts if they prove nothing more, do at least prove the sincerity of my opinion, that the bank could check with perfect safety and the fact that the bank sustained no injury by pursuing the course which Col. Stone now contends it could not do, proves that Col. Stone's opinion was incorrect. But if any further evidence were wanting to sustain my statement, it may be found in the fact, that so little were the Directors affected by Col. Stone's fears, that by an order of the board, the \$50,000 of the United States Notes, were sold here in small sums, to each individual who might apply; but above all I have Col. Stone's own sanction to the very course which he now condemns, for with the exception of only one individual who applied for, and obtained a check for \$250, Col Stone was the first man, who demanded and obtained checks, after the 16th of May, which he did to the amount of \$2000, only two days after he drew the specie; and when the funds of the bank according to his own showing were on the decrease. Thus out of his own mouth, and his own acts he stands condemned.

I am very well aware, that I am too humble an individual, either to ask or expect, that the Legislature should consume its time, in the investigation of any thing which concerns myself only; and therefore I cannot ask that it should do so; I would however respectfully suggest, that should it be thought a matter worthy of investigation on other grounds, it would be highly gratifying to me that the subject should be investigated by authority of the Legislature.

I am with great respect, and consideration,
Your Ob't Servt & c.
E. F. COMEGYS, Cashier.

N. B. I would beg leave farther to remark, that this bank was checking on New York, on the 5th day of May last, and between that date, and the 18 th of May, it checked for nearly three thousand dollars.

E. F. C. C.

Which was laid on the table on motion of mr. Crabb, and one hundred and fifty copies ordered to be printed.

Mr. Rather from the select committee, to which was referred the petition of James Young, reported a bill to be entitled an act to repeal in part an act therein named; which was read and ordered to a second reading on to-morrow.

Mr. Arnold from the committee on claims, arising out of the Creek war, reported a bill to be entitled an act for the payment of horses lost, while in the service of the United States, in conformity to instructions from the Senate; when Mr. Frazier moved to amend the bill by a proviso, requiring a claimants to make oaths or other proof that they had not already been paid, or their horses returned, which was lost; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Arnold from the same committee, in obedience to instructions of the Senate, reported a bill to provide for the payment of provisions and other articles, furnished the troops while in the service of the United States; when mr Rather moved to strike from the bill the amount allowed to McKenzie and Blackwell, which was lost; when mr Terry moved to recommit the bill to the same committee, with instructions to allow all the items certified to by the commanding officers; which was carried, and the bill so recommitted.

Mr. Fleming from the military committee on military affairs, to which was referred the report of the commissioners to revise and amend the militia laws, reported the same bak with sundry amendments, together with a joint resolution to adopt and provide for printing and distributing the system of militia laws, prepared by General Crabb and Bradford, and for other purposes; which was read, and together with the system and amendments, made the special order of the day for to-morrow at 11 o'clock.

Mr. Mays called from the table the bill to amend the charter of Alabama,

Georgia and Florida railroad company; when mr. Roberts moved to amend the bill by two additional sections, as sections three and four; which were adopted, and the bill considered as engrossed, read a third time and passed the Senate: yeas 24, nays 2.

The Senate then proceeded to the orders of the day.

Engrossed bill to be entitled an act to locate the seat of justice in Russell county; was read on motion of Mr. Wellborn, and laid on the table.

Mr. Wellborn introduced a bill to be entitled an act to revive, repeal in part and amend an act to incorporate the town of Irwinton, approved January 19th, 1832; which was read first time, rule suspended, read second time, and on motion of Mr. Wellborn referred to the judiciary committee.

Mr. Simmons called from the orders of the day, a bill to be entitled an act to incorporate the town of West Wetumpka, and repeal an act to incorporate the town of Wetumpka: approved, January 8th, 1834; which was read a third time and passed the Senate.

Mr. Hudson moved to take up a message from the House of Representatives — Mr. President: The House of Representatives have adopted the following resolution : Resolved, that with the concurrence of the Senate the two Houses will assemble in the Representative Hall on Thursday, 30th November, at 12 o'clock, noon for the purpose of electing a judge of the county court for the county of Tallapoosa; in which they respectfully ask the concurrence of your honorable body; on motion of Mr. Hudson, was amended by saying, Saturday, second December.

Mr. Terry called from among the orders of the day, joint resolutions expressive of the sense of the General Assembly of the State of Alabama, upon the policy of divorcing bank and State, as respects the action of our federal government in the fiscal affairs ; which was read the second time and referred to the select committee, to consist of Messrs. Moore, Terry and Wellborn. The Senate then adjourned to 10 o'clock on to-morrow.

Saturday, December 2. — Senate met pursuant to adjournment.

Mr. Hudson presented the account of Charles Lewin; on motion of Mr. Hudson, was referred to the committee on accounts and claims.

Mr. Devereaux presented the account of Wiley White and Richard S. Johnson; on motion of Mr. Devereaux, they were referred to the committee on accounts and claims.

Mr. Farrar presented the petition of sundry citizens of Blount and St. Clair counties, and on motion of Mr. Farrar, was referred to the committee on county boundaries.

Mr. Frazier presented the petition of Kerby Larkin and Packy, praying the grant of a turnpike road on motion of Mr. Frazier, was referred to the committee on roads, bridges and ferries.

Mr. Henderson presented the accounts of William Arington, John C. Smith Joseph Thigpen, William Hughes, Thomas and William Cope; on motion of Mr. Henderson, was referred to committee on Indian claims, grown out of the late Seminole and Creek war.

Mr. Roberts presented the memorial of H. Hitchcock; which was read and on motion of Mr. Roberts, referred to select committee to consist to Messrs. Roberts, Wallace and Wellborn.

Mr. Mays presented the petition of Cyrus Phillips, a citizen of Montgomery county; on motion on Mr. Mays, referred to the committee on State Bank.

Mr. Posey from the judiciary committee, to whom was referred the following engrossed bill, viz : An act for the protection of the remains of the dead and for other purposes; an act for the relief of securities in certain cases, and an act to regulate certain judicial proceeding, reported the same back to the Senate without amendment.

The engrossed bill from the House of Representatives, to be entitled an act for

the protection of the dead and for other purposes; was read the third time and passed the Senate.

The bill to be entitled an act for the relief of securities in certain cases, on motion, was laid on the table.

Engrossed bill from the House of Representatives, entitled an act to regulate certain judicial proceedings; was ordered to be read a third time on Monday next.

Mr Simmons from the special committee, to whom was referred a bill to be entitled an act to change the time of holding circuit court of the eighth judicial circuit of the State of Alabama, reported the bill back without amendments; which was ordered to be read a third time on Monday next.

Mr Goyne presented a bill to be entitled an act to amend an act to authorize the sheriff of Jefferson county to serve process issued by the justice of the peace for said county ; approved, 22d December, 1937 ; which was read a first time, rule suspended, read second time, ordered to be engrossed for a third reading on Monday next.

Mr Mays presented a bill to be entitled an act to incorporate the city of Montgomery; which was read the first time, rule suspended, read second time and referred, on motion of Mr Mays, to judiciary committee.

Mr Wellborn presented a bill to be entitled an act to incorporate the town of Clayton, in Barbour county; which was read a first time, rule suspended, read a third time , referred on motion of Mr Wellborn, to judiciary committee.

The Senate then proceeded to the special orders of the day, on the reversed militia laws by Messrs General Crabb and Bradford, when all the amendments reported by the committee were concurred in: Mr Terry moved to amend the code by striking out a part of the second section of the fourth chapter, which confines eligibility to promotions in office to persons in office in the militia; which was lost.

Message from the House of Representatives— Mr President: The House of Representatives concur in the amendments made by the Senate, to their resolution, proposing to go into the election of a judge of the county court of Tallapoosa county, on to-day, Saturday, December 2.

Message from the House of Representatives— Mr President: The House of Representatives have adopted the following resolution: Resolved, that the Senate be now invited to assemble in the Representatives Hall for the purpose of electing a judge of the county court of Tallapoosa; whereupon, the Senate repaired to the Representative Hall were seated, and Mr President announced the object of the meeting. Mr Erwin Lawson alone being in nomination, received all the votes given, and was declared by Mr Speaker duly and constitutionally elected judge of the county court of Tallapoosa county.

The Senate then withdrew to their chamber: Mr President resumed his seat. The Senate then resumed the consideration of the revised militia code; on motion of Mr Wallace, was laid on the table; when he introduced the following resolution: Resolved, that on Monday next, when the Senate adjourns its morning session, it shall stand adjourned until 3 o'clock in the evening of the same day: Mr Hudson moved to amend the resolution by adding, "and then shall adjourn until 9 o'clock the next day."

The Senate then adjourned to 10 o'clock on Monday morning.

Monday, December 4.— The Senate met pursuant to adjournment.

Mr Hudson presented the account of Briggs and Rice; which was referred to the committee on accounts and claims.

Mr Rains from the judiciary committee, to which was referred the bill granting wharfing privileges to certain persons therein named, reported the same with-

out amendment; which was ordered to be engrossed for a third reading on to-morrow.

Mr Rains from the same committee, to which was referred the bill to be entitled an act to incorporate the Tallapoosa improvement and navigation company, reported the same without amendment; which was, on motion of Mr Crabb, laid on the table.

Mr Roberts from the select committee, to which the memorial had been referred, reported a bill to be entitled an act to incorporate the Mobile aqueduct company; which was read a first and second time, and on motion of Mr Roberts, referred to the judiciary committee.

Mr Moore presented the accounts of George G. Child and others; which was referred to the committee on accounts and claims.

Mr Wilson from the select committee to whom was referred a bill to be entitled an act to prohibit persons from driving stocks of cattle from the State of Mississippi, into the county of Fayette, and for other purposes, reported the bill back with the following amendment: strike out all after the enacting clause, and insert the following: that from and after the passage of this act, that the judge of the county court and commissioners of roads and revenue in Fayette county be, and they hereby authorized and empowered to levy a tax not exceeding seventy five cents on each and every head of cattle moving in said county, belonging to non-residents of this State; which was concurred in and the bill ordered to a third reading on to-morrow.

On motion of Mr Wilson, Resolved, that the with the concurrence of the House of Representatives, the two Houses will convene in the Representative Hall this day at 12 o'clock, for the purpose of electing a solicitor for the 7th judicial circuit; on motion of Mr Arnold, was amended by adding, and also a trustee of the University of the State of Alabama for the 9th judicial circuit.

Mr Farrar from the committee on enrolled bills, reported the following bills as correctly enrolled: an act to divorce Polly Findley from her husband Joseph Findley; an act to amend an act to incorporate the town of Talladega; approved, January 9th, 1837: an act to divorce Campbell McMurtry from his wife Nancy McMurtry: an act to divorce Sarah Loyd from her husband Benjamin Loyd: an act to incorporate the town of Columbiana in the county of Shelby.

Message from the Governor.

Executive Department, December 2, 1837.

To the General Assembly of the State of Alabama: Gentlemen: A Vacancy has occurred in the board of trustees of the University of Alabama, in consequence of the removal of William Wood, of the 9th judicial circuit, and also in the 4th judicial circuit, by the resignation of John R. Evans.

Very respectfully,

A. P. BAGBY.

To the Hon, Jesse Beene, President of the Senate.

Mr Musgrove presented a bill to be entitled an act to attach a part of the county of Jefferson to the county of Blount; which was read a first time, rule suspended, read a second time and referred to the committee on county boundaries.

Mr Arnold from the committee on Indian claims, growing out of the Creek and Seminole war, reported a bill back to be entitled an act to provide for the payment of provisions and other articles, furnished the troops while in the service of the United States, with the following amendments: strike out seven hundred and fifteen dollars and seventy cents, where it occurs, and insert eleven hundred and ten dollars and twenty cents; and after the word two hundred and twenty six dollars, insert in favor of Thomas D. Watts one hundred, and John N. McRea sixty dollars; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on inland navigation and internal improvements, to whom was referred a bill to be entitled an act to incorporate the stock of the bank of the State of Alabama, and to authorise and require said bank to loan the sum of two hundred and fifty thousand dollars to the several rail road companies therein named, reported the same back with sundry amendments, and a new bill to be entitled an act to authorise and require the bank of the State of Alabama and its branches, to loan a certain sum of money therein named, and to create a fund for the support of common schools within the State; which was concurred in, and on motion of Mr Smith, ordered to lie on the table, and one hundred and fifty copies to be printed.

Mr Mays from the committee on education, to whom was referred a bill to be entitled an act for the relief of the purchasers of the sixteenth sections in township six, range four west, in the county of Morgan, reported the same back to the Senate, with the following amendments: in the eighth line of the first section, strike out the words 'postponement of,' and insert "credit of one, two and:' which was concurred in, and on motion of Mr Crabb, was recommitted to the same committee, with instructions to report a general bill on that subject.

Mr Arnold from the committee on Indian claims, to whom was referred a communication of the Governor on the subject of the appointment of a commissioner to audit and settle the claims growing out of the Creek and Seminole wars, had had the same under consideration, and have instructed me to report a bill and recommend its passage.

A bill to be entitled an act to repeal an act therein mentioned; approved 22d December, 1836, and for other purposes; which was read a first time, rule suspended, read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Roberts introduced a bill to be entitled an act to amend the charter of the bank of the State of Alabama, and for other purposes, which was read a second time, rule suspended, and referred to the committee on the State Bank.

Mr Smith introduced a bill to be entitled an act for the relief of John B. Hogan and Stephen V. V. Schuyler; which was read a first time, rule suspended, read a second time, when Mr Wallace moved to amend the bill by adding after the word Schuyler, William Jefferson Jones; Mr Terry moved also to add after the word Jones, Henry L. Ward: Mr Mates moved also to add after the word Ward, John Milton: Mr Mays moved also to add John L. Dorsey, and Mr Arnold moved to amend after the word Dorsey, and all other purposes; which amendments were concurred in Mr Moore moved to refer the bill to a special committee: consisting of Messrs Moore, Smith and Arnold.

Mr Moore introduced a bill to be entitled an act to incorporate the town of Pickensville, in the county of Pickens; which was read a first time, rule suspended, read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Terry introduced a bill to be entitled an act to allow persons to prove their own accounts as far as twenty dollars; which was read a first time, rule suspended and on motion of Mr Terry, the rule was suspended, read a second time, and referred to the judiciary committee.

Mr Frazier introduced a bill to be entitled an act to incorporate the town of Trenton, in the county of Jackson; which was read a first time, rule suspended, read a second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Roberts introduced a bill to be entitled an act to amend an act passed, January 4th, 1836, entitled an act to incorporate the Spring Hill College, in the county of Mobile, which was read a first time, rule suspended, read a second time, and passed the Senate.

Mr Simmons introduced a bill to be entitle an act to incorporate a volunteer company in West Wetumpka, to be called the citizens blues; which was read a first time, rule being suspended, read a second time, and referred to the military committee.

Mr Lee introduced a bill to be entitled an act for the relief of David Ferguson ; which was read a first time, rule suspended, read a second time, and referred to the committee on State printing.

On motion of Mr Mays, Resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, that the two Houses will adjourn on Wednesday, the 6th instant, for the purpose of attending the commencement of the University of Alabama.

Mr Fleming called from the table the revised code laws of the militia of this State as reported by Generals Cobb and Bradford; when after some time spent in the reading on the code, the Senate then adjourned until 3 o'clock.

Three o'clock.— Senate met pursuant to adjournment.

The subject under consideration of the revised militia laws on the adjournment being taken up, after being read through by sections; was on motion of Mr Crabb, laid on the table.

Joint resolutions to adopt and provide for printing and distributing the system of militia laws prepared by Generals Crabb and Bradford, and for other purposes, was ordered to be engrossed for a third reading on to-morrow.

The Senate then proceeded to the orders of the day; when the rule for the government of the State, in relation to their adjournment, was taken up; which after some discussion had thereon, was on motion of Mr Mays laid on the table.

Engrossed bill to be entitled an act permanently to establish the seat of justice in Tallapoosa county; was read the third time and passed the Senate.

Engrossed bill to be entitled an act authorizing the judge and commissioners of roads and revenue of Butler county, to levy a county tax; was read a third time and passed the Senate.

Engrossed bill to be entitled an act declaring Sipsev river a public highway; which was read a third time and passed the Senate.

Engrossed bill to be entitled an act to suppress mal-practice by factors, carriers and other agents; was read a third time, and on motion of Mr Crabb laid on the table.

Engrossed bill to be entitled an act to secure the fine for defaulters for working on public roads; was a third time; Mr Hudson called for the yeas and nays on its passage; yeas 18, nays 10.

Those who voted in the affirmative are, Messrs Arnold Farrar Lee Mays Poesy Musgrove Rains Rather Riddle, Roberts, Simmons Smith Spann Terry Watrous Wellborn and Wilson.

Those who voted in the negative are, Messrs President Burke Crabb Devereaux Fleming Goyne Henderson Hudson Moore and Wallace.

Engrossed bill to be entitled an act to require the several medical boards of this State to keep a seal of office, and for other purpose; was read a third time and passed the Senate.

Engrossed bill to be entitled an act to change the mode of bringing suits by the bank of the State of Alabama and its several branches; was read a third time ; Mr Fleming moved to postpone the bill indefinitely: yeas 5, nays 23.

Those who voted in the affirmative are, Messrs Crabb Fleming Rather Riddle and Wellborn,

Those who voted in the negative are, Messrs President Arnold Burke Devereaux Farrar Frazier Goyne Henderson Hudson Lee Mays Moore Musgrove Posey Rains Roberts Simmons Smith Spann Terry Wallace Watrous and Wilson.

The bill then passed the Senate.

The Senate then adjourned until to-morrow 10 o'clock.

Thursday, December 5.— The Senate met pursuant to adjournment.

Mr Goyne presented the account of Joseph Rutherford; which was referred to the committee on accounts and claims.

Mr Watrous presented the petition of Wm. P. Thomas and others, in favor of Wm. McElroy to turnpike a road; which was read and referred to the committee on roads, bridges and ferries.

Mr Simmons presented the petition of sundry citizens of Autauga county; which was referred to the committee on education.

Mr Burke presented the account of Henry Minor; which was referred to the committee on account and claims.

Message from the House of Representatives, viz : Resolved, that with the concurrence of the Senate, the two Houses will this day assemble in the Hall of the fourth and ninth judicial circuit; in which the concurrence of the Senate is asked; in which the Senate did concur.

Message from the House of Representatives, informing the Senate that they were now ready to receive them in their Hall, for the purpose of electing a trustee for the fourth and ninth judicial circuit: Whereupon, the Senate repaired to the Hall of the House, were seated, and Mr President announced the object of the meeting. The two Houses then proceeded to the election of a trustee for the fourth judicial circuit; Messrs Robert Patton and Elisha Merith being in nomination; Mr Patton 84; for Mr Merith 30 votes.

Those who voted for Mr Patton are, Messrs President Burke Crabb Devereaux Elmore Farrar Fleming Frazier Goyne Henderson Hill Mays Moore Posey Rains Rather Roberts Spann Smith Simmons Wallace Watrous Wellborn and Wilson: Representatives, Messrs Speaker Aldridge Alston Bates Beauchamp Blake Booker Boston Brevard Carmack Clifton Cobb Coman Cottrell Cross Davis of M. DeJarnett Finley Gann Gordon Godbold Greening Hammond Horton Johnson Jones of B. Jones of C. King Clannahan of S. McClellan McCord Morris McLemore Oliver Owen Parker Perryman Phillips Prim Puckett Rawls Scott of J. Scott of M. Sheffield Shields Simmons of L. Simonton Slaughter Smith of D. Smith of M. Spencer Tarrant Toulmin Taylor Tiffin Vining Weissinger Wilsona nd Womack.

Those who voted for Mr Meridith are, Messrs Hudson Lee Riddle Terry Musgrove; Representativess Messrs Andress Baker Bestor Burt Cane Cochran Daniel Davis of B. Erwin High Long Martin of B., Martin of P. May McClannahan of M. Payne Porter Priest Rogers Ross Simmons of P. Skinner Stephenson Williams of H. and Williams of P.

Mr Patton having a majority of all the votes given, was declared by Mr Speaker duly elected a trustee for the fourth judicial circuit. The two Houses then proceeded to the election of a trustee for the ninth judicial circuit, John Cochran alone nomination, received one hundred and twelve votes, being all the votes given, and was declared duly elected a trustee of the 9th judicial circuit: whereupon, the Senate withdrew to their Chamber, and Mr President resumed his seat.

Mr Fleming from the committee of nine, consisting of one member from each judicial circuit, to whom was referred a resolution inquiring into the expediency of establishing a penitentiary in this State; also, that part of the Governor's message relating to that subject, reported a bill to be entitled an act making it the duty of the sheriffs, coroners and other officers holding the elections of different counties of this State, to take the sense of the people in relation to the expediency of establishing a penitentiary, Mr Crabb moved to amend the second section of the bill after the word 'voters,' do you desire to vote on the subject of a penitentiary?' if the answer be yea, then the further question shall conformity with this act, shall be taken in reference to the location of a penitentiary at a point within twenty miles of the centre of the State, after selected by the State, which was lost; yeas 11, nays 19.

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Those who voted in the affirmative are, Messrs President Arnold Burke Devereaux Farrar Henderson Lee Simmons Spann Watrous and Wilson.

Those who voted in the negative are, Messrs Crabb Fleming Frazier Goyne Hill Hudson Mays Moore Posey Rains Rather Riddle Roberts Smith Terry Wallace and Wellborn.

Mr Wallace moved to recommit the bill to the same committee, with instructions to report a bill establishing a penitentiary; which was lost; yeas 8, nays 21.

Those who voted in the affirmative are, Messrs Arnold Elmore Fleming Goyne Rather Roberts Terry and Wallace.

Those who voted for in the negative are, Messrs President Burke Crabb Devereaux Farrar Frazier Henderson Hill Hudson Lee Mays Moore Musgrove Posey Pains Riddle Simmons Smith Spann Watrous and Wilson.

Mr Roberts moved to amend the first section by proviso: "that all persons voting at said election, who shall, on being interrogated, fail or neglect to vote on this subject, shall be considered as being in favor of a penitentiary, all shall be so registered; which was lost.

The Senate then adjourned until 10 o'clock to-morrow.

Wednesday, December 6.— Senate met pursuant to adjournment.

On motion of Mr Rains, the Senate then adjourned in compliance with a joint resolutions of both Houses of the General Assembly, to attend the commencement of the University of the State of Alabama, until 9 o'clock on Thursday.

Thursday, December 7.— Senate met pursuant to adjournment.

Message from the House of Representatives informing the Senate that the House had adopted the following resolution: Resolved, that with the concurrence of the Senate the two Houses will assemble in the Representatives Hall this day, at 12 o'clock, for the purpose of electing a judge of the county court of Conecuh county; in which resolutions the Senate concurred.

Message from the House of Representatives— Mr President: The House of Representatives have passed a bill for the improvement of the Tombeckbee river, and for other purposes; and they have adopted the following resolution; Resolved, that with the concurrence of the Senate, the two Houses will convene in the Representative Hall on Thursday at 12 o'clock, for the purpose of electing a solicitor for the 7th judicial circuit; in which the Senate concurred.

Mr Wellborn presented the petition of sundry citizens of Russell county; which was on motion of Mr Wellborn, referred to a select committee, consisting of Messrs Wellborn, Mays, Devereaux, Henderson and Crabb.

Mr Watrous presented the petition on sundry citizens on the subject of internal improvement; which was referred to the judiciary committee.

Mr Wellborn presented the petition of sundry citizens of Russell county; which was referred to the select committee, raised on previous petition from citizens of said county.

Mr Spann from the committee on propositions and grievances, to which was referred the petition of Robert Gregory, reported a bill to be entitled an act to allow Robert Gregory of Macon county, all the rights of other citizens of this State; which was read and ordered to a second reading on to-morrow.

Mr Spann from the same committee to which was referred the claims of William and Sevill Newsom, reported a bill to be entitled an act to compensate certain persons therein named; which was read and ordered to a second reading on to-morrow.

Mr Burke from the select committee to which was referred the bill to change the manner of electing the president and directors of the bank of the State of Alabama and its branches, reported a substitute for the same; which was concurred in; when Mr Terry moved to amend the bill with the following proviso: that nothing in the foregoing act shall be so construed as to prohibit any president or director from negotiating bills of exchange on Mobile, New Orleans, or

any of the northern cities, in any such bank or branch in this State, in which said president or director has no participation in the management thereof, not exceeding the amount already allowed by law; when the bill and proviso were laid on the table.

Mr Posey from the judiciary committee, to which was referred the bill to incorporate the Mobile aqueduct company, reported the same without amendment; Mr Hudson moved to amend the seventh section by adding after the word 'Mobile,' 'except the branch of the bank of the State of Alabama at Mobile;' which was adopted; yeas 18, nays 9.

Those who voted in the affirmative are, Messrs President Crabb Devereaux Farrar Frazier Goyne Henderson Hill Hudson Lee Moore Musgrove Posey Riddle Simmons Spann and Wilson.

Those who voted in the negative are, Messrs Burke Mays Rather Smith Terry Wallace Watrous and Wellborn.

The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the committee on the State bank, to which has been referred sundry resolutions inquiring into the expediency of reducing the number of directors in the State bank and branches, the liability of the president and directors, and of giving official bonds, reported the first as inexpedient, and the two latter clauses were already before the Senate; which was laid on the table.

Mr Riddle from the same committee, to which was referred the petition of Cyrus Phillips reported that it was inexpedient to grant the prayer of the petitioner; which was in motion laid on the table.

Mr Roberts from the select committee to which was referred the petition of the officers and members of the Irish Benevolent and Naturalization Society, reported a bill to be entitled an act to incorporate the Irish Benevolent and Naturalization Society in the city of Mobile; which was read a first and second time, under a suspension of the constitutional rule, on motion of Mr Roberts, and ordered to be engrossed for a third reading on to-morrow.

Mr Roberts from the select committee to which had been referred the petition of the merchant's fire-engine company, No 4. in the City of Mobile, reported a bill which was read a first and second time, under suspension of the rule, on motion of Mr Roberts, and ordered to be engrossed for a third reading on to-morrow.

Mr Moore from the select committee, to which was referred the bill for the relief of John B. Hogan, S. V. V. Schuyler, reported a substitute, which was adopted; and on motion of Mr Moore, ordered, to be engrossed for a third reading on to-morrow.

Mr Musgrove from the select committee, to which was referred the bill to attach West Guily to Blount county, reported the same without amendment.

Mr Moore moved to strike out the first section; which the bill was ordered to lie on the table.

Mr Wallace from the judiciary committee, to which was referred the bill to alter and amend the charter of the Alabama Life Insurance and Trust Company, reported the same with the following amendments in 1st section, I insert "and provided further, that said company shall insert in all their policies of insurance, that the capital of said company is two hundred thousand dollars, which together with the bill was laid on the table, on motion of Mr President, Mr Riddle in the chair.

Mr Farrar from the select committee, to which was referred the petition of William Gerrard, reported a bill to be entitled an act to provide for the payment of certain claims therein specified, which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the committee on the State Bank, to which was referred the bill amend the charter of the bank of the State of Alabama, reported a substitute which was recommended to the same committee.

Message from the House of Representatives informing the Senate that they are ready to receive them for the purpose of electing a judge of the county court of Conecuh, and a solicitor for the 7th judicial circuit, whereupon the Senate repaired to the Hall of the House were seated, and Mr President announced the object of the meeting.

The two Houses then proceeded to the election of a solicitor for the seventh judicial circuit: Gideon B. Frierson, Phillips S. Glover and Wm. B. Ochiltree being in nomination.

Those who voted for Mr Frierson are, Messrs President Crabb Devereaux Farrar Goyne Henderson Hill Hudson Moore Musgrove Rather Riddle Smith Spann Watrous Wellborn and Wilson, of the Senate: Messrs Aldridge Baker Beauchamp Bestor Blake Boston Brashier Cane Clifton Clough Cobb Coman Davis of M. Davis of D. DeJarnett Gordon Gann Greening Hammond Johnson Jones of B. Jones of C. King Lee Long May McClannahan of M. McClannahan of S. McClellan Morris Nelson Parker Perryman Smith of D. Puckett Rogers Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Prim Priest Spencer Stephenson Tarrant Taylor Tiffin Vining Williams of P. Williams of T. and Womack of the House of Representatives.

Those who voted for Mr Glover are, Messrs Burke Frazier Posey Roberts Simmons Terry and Wallace, of the Senate; Messrs Booker Carmack Cross Daniel Finley Godbold High Horton Martin of P. McLemore Payne Rawls Scott of J. Shields Simonton Toulmin and Wilson, of the House of Representatives.

Those who voted for Mr Ochiltree are, Messrs Elmore Lee Mays and Rains of the Senate: Messrs Speaker Address Ashurst Bates Brevard Burt Calhoun Cook Cottrell Erwin McAlpin McCord Oliver Owen Phillips Porter Ross Scott of M. Weissinger and Williams of H. of the House of Representatives.

Gideon B. Frierson having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected solicitor for the seventh judicial circuit of this State.

The Senate withdrew to their chamber, and Mr President resumed his chair.

Mr Crabb, called from the table the bill to incorporate the Tallapoosa Navigation Company; which was ordered to be engrossed for a third reading on to-morrow.

Mr Wallace introduced a bill to be entitled an act to establish a professorship of law in the University of Alabama; which was read a first and second time and referred to the judiciary committee.

Mr Hudson, introduced a bill to be entitled an act to incorporate Warrenton, in Dallas county; which was read a first time and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Wallace presented the account of David H. Valiant; which was referred to the committee on accounts and claims.

Mr Watrous introduced a bill to be entitled an act authorising Green M'Elroy to turnpike a road therein named which was read a first and second time, and referred to the committee on roads, bridges and ferries.

On motion of Mr Smith, Resolved, that the committee on propositions and grievances be instructed to inquire into the expediency of passing some restrictive law relative to persons selling wild stock.

Mr Crabb introduced a bill to be entitled an act to incorporate the Carthage Academy in the county of Tuscaloosa; which was read a first and second time and referred to the committee on education.

On motion of Mr Musgrove, Resolved, that with the concurrence of the House of Representatives, the two Houses will adjourn sine die on Thursday the 21st inst. Mr Crabb moved to lay the resolution on the table, which was lost, yeas 9, nays 15.

YEAS— Messrs President, Crabb, Devereaux, Hill, Moore, Rather, Wallace and Watrous.

NAYS— Messrs Burke, Elmore, Farrar, Frazier, Henderson, Hudson, Lee, Musgrove, Posey, Riddle, Simmons, Spann, Wellborn and Wilson.

Mr Hudson introduced a bill to incorporate the Auburn Academy; which was read a first and second time and referred to the committee on education.

Mr Lea introduced a bill to be entitled an act to authorise guardians to remove the property of their wards in certain cases; which was read a first and second time and referred to the judiciary committee.

The Senate then adjourned to 3 o'clock.

3 o'clock the Senate met pursuant to adjournment.

Mr Hudson from the committee on state printing; to which was referred the bill for the relief of David Ferguson, reported the same without amendment; when Mr Crabb moved to refer the same to a select committee which was carried, and Messrs Crabb, Hudson and Moore, were appointed said committee.

On motion of Mr Rains, Resolved, that the Secretary of the Senate be authorised to employ assistant clerks for the balance of the session of the Senate.

Message from the House of Representatives– Mr President: the House of Representatives have passed bill which originated in the Senate of the following titles: an act to change the time of holding the county courts of Benton county: an act to amend an act entitled an act to incorporate the Florence Bridge Company: an act to provide for repairing the streets and alleys in the town of Jacksonville. They have passed bills which originated in the House of the following titles: an act to alter and amend judicial proceedings in certain cases therein named: an act to amend the laws in relation to the collection

of taxes on real estate: an act to authorise Eliza A. Thompson, guardian of Louisa Ely, to transfer said guardianship from Madison to Talladega county: an act to incorporate the town of Oakville in Lawrence county: an act for the relief of Patience Powell: an act to compensate the commissioners of roads and revenue in the county of Cherokee: an act to authorise Polite Collins to inherit real estate: an act to divorce Mary Weaver from her husband Daniel Weaver: an act to divorce Daniel M. Noble from his wife Elizabeth Noble; an act to divorce Mary Moniac from her husband Alexander Moniac: an act to repeal an act therein named: an act supplementary to an act to be entitled an act to extend the time of indebtedness to the Bank of the State of Alabama and its branches, and for other purposes: an act to appoint a committee on finance in the counties of Pike and Henry, and for other purposes: an act to raise a revenue for the county of Tallapoosa, and for other purpose: an act to amend the law now in force in relation to retailers of spirituous liquors: in all of which the concurrence of the Senate is asked. They concur in the resolution of the Senate that the two Houses will adjourn on Wednesday the 6th inst. for the purpose of attending the commencement of the University of Alabama.

Engrossed bill to authorise Eliza Thompson guardian Louisa Ely, to transfer said guardianship from the county of Madison to Talladega, was read and ordered to a second reading on to-morrow.

Engrossed bill to alter and amend judicial proceedings in certain cases, was read a first ad second time under a suspension of the rule by motion of Mr Wallace, and referred to the judiciary committee.

Engrossed bill to amend the law in relation to the collection of taxes on real estate, was read a first and second time and referred to the judiciary committee.

Engrossed bill to incorporate the town of Oakville in Lawrence county, was read a first and second time and referred to a select committee, on motion of Mr Wallace; consisting of Messrs Wallace, Far-rar and Lee.

Engrossed bill entitled an act for the relief of Patience Powell, was read, the rule being suspended, read a second time and referred to the committee on judiciary.

Engrossed bill to be entitled an act to compensate the commissioners of roads and revenue in the county of Cherokee was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to authorise Polite Collins to inherit real estate; was read a first time, rule suspended, read a second time, and referred to a select committee, consisting of Messrs Roberts, Crabb and Hudson.

Engrossed bill entitled an act to divorce Mary Weaver from her husband Daniel Weaver; was read a first time, rule suspended, read a second time and referred to the committee on divorce and alimony.

Engrossed bill entitled an act to divorce Mary Moniac from her husband Alexander Moniac; was read the first time, rule suspended, read second time, and referred to the committee on divorce and alimony.

Engrossed bill entitled an ac to divorce Daniel M. Noble from his wife Elizabeth Noble; was read the first time, rule suspended, read second time and referred to the committee on divorce and alimony.

Engrossed bill entitled an act to repeal an act therein named; was read, the rule suspended, read a second time and referred to the judiciary committee.

Engrossed bill entitled an act to supplemental to an act entitled an act to extend the time of indebtedness to the State bank and branches and for other purposes; was read first time, rule suspended read the second time, the rule being further suspended, was read a third time and passed the Senate.

Engrossed bill entitled an act to raise a revenue for the county of Tallapoosa and other purposes, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to amend the laws now in force in relation to retailers of spirituous liquors, was read and the rule suspended, read a second time and referred to the judiciary committee.

Engrossed bill entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombeckbee river and for other purposes; was read a first time, rule suspended, read a second time and referred to the committee on internal improvement and inland navigation.

Mr Crabb called from the orders of the day the joint resolutions to adopt and provide for printing and distributing the system of militia laws, prepared by Generals Crabb and Bradford and

for other purposes; which was read a third time and passed the Senate.

Mr Crabb also called from the table the revised code of Militia laws, which was read a third time and passed the Senate. Yeas 19, nays 4.

YEAS— Messrs President, Burke, Crabb, Devereaux, Elmore, Frazier, Henderson, Hill, Hudson, Lee, Posey, Rains, Rather, Riddle, Roberts, Simmons, Spann, Wallace, and Wilson.

NAYS— Messrs Farrar, Moore, Musgrove and Wellborn.

The Senate then adjourned to 9 o'clock to morrow morning.

Friday, December 8— Senate met pursuant to adjournment.

Mr Hudson presented the account of Capt. J. T. Cook & Co., which was referred to the committee on Indian expenditures.

Mr Hudson presented the petition of the citizens of Tennessee Valley on the Tuscumbia, Courtland and Decatur rail road, which was referred to the committee on the State bank.

Mr Arnold from the committee on county boundaries to whom was referred a bill to be entitled an act to attach a part of the county of Jefferson, to the county of Blount, reported the same without amendment, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the committee on the State Bank to which was referred the memorial of the President and Directors of the branch of the bank of the State of Alabama at Decatur, reported two bills, first, a bill to be entitled an act to authorise the person therein named, to raise a loan on behalf of the State of Alabama of five millions of dollars; which was read and ordered to a second reading on to-morrow. Second, a bill to be entitled an act to repeal in part an act to extend the time of indebtedness to the bank of the State of Alabama and its several branches and legalizing the suspension of specie payments of the same and for other purposes, approved June 30th 1837.

Mr Roberts from the select committee to whom was referred the bill entitled an act to authorise Polite Collins to inherit real estate, reported the same with the following amendments, "provided such inheritance of sale shall in no way effect the right of creditors," which an amendment was concurred in, the bill was then read a third time and passed the Senate.

Mr Burke from the committee on the State Bank to which was referred a resolution instructing them to inquire into the propriety of prohibiting bank directors from recommending paper to their respective boards, verbally reported a bill to be entitled an act requiring recommendations when made by the President or any Director of the bank of the State of Alabama or any of its branches to be made in writing ; which was read a first time, rule suspended, read a second time and ordered to be engrossed for a third reading on to-morrow.

Mr President presented a preamble and resolution adopted by the branch at Mobile, which was read and referred to the bank committee.

Mr Crabb from the select committee to which was referred a bill entitled an act to authorise the bank of the State of Alabama at Tuscaloosa, to discontinue accommodations paper having not a longer time than nine months to mature, reported a substitute, a bill to be entitled an act to authorise the bank of the State of Alabama to discount accommodation paper payable in six, nine or twelve months, which was concurred in; the bill was then read a first and second and ordered to be engrossed for a third reading on to-morrow.

Mr Wallace presented the petition of the Directors and stockholders of the Tuscumbia, Courtland and Decatur rail road company; which was referred to the committee on the State bank.

Message from the House of Representatives— Mr President: The House of Representatives have passed bills of the following titles, viz: an act to alter and amend in part an act therein named: an act to explain and amend the laws in relation to attachments: an act to appoint additional surveyors in the counties of Barbour and Dallas: an act to amend the charter of the Linden rail road company: an act the better to regulate the tax of pedlars and shows: an act for the better regulation of trade in the city of Mobile.

Engrossed bill entitled an act the better to regulate the taxing of pedlars and shows was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to amend the charter of the Linden rail road company was read a first and second time and referred to the committee on inland navigation and internal improvement.

Engrossed bill entitled an act to appoint additional surveyors in the counties of Barbour and Dallas, was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to alter and amend in part an act therein named, was read a first and second time and referred to the committee on the State bank.

Engrossed bill entitled an act to explain and amend the law in relation to attachments, was read a first and second time and referred to the committee on the judiciary.

Mr Burke presented the following resolution: Resolved, that a special committee be appointed with instructions to report a bill to provide for selling out to private stockholders, three fifth of the capital stock of the branch bank of the State of Alabama at Mobile: Mr Hudson moved to amend, to come in after the word

committee, "consisting of one member from each judicial circuit;" which was concurred in. Mr Hudson moved to further amend, to come in after the word instructions, " to inquire into the expediency of ;" which was concurred in, the resolution was adopted. The committee consist of Messrs Burke, Hudson, Smith, Crabb, Musgrove, Spann, Rains, Wilson and Arnold.

Mr Terry introduced a bill to be entitled an act to appropriate a part of the three per cent fund, for the purpose therein specified ; which was read a first

and second time and referred to the committee on inland navigation and internal improvement.

Engrossed bill entitled an act to incorporate the town of Oakville, in the county of Lawrence; was read a third time and passed the Senate.

Mr Hall presented the report of the president and directors of the Cahawba navigation company; which was referred to the committee on inland navigation and internal improvement.

The Senate then proceeded to the orders of the day.

A bill to be entitled act for the relief of Theophilus L. Toulmin, late sheriff of Mobile county; was a second time and referred to the judiciary committee.

A bill to be entitled an act to amend the laws in relation sheriff and coroners; was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled an act authorising the establishment of private ways, and to repeal certain act therein named; was read a third time and lost.

Those who voted in the affirmative are, Messrs Devereaux Elmore Henderson Hill Lee Moore Rains Rather Roberts Wallace and Wilson.

Those who voted in the negative are, Messrs President Arnold Burke Crabb Farrar Fleming Frazier Hudson Musgrove Posey Riddle Simmons Spann Terry and Wellborn.

A bill to be entitled an act to repeal in part an act therein named; was read a second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an act to repeal the 19th section of the act therein named; was read a second time and referred to the committee on the State bank.

Engrossed bill to be entitled an act to amend an act for the establishment of schools in the county of Mobile, and to provide a fund for the maintenance of the same: passed, December 9th, 1836; was read a third time and passed the Senate.

Engrossed bill entitled an act to authorise Richard D. Shackelford to erect a toll bridge over a Suckanatchee river; was read a third time and passed the Senate.

A bill to be entitled an act to incorporate the Irwinton bridge company; was read the second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled an act to incorporate the West Wetumpka wharf and warehouse company; was read a third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of John L. Dorsey; on motion of Mr Rather was laid on the table.

Engrossed bill to be entitled an act to suppress mal-practice in factors, carriers and other agents; was read a second time and referred to the judiciary committee.

Engrossed bill to be entitled an act to attach Barney Ivy, a citizen of Macon county, to the county of Russell; was read a second time and referred to the committee on county boundaries.

Engrossed bill to be entitled an act to divorce Gincy Tidwell from her husband Peter B. Tidwell; was read a second time and referred to the committee on divorce and alimony. The Senate then adjourned until 3 o'clock.

Three o'clock, P. M.— Senate met pursuant to adjournment.

Engrossed bill entitled an act to authorise the formation of limited partnership; was taken up and laid on the table until Monday next.

Mr Crabb introduced a bill entitled an act to provide for the preservation of the books of the State; which was read a first and second time and referred to a select committee, consisting of Messrs Crabb, Riddle, and Lea

Mr Roberts called from the table a bill, to be entitled an act to alter and amend the charter of the Alabama life Insurance and trust company. Mr Moore moved to strike out the 4th section; which was carried. The bill was then ordered to be engrossed for third reading on to-morrow.

Engrossed bill to be entitled an act to attach the county of Bibb to the third judicial circuit; was read a second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act to exonerate persons over forty five years of age, from patrol duty; was read a third time and passed the Senate.

Engrossed bill entitled an act to compensate the secretary of State for certain services therein named; was read a third time and passed the Senate.

Engrossed bill to be entitled an act prescribing the mode of establishing and licencing toll bridges, causeways and ferries; also, defining the rights and liabilities of the owner thereof; was read a third time and passed the Senate.

A bill to be entitled an act to amend an act to incorporate the town of Wetumpka: passed, 17th December, 1830 ; was read the second time and referred to the judiciary committee.

A bill to be entitled an act to repeal in part an act therein named; was read a second time and ordered to be engrossed for a third reading on to-morrow.

Engrossed bill to be entitled an act to change a part of the line between the first and thirty fifth regiment of Alabama militia; was read a third time and passed the Senate.

Engrossed bill to be entitled an act to define the limits in the town of Summerville, in the county of Morgan, and incorporate the same, was read the third time and passed the Senate.

Engrossed bill entitled an act to provide for the payment of horses lost while in the services of the United States; was read a third time and passed the Senate.

Engrossed bill entitled an act to regulate certain judicial proceedings; was read a third time and passed the Senate.

Engrossed bill to be entitled an act to change the time of holding the circuit courts of the eighth judicial circuit of the State of Alabama ; was read a third time and passed the Senate.

Engrossed bill to be entitled an act to repeal an act entitled an act to authorise the sheriff of Jefferson county, to serve process issued by justices of the peace for said county, approved, 23d December 1836; was read a third time and passed the Senate.

Engrossed bill to be entitled an act to provide for the payment of provisions, and other articles furnishes the troops while in the service of the United States; was read the third time and passed the Senate.

Engrossed bill to be entitled an act to amend an act entitled an act to authorise the building of a court house in the county of Morgan, was read a third time and passed the Senate.

Engrossed bill entitled an act to repeal an act approved December 22, 1836, and for other purposes, was read a third time and passed.

Engrossed bill to be entitled an act to incorporate the Town of Trenton in the county of Jackson, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to authorise the judge and commissioners of roads and revenue of Fayette county to lay a special county tax, and for other purposes, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to prohibit persons from driving stocks of cattle from the State of Mississippi into the county of Fayette, and for other purposes, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to incorporate the town of Pickensville, in the county of Pickens, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to authorise Wiley Harbin James J. Harris, their associates and assigns, to erect a wharf on the Tallapoosa river, in the limits of the town of Tallassee, was read a third time and passed the Senate.

Engrossed bill entitled an act to compensate the commissioners of roads and revenue in the county of Cherokee, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to cause a revenue for the county of Tallapoosa, and other purposes, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to incorporate the Irish Benevolent and Naturalization Society of the city of Mobile, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to amend the laws against duelling, was read a third time and passed the Senate. Yeas 13, Nays 12.

Those who voted in the affirmative are Messrs President Arnold Elmore Fleming Frazier Goyne Riddle Roberts Simmons Smith Terry Welborne and Wilson.

Those who voted in the negative, are Messrs Burke Crabb Devereaux Farrar Henderson Hill Hudson Lee Musgrove Posey Rains and Rather.

A bill to be entitled an act to allow Robert Gregory of Macon county, all the rights of other citizens in this State, was read a second time and referred to the judiciary committee.

Engrossed bill entitled an act to incorporate the Mobile Aqueduct Company, was read a third time and passed the Senate.

Engrossed bill entitled an act to authorise Eliza A. Thompson guardian of Louisa C. Ely, to transfer said guardianship from the orphan's court of Madison county, to the orphan's court of Talladega county; was read a third time and passed the Senate.

Engrossed bill entitled an act for the relief of the Merchant's Fire engine Company, No. 4, in the city of Mobile, was read a third time and passed the Senate.

A bill to be entitled an act to compensate certain persons therein named, was read a second time and referred to the judiciary committee.

Mr Fleming called from the table a joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, which was read by its caption; and was under discussion, when the Senate adjourned until to-morrow at 9 o'clock.

Saturday, December 9. The Senate met pursuant to adjournment.

Mr Posey presented the petition of sundry citizens of Lauderdale county, in behalf of J. R. & S. S. Henry which was referred to a select committee, consisting of Messrs Posey, Terry and Fleming.

Mr Posey presented the account of James Bindham, which was referred to the committee on accounts and claims.

Mr Rains presented the petition of many citizens of Marengo county, in behalf of John W. Henly and A. A. Anderson; which was on motion laid on the table.

Mr Riddle presented the petition of Francis T. Scott, to emancipate a slave; which was referred to a select committee, consisting of Messrs Riddle, Crabb and Hudson.

On motion of Mr Hudson, Resolved, that the committee on privileges and elections, be instructed to inquire into the expediency of changing the time of holding the general elections from the first Monday in August to the first Monday in October.

Mr Wilson introduced a bill to be entitled an act to explain an act to increase the pay of jurors in certain counties therein named; which was read a first and second time, under a suspension of the rule on motion of Mr Wilson, and ordered th be engrossed for a third reading on Monday next.

On motion of Mr Rather, Resolved. That the doorkeeper of the Senate, be instructed to purchase a copy of Aikin's Digest, second edition, for the use of the Senate.

Mr Musgrove introduced a bill to be entitled an act to establish a board of commissioners, for the improvement of the Black Warrior River and other purposes; which was read a first and second time, and referred to the committee on internal improvement and inland navigation.

Message from the House of Representatives informing the Senate, that the House had passed bills from the Senate of the following titles: An act to amend an act incorporating

the subscribers of the Alabama Florida and Georgia rail-road. That they had passed a bill of the following title: an act to establish a board of commissioners for the improvement of

the navigation of the Coosa river and for other purposes.

That they had adopted the following resolutions: Resolved, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall to morrow at twelve o'clock noon, for the purpose of electing a Judge of the county court of De Kalb county, a State Treasurer, and Comptroller of public Accounts, 8th December: in which the Senate concurred. The House informed the Senate by the same message of their concurrence in the Senate's resolution to adjourn sine die on the 21st inst.

Engrossed bill entitled an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes, was read a first and second time, under a suspension of the constitutional rule, on motion of Mr Hudson, and referred to the committee on internal improvement and inland navigation.

Mr Posey from the judiciary committee, to which was referred the bill to incorporate the city of Montgomery, reported the same back with sundry amendments which were concurred in, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Smith called from the table the bill to improve the navigation of the Alabama, Cahawba, Coosa, Tallapoosa, Tombeckbee and Black Warrior Rivers; which was on motion of Mr Smith. made the special order of the day for Monday next.

Mr Fleming introduced a bill for the relief of William Smith; which was read a first and second time and referred to the committee on prepositions and grievances.

Mr Crabb introduced a joint preamble and resolutions of the general assembly of the State of Alabama, in favor of the annexation of Texas to the United States of America; which was read a first second and third time, under a suspension of the constitutional rule and unanimously passed the Senate, and ordered forthwith to be sent to the House.

Mr Fleming introduced the following resolution, Resolved, that one hundred and fifty copies of the joint preamble and resolution on the subject of the annexation of Texas to the United States be printed which was unanimously adopted.

Message from the House of Representatives. The House of Representatives have adopted the following resolution, Resolved, that the Senate be now invited to assemble in the Hall of the House of Representatives, for the purpose of electing a judge of the county court of De-Kalb, a State Treasurer and Comptroller of Public Accounts.

The Senate repaired to the Hall of the House of Representatives, Mr President announced the object of the meeting.

Pollardore Nailor being alone in nomination, received all the votes that were given, was then announced by Mr Speaker as being duly and constitutionally elected judge of the county court of De-Kalb county.

The two Houses then proceeded to the election of a Treasurer of the State, Wm. Hawn, alone being in nomination, received all the votes given; then declared by Mr Speaker to be duly and constitutionally elected treasurer of the State of Alabama.

The two Houses proceeded to the election of a Comptroller, Jefferson C. Van Dyke being alone in nomination, received all the votes given; was declared by Mr Speaker as twelve months; the Senate the repaired to their chamber, Mr President was seated.

Mr Lea from the special committee, to whom was referred a bill to be entitled an act to amend an act entitled an act to establish LeGrange college, approved, January 19, 1830, together with the report of the judiciary committee, reported a bill to be entitled an act to prevent riotous and disorderly conduct a tor near literary institutions; as a substitute which was read a first and second time, and ordered to be engrossed for a third reading on Monday next.

Mr Wilborn introduced the following preamble and resolutions: Whereas information has been received of the death of the Hon. W. D. Puckett, late judge of the eighth judicial circuit, therefor be it Resolved, that with the concurrence of the House of Representatives, both Houses will convene in the Representative Hall at twelve o'clock on Monday next, for the purpose of electing a judge of the circuit court of the eighth judicial circuit of this State; on motion of Mr Crabb, it was laid on the table.

Mr Burke moved to take from the table a bill to be entitled an act to change the man-

ner of electing the President and directors of the Bank of the State of Alabama and the several branches thereof, and for other purposes; was taken up and placed among the orders of the day.

Joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States, was under consideration; when Mr Crabb moved to suspend the further consideration of the memorial, until he could have the reconsideration of a vote that was taken on the day previous, on a bill to be entitled an act authorising the establishment of private ways, and to repeal certain acts therein named; which was reconsidered, and the bill placed among the orders of the day.

The Senate then proceeded to the consideration of the joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States.

Mr Terry moved to adjourn the Senate until Monday 10 o'clock, which was carried.

Monday 11th December. The Senate met pursuant to adjournment.

Mr Hudson presented the account of R. and S. Simonton; which was referred to the committee on accounts and claims.

Mr Fleming presented the report of the adjutant general; which was referred to the committee on military affairs.

Mr Goynes presented the petition of sundry citizens of Jefferson county and others; which was referred to the committee on internal improvement and inland navigation.

Mr Wilson presented the petition of sundry citizens of Marion county; which was referred to the committee on county boundaries.

Mr Wellborn presented the petition of Benjamin Young; which was referred to the committee on claims arising out of the Creel War.

Mr Lee from the committee on internal improvement and inland navigation, to which the bill to amend the charter of the Linden rail road company was referred, reported the same with an amendment; which was concurred in, and the bill read a third and passed.

Mr Posey from the judiciary committee, to which was referred the bill for the relief of Theophilus S. Toulmin, reported the same as improperly referred to that committee, and recommended its reference to the committee on propositions and grievances; in which the Senate concurred.

Mr Posey from the same committee, to which was referred the bill for the relief of Patience Powell, reported the same with an amendment; which was concurred in, and the bill ordered to a third reading on to-morrow.

Mr Posey from the same committee, to which was referred the bill to amend the laws in relation to the collection of taxes on real estate, reported the same without amendment; which was read a third time and passed.

Mr Posey from the same committee, to which was referred the bill to suppress mal-practice by factors, carriers and other agents, reported the same without amendment; which was read a third time and passed.

Mr Fleming from the military committee, to which was referred the bill to lay out the county of Macon into company beats, and for other purposes, reported the same without amendment; which was ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the committee on the State Bank, to which was referred the bill to amend the charter of the bank of the State of Alabama, and for other purposes reported the same with an amendment; which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the same committee to which was referred the bill to alter and amend in part an act therein named, reported the same with an amendment; which was read a third time and passed.

Mr Fleming from the select committee, to which was referred the resolution requiring them to examine the public arms, reported that they had performed that duty, and found the arms in the possession of the quarter master in good order. Mr Roberts presented the accounts of Bushrod W. Hull; which was presented to the

committee on accounts and claims.

der, and also the committee submitted the report of the quarter master; which was laid on the table.

Mr Simmons presented the petition of George Rives; which was referred to the committee on the State bank.

Mr Simmons presented the petition of Robert Glenn; which was referred to the same committee.

Mr Riddle introduced a bill entitled an act to repeal in part an act to extend the time of indebtedness to the bank of the State of Alabama, and for other purposes; which was read a first and second time and referred to the committee on the State bank.

Mr Musgrove introduced a bill to be entitled an act to establish a new division of the militia of this State ; which was read a first and second time and referred to a select committee, consisting of Messrs Musgrove, Frazier and Arnold.

Mr Lea from the committee on the judiciary to which was referred the bill to alter and amend judicial proceedings in certain cases therein named, reported the same with sundry amendments; in all of which the Senate concurred, and the bill was ordered to a third reading on to-morrow.

Mr Rather introduced a bill to be entitled an act to change the time of holding the circuit courts in the fifth judicial circuit; which was read a first and second time, and referred to a select committee, on motion Mr Rather, consisting of Messrs Rather, Musgrove and Frazier.

Mr Roberts introduced a bill to be entitled an act to authorise the Planters and Merchants' Bank of Mobile, to issue change bills; which was read a first and second time and referred to the committee on the State Bank.

On motion of Mr Wallace, Resolved, that the judiciary committee inquire into the expediency of establishing a separate chancery court, and dividing the State into two districts, northern and southern, with a chancellor for each, to hold courts at suitable places, and of transferring the chancery business from the circuit courts to the same.

Mr Farrar from the committee on enrolled bills, reported as correctly enrolled: An act to require the several medical boards of this State to keep a seal of office: an act to protect the remains of the dead, and for other purposes; an act to authorise the judge of the county court and commissioners of roads and revenue of Butler county, to lay a special tax: an act to establish the seat of justice of Tallapoosa county: an act to secure the fines for defaulters for working on public roads.

Mr Posey from the select committee, to which was referred the memorial of J. R. & S. S. Henry reported a bill to be entitled an act to authorise the Tennessee canal commissioners to settle and pay for work done on said canal, by John R. & S. S. Henry upon the principles of equity and justices; which was read a first and second time and referred to the judiciary committee.

Mr Riddle from the select committee, to which was referred the petition of Francis T. Scott, reported a bill to emancipate a slave therein named; which was read, and on motion postponed until the first day of March next.

Mr Smith from the select committee, to whom was referred the bill to incorporate the fireman's insurance company in Mobile, reported the same without amendment; which was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Simmons, Resolved, that the committee on the State Bank, inquire into the expediency of amending the act to extend the time of indebtedness to the bank of the State of Alabama and its branches, so as to authorise the branch at Montgomery to extend her issue for the purpose of facilitating the purchase of cotton.

Message from the House of Representatives— Mr President: the House have passed bills which originated in the Senate, of the following titles; An act to declare Attabby creek a public highway, and have amended the same as therein shewn: they have passed bills of the following titles; An act to regulate the wages of the door-keeper and messen-

ger of the House of Representatives; an act to incorporate the Franklin Academy in the

county of Macon; an act to authorise John Brandon and his associates to turnpike a road therein named; an act to make and declare Uphaupie creek a public highway ; an act to provide for the sale of lands and slaves, at the town of Courtland in certain cases; an act to divorce Rebecca Beaty from her husband Ezekiel A. Beaty; an act to divorce Dory Ann Hall from her husband Henry M. Hall ; an act to incorporate the Monroe company of volunteer riflemen, in the county of Monroe ; in which the House of Representatives ask the concurrence of the Senate.

They have read and adopted the joint preamble and resolutions of the General Assembly of the State of Alabama, in favor of the annexation of Texas to the United States of America; which originated in the Senate.

Engrossed bill to provide for the sale of lands and slaves in the town of Courtland, in certain cases, was read a first and second time and referred to a select committee, consisting of Messrs Hudson. Wallace and Hill.

Engrossed bill entitled an act to declare the Uphaupie creek a public highway; was read a first and second time and referred to the committee on internal improvement and inland navigation.

Engrossed bill entitled an act to authorise John Brandon and his associates to turnpike a road therein named ; was read a first time and second time and referred to the committee on roads, bridges and ferries.

Engrossed bill entitled an act to incorporate the town of Franklin in Macon county; was read a first, second and third time, under a suspension of the rule, and passed the Senate.

Engrossed bill entitled an act to regulate the wages of the door-keeper of the House of Representatives; was read a first and second time; when Mr Hudson moved to amend by inserting after the word "representatives." the words "and door-keeper of the Senate;" which was adopted and the bill read the third time and passed; when the caption of the bill was further amended by adding "and door-keeper of the Senate."

Engrossed bill entitled an act to divorce Dory Ann Hall from her husband Henry Hall; was read a first and second time, and referred to the committee on divorce and alimony.

Engrossed bill entitled an act to declare Attabby creek a public highway, as amended by the House, was taken up, when Mr Spann moved to amendment to the amendment of the House; which was carried, and the amendment concurred in.

Engrossed bill entitled an act to incorporate the Monroe company of volunteers; was read and ordered to a second reading on to-morrow.

Engrossed bill entitled an act to divorce Rebecca Beaty from her husband Ezekiel Beaty; was read a first and second time, and referred to the committee on divorce and alimony.

Mr Wallace introduced a bill to be entitled an act to amend the laws in relation to insolvent debtors; which was read a first and second time, and ordered, to be engrossed for a third reading on to-morrow.

Mr Moore from the judiciary committee, to which was referred the bill to be entitled an act to allow persons to prove accounts, reported the same with amendments; which were read and laid on the table.

Mr Smith from the committee on roads, bridges and ferries, to which was referred the resolution compelling persons to keep open a passway on sections lines, reported the same as inexpedient; in which the Senate concurred.

Mr Roberts presented the petition of the Mobile guards; which was referred to the committee on military affairs. The Senate then adjourned to 3 o'clock.

Three o'clock, P. M. – The Senate met pursuant to adjournment.

The bill to authorise the formation of limited partnership; was read a third time and passed the Senate.

Those who voted in the affirmative are Messrs Burke Crabb Devereaux Elmore Fleming Frazier Henderson Lea Rains Rather Riddle Roberts Simmons Smith Terry Wallace Watrous and Arnold.

Those who voted in the negative are, Messrs President Goyne Hill Hudson Moore Musgrove Posey Spann Wellborn Wilson and Farrar.

The Senate then adjourned to 10 o'clock to-morrow.
Tuesday, December 12.— The Senate met pursuant to adjournment.

Mr Riddle presented the petition of the citizens of Clinton, in Greene county ; which was referred to a select committee, consisting of Messrs Riddle, Fleming and Elmore.

Mr Farrar presented the account of Burwell Green; which was referred to the committee on accounts and claims.

Mr Posey from the judiciary committee, to which was referred the bill to be entitled an act to authorise the Tennessee canal commissioners to settle and pay for the work done on said canal, J. R. & S. S. Henry, upon the principles of equity and justice, reported the same without amendment: when Mr Crabb moved to amend the bill by striking from the bill the words "and required," in the first section ; which was carried, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Hudson introduced a bill to be entitled an act to establish an election precinct in the county of Macon ; which was read a first and second time, and referred to the committee on privileges and elections.

Mr Roberts introduced a bill to be entitled an act to amend an act to mitigate the severity of the penal code of Alabama ; which was read a first and second time, and referred to the judiciary committee.

Mr Wilson introduced a bill to be entitled an act to incorporate for a limited time, the Sipsey river navigation company; which was read a first and second time, and referred to a select committee, consisting of Messrs Crabb, Moore and Wilson.

Mr Posey from the judiciary committee, to which was referred the bill to amend an act to incorporate the town of Irwinton, reported the same without amendment; which was ordered to be engrossed for a third reading on to-morrow.

Mr Arnold from the select committee, to which was referred the resolution instructing them to inquire into the expediency of establishing an agency for the bank of the State of Alabama and its branches, in the town of Jacksonville, Benton county, reported a bill to be entitled an act the better to regulate the collection of debts owing to the bank of the State of Alabama and its branches, in the counties therein named ; which was read and laid on the table, and one hundred and fifty copies to be printed.

Mr Roberts introduced a bill to be entitled an act to authorise the citizens of Mobile to hold a convention to determine upon the propriety of amending the present charter of said city, or the establishment of a new charter ; which was read a first and second time, and referred to a select committee, consisting of Messrs Roberts, Crabb and Wallace.

Mr Wallace introduced a bill to be entitled an act to amend the charter of the Tusculum, Courtland and Decatur rail road company, and for other purposes, which was read a first and second time, and referred to the judiciary committee.

Mr Wallace introduced a bill to be entitled an act for the benefit of the Montgomery blues; which was read a first and second time and referred to the committee on military affairs.

Mr Roberts introduced a bill to be entitled an act to authorise the judge of the county court, and commissioners of roads and revenue, to appoint an additional number of auctioneers for the county of Mobile ; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Roberts introduced a bill to be entitled an act to incorporate the bishop's fund of the diocese of Alabama; which was read a first and second time, and ordered to be engrossed for a third reading on to-morrow.

Mr Rather presented the account of V. Hart; which was referred to the committee on accounts and claims.

Mr Wallace presented the petition of Samuel Davenport ; which was referred to the committee on propositions and grievances.

Mr Elmore introduced a bill to be entitled an act to reduce the number of directors of the bank of the State of Alabama and the several branches thereof, at Montgomery and Mobile, and for other purposes; which was read a first and second time and referred to the committee on the State Bank.

Mr Lea from the committee on internal improvement and inland navigation, to which was referred the engrossed bill entitled an act to establish a board of commissioners for the

improvement of the Coosa river, and for other purposes, reported the same with sundry

amendments to the third section ; which were concurred in, and the bill read a third time and passed the Senate.

Mr Crabb presented the petition of the Mobile bar; which was referred to the judiciary committee.

Message from the House of Representatives— Mr President: The House of Representatives have passed bills of the following titles, viz: An act for the relief of Elizabeth Jewell: an act to authorise Wm C. Bulger to establish a ferry on the Tallapoosa river: an act to establish a company beat in the county of Autauga, with a less number than forty privates: an act to repeal in part a certain act therein named. They concur in the amendments made by the Senate to the bill to be entitled an act to prevent from driving stocks of cattle from the State of Mississippi to the county of Fayette, in this State, and for other purposes; an act to authorise Richard D. Shackelford to erect a toll bridge on the Suckanatchee river: an act to authorise Polite Collins to inherit real estate. They have postponed until the first day of August next, the bill from the Senate to be entitled an act to amend the law against duelling.

Engrossed bill to be entitled an act for the relief of Elizabeth Jewell; was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to authorise William C. Bugler to establish a ferry on the Tallapoosa river; was read and ordered to a second reading on to-morrow.

Engrossed bill to be entitled an act to establish a company beat in the county of Autauga, with less number than forty privates ; was read a second time and third time and passed.

Engrossed bill to be entitled an act to repeal in part a certain act therein specified; was read a first time, and ordered to a second reading on to-morrow.

The Senate then proceeded to the orders of the day.

Joint memorial of the Senate and House of Representatives of the State of Alabama to the Congress of the United States; was taken up and read a third time and passed the Senate: yeas 18, nays 8.

Those who voted in the affirmative are, Messrs Arnold Devereaux Fleming Frazier Goyne Hill Moore Musgrove Posey Rather Riddle Simmons Smith Spann Terry Watrous Wellborn and Wilson.

Those who voted in the negative are Messrs President Burke Crabb Elmore Henderson Hudson Lee and Wallace.

Engrossed bill to be entitled an act making it the duty of the sheriffs, coroners or other officers, holding the elections of the different counties of this State , to take the sense of the people in relation to the expediency of establishing a penitentiary; was read a third time and passed.

A bill to be entitled an act to improve the navigation of the Alabama, Cahawba, Coosa, Tallapoosa, Tombeckbee, and Black Warrior rivers; was referred to a special committee, consisting of Messrs Crabb, Smith and Hudson.

A bill to be entitled an act to repeal in part an act to extend the time of indebtedness to the bank of the State of Alabama, and its several branches, and legalizing the suspension of specie payments of the same , and for other purposes, approved June 30th, 1837; was read the second time and ordered to be engrossed for a third reading on to-morrow.

The then Senate adjourned till 3 o'clock, P. M.

Three o'clock, P. M.— Senate met pursuant to adjournment.

A bill to be entitled an act to change the manner of electing the president and directors of the bank of the State of Alabama, and its several branches thereof, and for other purposes; which was under consideration when the Senate adjourned, was taken up, and on motion of Mr Burke, was referred to a select committee, consisting of Messrs Burke, Crabb and Posey.

Mr Arnold from the committee on county boundaries, to which was referred the subject, re-

ported a bill to be entitled an act to attach part of Marion and Fayette county; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Lea from the committee on inland navigation and internal improvement, to which was referred a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Tombeckbee river, and for other purposes, reported the same back without amendment; which was read a third time and passed the Senate.

Mr Rather from the select committee, to which was referred the bill authorising the establishment of private ways, and to repeal certain acts therein named, reported the same with an amendment to the first section, authorising the jury assessing damages to take into consideration the quality and quantity of the soil, and the general inconvenience and expense of the owner to the plantation in keeping up fences. Mr Crabb moved that the Senate disagree to the report; which was lost: Mr Crabb moved to postpone the bill indefinitely; which was carried.

Those who voted in the affirmative are Messrs President Arnold Crabb Farrar Fleming Henderson Hill Moore Musgrove Riddle Simmons Spann Terry Watrous and Wellborn.

Those voted in the negative are Messrs Burke Devereaux Elmore Goyne Hudson Lea Rains Rather Roberts Smith Wallace and Wilson.

Mr Wellborn from the committee on education, to which was referred the bill to incorporate the Auburn Academy, reported the same without amendment; which was ordered to be engrossed for a third reading on to-morrow.

Mr Wellborn from the same committee, to which was referred the bill entitled an act to incorporate the Carthage Academy, reported the same with an amendment, to come in after "perpetuity," "not exceeding ten thousand dollars;" which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Crabb introduced a bill to be entitled an act to establish a separate court of chancery; which was read a first and second time and referred to the judiciary committee.

Mr Watrous introduced a bill to be entitled an act to authorise Samuel W. Davenport and his associates to turnpike a road therein named; which was read a first and second time and referred to the the committee on roads, bridges and ferries.

Mr Wellborn reported a bill from the select committee, to which the subject had been referred, entitled an act to provide for the location of the seat of justice in the county of Russell; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Watrous introduced a bill to be entitled an act to incorporate the Wetumpka steamboat company; which was read a first and second time, and on motion of Mr Watrous, referred to the judiciary committee.

The Senate then proceeded to the order of the day.

A bill to be entitled an act to authorise the persons therein named to raise a loan on behalf of the State of Alabama, of five million dollars, was read a second time and referred to bank committee.

Engrossed bill to be entitled an act the better to regulate the taxing of pedlars and shows, was read the second time and referred to a special committee, consisting of Messrs Fleming, Watrous and Hudson.

Engrossed bill to be entitled an act to appoint an additional surveyor in the counties of Barbour and Dallas, was read a third time and passed.

Engrossed bill to be entitled an act to attach the county of Bibb to the third judicial circuit, and for other purposes, was read a third time and passed the Senate.

Engrossed bill to be entitled an act to attach a part of Jefferson county to the county of Blount, was read the third time and passed.

Engrossed bill to be entitled an act to incorporate the Irwinton bridge company, was read the third time and passed.

Engrossed bill to be entitled an act requiring recommendations when made by the president or any directors of the bank of the State of Alabama, or any of its branches, to be made in writing, was read a third time and passed.

Engrossed bill to be entitled an act to repeal in part an act therein named, was read a third time and passed.

Engrossed bill to be entitled an act to provide for the payment of certain claims therein specified, was read a third time and passed the Senate.

Mr Wellborn called from the table the resolution, requesting the two Houses of the General Assembly to go into election of a judge of the circuit court for the 8th judicial circuit of this State, and amended the same by striking out "Monday next," and insert "Thursday next."

The Senate then adjourned until 10 o'clock to-morrow morning.

Wednesday, December 13.— The Senate met pursuant to adjournment.

Mr Rains from the committee on enrolled bills, reported the following bills as correctly enrolled : An act to change the time of holding the county court of Benton: an act to amend an act

to incorporate the Florence bridge company, approved January 12th, 1832; and an act to provide for the repairing of the streets and valleys in the town of Jacksonville.

Mr Posey from the judiciary committee, to whom was referred the bill to be entitled an act to mitigate the severity of the penal laws of Alabama, reported the same without amendment; the bill was read a third time and passed.

Mr Posey from the judiciary committee to which was referred the memorial of sundry citizens, accompanied with a proposed charter for incorporating the different rail road companies into a banking company, to be called the internal improvement and education bank, reported the same as inexpedient to legislate on the subject, which report was concurred in.

Mr Posey from the same committee, to which was referred a bill for the relief of Robert Gregory, have amended the same by inserting after the word "State," where it occurs in the tenth line, 15th section, the words "except the right of suffrage;" which was concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Posey from the judiciary committee, to whom was referred the petition of William Smith, and the bill for his relief, reported the same without amendment; the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Rains from the judiciary committee, to which was referred an act to incorporate the town of Clayton in Barbour county, reported the same without amendment; which on motion was ordered to lay on the table.

Mr Posey from the judiciary committee, to which was referred a bill to compensate William and Joel Newsom, reported the same without amendment: the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Posey from the judiciary committee, to which was referred a bill to amend an act to incorporate the town of Wetumpka, reported the same with sundry amendments. On motion of Mr Watrous, the bill and amendments was laid on the table.

Mr Moore from the committee on divorce and alimony, to which was referred a bill to be entitled an act to divorce Mary Weaver from her husband Daniel Weaver, reported the same without amendment. The bill was then read a third time and passed.

Mr Smith presented the account of B. C. Foster; which was referred to the committee on accounts and claims.

Mr Moore from the committee on divorce and alimony, to which was referred a bill to divorce Daniel M. Noble from his wife Elizabeth Noble, reported the same without amendment, the bill was then read a third time and passed.

Mr Moore from the same committee, to which was referred a bill to divorce Gincy Tidwell from her husband Peter B. Tidwell, reported the same without amendment; which was read a third time and passed.

Mr Rather from the committee on privileges and elections, to which was referred the resolution inquiring into the expediency of changing the time of holding the general election, reported the same as inexpedient; in which the Senate concurred.

Mr Watrous from the judiciary committee, to which was referred a bill to incorporate the Wetumpka steamboat company, reported the same without amendment; which was ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the committee on the State Bank, to which was referred a bill to repeal in part an act entitled an act to extend the time of indebtedness of the bank of the State of Alabama, and for other purposes, reported a substitute for the same, entitled an act to authorise the branch of the bank of the State of Alabama at Mobile, to increase its issues to be advanced on the shipment of cotton; which was adopted and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the same committee, to which was referred a bill to authorise the persons therein named to raise a loan on behalf of the State of Alabama, of five million of dollars reported it back with the following amendments: strike out "five million of," and insert two million five hundred thousand;" where the word "million" in the second section occurs, strike out and insert five thousand dollars," which was concurred in Yeas 16 Nays 8.

YEAS.— Messrs President Burke Crabb Devereaux Frazier Goynes Henderson Hill

Hudson Posey Rather Riddle Simmons Spann Watrous and Wilson.

NAYS— Messrs Fleming Rains Roberts Smith Terry Wallace and Wellborn.

Mr Roberts moved to amend the first section by adding after the word "date," the following or any time thereafter at the pleasure of the State"; which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the same committee, to which was referred the bill to repeal the nineteenth section, of an act therein named; reported it as inexpedient to pass the bill, which was on motion laid on the table.

Mr Riddle from the same committee, to which was referred the petition of George Rives, reported that it was inexpedient to grant the prayer of the petitioner ; which was on the motion of Mr Crabb, lain on the table.

Mr Riddle from the same committee, to which was referred the petition of Robert Glenn, reported it as inexpedient to grant the prayer of the petition; which was on motion of Mr Simmons laid on the table.

Mr Riddle from the same committee, to which was referred a bill to authorise the merchants and planters bank of the city of Mobile; to issue change bills, reported the same with sundry amendments; when Mr Crabb moved to indefinitely postpone the bill which was carried. Yeas 15, nays 11.

Those who voted in the affirmative are, Messrs President Arnold Crabb Devereaux Farrar Fleming Frazier Hill Hudson Musgrove Posey Riddle Smith Terry and Wilson.

Those who voted in the negative are, Messrs Burke Goyne Henderson Lea Moore Rather Roberts Simmons Wallace Watrous and Wellborn.

Mr Lea from the judiciary committee, to which was referred the bill to be entitled an act to explain and amend the laws in relation to attachments, reported the same with sundry amendments; in all of which the Senate concurred, and the bill was ordered to a third reading on to-morrow.

Mr Watrous from the judiciary committee, to which was referred a bill to be entitled an act to incorporate the Alabama insurance and trust company of the town of Wetumpka, reported the same with the following amendments: in the 9th section, strike out the words "and sell exchange to others" and by adding a proviso to the end of the same section.

Mr Rains called from the table the bill to be entitled an act to incorporate the Town of Clayton, in Barbour county, which was carried; and Mr Rains moved to amend the bill by striking out the words "within," and inserting in lieu thereof the word "without," which was carried, the bill was then ordered to be engrossed for a third reading on to-morrow.

Mr Riddle from the committee on the State Bank, to which was referred the memorial of the citizens of Wetumpka, reported that it was inexpedient to grant the prayer of the memorialists ; which on motion of Mr Watrous was laid on the table.

Mr Riddle from the same committee, to which was referred the bill entitled an act supplemental to an act entitled an act to extend the time of indebtedness to the State bank and its branches and for other purposes; reported the same without amendment, the bill then on motion of Mr Hudson, was read the third time and passed the Senate.

Mr Riddle from the same committee to which was referred the resolution directing an inquiry wheter the branch of the bank of the State of Alabama at Decatur, has in any case refused to remit damages pursuant to the relief law of the last session ; reported that they not been enable to discover from the evidence before them, any instance wherein the bank had refused to remit damages, and asked leave to be discharged from farther consideration of the subject, which was concurred in and the committee discharged.

Mr Riddle from the same committee, to which was referred the resolutions of the President and board of directors of the branch bank at Mobile, asked leave to be discharged from the consideration of the same, the subject matter thereof, being already before the Senate by bill, and the committee were accordingly discharged.

Mr Hudson from the committee on the State Bank, to which was referred the petition of the president and directors of the Tuscumbia, Courtland, and Decatur rail road company and others, reported a bill to be entitled an act for the relief of certain persons therein named; which was read a first and second time, on motion of Mr Burke, when the Senate adjourned to 3 o'clock this evening.

3 o'clock.— The Senate met and resumed the consideration of the bill for the relief of certain persons therein named, and the bill on motion of Mr Hudson, was referred to a select committee, consisting of Messrs Crabb, Burke Wallace and Lea.

Message from his Excellency, the Governor informing the Senate of the vacancy of the 8th judicial circuit; which was ordered to lie on the table.

Message from his Excellency, the Governor, by his private secretary, Mr Gooch-- The Senate then adjourned to 10 o'clock to-morrow.

Thursday, December 14.– The Senate met pursuant to adjournment.
The message of his Excellency, the Governor, was taken up, which is as follows:

EXECUTIVE DEPARTMENT,}

December 13th, 1837.

Gentlemen of the Senate and House of Representatives:

Under that provision of the constitution, which makes it the duty of this State, to recommend to the General Assembly, the consideration of such measures as he may deem expedient, I beg leave respectfully to submit to you, some of the view I entertain in relation to the present condition and future management of the Bank of the State of Alabama and its several branches. And although I admit, with the most perfect sincerity, that I have felt great diffidence in submitting my opinions upon this subject, especially, in the present perplexed and embarrassed condition of the banking institutions of this State, as well as of all other of a similar character, of which I have any knowledge or correct information, yet as it is one of the requisitions of the constitution that I should recommend such measures as I consider conducive to the public good, I do not feel myself at liberty to abstain from an expression of my opinion however inadequately they may convey to others the anxiety I feel upon the subject, or imperfectly they may be calculated to aid in the accomplishment of the important objects we all have in view, namely enabling the banks to resume specie payments, and restoring general confidence in their soundness and solvency.

As the General Assembly are already in possession of all the information within the reach of this Department in regard to the condition of the banks, through the reports required to be made annually, and which I understand, are now before you, I shall content myself at present, with submitting to you such views as I entertain in relation to their future management.

These institutions, it will be recollected, have their foundation in, and are sustained by, the faith and credit of the State. This consideration alone is sufficient to inspire the fullest confidence in the system: Provided, always we could ensure a faithful and efficient administration and management of that system. For whatever difference of opinion may have existed originally, as to the propriety and expediency of using the faith and credit of the State, in order to raise banking capital, it is believed, that there can be no contrariety of opinion, in regard to the fact, that these institutions rest upon a basis not to be shaken, so long as they continue to be properly managed. I am also clearly of opinion that under proper management, these institutions, would be productive of great benefit to the community. For although, I have never been among the number of those, who believe that any system of banking, no matter how ably conducted, could exempt the people entirely from the burden of taxation, yet I have inclined strongly to the opinion, that this system of taxation is preferable to any other; for the reason, that so far as it is paid by our own citizens, it is a matter of their own volition; they not being required to deal with the banks, unless they find it conducive to their interest to do so; and for the additional reason, that a portion of the profits of our banks are paid by citizens of other States and by foreigners. Neither am I sanguine in my expectations of the successful operation of these institutions, as to believe that

the pe-
riod ever will arrive when they will have the effect of exempting the people from taxation. On the contraay, I feel mo-
rally certain, that taxation either direct or indirect, is the only legitimate source of revenue, under any form
of govern-
ment which has been, or ever be devised. But as before remarked, the great argument in favor of the mode
of taxa-
tion through the banks is, that it is to a great extent, a matter of voluntary contribution, or a suitable return
for corres-
ponding benefits and advantages, rather than a imposition on the capital and labor of the community. If
then the
system be, and it is decidedly believed to be defensible in principle, let us proceed to inquire, whether the
administra-
tion, regulation and management of that system, have been the best calculated to ensure its successful,
practical opera-
tion. With the most perfect respect for the opinion of others, I am clearly of opinion, that they have not.

There are, in the present organization and mode of managing the banks of this State, three great, and
in my opinion
capital defects.

1. In the mode of appointing the Directors.
2. The number and
3. The powers and privileges conferred upon them, and the rights they enjoy as Directors.

The present mode of appointing Presidents and Directors, is by joint vote of two Houses of the General
Assembly,
and a majority of the whole number is necessary to a choice, a mode in principle, conformable in every
respect to the na-
ture and genius of our institutions, and in the correctness, of which, when applied to political objects, no one
can have
more unlimited confidence than I have. But I doubt the propriety of applying this principle to corporations;
and es-
pecially, to corporations clothed with banking powers. For, however unpalatable the fact may be, it is
nevertheless
true, that every grant of corporate powers, is so much abstracted from the common stock , and is only
conferred upon a
few, because the many either cannot wield it at all, or if at all, not no beneficially for the public good, as a
smaller num-
ber. Hence the necessity of delegating the banking power of the State to a corporation. This power has
been parcel-
led out amongst five institutions, to wit: the mother bank and four branches. These boards are filled
annually, by the
election of a President and twelve Directors, at all the institutions except one, and that is filled, by the
election of a Pre-
sident and fourteen Directors; making in all sixty-seven, each of which is entitled to accommodation to the
amount of
\$35,000. The sixty-seven bank officers, are elected by joint vote of the Houses, consisting of one hundred
and twen-
ty-eight members; nearly one hundred of which are annually elected by the people. Now it does appear to
me, that it is
utterly impossible, for a body, the most numerous branch of which is constantly changing, can be sufficiently acquaint-
ed in the different sections of the State, in which the various banking institutions are located, to enable them
to select
persons, qualified to discharge and perform duties, the most difficult of any in the whole circle of human
employment.
If indeed, the embodied and collective intelligence of the Senate and the House of Representatives, could be
made to ope-
rate in the election of bank Directors, the present mode would be preferable to any other. But such is

humbly con-
ceived, not to be the fact. Every member has a right to nominate, and each member is furnished with
strong induce-
ments to exercise that right. Some may be impelled to exercise the right from a deep sense of the peculiar
fitness of a
particular individual; others be a desire to promote the wishes of their immediate constituents, (a motive of
all others
the most commendable, under a representative form of government) or it may be, that members of the
Legislative, like
all other human beings, may be more or less under the dominion of selfish feelings and may make and
support nomina-
tions, to promote some object, either of popularity or interest. Without attempting to enumerate all the
objections
which apply to the present mode of electing Directors, it may be remarked, generally, that it opens too many
ave-
nues to electioneering, which in legislative bodies, to go no further, is always destructive, sooner or later, of
the purity
of elections.

In submitting these remarks, I have an especial desire, not to be understood as intimating the slightest
distrust in
the purity and intelligence of the present General Assembly, in which I have the utmost confidence; or of
attempting
to cast, what I should consider, an unmerited imputation, on any preceding Legislature. My Remarks are
intended to
refer to the imperfections of our common nature, not to particular bodies, and much less to individuals.

I therefore respectfully recommend to the General Assembly the propriety of so altering the mode of
electing the Pre-
sidents and Directors of the State bank, and the different branches thereof, as to make it the duty of the
executive to
nominate to the Senate double, or if it should be considered more conducive to the selection of an able,
upright and effi-
cient board, treble the number of Presidents and Directors of each of the banks, that from the number thus
nominated,
the Senate shall deduct one-half, or one third as may be deemed most advisable, and that from the residue,
after making
such deductions, there shall be elected, by joint vote of the two Houses, a President and six Directors, for
the State Bank
and each of its branches. It is not improbable, that in making these suggestions, I may subject myself to the
imputa-
tion, of a desire to enlarge the powers of the Executive branch of the government, and to diminish the
powers of the im-
mediate representatives of the people— than which nothing is farther from my intention or wish. So far as it
might af-
fect the humble individual who now fills the Executive Department of the Government, I should greatly
prefer, that
the cup should pass by him. But I look upon it, as imposing additional responsibility upon the Executive and
the Sen-
ate, without any increase of power or prospect of advantage. And even if it should abridge to some extent
the present
powers of the members of the House of Representatives, by depriving them of the right of nomination, it as
the same
secures that principle of check and balances, which is believed to be the most valuable in our system of
polity. And in
addition to all this, it may be remarked, that the present mode has been tested by time and experience, and
if it has not
signally failed, it has not answered public expectation nor productive of the benefits to the community, which
it is

confidently believed, can be attained by the method proposed.

Satisfied as I am of the necessity for a change in the mode of appointment, I am equally clear in my own mind, with respect to the propriety of reducing the number. To this conclusion I have been led by a variety of considerations.

In the first place, I consider unanimity of sentiment, and harmonious consent of action, as indispensably necessary, to the correct and able management of all monied institutions, and even admitting that the present number could always be obtained, possessed of the necessary qualifications, which by the way; judging of the future by the past, I consider extremely doubtful, is as much more probable, that the desired unanimity of opinion, and concert of action could be secured by the election of a less number, than in the numerous boards of directors as the present condition of the banks, and the people imperiously require, is by paying them an adequate salary for their services. For however much may be conceded to the patriotism of our people, and I am prepared to go all reasonable lengths upon that subject, it is hardly to be expected, that competent men will be so far induced to relinquish their own interest, as to devote their time, and the toilsome acquisitions of the counting house, to the management of public institutions without a corresponding compensation. Nor is it believed for a moment, that under the present system, patriotism is the only incentive to induce persons to seek the appointment of bank Directors— appointments, it may be safely affirmed, sought with more avidity, than any other in the disposal of the Legislature.

If these appointments are not sought for the distinction they confer, it must be for the profits and advantages they afford. And I deem it much more consonant with the public interest to give the Directors a compensation certain, and fixed by law, than to leave to them the dangerous discretion of fixing the amount of their compensation, in the form of discounts, facilities, and accommodations.

It may be remarked too, that in proportion as you increase the number of Directors, or extend the amount of their loans and accommodations, you limit and curtail the amount of accommodations to the rest of the community. For unless bank Directors differ from the rest of mankind, they will, invariably consult their own interest first, a supposition which I consider fully sustained by some of the reports now before us.

With a view therefore to lessen the rights and powers of the different boards of Directors as now organized, I would respectfully suggest the propriety after reducing the number, to give them even a liberal salary, and to deprive them under suitable restrictions and penalties, from all accommodations whatever, so long as they continue to be Directors, either in the banks of which they are Directors or any of the other State institutions. Thereby by saying to them, that they are selected, confided in, and paid, not for the purpose of enabling them to borrow money themselves, but in order to manage our banking institutions, so as to promote the great and important objects for which they were intended.

From the insight I have been able to get into the present condition of our banks, taken in connection with the monied

affairs of the other States of this Union, and indeed of a large portion of the commercial world, I am unable to perceive any period at which our banks will be enabled to resume specie payments. For although the amount of circulation does not bear in unreasonable proportion to the amount of specie on hand, and of debts due to the banks; yet, when I consider the amount of the suspended debt, and the causes which led to that suspension, and the effects of which I do not believe, have by any means passed away, I am not sanguine in the expectation, that the banks will be able to resume specie payments as early as it must be desired by all they should, without further legislative aid. And although I freely admit, that I ever have been opposed to any thing approaching to a prodigal use of the faith and credit of the State, yet that faith and credit, which I hope will always be preserved with the utmost inviolability, will be useless to us, unless in proper emergencies, we avail ourselves of it, to relieve from present, and guard against future embarrassments.

The act of June, 1837, although it has had the effect of affording great relief to a large portion of our citizens, has not had the effect of accelerating the resumption of specie payments by the banks. Indeed, it was hardly to be expected that an act, the avowed object, and inevitable effect of which, was to relieve the debtors, and increase the circulation of the banks, could contribute much to the desirable object.

The five million bonds created by that act for the purpose of enabling the banks to extend the necessary indulgence to the debtors, and of affording such additional facilities to the community as the exigency of the times seemed absolutely to require, have not been sold, nor it is believed, from the best information I have been enabled to obtain, that they can be sold advantageously, for specie, or its equivalent in their present form.

I therefore respectfully recommend to the General Assembly, the propriety of calling in, and cancelling these bonds, and of issuing a similar amount in sums of one thousand dollars each, bearing an interest of five per cent, payable at the option of the purchasers, redeemable in twenty or thirty years, and leaving the banks at liberty to dispose of them for such funds as they may think proper, but requiring the banks to have such amount of specie, as the General Assembly may in their wisdom think proper, at such time as they shall fix by law, and especially requiring the banks so to limit their circulation, as to be enabled to resume specie payments by the period contemplated by the act of June last. And perhaps, it may be proper to adopt the same course in relation to all the bonds heretofore issued, for the purpose of increasing the capital stock of the different State institutions and which remain unsold, subject however, to this restriction, that none of these bonds shall, in any event, become a part of the permanent capital stock of the banks, or any of them.

It is confidently believed, that an arrangement of this kind will not only enable the banks to resume specie payments at an early day, but will also have the desirable effect, of affording the necessary facilities of buying and selling the present, and the two succeeding crops of cotton; matter, in every respect worthy of the most deliberate consideration

of the Representatives of the people.

I am decidedly of opinion in some plan of this kind is not resorted to by the Legislature the banks will be compelled to defer the payment of specie to a period greatly beyond what is desirable, or to curtail their discounts, and contract their circulation so rapidly, as not only to counteract the effects of former legislation upon this subject, but even to bring about a greater pressure for money, and a greater sacrifice of property, than has been felt or anticipated in this community.

Notwithstanding the advanced period of your session, there is one other subject, which I consider it my indispensable duty to bring to your notice.

I allude to the boundary lines between this State and the State Georgia, according to the articles of cession between Georgia and the United States, entered into in 1802, the latter ceded to the former all the right, title, and claim which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line, beginning of the western bank of the Chatahouchee river, where the same crossed the boundary line between the United States and Spain, running thence up the river Chatahouchee, and along the western bank thereof, to the great bend thereof next, above the place where a certain creek or river called "Uchee" (being the first considerable stream of the western side above the Cupetas and Coweta towns,) empties into the said Chatahouchee river; thence in a direct line to Nickajack on the Tennessee river. This is a literal copy of that part of the first article of the compact so far as it relates to this subject. An attempt was made to settle and run the line by commissioners appointed by authority of the respective States of Alabama and Georgia in 1826, which resulted in a disagreement, as to the point at which the line should leave the Chatahouchee river; the commissioners on the part of Alabama, contending that the true point of departure was, the great bend in the Chatahouchee, next above the place, where the creek or river called "Uchee" empties into the said Chatahouchee river; and the commissioners, on the part of Georgia maintaining, that the true point of departure was the point at which the first considerable stream above the Cupetas and Coweta towns, emptied into the Chatahouchee river. In consequence of the disagreement as to the point of departure the line was run by the authorities of Georgia alone, and has never been acquiesced in by the Government of Alabama

My first examination and reflection upon the articles of session and agreement, satisfied my own mind conclusively, that the position assumed by the authorities of Alabama, was the correct one, and in that opinion I am sustained by one of my most distinguished predecessors in office, (Gov. Murphy,) who examined and discussed the subject with great ability at the time, and whose opinions I am warranted in saying, remain unchanged. From the official connection I have heretofore had with the discussion and attempt to settle this question, I purposely abstain from pressing my own opinions upon the General Assembly; but herewith have the honor to submit the opinion of the Attorney General of this State, which appears to me to be unanswerable.

It is highly important to have the question definitely settled, not only for the power ascertainment of our territorial limits, and the extent of our jurisdiction and sovereignty, but for the additional purpose of enabling the Government of the United States to complete the surveys in the Territory recently acquired by treaty from the Creek and Cherokee Indians, lying within the limits of this State.

It will therefore become the duty of the General Assembly either to express the acquiescence of this State in the line run and established by the authorities of Georgia alone, or to adopt such means as they may deem necessary, for the final adjustment of this question.

Wishing you a speedy and successful termination of the public labors in which you are now engaged, I have the honor to be, with great respect, gentlemen.

Your obedient servant,

A. P. BAGBY.

Which was ordered to lie on the table, and one hundred and fifty copies, ordered to be printed.

Mr Hudson presented the account of Mitchell & Lacy; which was referred to the committee on accounts and claims.

Mr Mays presented the claim of John J. Marshall; which was referred to the committee on claims growing out of the Creek war.

Mr Rains presented the petition of sundry citizens of Sumter county; which was referred to the committee on education.

Mr Rains presented the memorial of sundry citizens of Marengo county, in behalf of John W. Henley and A. Adams Anderson; which was laid on the table.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled, the following acts: An act to raise a revenue for the county of Tallapoosa, and for other purposes; an act to prohibit persons from driving cattle from the State of Mississippi into the county of Fayette and for other purposes; and an act to compensate the commissioners of roads and revenue in the county of Cherokee; an act to authorize Polite Collins to inherit real estate, an act to amend an act for the establishment of schools in the county of Mobile, and to provide a fund for the maintenance of the same; an act to change the time of holding the circuits courts of the 8th judicial circuit; an act to increase the pay of jurors in certain counties therein named; an act to amend an act incorporating the subscribers to the Alabama, Florida and Georgia rail road.

Mr Roberts presented the petition of John Test : which was referred to the judiciary committee.

Mr Roberts presented the petition of the volunteer company of Mobile; which was referred to the committee on military affairs.

Mr Moore from the committee on divorce and alimony, reported without amendment the bill to divorce Mary Moniac from her husband Alexander Moniac; which was read a third time and passed the Senate.

Mr Hudson from the select committee, to which was referred the bill to provide for the sale of land and slaves in the town of Courtland in certain cases; reported the same without amendment; which was read a third time and passed.

Mr Moore from the select committee, to which was referred joint resolutions, expressive of the sense of the General Assembly of the State of Alabama, upon the policy of divorcing Bank and State, as respects the act of the Federal Government in her fiscal affairs, reported the same with an amendment, to strike out the fourth resolution; when Mr Hudson moved to lay the resolutions on the table; which was lost. Yeas 12, nays 18.

Yeas– Messrs Burke Crabb Devereaux Hudson Lea Mays Rains Roberts Simmons Wallace and Waltrous.

Nays– Messrs President Arnold Elmore Farrar Fleming Frazier Goyne Henderson Hill Moore Musgrove Posey Rather Smith Spann Terry Wellborn and Wilson.

The Senate then concurred in the amendment of the committee. Yeas 21, nays 9.

YEAS– Messrs President Burke Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hill Moore Musgrove Posey Rather Riddle Roberts Simmons Terry Wallace Watrous and Wellborn.

NAYS– Messrs Arnold Goyne Hudson Lea Mays Rains Smith Spann and Wilson.

Mr Smith moved to amend the resolutions, by striking therefrom so much as relates to the United States Bank ; but before any action was had thereon, the Senate adjourned to three o'clock this evening, it being half past o'clock.

Three o'clock— The Senate met pursuant to adjournment, and resumed the consideration of the joint resolutions. On motion of Mr Rains, was suspended a few minutes to enable him to introduce a bill.

Mr Rains introduced a bill to be entitled an act more effectually to suppress the evil practice of duelling which was read a first and second time and referred to a select committee, consisting of Messrs Rains, Lea and Goynes.

Mr Riddle introduced a bill to provide for the more permanent location of the seat of justice in the county of Greene; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Watrous introduced a bill to be entitled an act the better to provide for the collection of fines from road defaulters; which was read a first and second time and referred to the committee on roads, bridges and ferries.

Joint resolutions expressive of the sense of the General Assembly of the State of Alabama, upon the policy of divorcing Bank and State, was resumed again, and on motion, was postponed the further consideration of the resolutions until to-morrow; which was to be the special order of the day.

Mr Crabb from the select committee to which was referred a bill to be entitled an act to incorporate for a limited time, the Sipsey river navigation company; reported the same back with the following amendments. In the 15th line insert after "and" the word "Washington," and after the word "Washington," in the same line insert "senior," and on the 38th line, after the word "shall," insert "respectively." The bill was ordered to be engrossed for a third reading on to-morrow.

Mr Roberts from the select committee, to which was referred a bill to be entitled an act to authorise the citizens of Mobile to hold a convention, to determine upon the propriety of amending the charter of said city, or the establishment of a new charter for said corporation, have had the same under consideration, and have instructed me to report the same without amendment. The bill was considered as engrossed, read a third time and passed the Senate.

Mr Fleming from the select committee, to which was referred a bill to be entitled an act the better to regulate the taxing of pedlars and shows, reported the same back with the following amendments: Strike out the words 'one hundred,' where it occurs in the first section, and insert "fifty." On motion of Mr Crabb, the bill was ordered to lie on the table.

Mr Wallace from the judiciary committee, to which was referred a bill to be entitled an act to amend the charter of the Tuscumbia, Courtland, and Decatur rail road company and for other purposes, reported the same without amendment. The bill was ordered to be engrossed for a third reading on to-morrow.

Mr Watrous from the select committee, to whom was referred a bill to be entitled an act to provide for the recovery of the value of slaves in certain cases, reported the same by a substitute to the bill; which was concurred in, and the bill was read a third time and passed the Senate.

Mr Rather from the select committee, to which was referred a bill to be entitled an act to change the time of holding the circuit courts in certain counties, in the 5th circuit, was laid on the table.

Mr Riddle from the special committee, to which was referred the petition of the citizens of Clinton, in the county of Greene, to incorporate said town, reported a bill to be entitled an act to revise an act entitled an act to incorporate the town of Clinton in the county of Greene, approved January 9th, 1836; was read a first and second, and ordered to be engrossed for a third reading on to-morrow.

Mr Moore introduced a bill to be entitled an act to regulate the Writ of scire facias, returnable to the orphans court, was read a first and second time, and referred to the judiciary committee.

Mr Wallace introduced a bill to be entitled an act to change the time of holding the court

of commissioners of revenue and roads for the county of Lawrence, and other pur-

poses; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Terry called from the orders of the day the bill to be entitled an act to authorise the Tennessee canal commissioners to settle with and pay for the work done on said canal by R. & S. S. Henry, assignees of J. B. Jones & Co. upon the principles of equity and justice; which was taken up and read a third time and passed. On motion of Mr Terry, was ordered forthwith to be carried to the House of Representatives.

Mr Rather introduced a bill to be entitled an act to change the time of holding the spring term of the circuit courts in certain counties in the fifth circuit; which was read the first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr Hudson introduced a bill to be entitled an act to authorise and his associates, to turnpike a road therein named; which was read a first and second time and referred to the committee on roads, bridges and ferries.

Mr Elmore introduced a bill to be entitled an act to increase the compensation of jurors in the county of Montgomery and Lowndes; which was read a first and second time and referred to the committee on the judiciary.

Message from the House of Representatives— Mr President: The House of Representatives concur in the amendments made to their bills severally entitled; an act to establish a board of commissioners for the improvement of the navigation of the Coosa river, and for other purposes; an act to alter and amend an act therein named; an act to amend the charter of the Linden rail road company; an act to regulate the wages of the door-keeper and messenger of the House of Representatives ; an act to attach Barney Ivy, a citizen of Macon county, to the county of Russell. They disagree to the amendment made by the Senate to their amendments to the bill to be entitled an act to declare Attabby creek in the county of Henry, a highway and for other purposes, therein named, which originated in the Senate.

Mr Mays presented the petition of sundry persons respecting titles of real estate &c. which was referred to a special committee consisting of Messrs Mays, Elmore, Deveaux, Simmons and Burke.

Mr Rather introduced a bill to be entitled an act to prescribe the manner of advertising absconding slaves.

Engrossed bill to be entitled an act for the government of turnpike roads, was referred to select committee consisting of Messrs Crabb, Rather and Rains.

Joint memorial to the Congress of the United States, asking the right of pre-emption to actual settlers on public lands, was read and referred to the select committee on memorials.

Executive Departments, December 14, 1837.

To the General Assembly of the State of Alabama— Gentlemen: A vacancy has occurred in the Board of Trustees of the University of Alabama, by the resignation of Charles D. Connor, Esq. of the 7th judicial circuit. I have the honor to be your obedient servt.

A. P. BAGBY.

Message from the Governor— Mr President: His Excellency, the Governor, this day approved and signed a bill which originated in the Senate of the following title, to wit: An act to change the time of holding the county court of Benton county.

Engrossed bill to be entitled an act to declare Attabby creek, in the county of Henry, a public highway, and for other purposes therein named, was read.

Mr Williams called from the table a bill to be entitled an act to establish a bank at Irwinton, in the county of Barbour; which was taken up and referred to a select committee, consisting of Messrs Wellborn, Roberts and Mays.

Mr Rains called from the table the bill to be entitled an act to authorise and require the Bank of the State of Alabama and its various branches, to loan a certain sum of money therein named, and create a sum for the support of common schools within the State; which was taken up. Mr Fleming moved to refer it to the committee on inland navigation and internal improvement; which was carried.

The Senate then adjourned to 10 o'clock to-morrow.

Friday, December 15.— The Senate met pursuant to adjournment.

Mr Hudson presented the account of Samuel Stephens; which was referred to the committee on accounts and claims.

Mr Hudson presented the account of Augustine Lynch; which was referred to the committee on account and claims.

Mr Hudson present the account of Solomon Peteet; which was referred to the committee on accounts and claims.

Mr Moore from the committee on divorce and alimony, reported without amendment the bill to divorce Rebecca Beaty from her husband Ezekiel A. Beaty; which was read a third time and passed.

Mr Crabb from the select committee to which was referred the bill to change the manner of electing the president and directors of the banks, reported a substitute, which was adopted. Mr Terry moved to amend the bill by the following proviso: "That nothing shall be so construed in the act, as to prohibit any president or directors from negotiating bills of exchange through any bank or branch bank of which they are not president or director;" which was lost. Yeas 7, nays 23.

YEAS— Messrs McLemore Goyne Roberts Smith Spann Terry and Wallace.

NAYS— Messrs President Arnold Crabb Devereaux Farrar Fleming Frazier Henderson Hill Hudson Lea Mays Moore Musgrove Posey Rains Rather Riddle Simmons Watrous Wellborn and Wallace.

Mr Smith moved to amend the bill by an additional section, giving the Governor power to nominate three the number to be elected to the Senate, and the Senate select two thirds from that number; out of which the directors shall be elected by joint vote of the two Houses; which was lost, Yeas 5, nays 25.

YEAS— Messrs President Farrar Posey Smith and Terry.

NAYS— Messrs Arnold Burke Crabb Devereaux Elmore Fleming Frazier Goyne Henderson Hill Hudson Kea Mays Moore Musgrove Rains Rather Roberts Simmons Spann Wallace Watrous Wellborn and Wilson.

Mr Hudson moved to amend the bill with the following section: "And be it further enacted, that the president and directors whose liabilities and indebtedness shall exceed not two thousand, in any one year, shall be exempt from the payment of interest on his account; which was rejected. Mr Fleming moved to amend the bill by a proviso: "That the president and directors shall not be prohibited from negotiating bills of exchange upon Mobile, New Orleans or any of the northern cities, in any such bank in the State, in which such president or director has no participation in the management thereof, not exceeding the amount already allowed by law;" which was adopted; and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Rains reported the following bills as correctly enrolled: An act to authorise Eliza Ann Thompson, guardian of Louisa C. Ely to transfer said guardianship from the Orphan's court of Madison county to the Orphan's court of Talladega county; an act to authorise Richard D. Shackelford to erect a toll bridge across the Suckanatchie river; an act to regulate judicial proceeding; an act to appoint additional surveyors in the counties of Barbour and Dallas; an act to appoint a committee of finance in the counties of Pike and Henry; an act to establish an academy in the county of Monroe; and incorporate the same; an act to amend the law in relation to the collection of taxes on real estate; an act to incorporate the town of Oakville; an act to attach the county of Bibb to the third judicial circuit; an act to establish a company in Autauga, with less number than forty privates; an act to incorporate the town of Blountsville in Blount county.

Mr Moore from the judiciary committee, reported without amendment, the bill to regulate writ of fieri facias, returnable to the orphans' court; which was ordered to be engrossed for a third reading on to-morrow.

Mr Spann from the committee on propositions and grievances, to which was referred the petition of Samuel W. Davenport, reported the same back and asked its reference to the committee on roads, bridges and ferries; which prevailed.

Mr Spann from the same committee, to which was referred the bill for the relief of Theophilus L. Toulmin, reported the same as inexpedient; when on motion of Mr Roberts, the bill was laid on the table.

Mr Spann from the committee, to which was referred the resolution in relation to killing wild stock, reported the same as inexpedient; in which was the Senate concurred.

Mr Rains from the select committee, to which was referred the bill to suppress the evil practice of duelling, reported the same without amendment; when Mr Lea moved to amend the bill

by an additional section, as section 2; which was adopted, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr Mays from the committee on education, which was referred the bill for the relief of certain purchasers of sixteenth sections, reported a substitute. Mr Watrous moved to amend the bill by adding "and securities," after the word "purchasers," in the first section— carried. Mr Simmons moved to amend by adding, " from the first of March," after "year;" which was adopted. Mr Burke move⁴ to amend by following: "Or which may be running to maturity, Provided, no debt running to maturity shall be extended beyond the time which would be contended as now due;" which was adopted; when the bill was ordered to be engrossed for a third reading on to-morrow.

Mr Hudson from the select committee, to which was referred the bill entitled an act for the relief of certain therein named, reported the same with sundry amendments; when Mr Arnold moved to indefinitely postpone the bill; which was lost. The amendments were then concurred in. Mr Posey to amend the bill by authorising the Decatur bank to make a loan of \$300,000 to the Alabama Tennessee rail road; which was on motion of Mr Lea, laid on the table. The further consideration of the bill was then suspended.

Mr Lea from the committee in internal improvement, to which was referred a bill to establish a board of commissioners for the improvement of the Black Warrior river, and for other purposes, reported the same without amendment, which was concurred in, and the bill referred to a select committee. The select then adjourned to 3 o'clock.

Message from the House was considered so far as the amendments made by the House to the Senate's resolution, proposing to elect a judge of the 8th judicial circuit, which amendments were amended, concurred in and returned to the House.

Mr Rather from the select committee, to which was referred the bill for the government of turnpike roads, reported the same with the an amendment to the House amendment, which was concurred in, and the bill sent to the House.

Mr Wilson from the committee on enrolled bills reported as correctly enrolled, an act to regulate the wages of the door-keeper and messenger: an act supplemental to an act to extend the time of indebtedness to the bank of the State of Alabama: joint memorial to the Congress of the United States.

Mr Moore from the committee on divorce and alimony, to which the bill to divorce Dory Ann Hall from her husband Henry A. Hall, was referred, reported the same without amendment; which was read a third time and passed.

Mr Lea from the committee on internal improvement, to which had been referred the bill to authorise and require the bank of the State of Alabama, and its several branches, to loan a certain sum of money therein named, and to create a fund for the support of common schools in this State, reported the same with various amendments; which was concurred in: Mr Burke moved to amend the same by inserting 'not more than one half;' which was carried; in the first section, Mr Burke moved to strike out the word 'eight,' from the first section; which was lost: also to strike out 'six' and insert 'eight;' which was carried. Mr Posey moved to amend, by giving fifty thousand dollars to the Florence rail road company; which was laid on the table: Mr Crabb moved to amend by striking out 'five,' in the fourth line, second section, and insert 'ten;' which was carried: Mr Hudson moved to strike out "fifty five," and insert 'fifty;' which was carried; Mr Riddle moved to indefinitely postponed the bill; which was lost.

YEAS— Messrs President Fleming Henderson Moore Posey Riddle Spann Terry Wellborn and Wilson

NAYS— Messrs Arnold Burke Crabb Devereaux Elmore Frazier Hill Hudson Lea Mays Musgrove Rains Rather Roberts Simmons Smith Wallace and Watrous.

The bill as amended was then ordered to be engrossed for a third reading on to-morrow.

Mr Smith from the special committee, to which was referred the bill to improve the navigation of the Alabama, Cahawba and other rivers, reported the same with sundry amendments; all of which were concurred in: When Mr Watrous moved to refer the bill to select a committee; which was carried; and Messrs Watrous, Burke and Crabb were appointed said committee.

Message from the House, concurring with amendments of the Senate to the amendment of the House to the Senate's resolution, proposing an election of a judge of the eighth judicial circuit.

Mr Wellborn from the select committee, to which was referred the bill to establish a bank at Irwinton, reported the same with sundry amendment; all of which were concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

On motion of Mr Crabb, Resolved, that the committee on State printing inquire into the equity of allowing State printers compensation for extra services done for officers of State during the past year, and the General Assembly during the present session.

Mr Arnold called from the table the bill entitled an act to regulate the collection of debts owing the bank of the State of Alabama and its branches, in the counties therein named; which was referred to the committee on the State bank.

Mr Terry called from the orders of the day, the bill for the relief of William Smith of Madi-

son county; which was read the third time and passed.

Mr Mays called from the orders of the day the bill to incorporate the city of Montgomery; when Mr Mays moved to sundry amendments, which were concurred in, and the bill read a third time and passed the Senate.

Mr Fleming called from the table the bill the better to regulate the tax on pedlars and shows; which was under discussion on adopting the amendments of the committee, striking out one hundred and inserting fifty: when the Senate adjourned to quarter past six o'clock.

Six o'clock.— Senate met pursuant to adjournment.

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Message from the House informing the Senate of their readiness to receive them in their Hall, for the purpose of going into the election of a judge of the 8th judicial circuit, a judge of the county court of Dale, and three members of the medical board at Huntsville: whereupon, the Senate repaired to the Hall of the House, were seated, and Mr President announced the object of the meeting. The two House then proceeded to the election of the judge of the 8th judicial circuit, Abraham Martin, John P. Booth, Nathaniel Cook, E. Dargan and Francis Bugbee, being in nomination.

Those who voted for Mr Martin are, Messrs President Fleming Frazier Hill Moore Smith Terry and Wilson of the Senate: Messrs Aldridge Baker Blake Booker Brasher Cobb Cochran Coman Cross Davis of M. Finley Gann High Horton Johnson Martin of B. Morris Nelson Parker Payne Prim Rogers Shields Simmons of L. Skinner Smith of M. Spencer Stephenson Taylor Tiffin Toulmin Vining Williams of P. and Wilson, of the House of Representatives.

Those who voted for Mr Booth are, Messrs Arnold Musgrove Posey Spann and Wellborn, of the Senate; Messrs Alston Beauchamp Boston Clifton Godbold Gordon Jones of C. Long Rawls Sheffield Simmons of P. Warren and Williams of H. of the House of Representatives.

Those who voted for Mr Dargin are, Messrs Mays Rains Simmons and Wallace, of the Senate: messrs Ashurst Brevard Burt Calhoun Davis of B. DeJarnett Erwin Martin of P. McAlpin McLemore Oliver Owen Phillips Priest Scott of J. Scott of J. and Weissinger, of the House of Representatives.

Those who voted for Mr Bugby are, Messrs Farrar Goynes Lee Rather Riddle and Watrous, of the Senate: Messrs Speaker Bestor Carmack Hammond King May McClannahan of M. McClannahan of S. McClellan Porter Simonton Slaughter Smith of D. Tarrant and Williams of T. of the House of Representatives.

Those who voted for Mr Cook are, Messrs Burke Devereaux Elmore Anderson Hudson and Roberts, of the Senate: Messrs Andress Bates Cane Cook Cottrell Daniel Greening Jones of b. Lee McCord Perryman Ross and Womack of the House of Representatives.

Neither having received a majority of all the votes given, the two houses proceeded to a second balloting, Mr Booth's name being withdrawn.

Those who voted for Mr Martin are, Messrs President Arnold Elmore Fleming Frazier Hill Moore Musgrove Posey Smith Spann Terry Wellborn and Wilson, of the Senate: Messrs Aldridge Baker Beauchamp Blake Booker Boston Brasher Cane Carmack Clifton Cobb Cochran Coman Cross Davis of M. Finley Gann Godbold Gordon High Horton Johnson Jones of C. Martin of B. Morris Nelson Parker Payne Prim Rawls Rogers Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of M. Spencer Taylor Tiffin Toulmin Vining Williams of P. and Wilson, of the House of Representatives.

Those who voted for Mr Dargan are, Messrs Mays Rains Simmons and Wallace, of the Senate: Messrs Alston Ashurst Brevard Burt Calhoun Davis of B. DeJarnett Erwin Martin of P. McAlpin McLemore Oliver Owen Phillips Priest Puckett Scott of J. Scott of M. Weissenger, of the House of Representatives.

Those who voted for Mr Bugby are, Messrs Goynes Lee Rather Riddle and Watrous, of the Senate. messrs Speaker Bestor Hammond king Long May McClannahan of M. McClannahan of S. McClellan Porter Simonton Slaughter Smith of D. Tarrant and Williams of T. of the House of Representatives.

Those who voted for Mr Cook are, Messrs Burke Crabb Devereaux Henderson Hudson and Roberts, of the Senate: Messrs Andress Bates Cook Cottrell Daniel Greening Jones of B. Lee McCord Perryman Ross Warren Williams of H. and Womack, of the House of Representatives.

Neither of the candidates having a majority of all the votes given, the two Houses proceeded to a third balloting, the names of Messrs Bagby and Cook being withdrawn.

Those who voted for Mr Martin are, Messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Goynes Hill Moore Musgrove Posey Riddle Smith Spann Terry Watrous Wellborn and Wilson of the Senate: Messrs Aldridge Baker Beauchamp Blake Booker Boston Brasher Cane Carmack Clifton Cobb Cochran Coman Cross Davis of M. Finley Gann Godbold Gordon Hammond High Horton Johnson Jones of C. King Martin of B. McClannahan of M. McClellan Morris Nelson Parker Prim Payne Rawls Rogers Ross Sheffield Stephenson Taylor Tiffin Toulmin Vining Warren Williams of P. Williams of T. and Wilson, of the House of Representatives.

Those who voted for Mr Dargan are, Messrs Burke Henderson Hudson Lee Mays Rains Rather Roberts Simmons and Terry, of the Senate: Messrs Speaker Alston Andress Ashurst Bates Bestor Brevard Burt Calhoun Cook Cottrell Daniel Davis of B. DeJarnett Erwin Greening Jones of B. Lee Long

Martin of P. May McAlpin McClannahan of S. McCord McLemore Oliver Owen Perryman Phillips Porter Priest Puckett Scott of J. Scott of M. Tarrant Weissinger Williams of H. and Womack of the House of Representatives.

Abraham Martin having a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the circuit court for the 8th judicial circuit of this State.

The two Houses then proceeded to the election of the a judge of the county court for the county of Dallas; William Harper alone being in nomination, having received all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court for the county of Dallas.

The two Houses then proceeded to the election of three members of the medical board at Huntsville, Messrs Alexander Erskin, Alfred Moore and Jonathan McDonald, being in nomination, and having received a majority of the votes given, Mr Speaker declared them duly and constitutionally elected members of the medical board at Huntsville.

The Senate withdrew to their Chamber and Mr President resumed his Chair.

Mr Lea from the committee on internal improvement and inland navigation to which was referred a bill to declare the Uphauppie Creek a public highway, reported the same without amendment; which was read a third time and passed the Senate.

The Senate then took up the balance of the message from the House, when the joint memorial to the Congress of the United States asking remuneration for the individuals who have sustained losses in consequences of the late war with the Creek Indians; which was read a first and second time and referred to a select committee, consisting of Messrs Wellborn, Lea and Wilson.

Joint resolutions to adopt and provide for printing and distributing the system of militia laws prepared by Generals Crabb and Bradford and for other purposes was taken up; read a first, second and third time under suspension of the rule and passed the Senate.

The Senate then proceeded to the orders of the day, when the bill to incorporate the Tallapoosa Improvement and Navigation Company; was read a third time and passed the Senate.

Engrossed bill to explain an act to increase the pay of jurors in certain counties therein named; was read a third time and passed.

Engrossed bill to repeal in part a certain act therein named, was read a third time and passed.

Engrossed bill to incorporate the town of Warrenton in Dallas county; was read a third time and passed.

Engrossed bill to be entitled an act to lay out Macon county into the company beats, was read a third time and passed the Senate.

Engrossed bill for the relief of Elizabeth Jewell; was read a third time and passed.

Engrossed bill to authorize William C. Bugler to establish a ferry on the Tallapoosa river, was read a second time and referred to the committee on roads bridges and ferries.

The engrossed bill entitled an act to incorporate the Monroe company of volunteers, was read a second time and referred to the committee on military affairs.

Engrossed bill for the relief of Patience Powell, was read a third time and passed.

Engrossed bill to incorporate the Fireman's Insurance Company of Mobile, was read a third time and passed.

Engrossed bill entitled an act for locating the seat of justice of Russell county, was read a third time and passed.

Engrossed bill revive, to repeal in part and amend an act to incorporate the town of Irwinton, was read a third time and passed.

Engrossed bill to incorporate Auburn Academy, was read a third time and passed.

Engrossed bill to authorise the Judge of the county court and commissioners of roads and revenue to appoint an additional number of auctioneers for Mobile county, was read a third time and passed.

Engrossed bill to incorporate the Carthage Academy in the county of Tuscaloosa, was read a third time and passed the Senate.

Engrossed bill entitled an act to attach a part of Marion to Fayette county, was read a third time and passed.

Engrossed bill to incorporate the trustees of the Bishop's Fund of the Diocese of Alabama, was read a third time and passed.

Engrossed bill entitled an act to incorporate the town of Clayton in Barbour county, was read a third time and passed.

Engrossed bill for the relief of Robert Gregory, was read a third time and passed.

Engrossed bill entitled an act to provide for the location of a seat of justice in the county of Greene, was read a third time and passed.

The Senate then adjourned to ten o'clock on to-morrow.

Saturday, December 16.— The Senate met pursuant to adjournment.

Mr Hudson presented the petition of sundry citizens of Franklin county; which was referred to a select committee consisting of Messrs Hudson, Hill and Musgrove.

Mr Hudson presented the account of Smith & Prince; which was referred to the committee on accounts and claims.

Mr Wilson presented the account of Fleming Thompson; which was referred to the committee on accounts and claims.

Mr Frazier presented the petition of certain citizens of Jackson county; which was referred to the committee on roads, bridges and ferries.

Mr Hill presented the account of William Davis; which was referred to a select committee consisting of Messrs Hill, Watrous and Hudson.

Mr Frazier introduced a bill to be entitled an act to authorize certain persons therein named to open and turnpike a road; which was read a first and second time and referred to the committee on roads bridges and ferries.

Mr Lea introduced a bill to be entitled an act to change the name of certain literary institution; which was read a first, second and third under a suspension of the constitutional rule and passed.

Mr Crabb introduced a bill entitled an act to establish a board of commissioners for the improvement of the navigation of the Black Warrior below the falls; which was read a first and second time and referred to a select committee on that subject.

Mr Crabb presented the account of James G. Blount and Richard W. Barber; which was referred to the committee on accounts and claims.

Mr Arnold from the committee on county boundaries to which the subject had been referred, reported a bill to be entitled an act to attach a part of Blount to St Clair county; which was on motion of Mr Blount laid on the table.

Mr Fleming from the committee on military affairs reported back to the Senate several bills of the following titles, without amendment: a bill to incorporate the volunteer company of West Wetumpka to be called the citizens blues, which was laid on the table: the bill to incorporate a regiment of calvary in Benton county was referred to a select committee consisting of Messrs Arnold, Wilson and Lea.

Edgrossed bill entitled an act allowing the first battalion of the 14th regiment an additional company, was read a third time and passed.

Engrossed bill to incorporate the Argus company of volunteer riflemen in Lowndes, was laid in the table.

The bill to incorporate the Pickens Light Infantry was laid on the table.

Engrossed bill to establish the dividing line between the 70th and 78th regiments, was amended on motion of Mr Crabb by striking from the bill and caption wherever it occurs, the word "78th" and insert "80th," which prevailed, and the bill passed the Senate.

Engrossed bill entitled an act to incorporate the Marengo Blues, was laid on the table.

Engrossed bill to incorporate the Monroe company of volunteers riflemen, was laid on the table.

The Senate then proceeded to the consideration of the bill to regulate the taxing of pedlars and shows; which on motion of Mr Fleming referred to a select committee, consisting of Messrs Fleming Watrous and Hudson.

Mr Musgrove to which was referred the bill to establish a new division in this State, reported the same without amendment; which was on motion of Mr Musgrove laid on the table.

On motion of Mr Roberts: Whereas, there is a large portion of the lands within the State of Alabama that are too sterile a nature to be adapted to the cultivation of the great staple commodity of the south, and whereas, that those lands which are wholly valueless might be profitably employed in the cultivation of the Mores Multicanlus or Chinese Mulberry adding thereby another highly important branch to the present productions of the soil of the State of Alabama, and whereas, it is considered to be the duty of the Legislature of the State of Alabama to foster and protect all agricultural interest so far as she is authorized so to do: Be it therefore resolved, that a select committee be appointed to take into consideration the best mode of promoting the growth of the Mores Multicanlus of Chinese Mulberry and the manufacturing of silk within the State of Alabama and that they have leave to report by bill or otherwise.

Mr Crabb from the select committee to which was referred the bill to provide for the preservation of the books of the State, reported the same back without amendment, when Mr Wallace moved to amend the bill by an additional section which was carried, and the bill ordered to be engrossed for a third reading on Monday next.

Mr Wallace introduced a bill to be entitled an act to give the judge of the county court jurisdiction in certain cases; which was read a first and second time and referred to the judiciary committee.

Mr Posey introduced a bill to be entitled an act to authorize the State Bank and the branch at Decatur, to pay the Tennessee canal commissioners a sum of money therein mentioned; which was read a first and second time and referred to the committee on internal improvement and inland navigation.

Mr Crabb introduced joint resolutions in favor of establishing a pension agency at Tuscaloosa; which was read a first, second and third time and passed.

Mr Moore introduced a bill to be entitled an act to establish a board of commissioners for the improvement of the navigation of the Little Bigby, below the Mississippi State line; which was referred to the select committee appointed on that subject.

Mr Wallace called up the bill for the relief of certain person therein named, when Mr Watrous moved to amend the bill by an additional section, as section two; which was adopted and the bill ordered to be engrossed for a third reading on Monday next.

Mr Burke called from the orders of the day the bill authorizing the branch of the bank of the State of Alabama at Mobile to increase its issues to be advanced upon the shipment of cotton; which was read a third time and passed.

On motion of Mr Lea, Resolved, that his Excellency the Governor be requested to furnish the Senate at as early a day as practicable, any information that may be in his possession not of a private character, in relation to depredations or spoiliations committed by Indians on the property of any citizens during the late hostilities.

Mr Mays presented the petition of sundry citizens of Myntgomery; which was referred to the select committee heretofore raised.

Mr. Mays introduced a bill to authorise the holding of a special term of the county court of Montgomery county ; which was read a first and second time and ordered to be engrossed for a third reading on Monday next.

Message from the House of Representatives informing the Senate that they concur in the amendments made by the Senate to their amendment to the bill entitled an act for the government of turnpike roads, and of their disagreement to the amendment made by the Senate to the bill to provide for the recovery of the value of slaves in certain cases, and of their postponement to the first of March the bill declaring Attaubby Creek a public highway which originated in the Senate.

The Senate then on motion, insisted on their amendment to the bill to provide for the recovery of the value of slaves in certain cases.

The Senate then proceeded to the consideration of the joint resolutions relative to the divorce of Bank and State in the fiscal operations of the Federal Government— on Mr. Smith's motion to strike out the second resolution in relation to the establishment of a Bank of the United States, when Mr. Wallace moved to amend the amendment by inserting the following:

Whereas, from the large amount of capital the State of Alabama has embarked in her banking institution, and the deep stake all our citizens have in the same, it is believed to be the first duty of the Legislature to protect and sustain our banks. Therefore, Resolved, That our Senators in Congress be instructed and our Representatives requested to urge upon Congress the passage of a law authorizing the reception of the paper of the Bank of the State of Alabama and its several branches in payment for the public lands sold within our own and the adjoining States, so soon as they resume specie payments and that the deposit of the public money in our State be made in said banks as a special deposit, the said banks to be bound to pay the same to the order of the Government in specie if demanded, or in any other funds they may have at the option of the holder of said orders, and to receive reasonable compensation for the same.

Resolved further, as the opinion of this Legislature that the exaction of payments for the public lands in this and the adjoining States, and for the other public dues collected in this State in specie, would greatly embarrass our banks by compelling them to purchase at a high rate, not only specie sufficient to sustain a sound circulation for the banks, but in addition a sufficient amount of specie to pay for the public lands sold in this and some of the adjoining States as well as for other public dues, and would have the effect of permanently depreciating our paper and raising the price of specie.

Resolved, That our Senators and Representatives be further instructed and requested to vote against any law of Congress authorizing a permanent issue of Treasury notes for the payment of the public creditors or for currency, as a policy destructive of the best interests of the State banks by depriving them of a participation in the exchange operation of the country as effectually as did the Bank of the United States; but we do not wish to be understood as objecting to the late issue of Treasury notes which was made to supply the immediate wants of the Government, and which we approve.

Resolved, That we look upon the recommendation of President Van Buren to subject the State banks to the operations of a bankrupt law, as a proposition that should be met and resisted by the States at the threshold; that the enactment of such a law would be a violation of the sovereign rights of Alabama; that it is not warranted by the Constitution, and destructive of the right of banking which has been conceded to and exercised by the States from the commencement of our Government.

Resolved, That a copy of the foregoing resolution be sent by the Governor of the State to each of our Senators and Representatives in Congress, and to each of the Executives of the different States in the Union.

Mr. Posey moved to lay the amendment, and the amendment of Mr. Wallace to the amendment on the table.

The Senate adjourned to 3 o'clock this evening.

3 o'clock the Senate met pursuant to adjournment.

Mr. Hudson introduced a bill to be entitled an act to authorize the people of Buzzard Roost beat in the county of Franklin to elect an additional justice of the peace and constable for said beat to reside in the village at Newport, was read a first, second and third time, on motion of Mr. Hudson and passed.

The Senate then resumed the considerations of Mr. Terry's joint resolution divorcing Bank and State, as relates to the Federal Government in the management of her fiscal affairs, on the motion of Mr. Posey to lay the amendment of Mr.

Smith with Mr. Wallace's amendment to the same, on the table, Mr. Smith called for a division of the question — the question was then taken on laying Mr. Wallace's amendment on the table and carried — yeas 18, nays 10.

YEAS — messrs President Arnold Elmore Farrar Fleming Frazier Goyne Henderson Hill Moore Musgrove Posey Rather Smith Spann Terry Wellborn and Wilson.

NAYS — Burke Crabb Hudson Lee Rains Roberts Simmons Wallace and Watrous

The question recurred on Mr. Smith's motion to strike out all the second resolution in relation to the establishment of a United States Bank which was lost —

YEAS — messrs. Burke Crabb Hudson Lee Rains Rather Roberts Simmons and Smith.

NAYS — messrs President Arnold Elmore Farrar Fleming Frazier Goyne Henderson, Hill Moore Musgrove Posey Spann Terry Wallace Wellborn and Wilson.

Mr. Elmore moved to amend the resolution by striking out all of the original after the word "Resolved" and insert in lieu thereof the following: That in the opinion of the Legislature it is expedient that the revenues of the Federal Government be so collected as ultimately to sever the government from all connection with the banks.

Resolved, That in the opinion of this Legislature the revenues of the Federal Government should be so deposited, kept and debarred, as not to be connected with or used in banking operations.

Resolved, That it would be unconstitutional, inexpedient and dangerous to incorporate a National Bank for Managing the fiscal operations of the Federal Government.

Mr. Burke called for a division of the question on striking out and inserting, when Mr. Smith moved to amend the third resolution of the substitute by striking out the word "unconstitutional," to which motion Mr. Hudson objected as being out of order. Mr. President pronounced the motion in order; from which decision Mr. Hudson appealed, and the Senate sustained the Chair. The question then recurred on Mr. Smith's amendment which was lost.

YEAS — Messrs Burke, Crabb, Hudson, Rains, Riddle, Roberts, Smith and Watrous.

NAYS — Messrs President, Arnold, Elmore, Farrar, Fleming, Frazier Goyne Henderson, Hill, Lea, Moore, Musgrove, Posey, Rather, Simmons, Spann, Terry, Wallace, Wellborn and Wilson.

Mr. Lea moved to amend the third resolution by striking therefrom the word "dangerous" which was lost.

YEAS — messrs Burke Crabb Hudson Lea Rather Riddle Roberts Smith Wallace and Watrous.

NAYS — messrs President Arnold Elmore Farrar Fleming Frazier Goyne Henderson Hill Moore Musgrove Posey Simmons Spann Terry Wellborn and Wilson.

The question then recurred on striking out was carried.

YEAS — messrs President Burke Crabb Elmore Frazier Henderson Hudson Lea Posey Rains Rather Riddle Simmons Smith and Watrous

NAYS — messrs Arnold Farrar Fleming Goyne Hill Moore Musgrove Roberts Spann Terry Wallace Wellborn and Wilson.

The questions then recurred on inserting Mr. Elmore's substitute which was carried.

YEAS — Messrs President Arnold Elmore Farrar Fleming Frazier Goyne Henderson Hill Moore Musgrove Posey Simmons Smith Spann Terry and Wilson.

NAYS — Messrs Burke Crabb Hudson Lea Rains Rather Riddle Roberts Wallace and Welborne.

Mr. Crabb moved to amend the resolutions with the following additional resolution:

Resolved, That the revenues of the Federal Government ought to be collected in the paper of any specie paying banks of the several States of this Union.

When Mr. Arnold called for the previous question which was sustained, and the resolutions ordered to be engrossed for a third reading and made the special

order of the day for Monday next at 11 o'clock.

Mr. Terry called up the bill to suppress the evil practice of duelling; which was read a third time and rejected.

Mr. Elmore presented the petition of certain citizens in relations to title to Creek lands; which was referred to a select committee, consisting of messrs. Mays, Elmore, Devereaux, Simmons and Burke.

The Senate then adjourned to ten o'clock on Monday next.

Monday, December 18. — Senate met pursuant to adjournment.

Mr. Hudson presented the account of Thos. Edmonds ; which was referred to the committee on accounts and claims.

Mr. Burke from the joint examining committee upon the State Bank and branches made a report, which was read and laid on the table and three thousand copies ordered to be printed under the superintendence of said committee.

Mr. Posey from the committee on the judiciary to which was referred the petition of the Bar of Mobile, have had the same under consideration and reported the following bill: an act to establish a tenth judicial circuit, was read a first and second time, and on motion of Mr. Hudson the bill was laid on the table.

Mr. President presented to the Senate a message from his Excellency the Governor on the annual report of the Trustees of the University of Alabama; which report was ordered to lie on the table and one thousand copies to be printed for the use of the Senate.

Mr. Wallace from the judiciary committee to which was referred a bill to be entitled an act to regulate the compensation of witness in civil causes and for other purposes, reported the same without amendment, the bill was read a third time. Mr. Hudson moved to strike out the word "bill" where it occurs at the end of the fifth section, and insert in lieu thereof "act," which was adopted. Mr. Rather moved to strike out the eighth section which was lost. The bill was then put upon its passage.

YEAS— messrs President Arnold Burke Crabb Devereaux Elmore Farrar Fleming Hill Hudson Lee Mays Moore Posey Rains Riddle Roberts Simmons Smith Spann Wallace Watrous and Wilson.

NAYS— messrs Frazier Goyne Henderson Rather Terry and Wellborn.

The Senate proceeded to the special order of the day, on joint resolutions respecting divorcing bank and government. Mr. Terry moved to amend the resolutions by way of engrossed rider. Mr. Crabb made a point of order to the amendment, as being the same stricken out of the original resolutions by the Senate. The Chair decided that the amendment was out of order; when the Senate adjournment to 3 o'clock.

Three o'clock — The Senate met pursuant to adjournment.

Mr. Lea moved to take from the orders of the day, the bill to authorise and require the bank of the State of Alabama and its branches, to loan a certain sum of money therein named, and to create a fund for the support of common schools within the State; which was carried. Mr. Musgrove moved to amend the bill by proviso; when Mr. Elmore moved a substitute to the proviso; which was adopted — requiring the rail road companies to have expended double the amount of the sum to be loaned by the bank; which was adopted. Mr. Crabb then introduced an amendment to the amendment, as a substitute; which was adopted; when Mr. Posey moved to amend the substitute by an amendment, leaving it discretionary with the bank to make the loan; which was lost. The Senate then adjourned to seven o'clock this evening.

Seven o'clock — The Senate met and resumed the consideration of the joint resolutions, divorcing bank and State; when Mr. Terry moved to amend the resolutions by way of engrossed rider, directing the transmission of the resolutions by the Governor to each of our Senators and Representatives in Congress, together with an approval of the course of conduct pursued by our Senators and such of our Representatives as advocated the principles of the foregoing resolutions; which was adopted and the resolutions passed the Senate. Yeas 19, nays 11.

YEAS — Messrs. President Arnold Elmore Farrar Fleming Frazier Goyne Henderson Hill Moore Musgrove Rather Posey Simmons Smith Spann Terry Wellborn and Wilson.

NAYS — Messrs. Burke Crabb Devereaux Hudson Lea Mays Rains Riddle Roberts and Wallace.

Mr. Crabb introduced the following joint resolutions; which after their introduction and several votes then thereof was ordered to be spread on the journal by the following vote Yeas 15, nays 11.

YEAS — Messrs. Burke Crabb Devereaux Hudson Lea Moore Posey Rains Rather Riddle Roberts Simmons Watrous Wallace Wellborn and Wilson.

NAYS — Messrs. President Arnold Elmore Farrar Fleming Frazier Goyne Hill Musgrove Smith Spann and Terry.

Joint preamble and resolutions of the General Assembly of the State of Alabama, expressive of their opinion of the importance to the citizens of this State, that the notes of the Bank of the State and its several branches should be received at the Treasury Department of the United States, in payments for Government lands, and other public dues, so soon as said bank and branches resume, and so long as they continue the payment of specie for their notes.

Whereas the citizens of the State of Alabama have created a bank of the State and four branches, intended for their common benefit; in which they have vested their university fund, their common school fund, their internal improvement fund their revenue funds, and a large amount of money, borrowed for the purpose amounting to several millions of dollars, for which the faith and the credit of the State is solemnly pledged: And whereas every thing dear to the State in a pecuniary point of view, is staked upon the success of her banking institutions the insolvency of which would produce the insolvency of the State Government and render necessary a resort to a taxation of the people for several millions of dollars; and whereas in addition to the liabilities of the State above enumerated, there is now in the hands of the citizens, near seven million of dollars of the notes of the said bank and branches, in the solvency and currency of which, the citizens have a correspondent interest — and whereas the only certain preservation of par value in paper money, is its convertibility into specie on demand or its being receivable as equivalent to specie in the purchase of property and the payment of debts, and whereas the Federal Government is the greatest creditor of the people of the United States, in consequence of its immense revenue — and whereas it is all important to the public as well as private interests of our citizens, that the said bank and branches, should resume the payment of specie at as early a day as practicable to do which and to continue after resuming it would greatly aid them is the Federal Government would agree to receive their notes, upon their doing so, in payment for lands and other dues to that Government, by which means said notes would decrease as good as, and for purposes of circulation, perhaps better than specie, and therefore would not so early return on the banks for specie: but in consequence of the Federal Government taking them, would be in demand and circulate in most if not all the States of the Union. And whereas, by the holy bonds of union, which bind these sister States together, it is not only the duty of each separately, but of all collectively, and as a matter of course of the governments of all to aid to foster and to sustain each other, as far as lies in the power of either or of all, or of the government of all. And whereas there is no constitutional obstacle nor impropriety in the way of the Federal Government taking the notes of specie paying banks, in payment of dues to its treasury: And whereas, it is most manifest that such a kindness, not to say moral duty of the Federal authorities, would inspire new life and spirit and animation into our banks, and soon enable them to place themselves again upon the elevated ground they occupied in the year 1836: And whereas, there is no possible danger of ultimate loss of the General Government by the reception of the notes of our State Bank and branches, in payment of dues to the Federal Government.

Therefore be it resolved, by the Senate and House of Representatives of the State of Alabama in General Assembly convened, That our Senators in Congress be instructed, and our Representatives re-

quested, to urge the passage of a law of Congress, to require the Treasurer of the United States and all his agents, to receive in payment for lands, and other dues to the Federal Government, the notes of the Bank of the State of Alabama and its several branches, as soon as they resume the payment of specie, and to continue to receive said notes, so long as said bank and branches shall continue to pay specie thereof.

And be it further resolved, That the Governor of this State, be requested to transmit a copy of the foregoing, to each of our Senators and Representatives in Congress.

Which were read a first and second time, under a suspension of the constitution-

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al rule; when Mr. Terry moved to lay the resolutions on the table, until the 4th of July next; was lost.

YEAS — Messrs. President Farrer Fleming Goyne Hill Moore Posey Smith Spann Terry and Wilson.

NAYS— Messrs. Arnold Burke Crabb Devereaux Elmore Henderson Hudson Lea Mays Musgrove Rains Rather Riddle Roberts Simmons Wallace Watrous and Wellborn.

When Mr. Hudson called the previous question; which was sustained and the question put; shall the resolutions be engrossed, and read a third time; which was lost. Yeas 14, nays 15

NAYS — Messrs. President Arnold Elmore Farrer Fleming Frazier Goyne Hill Moore Musgrove Posey Smith, Spann, Terry and Wilson.

YEAS — Messrs. Burke, Crabb, Devereaux Henderson Hudson Lea Mays Rains Rather Riddle Roberts Simmons Wallace and Watrous.

Message from the House of Representatives, informing the Senate they had passed a bill to be entitled an act to amend the charter and for the better government of the Bank of the State of Alabama and its several branches; which was taken up and read a first time; when Mr. Fleming moved to lay the bill on the table to the first of March next; which was lost. Yeays 10, nays 19.

YEAS— Messrs. Arnold Fleming Frazier Goyne Henderson Hudson Musgrove Smith Terry and Wilson.

NAYS— Messrs. President Burke Crabb Devereaux Elmore Farrer Hill Lea moore Posey Rains Rather Riddle Roberts Simmons Spann Wallace Watrous and Wellborn.

When Mr. Fleming moved that the bill lie on the table, and 500 copies be printed; which was lost. Yeas 7 Nays 21.

YEAS — messrs. Arnold Fleming Goyne Musgrove Roberts Smith and Terry.

NAYS — messrs. President Burke Crabb Devereaux Elmore Farrar Hill Hudson Lea Moore Posey Rains Rather Riddle smith Spann Wallace Watrous Wellborn and Wilson.

The bill was then referred to the committee on the State Bank.

Message from the House of Representatives, informing the Senate that they had passed an act to provide for the inspection of cotton in the city of Mobile; in which the concurrence of the Senate was asked.

Engrossed bill to be entitled an act to provide for the inspection of cotton in the city of Mobile, was taken up, read a first and second time and referred to a select committee, consisting of Messrs. Wallace and Rather.

The Senate then adjourned to ten o'clock to-morrow.

Tuesday, December 19 — The Senate met pursuant to adjournment.

Mr. Crabb presented the account of William Haron; which was referred to the committee on accounts and claims.

Mr. Roberts presented the account of William Johnson; which was referred to the committee on accounts and claims.

Mr. Terry from the committee on accounts and claims, to which was referred the account of B. C. Foster, reported the same as inexpedient; in which the Senate concurred.

Mr. Terry from the same committee, to which was referred the account of Wiley White, reported the same as inexpedient to be passed; in which the Senate concurred.

Mr. Posey from the committee on the judiciary, to which was referred the bill to suppress the evil practice of duelling, reported the same with sundry amendments; in which the Senate concurred — and the bill passed the Senate.

Mr. Riddle from the committee on the State Bank, to which was referred the bill to amend the charter and for the better government of the Bank of the State of Alabama and its several branches, reported the same without amendment, and as inexpedient; when Mr. Hudson moved to lay the fill on the table until the first of February; which was carried. Yeas 19, nays 11.

YEAS — Messrs. Arnold Burke Crabb Devereaux Fleming Frazier Goyne Henderson Hill Hudson Lea Musgrove Rains Rather Roberts Smith Terry Wallace and Wilson

NAYS — Messrs. President Elmore Farrar Mays Moore Posey Riddle Simmons Spann Watrous and Wellborn.

Mr. Hudson from the select committee, to which was referred the petition of sundry citizens of Franklin county, praying an additional justice of the peace for Buzzard Roost beat, asked to be discharged, as the petitioners were already provided for by bill; and the committee were accordingly discharged.

Mr. Hill from the select committee, to which was referred the account of William Davis, reported that the account should be allowed, and that the committee on accounts make an appropriation for the same: for which purpose the account was referred to the committee on accounts and claims.

Mr. Henderson reported the following bills as correctly enrolled: An act to divorce Mary Weaver from her husband Daniel Weaver; an act to establish a board of commissioners for the improvement of the Coosa river; an act to authorise the formation of limited partnerships; an act to suppress mal-practice by factors, carries and other agents; an act to repeal an act therein named; an act to divorce Giney Tidwell from her husband Peter B. Tidwell; an act to divorce Daniel Noble from his wife Elizabeth Noble.

Mr. Roberts from the select committee, to which was referred the engrossed bill to be entitled an act to provide for the inspection of cotton in the city of Mobile, reported the same with the following amendments: Strike out the 5th section, and strike out the word "inspection," where it appears in the bill and caption, and insert the words "sampling," and "sampler;" which was concurred in; when Mr. Simmons moved to amend the bill by striking out the word "fifty," and inserting "twenty-five;" which was carried: And Mr. Crabb moved to lay the bill on the table; which was carried.

Mr. Watrous from the select committee, to which was referred a bill to establish a board of commissioners, for the improvement of the Black Warrior river, reported the following amendments: In the seventh section, strike out the word, "twenty-five," and insert "ten;" in which the Senate concurred. Mr. Smith moved to lay the bill on the table; which was lost. The bill was on motion of Mr. Musgrove read a third time and passed the Senate. Yeas 23, nays 3

YEAS — Messrs. Arnold Burke Crabb Elmore Farrar Fleming Frazier Goynes Hill Hudson Lea Mays Moore Musgrove Posey Rather Riddle Roberts Simmons Smith Wallace Watrous and Wilson.

NAYS — Messrs. President Henderson and Wellborn.

Message from the House of Representatives: Mr. President — The House of Representatives have adopted the following resolutions: Resolved, That with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on this day at half past 12 o'clock, for the purpose of electing a judge of the county court of Dallas county; they have also adopted the further resolution, that with the concurrence of the Senate, the two Houses will assemble in the Representative Hall, on Wednesday the 20 th inst; at 7 o'clock P.M. for the purpose of electing three commissioners, for the improvement of the navigation of the Coosa river; in which last resolution the Senate concurred, and amended the first resolution by striking out, "this day at 12 o'clock," and inserting "Wednesday the 20 th inst. at 7 o'clock, P.M."

Mr. Elmore from the select committee, to which was referred the petition of sundry citizens of Montgomery, Autauga, & c. reported a memorial and joint resolutions of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, in relation to land titles; which was read a first, second and third time and passed.

Mr. Arnold from the select committee, to which was referred a bill to incorporate a regiment of cavalry in Benton county reported the same without amendment; which was read a third time and passed.

Mr. Crabb from the select committee, to which was referred five joint memori-

als to the Congress of the United States, on the subject of the disposition of the public domain, reported a substitute for the same ; which was adopted, read a third time and passed unanimously.

Mr. Watrous from the select committee, to which was referred a bill to establish a board of commissioners for the improvement of the navigation of the Black Warrior river, below the town of Tuscaloosa, reported the same without amendment; which was read a third time and passed the Senate. Yeas 19 nays 6.

YEAS — Messrs. Burke Crabb Devereaux Farrar Fleming Hill Hudson Lea Mays Moore Musgrove Rains Riddle Roberts Simmons Smith Wallace and Watrous

NAYS — Messrs. President Elmore Henderson Spann Terry and Wellborn.

Mr. Terry from the committee on enrolled bills, reported as correctly enrolled: An act for the government of turnpike roads; an act to compensate certain persons for articles a part of Pike county to Macon; an act for the relief of James Seward of Lawrence county.

Mr. Crabb from the select committee, to which was referred the bill for the relief of David Fossett, reported the same with an amendment, as a substitute; when Mr. President, (Mr. Moore being in the Chair,) moved to disagree to the amendment; but before the question was taken, the bill and amendment was laid on the table.

Message from the House of Representatives, informing the Senate of their concurrence in the amendment made by the Senate to the resolution of the House of Representatives, proposing to elect a judge of the county court of Clarke and Dale counties.

Mr. Terry introduced the following resolutions; Resolved, That with the concurrence of the House of Representatives, the two Houses will assemble in the Representatives Hall, for the purpose of electing a President and twelve Directors for the branch of the bank of the State of Alabama at Decatur, and also fourteen Directors and a President for the branch bank at Huntsville; which was on motion of Mr. Burke laid on the table.

Mr. Burke called from the orders of the day, a bill to change the manner of electing President and Directors of the bank of the State of Alabama and its several branches; which was read a third time, and Mr. Elmore moved to amend the bill by way of engrossed rider; which was adopted; and the bill passed the Senate. Yeas 22; nays 2

YEAS — Messrs. President Burke Crabb Devereaux Elmore Frazier Goyne Henderson Hudson Lea Mays Moore Musgrove Rains Rather Riddle Roberts Simmons Spann Terry Watrous and Wellborn.

NAYS — Fleming and Smith.

Mr. Burke moved to amend the caption of the bill by striking out all of the caption after the word "engrossed," and insert "bill to be entitled an act to limit the commendation of the President and Directors of the bank of the State of Alabama and its several branches."

Mr. Hudson presented the account of D. Woodruff and J. Lacy; which was referred to the committee on accounts and claims.

The Senate then adjourned to 8 o'clock.

Three o'clock. — The Senate met pursuant to adjournment.

Mr. Frazier introduced a bill to be entitled an act to locate the seat of justice of Marshall county and for other purposes, was read a first and second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Hill introduced a bill to be entitled an act to establish a board of commissioners, to improve the navigation of the Cahawba river, before the town of Centerville ; which was read a first and second time, and referred to the committee on internal improvement.

Mr. Musgrove introduced a bill to change and designate the line between the counties of Morgan and Marshall; which was read a first and second time and referred to the judiciary committee.

Mr. Moore introduced a bill to incorporate the Carrollton male academy in Pike county; which was read a first, second and third time, under suspension of the rule and passed.

Mr. Watrous called from the table the bill to amend an act to incorporate the town of Wetumpka, passed 17 th December, 1830; which was ordered to be engrossed for a third reading on to-morrow.

Mr. Hudson introduced a bill to be entitled an act to incorporate the town of Aberfoil, in the county of Macon; which was read a first and second time; and ordered to be engrossed for a third reading on to-morrow.

Mr. Wellborn from the select committee, to which was referred the resolution inquiring into the expediency of paying the Russell county volunteers, under the command of Captain E. Pack, during the late Creek war, reported the same as inexpedient; in which the Senate concurred. Yeas 19, nays 5.

YEAS — Messrs. President Arnold Burke Devereaux Elmore Frazier Henderson Hudson Lea Mays Moore Musgrove Rather Riddle Roberts Simmons Smith Spann and Watrous.

NAYS — Messrs. Farrar Hill Posey Wallace and Wellborn.

Mr. Arnold introduced a bill to incorporate the towns of Mardisville and Fayetteville in Talladega county; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Roberts introduced a bill to be entitled an act to incorporate the town of Bell Rose, in the county of Baldwin; which was read a first and second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Mays, Resolved, That with the concurrence on the House of Representatives, the two Houses will on Wednesday on the 20 th instant, at half past six o'clock, proceed to the election of a president and fourteen directors, for the Branch of the Bank of the State of Alabama at Montgomery; which was rejected.

Mr. Arnold introduced a bill to be entitled an act to regulate the practice in certain cases in civil and criminal causes; which was read a first and second time and referred to the judiciary committee.

Mr. Wellborn introduced a bill to be entitled an act, to establish a medical board in the town of Irwinton, in the county of Barbour.

Mr. Henderson called from the table the bill to be entitled an act to establish a tenth judicial circuit; which was read a second time and referred to a select committee, consisting of Messrs. Henderson, Mays and Riddle.

Message from his Excellency informing the Senate that the office of Judge of the county court of Dallas, has become vacant by the resignation of the Hon. Judge Evans.

Message from His Excellency the Governor: — In compliance with a resolution by the Senate, I have the honor to lay before your Honorable body, copies of all the correspondence on file in this department, relating to the subject embraced in said resolution.

Very respectfully yours,

A. P. BAGBY

Which was together with the documents, referred to the select committee on that subject.

Message from the House of Representatives: Mr. President: The House of Representatives have adopted joint resolutions on the subject of the annexation of a part of Florida to the State of Alabama.

Joint resolutions on the subject of the annexation of a part of Florida to the State of Alabama, were read the first and second time, when Mr. Posey moved to amend the resolutions, when Mr. Wellborn moved the previous questions, which was not sustained.

Mr. Posey's amendment of annex that part of North Alabama lying north of Tennessee river, to the State of Tennessee, was adopted: when Mr. Roberts moved to refer the resolution to a select committee, which was lost. Mr. Lea moved to postpone the further consideration of the resolution to the first Monday in August, which was lost.

YEAS — Messrs. Crabb Frazier Goyne Hill Lea Moore Musgrove Rains Terry and Watrous.

NAYS — Messrs President Burk Devereaux Elmore Farrar Fleming Henderson Hudson May Posey Rather Riddle Roberts Simmons Smith Spann Wallace and Wellborn.

When Mr. Wallace moved to reconsider the vote given on Mr. Posey's amendment, which was reconsidered; and then Mr. Wallace called the previous question, which was sustained and the question put, on ordering the resolutions to a third reading on to-morrow and carried.

YEAS — Messrs. President Burk Elmore Farrar Fleming Goyne Hudson Mays Musgrove Posey Rather Riddle Simmons Smith Spann Wallace

NAYS — Messrs Crabb Devereaux Frazier Hill Hudson Lea Moore Rains Roberts Terry Watrous and Wellborn

Message from the House of Representatives informing the Senate that they passed a bill of the following title: "An act to revise and amend the laws in relation to schools and school lands;" in which they ask the concurrence of the Senate.

Engrossed bill entitled an act to revise and amend the laws in relation to schools and school lands, was read a first and second time and referred to the committee on education.

Message from the House of Representatives: Mr. President: The House of Representatives have passed a bill which originated in the Senate, to be entitled an act to amend an act entitled an act to authorize the Sipsey bridge and causeway company to establish a ferry for a limited time, approved, December 23rd, 1836. They have also passed bills which originated in the House of Representatives of the following titles; An act to establish a new beat in the county of Dallas; an act to change the time of holding the county court in Baldwin and Greene counties; an act prescribing the times of holding the circuit courts in the sixth judicial circuit; an act to incorporate the town of Jefferson in Cherokee county; an act for the relief of William Chalmers of Pickens county; an act to allow additional compensation to constables for collecting money on executions in the county of Tuscaloosa; an act more effectually to provide for discoveries in suits at common law.

Engrossed bill to be entitled an act to establish a new beat in the county of Dallas was read a first time, rule suspended, read a second and third time and passed.

Engrossed bill to be entitled an act to change the time of holding the county courts of Barbour and Greene counties, was read a first time, rule suspended, read a second and third time and passed the Senate.

Engrossed bill to be entitled an act to change the time of holding the circuit courts in the sixth judicial circuit, was read a first and second time and referred to a select committee, to consist of Messrs Henderson, Wellborn and Spann.

Engrossed bill to be entitled an act to incorporate the town of Jefferson in Cherokee county, was read a first time, rule suspended, read a second and third time and passed the Senate.

Engrossed bill to be entitled an act for the relief of William Chalmers of Pickens county, was read a first time, rule suspended, read a second and third time and passed the Senate.

Engrossed bill to be entitled an act to allow additional compensation to constables for collecting money on executions in the county of Tuscaloosa, was read a first and second time and ordered to a third reading on to-morrow.

Engrossed bill to be entitled an act more effectually to provide for discoveries in suits at common law, was read a first and second time and referred to the judiciary committee.

Message from the House of Representatives informing the Senate that they had passed bills of the following titles, in which they ask the concurrence of the Senate: An act for the benefit of the University of Alabama; a bill to increase the sheriff's fees in Baldwin county; a bill to incorporate the town of Allenton in Wilcox county ; a bill to incorporate the Salem male and female academy in Russell county ; a bill for the relief of Elizabeth McQueen ; a bill to incorporate the Farmer's academy; a bill to incorporate the Gainesville female academy; a bill to incorporate the lever press company; and, a bill to increase the pay of jurors in certain counties therein named. They have passed bills from the Senate of the following titles: an act to incorporate the town of West Wetumpka, and amended the same as therein shewn; joint resolutions in favor of establishing a pension agency at Tuscaloosa. They concur in the amendments made by the Senate to their bill, entitled an act establishing the dividing line between the 70 th and 78 th regiments. They have passed a bill to increase the revenue funds; an act to appoint commissioners to contract for building a bridge across Flint river; an act extending the right of appeal in certain cases ; an act for the relief of Barbara Hazle; an act to regulate the sessions of the county court of Marengo: In which they ask the concurrence of the Senate.

Engrossed bill to be entitled an act for the benefit of the University of Alabama, was read a first time, rule suspended, and read a second and third time and passed.

Engrossed bill to be entitled an act to increase the sheriff's fees in Baldwin county , was read a first time, rule suspended, read a second and third time and passed.

The Senate concurred in the amendments made by the House to the bill entitled an act to incorporate the town of West Wetumpka, and repeal an act entitled an act to incorporate the town of West Wetumpka.

Engrossed bill to be entitled an act to incorporate the town of Allentown, in Wilcox county, was read a first , second and third time and passed.

Engrossed bill to incorporate the Salem male and female academy, in Russell county was read the first, second and third time and passed the Senate.

Engrossed bill for the relief of Elizabeth W. McQueen, was read a first and second time and referred to the judiciary committee.

Engrossed bill to be entitled an act to incorporate the Farmers academy, was read a first, second and third time and passed.

Engrossed bill to incorporate the Gainesville female academy, was read a first, second and third time and passed.

Engrossed bill entitled an act to incorporate the Lever press company, was read a first time, and on motion of Mr. Roberts laid on the table.

Engrossed bill to be entitled an act to increase the fees of jailors in the several counties in this State; which was read a first and second time, when Mr. Simmons moved to lay the bill on the table, when the Senate adjourned to nine o'clock to-morrow.

Wednesday December 20 . — Senate met pursuant to adjournment.

Mr. Hudson presented the account of A. R. Thomas; which was referred to the committee on accounts and claims.

Mr. Simmons presented the petition of Reuben G. Earle; which was referred to the judiciary committee.

Mr. Lea from the committee on internal improvement and inland navigation, reported without amendment the bill to establish a board of commissioners for

the improvement of the navigation of the Cahawba river, which was read a third time and passed.

Mr. Watrous from the same committee, reported without amendment the bill to establish a board of commissioners for the improvement of the Little Bigbee river; which was read a third time and passed.

Mr. Rains from the committee on enrolled bills, reported the following bills as correctly enrolled. An act to amend an act entitled an act to authorize the Sipsey bridge and causeway company to establish a ferry for a limited time; an act for the relief of Patience Powell; an act to provide for the sale of lands and slaves at the town of Courtland, in certain cases, joint resolutions to adopt and provide for the printing and distributing the system of militia laws, prepared by Generals Crabb and Bradford and for other purposes: an act to repeal in part a certain act therein named; an act to divorce Mary Moniac from her husband Alexander Moniac; an act to make and declare Uphaupie creek a public highway; an act to divorce Rebecca Beaty from her husband Ezekiel Beaty: and, an act to attach a part of Macon to Russell county.

Mr. Smith presented the petition of sundry citizens of Clarke county in favor of Josiah Jones for judge of the county court: which was laid on the table.

Mr. Smith from the committee to which was referred the bill authorizing Green M'Leroy to clear out and turnpike a certain road therein named, reported the same without amendment; which was ordered to be engrossed for a third reading on to morrow.

Mr. Smith from the committee on roads bridges and ferries to which was referred the bill to authorize Samuel Davenport to turnpike a road therein named, reported the same without amendment; which was ordered to be engrossed for a third reading on to morrow.

Mr. Smith from the same committee to which was referred the bill to authorize certain persons therein named to turnpike road reported the same with amendments, which were concurred in, and the bill ordered to be engrossed for a third reading on to morrow.

Mr. Smith from the same committee to which was referred the bill to authorize William C. Bulger to establish a ferry on the Tallapoosa river, reported the same as inexpedient to be legislated upon, in as much as the county courts have authority to establish ferries, which was concurred in.

Mr. Henderson from the committee on enrolled bills reported the following acts as correctly enrolled: an act to divorce Dory Ann Hall from her husband Henry Hall; an act to amend the charter of the Linden rail road company: an act to amend and alter an act therein named; an act to establish a board of commissioners for the improvement of the Tombeckbee river and for other purposes: an act to alter the boundary lines of certain counties therein named for other purposes.

Mr. Hudson from the select committee to which was referred the claims of William Hassey, Benjamin Young and others, of Captain Joseph Cook's company, reported the same as inexpedient, and asked leave to be discharged, the committee were accordingly discharged, and the claims referred, on motion, to the committee on accounts and claims.

Mr. Rather from the committee on privileges and election reported a bill to be entitled an act to discontinue and establish certain election precincts therein named; which was read a first, second and third time under a suspension of the rule and passed.

Mr. Arnold from the committee on claims arising out of the Creek and Seminole war, reported a bill to be entitled an act to provide for the payment of claims,

provisions and other articles furnished the troops while in the service of the United States; which was read a first and second time under a suspension of the rule when Mr Arnold moved to amend the bill by striking out "three" and inserting "six" which was carried, and the bill read a third time and passed.

Mr Arnold from the same committee to which was referred certain claims, reported the same as inexpedient in which the Senate concurred: when Mr Hudson moved to refer the claims to a select committee which was carried.

mr Posey from the judiciary committee to which was referred the bill to establish a professorship of Law in the University of Alabama, reported the same without amendment, which was ordered to be engrossed for a third reading on o morrow.

mr Fleming from the select committee to which was referred the bill to be entitled an act regulating the taxing of pedlars and shows , reported the same with sundry amendments which were concurred in, when mr Lea moved to amend the second section by way of proviso which was carried, and the bill read a third time and passed.

YEAS—Messrs President Burke Crabb Elmore Fleming Frazier Goyne Henderson Hill Hudson Mays Musgrove Posey Rains Riddle Spann Watrous and Wilson.

NAYS—Messrs Arnold Devereaux Moore Rather Simmons Smith Terry Wallace and Wellborne.

mr Posey from the committee on the judiciary reported without amendment the bill to provide for the establishment of a separate court of chancery in this State, when on motion of mr mays the bill was laid on the table.

mr Crabb from the select committee to which was referred the bill to increase the compensation of jurors in the counties of Montgomery and Lowndes, reported the same with amendments to the bill and caption which was concurred in, and the bill passed.

mr Posey from the judiciary committe to which was referred the bill to authorize guardians to remove the property of their wards in certain cases, reported the same without amendment when mr Crabb moved to amend the bill as therein shewn which was carried , and the bill read a third time and passed the Senate.

mr Terry then moved a reconsideration of the vote of this day providing for the payment of claims growing out of the Creek war for provisions furnished troops, &c., which was reconsidered and referred to a select committee consisting of messrs Terry, Wellborne and Spann.

mr mays from the committee on education reported without amendment the bill to revise and amend the laws in relation to school and school lands; which was read a third time and passed the Senate.

mr Lea from the committee on internal improvement and inland navigation to which was referred the bill to appropriate part of the three per cent fund and for other purposes therein expressed, reported the same without amendment, when mr Hudson moved to amend the bill by inserting the words " interest of" before " the" which was carried, and the bill ordered to be engrossed for a third reading on to morrow.

mr Burke from the select committee to which was referred the bill to sell out three fifths of the capital stock of the branch bank of the State at mobile, reported the same as inexpedient and asked leave to be discharged which was granted.

mr Terry from the committee on accounts and claims to which was referred the account of G. G. Childs of Pickens county, reported the same as inexpedient which was on motion of mr Moore laid on the table and leave granted to withdraw the accounts.

mr Crabb called from the table the bill more effectually to provide for making

discoveries in suits at common law; which was read a third time and passed the Senate.

Mr Wellborn called up the message of his Excellency the Governor, and referred that part which relates to the boundary line between this State and Georgia, to the judiciary committee.

The Senate then proceeded to the orders of the day, when the bill entitled , an act for the better regulation of trade in the city of Mobile , was read a second time. Mr Cabb moved to refer the bill to the judiciary committee, which was carried, and leave given to the committee to meet forthwith.

The bill to amend the laws in relation to sheriffs and coroners, was read a third time and passed.

The bill to authorise the bank to discount notes payable in six months and twelve months, was read a third time and passed.

The bill to prevent riotous and disorderly conduct at or near literary institutions, was read third time, when Mr Crabb moved to postpone the bill to the first Monday in August next, which was lost.

YEAS—messrs President Crabb Elmore Frazier Goyne musgrove Rains Riddle Terry Wallace and Watrous.

NAYS—messrs Burke Farrar Hudson Lea Mays Musgrove posey Rather Roberts Simmons Smith and Spann.

The bill then passed the Senate.

YEAS—messrs Burke Farrar Hudson Lea Mays Moore Posey Rather Simmons Smith Spann and Wilson.

NAYS—messrs President Crabb Devereaux Elmore Frazier Goyne Musgrove Rains Riddle Terry Wallace and Watrous.

Engrossed bill to alter and amend judicial proceedings in certain cases, was read a third time and passed.

Engrossed bill entitled an act to repeal in part an act to extend the time of indebtedness to the bank of the State of Alabama and its several branches, was read a third time and passed the Senate.

An act to amend an act in relation to insolvent debtors , was read a third time and passed the Senate.

The bill to explain and amend the laws in relation to attachments was read a third time and passed.

The bill to compensate certain persons therein named, was read a third time and passed.

Engrossed bill to incorporate the Wetumpka steam boat company, was read a third time and passed.

Engrossed bill to authorise persons therein named, to raise a loan of two million five hundred thousand dollars, was read a third time and passed.

The bill to be entitled an act to incorporate for time the Sipsey river navigation company , was read a third time and passed.

Engrossed bill entitled an act to amend the charter of the Tuscumbia ; Courtland and Decatur rail road company, was read , when Mr President , (Mr Moore in the chair,) moved to lay the bill on the table.

The Senate then adjourned to 3 o'clock.

Wednesday 3 o'clock.—The Senate met pursuant to adjournment.

Mr Burke called from the table the following message from the House of Representatives.—Mr President : The House of Representatives have passed a bill from the Senate entitled , an act to limit the accommodation of the of the President and Directors of the bank of the State of Alabama and its several branches , and have amended the same by adding several additional sections as therein shewn, in which the concurrence of the Senate is respectfully asked. To which amendments the Senate then disagreed.

Mr Mays offered the following resolution: Resolved, that with the concurrence of the House of Representatives, the two Houses will this evening at six o'clock, proceed to the election of a President and fourteen Directors for the branch of the bank of the State of Alabama at Montgomery; which was on motion of Mr Crabb laid on the table.

YEAS—Mr President Arnold Crabb Devereaux Farrar Frazier Hill Hudson Moore Musgrove Rains Rather Riddle Smith Terry and Watrous.

NAYS—Messrs Burke Elmore Fleming Lea Mays Posey Simmons Spann Wallace and Willborn.

Engrossed bill entitled an act to amend the charter of the Tuscumbia, Courtland and Decatur rail road company and for other purposes, was on motion of Mr Lea laid on the table.

YEAS—Messrs President Arnold Devereaux Farrar Frazier Henderson Hill Moore Musgrove Posey Rather Riddle Smith Spann Terry and Wilson.

NAYS—Messrs Burke Crabb Elmore Fleming Hudson Lea Mays Rains Roberts Simmons Wallace Watrous and Wellborn.

Message from His Excellency the Governor informing the Senate that he had this day signed and approved the following bills, viz: an act for the government of turnpike roads: an act to attach a part of Pike county to Macon: an act to compensate certain persons, for articles furnished troops while in the service of the United States: an act to incorporate the town of Blountsville in Blount county: an act for the relief of James Seward of Lawrence county.

Engrossed bill to amend the charter of the bank of the State of Alabama, was read a third time and passed.

Engrossed bill entitled an act to incorporate the Insurance and Trust company of the town of Wetumpka, was read a third time, when Mr Arnold moved to lay the bill on the table, which was lost.

Mr Riddle then moved to amend the second section by way of engrossed rider, which was adopted, and the bill passed.

Message from the House of Representatives insisting on their amendments to the bill from the Senate, limiting the accommodation of the President and Directors of the bank of the State of Alabama and its several branches. Mr Crabb moved that the Senate insist on their disagreement, and ask a committee of conference upon the subject of disagreement, which was carried, and Messrs _____ were appointed said committee.

Mr Posey from the judiciary committee to which was referred the bill to be entitled, an act for the better regulation of trade in the city of Mobile, reported that it was inexpedient to pass the bill, when Mr Burke moved to amend the bill by way of engrossed rider as a proviso: "Provided, however, that nothing in the foregoing act shall be so construed, as to prohibit any individual from selling his own cotton, produce, stock, or merchandize, or appointing his agent wishing so to do, without requiring said agent to give bond as requiring by this act;" when Mr Fleming moved to lay the bill and amendment on the table, until the 1st day of March, which was lost.

YEAS—Messrs President Elmore Fleming Hudson Musgrove Rains Rather Roberts Smith Terry Wallace and Wellborn.

NAYS—Messrs Arnold Burke Crabb Devereaux Farrar Frazier Goyne Henderson Lea Mays Moore Posey Riddle Simmons Watrous and Wilson.

Mr Crabb moved to refer the bill to a select committee.

Mr Crabb introduced a bill to be entitled, an act for the relief of certain persons therein named, which was read a first and second time, when the Senate adjourned to half past six o'clock.

Half past six o'clock.—The Senate met pursuant to adjournment.

Mr Frazier called from the orders of the day the bill to locate the seat of justice for Marshall county; which was read a third time and passed the Senate.

Mr Riddle introduced a resolution to provide for taking care of and preserving the furniture of the Senate chamber, and authorising the door-keeper of the Senate to take charge of the same;

which was read a first and second time, when mr Wellborn moved to fill the bank with one

hundred," which was lost. Mr Posey moved to lay the resolution on the table—lost. The question recurred on filling the blank with ninety-nine," which was carried, the resolution read the third time and passed.

Message from the House of Representatives inviting the Senate to their Hall for the purpose of electing a judge of the county court of Clarke and Dallas counties, and a board of commissioners for the improvement of the Tombeckbee river: whereupon, the Senate repaired to the Hall of the House of Representatives were seated and Mr President announced the object of the meeting .

The two Houses then proceeded to the election of a judge of the county court for Clarke county, William F. Jones and Josiah Jones being in nomination.

Those who voted for William F Jones are, messrs Goyne Hudson and Watrous of the Senate messrs.

Speaker Aldridge Address Baker Booker Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Davis of B. Davis of M. DeJarnett Erwin Gann Godbold High Horton Long Martin of B. Martin of P May McAplin McClannahan of m McClellan McLemore Nelson Oliver Owen Parker Payne Phillips Porter Priest Puckett Rogers Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of M Stephenson Tarrant Taylor Toulmin Weissinger and Williams of T. 58 votes.

Those who voted for Josiah Jones are messrs President Burke Devereaux Elmore Farrar Frazier Henderson Lea Moore Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Spann Terry Wallace and Wellborn of the Senate messrs Bestor Blake Boston Coman Cook Cottrell Corss Finley Gordon Greening Hammond Jones of B. Jones of C. King McClannahan of S. Morris Perryman Prim Ross Vining Warren and Wilson. 43 votes.

Mr William F. Jones having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected judge of the county court for Clarke county.

The two Houses then proceeded to the election of a judge of the county court for Dallas county, William Byrd alone being in nomination . Mr William Byrd having received all the votes given, Mr Speaker declare him duly and constitutionally elected judge of the county court for Dallas county .

The two Houses then proceeded to the election of a board of commissioners consisting of three members) for the improvement of the navigation of the Coosa river messrs Alexander Bowie, Thomas H. Brashier , Henry Looney ,and D. H. Bingham being in nomination.

Those who voted for Mr Bowie are messrs President Burke Crabb Devereaux Elmore Farrar Frazier Goyne Henderson Moore Musgrove Posey Rather Roberts Simmons Smith Spann Terry Wallace Watrous and Wellborn of the Senate ; messrs. Speaker Aldridge Address Baker Bates Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m Erwin Finley Gann Godbold Gordon Greening Hammond May McAlpin McClannahan of M. McClannahan of s. McClellan McLemore Morris Nelson Oliver Owen Parker Payne Phillips Priest Prim Rawls Rogers Ross Shields Simmons of L Simmons of p. Simonton Skinner Slaughter Smith of D. Smith of m Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Wilson and Wright, of the House of Representatives —94.

Those who voted for Mr Brashier are messrs President Burke Crabb Devereaux Elmore Farrar Goyne Henderson Hudson Lee Moore Musgrove Posey Rains Rather Riddle Simmons Smith Spann Terry Wallace and Watrous of the Senate. messrs Speaker Aldridge Address Baker Bates Bestor Blake Booker Boston Brashier Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of M. Erwin Finley Gann Godbold Gordon Greening Hammond High Horton Jones of B. King Long Martin Nelson Oliver Owen Parker Payne Phillips Priest Prim Puckett Rawls Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D Smith of m Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T Wilson and Womack, of the House of Representatives—98.

Those who voted for Mr Bingham are messrs Crabb Devereaux Frazier Hudson Lee Rains Riddle Roberts Simmons Wallace and Wellborn of the Senate. Messrs Address Bestor Brevard Burt Cottrell Godbold King May McAlpin Oliver Owen Puckett Sheffield Simonton Stephenson Williams and Womack of the House of Representatives—28.

Those who voted for mr Looney are messrs President Burke Elmore Farrar Frazier Goyne Henderson Hudson Lee Moore Musgrove Posey Rains Rather Riddle Roberts Smith Terry Watrous and Wellborne, of the Senate messrs Speaker Aldridge Baker Bates Bester Blake Booker Boston Brashier Brevard Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cross Davis of B. Davis of m Erwin Finley Gann Gordon Greening Hammond High Horton Jones of B King Long Martin of B Martin

of P. McClannahan of m McClannahan of s McClellan McLemore Morris Nelson Parker Payne Phillips Priest Prim Puckett Rawls Rogers Ross Sheffield Shields Simmons of L Simmons of P Skinner Slaughter Smith of D Smith of m Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. and Wilson, of the House of Representatives—86.

Messrs Alexander Bowie, Thomas H. Brashier, and Henry Looney having received a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected a board of commissioners for the improvement of the navigation of the Coosa river.

The two houses then proceeded to elect a board of commissioners (consisting of three members) for the improvement of the navigation of the Tombeckbee river, messrs Reuben Chamberlain, Joseph B. Earle, and Wm. M. Hewitt being in nomination.

Those who voted for Mr Hewitt, are, messrs President Arnold Devereaux Elmore Farrar Frazier Goyne Hudson Lee Moore Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Terry Watrous and Wellborn of the Senate. messrs Speaker Aldridge Andress Baker Bates Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cross Davis of B. Davis of m DeJarnett Erwin Finley Gann Godbold Greening Hammond High Horton Martin of B. Martin of P. May McAlpin McClannahan of m McClannahan of s. McClellan Morris Oliver Owen Parker Payne Phillips Priest Puckett Rawls Rogers Sheffield Simmons of L Skinner Smith of D. Smith of M Stephenson Tarrant Taylor Tiffin Vining Warren Williams of T. Wilson and Wright.

For Mr Earle the same vote as for Mr Hewitt, and for Mr Chamberlain the same. messrs Reuben Chamberlain, Joseph B. Earle and William W. Hewitt, having received all the votes given, Mr Speaker declared them duly and constitutionally elected members composing the board of commissioners for the improvement of the navigation of the Tombeckbee river. Having gone through the elections, the Senate then withdrew to their chamber and Mr President resumed his Chair.

Mr Roberts called from the table the bill to provide for the inspection of cotton in the city of Mobile. Mr Beene, (Mr Moore in the Chair;) moved to amend the 8th section of the bill, by striking out 'fifty' where it occurs in said section and inserting in lieu thereof, 'twenty-five; which was carried. Mr Rather moved to amend by striking out all after the word 'cents' in the 6th line of section 8; which was carried. The bill as amended, was then read a third time and passed.

Mr Crabb from the committee of conference appointed by the two Houses on the disagreement of the Senate to the amendment made by the House to the bill which originated in the Senate, entitled an act to limit the accommodations of the president and directors of the Bank of the State of Alabama and its several Branches, reported that they have performed the duty assigned them, and have instructed me to report that the committee of the House and of the Senate after free conference on the subject of disagreement have mutually agreed to submit to their respective Houses, the following amendment of the amendment made by the House to the said bill and to recommend a concurrence therein in which I am instructed by your committee to recommend to the Senate. The amendment agreed upon is as follows, to wit: "strike out in the 2nd line of said amendment of the House all after the word 'be' where it occurs, to the word 'three' in the fourth line, and insert in lieu thereof the following: 'appointed in the month of January next, and annually thereafter by the Governor, all which is respectfully submitted. In which report the Senate concurred.

Mr Beene called from the orders of the day, the bill entitled an act to amend an act to incorporate the town of Wetumpka, passed 17th December, 1834; which was read a third time and passed.

Mr Musgrove called up the bill to add a part of St. Clair county to the county of Blount; which was taken up and referred to select committee, consisting of messrs Musgrove, Farrar and Hill.

Engrossed bill entitled an act for the relief of certain persons therein named, was taken up and read a third time. Mr Terry moved a call of the House; which was sustained and the bill laid on the table for one hour.

Engrossed bill entitled an act to revive an act incorporating of the town of Clinton in Greene county, was read a third time and passed.

Engrossed bill entitled an act to change the time of holding the spring terms of the circuit cases, was read a third time and passed.

Engrossed bill entitled an act to change the time of holding the spring terms of the circuit courts of certain counties therein named, was read a third time and passed.

The yeas and nays being desired those who voted in the affirmative are messrs Burke Crabb Devereaux Elmore Goyne Hudson Lea Musgrove Posey Rains Rather Riddle Simmons Wallace and Watrous.

Those who voted in the negative, are messrs President Farrar Frazier Moore Roberts Smith Terry and Wellborn.

Engrossed bill entitled an act to change the time of holding the court of the commissioners of roads and revenue, in the county of Lawrence was read a third time and passed.

Engrossed bill entitled an act to regulate the writ of scierie facius returnable to the orphans court, was read a third time and passed.

Engrossed bill entitled an act to provide for the preservation of the books belonging to the State was read a third time. Mr Crabb moved to fill the first blank with "five hundred dollars" for librarian ; which was carried. Mr Lea move to fill the second blank with " five hundred dollars;" which was carried and the bill passed.

Engrossed bill entitled an act to establish a Bank at Irwinton, in Barbour county, was read a third time and the bill put on its passage.

Those who voted in the affirmative are messrs President Burke Devereaux Elmore Lea Rains Rather Roberts Simmons Wallace Watrous and Wellborn.

Those who voted in the negative, are messrs crabb Farrar Goyne Hudson Moore Musgrove Posey Riddle Smith and Terry.

Mr President decided that the bill had not passed , two thirds being required from which decision Mr Wellborn appealed . The question then recurred on sustaining the decision of the chair; which being put, there were yeas 8 nays 11.

The yeas and nays being desired those who voted in the affirmative are messrs President Farrar Frazier Hudson Musgrove Posey Smith and Terry.

Those who voted in the negative, are messrs Burke Crabb Elmore Lea Rains Riddle Roberts Simmons Wallace Watrous and Wellborn.

The decision of the chair was not sustained and the bill passed.

Engrossed bill entitled an act authorizing a special term of the county court of Montgomery county, was read a third time and passed.

Engrossed bill entitled an act to incorporate the town of Bell Rose, in Baldwin county, was read a third time and passed.

Engrossed bill entitled an act to allow additional compensation to constables for collecting money on executions in Tuscaloosa county, was read a third time and passed.

Engrossed bill entitled an act to incorporate the town of Mardisville and Fayetteville in Talladega county was read a time and passed.

Joint resolutions in relation to the annexation of a part of Florida to this State, was read a third time and passed.

The yeas and nays being required those who voted in the affirmative are messrs President Burke Devereaux Elmore Farrar Goyne Hudson Lea Rains Rather Riddle Smith Spann Terry Wallace Watrous and Wellborn.

Those who voted in the negative are messrs Crabb Frazier Hill Moore Posey Roberts and Simmons.

Mr Smith called up the bill entitled an act to incorporate the Monroe company of volunteer riflemen in Monroe county which was read a third time and passed.

Message from the House of Representatives informing the Senate that they had adopted a resolution proposing that the two Houses will assemble in the Representative Hall on to-morrow, the 21st instant, at three o'clock P. M. for the purpose of going into the election of a president and directors of the branches of the Bank of the State of Alabama , at Mobile and Montgomery , in which the concurrence of the Senate is asked Mr Terry moved to lay the message on the table; which was carried.

Mr Rains called up the bill entitled an act to enlarge an act to incorporate the town of Gainesville, which was read, and the rule requiring bills to be read on three several days being dispensed with the bill was read a second time forthwith, and the rule being further dispensed with it was read a third time forthwith and passed.

Mr Beene (Mr Moore) in the Chair,) moved to reconsider the voted on establishing a Bank at Irwinton; which was lost.

The hour having elapsed the bill entitled an act for the relief of certain persons therein named, was taken up, read a third time and passed.

Mr Burke called from the message, the bill entitled an act to authorize persons therein mentioned to raise a loan on behalf of the State for two millions five hundred thousand dollars, as amended by the House; which amendment was read and concurred in by the Senate.

The Senate adjourned till 9 o'clock to-morrow.

Thursday morning , December 21—The Senate met pursuant to adjournment.

Engrossed bill authorising Green McLeroy to clean out and turnpike a road therein specified, was read a third time and passed.

Engrossed bill entitled an act to appropriate a part of the three per cent fund, for the purpose therein specified, was taken up. Mr Posey moved to amend by way of engrossed rider, with the following additional section; " Sec. And be it further enacted , that the sum of ten thousand dollars be, and the same is hereby appropriated out of said fund, for the building a bridge across Shoal and Second creeks in the county of Lauderdale at the crossing of the Huntsville

road." Mr Crabb moved to lay the bill and amendment on the table; which was carried.

YEAS—messrs. President Burke Crabb Devereaux Frazier Hudson Lea Mays Moore Rains Riddle Simmons Smith Spann and Wilson.

NAYS—messrs Farrar Musgrove Posey Rather Roberts Terry and Wallace.

Engrossed bill entitled an act to authorise certain persons therein named, to open and turnpike a road , was taken up and read a third time and passed.

The bill entitled an act for the relief of certain persons therein named, was taken up and read, and the rule requiring bills to be read on three several days, being, dispensed with, it was read a second time forthwith. Mr Hudson moved a point of order, that the bill was of a similar character to one heretofore rejected. Mr President pronounced it in order . Mr Smith moved to amend by adding Hogan and Schuyler. Mr Hudson moved to lay the bill on the table; which was lost. Mr Smith's motion to amend by adding " Hogan and Schuyler," being under consideration, Mr Crabb called the previous question; which was sustained. The question was on the further suspension of the constitutional rule, giving the bill a third reading forthwith, which was carried, and the bill read a third time and passed.

On motion of Mr Wallace, Resolved, that the Secretary of the Senate, be instructed to carry all bills that pass this body to the House of Representatives, as early as possible after their passage, unless otherwise directed by the Senate.

Mr Beene, (Mr Moore in the chair,) moved to reconsider the vote taken on yesterday, on the passage of a bill to establish a bank at Irwinton in Barbour county; which was lost.

YEAS—messrs President Fleming Goynes Moore Musgrove Posey Riddle Smith and Wilson.

NAYS—messrs Burke Crabb Devereaux Elmore Henderson Hudson Lea Mays Rains Rather Roberts Simmons Spann Wallace Watrous and Wellborne.

Message from the House of Representatives : Mr President—The House of Representatives have passed a bill entitled an act to compensate certain persons therein named; in which they ask the concurrence of the Senate.

Mr Wellborn from the special committee, to which was referred the engrossed joint memorial to the Congress of the United States, on the subject of depredations and spoils, committed by hostile Indians, on the property of the citizens of this State, reported the same with the accompanying documents back to the Senate without amendment, and recommend its passage.

Mr Hudson from the special committee, to whom was referred the claim of Captain Joseph T. Cook, for money expended by him and his company on their march from Franklin county to Tuscaloosa and Vernon, reported a bill and recommended its passage; which was read and the constitutional rule requiring bills to be read on three several days, being dispensed with , the bill was read a second time forthwith, and the rule being further dispensed with, the bill was considered as engrossed, read a third time forthwith and passed.

Mr Rather introduced a bill to be entitled an act making appropriation for the payment of the members and officers of the present General Assembly ; which was read and the constitutional rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith , and the rule being further dispensed with, the bill was taken as engrossed, read a third time forthwith and passed.

Mr Musgrove presented the account of James Caldwell; which was read and referred to the committee on Indian expenditures.

Engrossed bill to establish a professorship of law at the University of Alabama, was read a third time and passed.

Mr Rains from the committee on enrolled bills reported as correctly enrolled; an act allowing the first battalion of the fourteenth regiment an additional company; and an act establish the dividing line between the 70th and 80th regiments of Alabama militia, and for other purposes.

Engrossed bill entitled an act to authorise Samuel W. Deavenport and his associates to turnpike a road therein named, was read a third time and passed.

Engrossed bill entitled an act to regulate the fees of jailors in the several counties in this State, was read, and on motion of Mr Hudson was laid on the table.

The bill from the House entitled an act to regulate the session of the county court of Morgan county, was taken up and read and the constitutional rule requiring bills to be read on three several days, being dispensed with, the bill was read a second and third time forthwith and passed.

The bill from the House entitled an act to incorporate the Gainesville male academy, was taken up and read, and the constitutional rule being dispensed with the bill was read a second and third time forthwith and passed.

The bill from the House entitled an act for the relief of Barbara Hazel, was taken up and read and the constitutional rule requiring bills to be read on three several days, being dispensed with the bill was read a second and third time forthwith and passed.

Engrossed bill entitled an act to provide for the payment of certain persons therein named, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with the bill was read a second time forthwith. Mr Goyne move to amend the same; which was carried and the said rule being further dispensed with the bill was read a third time forthwith and passed.

Mr Simmons called up from the message, the resolution of the House of Representatives proposing to go into the elections of Presidents and Directors of the branches of the bank of the State of Alabama at Mobile and Montgomery; which was carried.

YEAS—messrs President Arnold Burke Devereaux Elmore Henderson Hudson Mays Posey Rains Rather Riddle Simmons Spann Wellborn and Wilson.

NAYS—messrs Crabb Moore Musgrove Roberts Smith Terry and Watrous.

Mr Terry moved to adjourn to 10 o'clock P. M. which was lost.

The bill from the House entitled an act to incorporate the revenue fund was taken up and read and the constitutional rule requiring bills to be read on three several days being dispensed with the bill was read a second a third time forthwith and passed.

Message from the House of Representatives as follows: Mr President—The House of Representatives have adopted the following resolution: Resolved, That with the concurrence of the Senate, the two House will assemble in the Hall of the House of Representatives on the 21st December inst. at 3 o'clock P. M. to elect a President and fourteen Directors, for the branch bank at Mobile; and a President and a like number of Directors for the branch bank at Montgomery; in which they respectfully ask the concurrence of the Senate; which was read and laid on the table.

YEAS—messrs Crabb Farrar Frazier Hill Lea Moore Rains Rather Riddle Smith Terry Watrous and Wellborn.

Nays—messrs President Burke Devereaux Elmore Hudson Posey Roberts Simmons and Spann.

Mr Smith from the committee on roads, bridges and ferries to which was referred the bill entitled an act the better to provide for the collection of fines from road defaulters, reported the same back without amendment; and on motion of Mr Smith the bill was laid on the table.

Mr Smith from the same committee to whom was referred the bill to be entitled an act to authorize James Lawler and his associates to turnpike road therein named, reported the same back without amendment; which was on motion of Mr Smith laid the table.

Mr Smith from the same committee to which was referred the bill entitled an act to authorize John Brandon and his associates to turnpike a certain road therein named, reported the same with amendments, in which the Senate concurred, and the bill was then read a third time and passed.

Mr Smith from the same committee to which had been referred a bill to be entitled an act to incorporate the Cedar Bluff Bridge, reported the same without amendment which was on motion of Mr Farrar ordered to lie on the table.

Mr Posey from the judiciary committee reported that the committee on the judiciary to which was referred a bill "to change and designate the line between the counties of Morgan and Marshall and for other purposes," have had the same under consideration, and instructed me to report that the bill proposes to attach a portion of the county of Morgan to the county of Marshall that the county of Morgan as at present constituted, has less territory than the constitution has prescribed for such counties, as should be formed after its adoption. And although the county of Morgan existed when the constitution was formed the committee believe the legislature have no power to lessen the area of a county which is under thirty miles square, notwithstanding such county was formed before the adoption of the constitution, and the territory proposed to be detached from it was subsequently added. The committee must suppose that the additional territory was annexed to Morgan county by the legislature because it had less than the constitutional area, and in that view of the subject it is not competent for the legislature to reduce the present limits of Morgan county. On motion of Mr Frazier the report was laid on the table.

Mr Posey from the same committee, to which was referred the engrossed bill entitled an act to amend the laws now in force in relation to retailers of spirituous liquors reported the same without amendment. The bill was then read a third time and passed.

YEAS—messrs President Arnold Devereaux Fleming Frazier Hill Hudson mays Musgrove Posey

Rather Roberts Simmons Smith Terry Wallace Watrous and Wilson.

NAYS– messrs Crabb Elmore Lea Moore Rains Riddle Spann and Wellborn.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled a bill to be entitled an act to incorporate the Carrolton male academy in Pickens county.

Mr Arnold called from the table the bill entitled an act incorporate the Cedar Bluff bridge company; which was under a suspension of the constitutional rule, requiring bills to be read on three several days read a second and third time forthwith and passed.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act to authorise the person s therein named, to raise a loan on behalf of the State of Alabama of two millions, five hundred thousand dollars.

On motion of mr Posey , Resolved, by the Senate with the concurrence of the House of Representatives, the resolution which passed the two Houses resolving that the General Assembly would adjourn

sine die, on Thursday, (this day,) the 21st December inst. be and tho same is hereby rescinded, and that the two Houses will adjourn sine die, on Saturday the 23d. December inst.

The bill from the House entitled an act to appropriate a certain sum, for the completion of the Muscle Shoal canal was taken up and read and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith. mr Crabb moved to amend the same, by inserting after the word " deposited," in th 10th line, the words "and traded upon ;" which was adopted . mr Wallace move to amend by way of proviso to come in at the end of the 1st section ; which was adopted mr Crabb also move to amend by a further proviso to come in at the end of the first section; which was adopted and the constitutional rule being further suspended, the bill wss read a third time forthwith and passed.

Those who voted in the affirmative are messrs Arnold Burke Crabb Devereaux Elmore Farrar Fleming Frazier Goynes Henderson Hill Lea Moore Musgrove Posey Rains Rather Roberts Simmons Smith Terry Watrous and Wilson.

Those who voted in the negative are messrs President Hudson and Mays.

The bill from the House of Representatives entitled an act to appoint commissioners to contract for and superintend the building of a bridge across Flint river in Madison county, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with , it was read a second time forthwith, and the rule aforesaid being further dispensed with, the bill was read a second time forthwith and the rule aforesaid being further dispensed with, the bill was read a third time forthwith and passed.

The bill from the House entitled, an act to compensate Percival Halbert for a slave executed according to law, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second and third time forthwith and passed.

The engrossed bill entitled an act for the relief of Bab, a man of color, was taken up as amended by the House, the amendment considered and concurred in by the Senate.

The bill from the House entitled an act to provide for the payment of slaves in certain cases, was taken from the message, in which the House insist on their disagreement to the amendment made by the Senate thereto. On motion of mr Crabb, Ordered, that the Senate adhere to their amendment to said bill.

Mr Beene (mr Moore in the Chair,) moved to take from the table the bill for the relief of David Ferguson ; which was lost.

Engrossed bill for the protection of paupers in Jackson county, was read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith passed.

The Senate adjourned to 3 o'clock P.M.

Evening Session, December 21—The following message was received from His Excellency the Governor, by mr Gooch his private secretary—Mr President : His Excellency the Governor this day approved and signed bills, which originated in the Senate of the following titles namely: An act to alter the boundaries of certain counties therein named, and for other purpose: an act amend an act entitled an act to authorize the Sipsey bridge and causeway company to establish a ferry for a limited time, approved, December 23, 1836: an act to amend an act entitled act incorporating the subscribers to the Alabama, Florida and Georgia rail road: an act increase the pay of jurors in certain counties therein named.

Mr Terry asked that power be given to the committee on accounts and claims to send for persons and swear witnesses.

The following message was received from the House of Representatives by mr Garret, their assistant clerk—Mr President : The House of Representatives have adopted the following resolution ; Resolved, That the Senate be now invited to assemble in the Representative Hall for the purpose of going into the election of a president and fourteen directors for the Branch Bank at Mobile, and a president and fourteen directors for the Branch Bank at Montgomery.

The Senate then assembled in the Hall of the House of Representatives and were seated, and mr President announced the object of the meeting . The two Houses then proceeded to the election of a President of the branch of the bank of the State of Alabama at Mobile, George S. Gaines and John B. Norris , being in

nomination.

Those who voted for mr Gaines are messrs Crabb Elmore Fleming Frazier Henderson Hudson Lea Mays Rains Rather Riddle Roberts Smith and Wallace of the Senate. Messrs Speaker Alston Ashurst Baker Bates Bestor Booker Brashier Brevard Burt Cane Clifton Clough Cochran Coman Cook Cottrell Davis of M Erwin High Johnson King Lucas Martin of P. McAlpin McClannahan of S. Mc Clellan McCord McLemore Nelson Oliver Owen Payne Puckett Rogers Scott of M Shields Simmons of P. Simonton Slaughter Stephenson Tarrant Tiffin Weissinger Williams of H . Williams of T. Wilson and Wright of the House of Representatives —63 votes.

Those who voted for mr Norris are Messrs President Arnold Burke Devereaux Farrar Goyne Hill Moore Musgrove Posey Simmons Spann Terry Watrous Wellborn and Wilson of the Senate messrs Aldridge Andress Beauchamp Blake Boston Calhoun Carmack Carney Cobb Cross Davis of B. De-Jarnett Finley Gann Gordon Greening Hammond Jones of B. Jones of C. Lea Martin of B. May

McClannahan of m. Morris Parker Perryman Phillips Porter Priest Rawls Ross Scott of J. Sheffield Simmons of L. Skinner Smith of D. Smith of m. Spencer Taylor Toulmin Vining and Warren of the House of Representatives—59 votes.

George S Gaines having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected President of the branch of the bank of the State of Alabama at Mobile.

The two Houses then proceeded to the election of fourteen Directors for the branch of the bank of the State of Alabama at Mobile. The following gentlemen being in nomination, to wit: messrs Thomas Bates J. Battle, Thos. R. Boling, D. D. Cane, Chas. Cullum, F. C. Ellis, Sam'l B Ewing, H. S. Evans, J. B. Gage, E. D. Harrison, G. G. Henry, D. R. Hogan, Wm Jones , Jr Wm. Kitchen Martin Lee, L . Mauldin, B. McAlpin, P. Oneil, R. B. Owen, J. H. Pagles, A. D. Parker, Chas Pitcher, Thos Pierce, C. Robinson, John Simpson, E. L . Smith, C. L. Strother , John Tarlton, Thos E. Tart, Chas Taylor, S. Travis, Wm C. Turner, and Daniel White.

Those who voted for mr Bates, are messrs Arnold Crabb Elmore Fleming Frazier Henderson Hudson Lea Mays Musgrove Rains Rather Roberts Simmons Spann Terry Wallace Watrous Wellborn and Wilson of the Senate. Messrs Speaker Alston Address Ashurst Baker Bates Beauchamp Booker Brevard Burt Calhoun Carney Clough Cobb Cochran Coman Cottrell Davis of B. Davis of m. Erwin Finley Godbold Gordon Greening Hammond High Johnson Jones of B. Jones of C. King Lea Lucas Long Martin of B. Martin of P. McAlpin McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Priest Prim Puckett Rawls Scott of J. Scott of m Sheffield Simmons of P. Simonton Slaughter Spencer Stephenson Tarrant Tiffin Warren Weissinger Williams of H. Wilson Womack and Wright of the House of Representatives—88 votes.

Those who voted for mr Battle are messrs. Arnold Burke Devereaux Elmore Lea Mays Musgrove Rains Roberts Simmons Spann Wallace and Wellborn of the Senate. Messrs Alston Address Ashurst Bates Burt Calhoun Cane Carney Clough Cochran Coman Cook Cottrell Cross DeJarnett Erwin Godbold Gordon Greening Hammond High Jones of C. Lucas Long McClannahan of m McClellan McCord Nelson Oliver Owen Perryman Phillips Priest Rogers Ross Scott of J. Smith of M Shields Simmons of P. Simonton Smith of m Tarrant Vining Warren Wessinger Williams of H. Williams of T. Wilson Womack and Wright and Wright of the House of Representatives —63 votes.

Those who voted for mr Boling are messrs Burke Crabb Devereaux Hudson Lea Mays Musgrove Posey Rains Rather Riddle Smith Terry and Wallace of the Senate. Messrs Speaker Aldridge Ashurst Baker Bestor Blake Booker Brashier Brevard Burt Carmack Clifton Clough Cobb Coman Cook Cottrell Davis of B. Davis of m DeJarnett Greening Hammond Jones of B. Long Martin of P. May McAlpin McClannahan of M McCord McLemore Oliver Owen Parker Payne Porter Priest Puckett Rogers Ross Scott of M Sheffield Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D Spencer Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of T. Womack and Wright of House of Representatives—74.

Those who voted for mr Cane, are messrs. President Arnold Burke Devereaux Farrar Fleming Henderson Hill Hudson Lea Mays Moore Musgrove Posey Rains Rather Roberts Simmons Smith Terry Watrous Wallace and Wellborn of the Senate. Messrs Aldridge Alston Bates Beauchamp Blake Boston Brevard Burt Cane Carney Clough Cochran Coman De Jarnett Gann Hammond Jones of B. Jones Of C King Lucas Long Martin of B. McClannahan of S. McCord Morris Oliver Owen Phillips Priest Puckett Rogers Shields Simmons of L. Simmons of P. Skinner Slaughter Smith of M. Stephenson Taylor Tiffin Toulmin Vining Warren Williams of H Williams of T. Wilson and Wright, of the House of Representatives—70.

Those who voted for mr Cullum, are messrs President Elmore Fleming Mays Rather Roberts Simmons and Spann of the Senate. messrs High McClellan and Porter of the House of Representatives, 11.

Those who voted for mr Ellis are messrs Crabb Elmore Goyne Moore and Rains of the Senate messrs Brazier Cane and Cochran of the House of Representatives. 8

Those who voted for mr Ellis are messrs Crabb Elmore Goyne Hudson Lea Posey Rather Riddle Roberts Smith Terry Wallace Watrous and Wilson of the Senate. messrs Speaker Address Ashurst Bates Booker Brashier Cane Clough Cotrell Davis of B Davis of M DeJarnett Finley Godbold Gordon Greening Johnson King Lee Lucas Long Martin of P May McLemore Oliver Owen Parker

Payne Porter Priest Puckett Rawls Ross Scott of J Scott of m Sheffield Simonton Skinner Spencer Tarrant Taylor Weissinger Williams of H. Williams of T Womack and Wright, of the House of Representatives –61.

Those who voted for mr Evans are messrs Elmore Smith and Terry of the Senate messrs Speaker Alston Andress Brevard Calhoun Clifton Cook Cottrell Greening Johnson and Lee of the House of Representatives—14.

Those who voted for mr Gage, are messrs Burke Crabb Elmore Frazier Posey Riddle Terry Wallace and Wilson of the Senate. messrs Speaker Alston Baker Bester Booker Brashier Burt Clough Cobb Coman Cottrell Davis of m Gann Johnson Jones of B. King Martin of B Martin of P. Mc-

Alpin McClellan Nelson Payne Puckett Simonton Smith of M Spencer Stephenson Vining Warren Williams of H. and Wright of the House of Representatives—41.

Those who voted for mr Harrison are messrs President Elmore Farrar Frazier Goyne Henderson Hill Hudson Mays Moore and Simmons of the Senate. Messrs Ashurst Baker Beauchamp Blake Burt Carmack Clough Cochran Coman Cook Cottrell Cross Davis of M De Jarnett Finley Gann Gordon Greening Hammond Jones of B. Jones of C Lucas may McClannahan of s McCord Oliver Payne Porter Puckett Rogers Ross Scott of J Scott of M Smith of M Taylor Toulmin and Warren of the House of Representatives—47.

Those who voted for mr Henry, are messrs Devereaux Elmore Fleming Henderson Mays Rains and Roberts of the Senate. messrs Speaker Alston Ashurst Calhoun Cook Cottrell Jones of B. McClannahan of s McLemore Nelson Oliver Perryman Phillips Porter Weissinger Williams of T. and Womack, of the House of Representatives—24.

Those who voted for mr Hogan are messrs President Elmore Frazier Henderson Mays Moore Musgrove Rather Spann and Wilson of the Senate messrs Aldridge Calhoun and Carmack of the House of Representatives—13.

Those who voted for mr Jones are messrs President Arnold Burke Devereaux Goyne Hill Lee Posey Riddle Roberts Simmons Smith Wallace and Wilson of the Senate messrs Aldridge Baker Bates Beauchamp Bestor Blake Booker Boston Burt Calhoun Carmack Carney Clough Cross DeJarnett Erwin Finley Gann Hammond Jones of C. Lee Martin of B. Martin of P. May McAlpin McClannahan of m McLemore Oliver Owen Payne Perryman Phillips Priest Prim Rawls Ross Scott of J Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of m Spencer Stephenson Tarrant Taylor Tiffin Toulmin Vining Weissinger Williams of T. Womack and Wright, of the House of Representatives—70.

Those who voted for mr Kitchen are messrs Arnold Farrar Goyne Henderson Hill Roberts and Wilson of the Senate. Messrs Aldridge Address Bates Beauchamp Booker Boston Brevard Calhoun Cane Carney Clifton Clough Coman Cross Davis of B. DeJarnett Finley Gann Godbold Gordon High Johnson Jones of B Lucas Long Martin of B. McClannahan of m McClannahan of s McClellan McLemore Morris Owen Parker Perryman Phillips Priest Prim Puckett Rawls Ross Scott of J. Scott of m Sheffield Shields Simmons of L Simonton Slaughter Smith of D. Stephenson Taylor Tiffin Toulmin Warren and Wilson of the House of Representatives.

Those who voted for mr Lee are Messrs Arnold Burke Crabb Devereaux Farrar Fleming Frazier Goyne Henderson Hill Lee Mays Musgrove Posey Rains Rather Riddle Roberts Spann Terry Watrous Wallace Wellborn and Wilson of the Senate ; messrs Speaker Alston Baker Bates Beauchamp Blake Booker Brevard Calhoun Cane Clough Cobb Cochran Davis of M Gann Johnson Jones of B. King Lee Long Martin of B. Martin of P. McClannahan of S. McClellan McCord McLemorre Morris Oliver Owen Payne Perryman Phillips Porter Ross Scott of M Shields Simmons of P. Tiffin Vining Warren Weissinger Williams of H. Williams of T. Wilson Womack and Wright of the House of Representatives—70.

Those who voted for mr Maulden are messrs Arnold Crabb Fleming Frazier Henderson Hill Hudson Moore Rains Smith Terry Wallace Watrous Wellborn and Wilson of the Senate ; messrs Speaker Alston Baker Bestor Booker Blake Brashier Carmack Clifton Cochran Coman Cook Cross Davis of B. Finley Gann Hammond High King Lee Lucas Long Martin of B. McClannahan of S. McClellan McCord Morris Payne Prim Puckett Rogers Scott of J. Shields Simmons of L. Simonton Spencer Tarrant Tiffin Vining Wilson and Wright of the House of Representatives—58.

Those who voted for mr McAlpin are messrs President Arnold Burke Devereaux Farrar Fleming Goyne Henderson Hill Lee Moore Musgrove Posey Rather Riddle Smith Spann Terry Wellborn and Wilson of the Senate; messrs Speaker Aldridge Alston Ashurt Bestor Blake Booker Boston Brashier Carmack Carney Clifton Cobb Cochran Cook Cross Davis of B. Davis of M DeJarnett Erwin Finley Godbold Gordon Johnson Jones of C. King Lee Long Martin of B. May McAlpin McClannahan of m McClellan McLemore Morris Oliver Owen Parker Rawls Scott of J. Scott of M Sheffield Shields Simmons of L. Simmons of P. Slaughter Smith of D. Smith of M Spencer Stephenson Tarrant Taylor Toulmin Vining Warren Williams of H. and Wilson of the House of Representatives—78.

Those who voted for mr O'neil are, messrs President Crabb Frazier Farrar Henderson Hill Hudson Mays Moore Posey Rather Roberts Simmons Spann Terry Wellborn and Wilson of the Senate; messrs. Aldridge Alston, Address Baker Bates Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt

Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Davis of m De Jarnett Erwin Gann Godbold Gordon Hammond High Johnson Jones of B. Jones of C. King Lee Long McAlpin McClannahan of m McClannahan of S. McCord Morris Nelson Owen Parker Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Ross Sheffield Simmons of L. Skinner Slaughter Smith of D. Smith of M. Stephenson Tarrant Tiffin Toulmin Williams of H and Williams of P. of the House of Representatives—81.

Those who voted for mr Owen are , messrs President Burke Devereaux Farrar Fleming Frazier Hudson Posey Rather Roberts Wallace and Wellborn of the Senate; messrs Aldridge Ashurst Bates Beauchamp Booker Boston Brashier Brevard Carney Clough Cobb Coman Cross Davis of B. Davis of m Finley Gann Godbold Gordon Greening High Johnson Jones of C. King Lee Lucas Long Martin of B. Martin of P. McAlpin McClannahan of m McClannahan of S. McClellan McCord McLemore Morris Owen Parker Phillips Prim Puckett Rawls Ross Scott of M Sheffield Simmons of P. Simonton Skinner Smith of D. Smith of m Tarrant Tiffin Toulmin Warren Weissinger Wilson Womack and Wright of the House of Representatives —71.

Those who voted for mr Pagles are, messrs President Arnold Fleming Goyne Hill Lea Musgrove Posey Rains Smith Terry Watrous and Wellborn of the Senate ; messrs Aldridge Boston Carmack Carney Cross Davis of B. De Jarnett Erwin Godbold Hammond Jones of C. Lucas Martin of B. May McAlpin Morris Owen Parker Payne Rawls Ross Scott of J. Shields Simmons of P. Smith of M. Tiffin Toulmin Vining Weissinger Wilson Womack and Wright of the House of Representatives—45

Those who voted for mr Pitcher are messrs Crabb Farrar Fleming Goyne Lee Moore Rains Riddle and Roberts of the Senate; messrs Speaker Address Brashier Davis of m Gann Johnson Martin of P. and May of the House of Representatives—17.

Those who voted for mr Prince are Messrs Arnold Burke Crabb Devereaux Frazier Hill Hudson Lee Mays Musgrove Posey Rains Riddle Roberts Simmons Spann Watrous Wallace and Wellborn of the Senate; messrs Speaker Ashurst Alston Baker Bates Bestor Burt Calhoun Carmack Carney Clough Cochran Davis of m Erwin Greening High Jones of B. King Lee Martin of B. Martin of P. May McAlpin McClannahan of S. McCord McLemore Nelson Owen Payne Perryman Phillips Porter Priest Puckett Rogers Ross Scott of M Shields Simmons of P. Simonton Spencer Slaughter Smith of D. Skinner Stephenson Taylor Vining Weissinger Williams of H. Williams of T. and Wright of the House of Representatives—70.

Those who voted mr Robinson are messrs Arnold Burk Elmore Farrer Frazier Goyne Mays Moore Musgrove Riddle Smith Spann and Terry of the Senate; messrs . Aldridge Alston Ashurt Baker Beauchamp Blake Booker Brashier Burt Cane Carmack Clifton Clough Cobb Cochran Cross Davis of B. DeJarnett Finley Godbold Greening Hammond High Jones of B. Jones of C. King Lucas Long Martin of B. May McClannahan of m McClannahan of S. McClellan McLemore Morris Nelson Oliver Parker Perryman Porter Priest Prim Rawls Rogers Scott of J. Scott of M Shields Simmons of L. Simmons of P. Simonton Skinner Slaughter Smith of D. Smith of M Spencer Stephenson Tarrant Taylor Toulmin Vining Warren Williams of T. Wilson and Womack of the House of Representatives—78.

Those who voted for mr Simpson are messrs. President Arnold Burke Crabb Devereaux Elmore Lea Rather Riddle Simmons Wallace Watrous and Wilson of the Senate; messrs Aldridge Baker Bates Bestor Booker Blake Calhoun Cobb Coman Cottrell Davis of m Erwin Finley Godbold Greening Hammond High Johnson Jones of C. King Lucas Long Martin of B. McClannahan of M McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Parker Perryman Phillips Priest Prim Rawls Rogers Scott of J. Sheffield Simmons of L Simonton Skinner Slaughter Smith of D. Smith of m Spencer Tarrant Tiffin Toulmin Vining Warren Weissinger Williams of H. Williams of T. Wilson Womack and Wright of the House of Representatives—72.

Those who voted for mr Smith are messrs Burke Deuereaux Simmons and Smith of the Senate ; messrs. Address Ashurst Beauchamp Bestor Brevard Burt Cane Carmack Clifton Cook Davis of M Erwin Finley Gordon Greening Hammond Johnson Jones of B. Lee Lucas McClellan Morris Nelson Perryman Porter Prieste Prim Sheffield Simmons of L Simonton Smith of D. Spencer Tarrant Taylor and Wilson of the House of Representatives—39.

Those who voted for mr Strother are Messrs President Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hill Hudson Lee Mays Moore Musgrove Posey Rains Riddle Simmons Smith Spann Watrous Welborne and Wilson of the Senate; messrs. Address Ashurst Baker Beauchamp Bestor Blake Boston Burt Calhoun Cane Carney Cobb Cochran Coman Cottrell De Jarnett Erwin Godbold Gordon Greening High Johnson Jones of B. Jones of C. Lucas Martin of P. May McAlpin McClannahan of m McClannahan of S. McClellan McCord McLemore Nelson Parker Perryman Phillips Porter Puckett Rawls Rogers Ross Simmons of P. Skinner Slaughter Smith of m Stephenson Tarrant Taylor Toulmin and Weissinger of the House of Representatives—74.

Those who voted for mr Tarleton are , messrs President Goyne Moore Musgrove Spann Wellborn and Wilson of the Senate ; messrs Aldridge Beauachamp Brevard Carmack Clifton Cross Davis of B. Godbold of the House of Representatives—15.

Those who voted for mr Tart are, messrs Arnold Burke Fleming Hill Hudson Musgrove Posey Rather Riddle Terry Wallace and Watrous of the Senate ; messrs Speaker Alton Address Baker Bestor Blake Boston Brashier Cane Carney Clifton Clough Cobb Coman Cottrell Davis of B. Erwin Finley Gann Gordon High Jones of C. Lee Long Martin of P. May McAlpin McClannahan of m McClellan Nelson Payne Prim Puckett Rogers Scott of J. Scott of m Sheffield Simmons of L. Skinner Slaughter Smith of D. Stephenson Williams of H. and Womack of the House of Representatives—56.

Those who voted for Mr Taylor are messrs Crabb Devereaux Elmore Fleming Frazier Henderson Hudson Lea Rains Rather Simmons Smith Spann Watrous and Wilson of the Senate; messrs. Speaker Alston Andress Ashurst Beauchamp Bestor Booker Boston Brashier Brevard Burt Calhoun Cane Carney Clifton Clough Cobb Cochran Coman Cook Cottrell Cross Davis of B. De Jarnett Erwin Finley Gann Godbold Gordon Greening High Jones of C. Lee Lucas Martin of P. McAlpin McClannahan of m McCord Morris Nelson Owen Parker Payne Phillips Priest Prim Rawls Rogers Scott of m Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of D. Smith of M Spencer Stephenson Taylor Tiffin Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives—83.

Those who voted for mr Travis are messrs President Farrar Frazier Goyne Henderson Hill Moore Rather Riddle Roberts Simmons Spann Watrous and Wellborn of the Senate; messrs Aldridge Bates

Bestor Blake Boston Brashier Brevard Carmack Carney Clifton Cochran Cross Davis of B. Erwin Gann Gordon High Martin of B. Martin of P. May McAlpin McClannahan of m Parker Payne Perryman Porter Priest Prim Rawls Ross Scott of J. Sheffield Shields Slaughter Smith of D. Spencer Stephenson Taylor Tiffin Toulmin Vining Williams of H. and Williams of T. of the House of Representatives—58.

Those who voted for mr Turner are messrs Arnold Crabb Farrar Goyne Moore Wallace and Watrous of the Senate; messrs Speaker Baker Boston Cobb Cook Cottrell Hammond Johnson King May McClannahan of S. Morris Nelson Prim Sheffiled Simmons of L Simonton Tiffin Vining Williams of H. Williams of T. and Womack of the House of Representatives—29.

Those who voted for mr White are messrs President Devereax Elmore Farrar Frazier Goyne Henderson Hill Hudson Mays Moore Musgrove Posey Rains Riddle Simmons Smith Terry Watrous and Wellborne of the Senate; messrs Aldridge Address Ashurt Bates Beauchamp Bestor Blake Boston Brashier Burt Calhoun Cane Carmak Carney Clifton Cobb Cook Cottrell Cross Davis of B. Davis of m. De Jarnett, Erwin Finley Gana Godbold Gordon Greening Hammond Jones of B. King Lee Martin of P. May McAlpin McClannahan of m McClannahan of S. McCord McLemore Nelson Oliver Parker Payne Perryman Phillips Porter Prim Rawls Rogers Scott of J. Scott of m. Sheffield Simmons of L. Simmons of P. Skinner Slaughter Smith of D. Smith of M Spencer Stephenson Tarrant Toulmin Weissinger and Wilson of the House of Representatives—95.

Messrs. Thomas Bates, Thomas R. Bowling, D. D. Crane William Jones, Jr. Martin Lee R. McAlpin P. S. Oneil R. B. S. Owen, Thomas Prince, C. Robinson, John Simpson C. L. Strother, C. Tylar and David White, having received the highest number of votes and a majority of all the votes given , Mr Speaker declared them duly and constitutionally elected Directors of the Branch of the Bank of the State of Alabama at Mobile.

The two Houses then proceeded to the election of a President of the Branch of the Bank of the State of Alabama at Montgomery. Mr John F. Martin alone being in nomination.

Those who voted for him are, messrs President Burke Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hill Hudson Lea Moore Musgrove Posey Rains Rather Riddle Simmons Spann Terry Wallace Watrous Wellborn and Wilson of the Senate ; messrs Speaker Aldridge Address Ashurst Baker Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Carney Clough Cobb Cochran Coman Cook Cross Davis of B Davis of m De Jarnett Erwin Finley Gann Gordon Hammond High Johnson Jones of B. Jones of C. King Lee Long Martin of P. May McAlpin McClannahan of M McClellan McLemore Morris Oliver Payne Porter Priest Prim Puckett Rawls Ross Scott of J. Scott of M Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of m Tarrant Taylor Toulmin Vining Warren Williams of H. Williams of T. Wilson and Womack of the House of Representatives—96.

Mr John F. Martin having received ninety-six, it being all the votes given, Mr Speaker declared him duly and constitutionally elected President of the Branch of the Bank of the State of Alabama at Montgomery.

The two Houses then proceeded to the election of fourteen directors of the Branch of the Bank of the State of Alabama at Montgomery . The following gentlemen being in nomination , viz: Messrs Armstrong , Bell, Baldwin, Barclay, Brumby, Cokely, Campbell , Durden, Fleming, Goldthwaite, McGill , Munday, Polard, Pearce, Prewit, Saxon, Shortridge, A. R. Smith, N. Smith , Stickney, Spyker, Thompson , Thorington and Wynn.

Those Who voted for mr Armstong are messrs Elmore and Mays, of the Senate messrs Ashurst Bestor Booker Burt Cook Davis of m McCord Oliver Payne Scott of m Simmons of L. Tarrant and Weissinger, of the House of Representatatives—15.

Those who voted for mr Bell are messrs Crabb Devereaux Elmore Fleming Henderson Hudson Lee Mays Rains Riddle Roberts Simmons Spann and Terry, of the Senate; Messrs Speaker Address Ashurst Baker Bates Bester Blake Booker Brevard Burt Calhoun Cane Carney Clough Coman Cottrell Cook Cross Davis of m DeJarnett Erwin Finley Godbold Greening Jones of B. Jones of C. King Lee Long May McAlpin McClellan McCord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Rawls Rogers Scott of M Shields Simmons of Skinner Smith of D. Smith of M Stephenson Tarrant Toulmin Vining Weissinger Williams of H. Wilson and Womack of the House of Representatives—75.

Those who voted for mr Baldwin are messrs Devereaux Elmore Frazier Henderson Hill Hudson Lee Mays Musgrove Riddle Simmons Spann Wallace Wellborn and Wilson of the Senate messrs Speaker Andress Ashurst Beauchamp Bestor Blake Boston Brashier Burt, Cane Carmack Carney Clifton Clough Coman Cook Cottrell DeJarnett Gann Godbold Gordon Greening Hammond High Jones of B. Jones of C. King Les Long May McAlpin McClannahan of m McCord McLemore Oliver Owen Payne Perryman Phillips Porter Priest Puckett Rogers Ross Scott of M Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of D Smith of D. Smith of m Stephenson Taylor Tiffin Toulmin Warren Weisinger Williams of H. Wilson and Womack of the House of Representatives—77.

Those who voted for mr Barclay are messrs President Arnold Burke Crabb Farrar Frazier Hudson Lee Moore Rather Roberts Simmons Smith Spann Terry Wallace Watrous and Wilson of the Senate messrs Speaker Aldridge Andress Baker Bates Beauchamp Bestor Blake Booker Boston Burt Calhoun Cane Carmack Clifton Clough Cobb Coman Cottrell Cross Davis of B. Davis of m De Jarnett

Erwin Finley Gann Godbold Gordon Greening Johnson Jones of B. Lea Lucua Martin of B. McAlpin McClannahan of M McClannahan of S. McClellan Morris Nelson Owen Parker Phillips Prim Ross Sheffield Simmons of L. Skinner Smith of D Stephenson Tarrant Taylor Tiffin Toulmin Weissinger Williams of H. Wilson and Womack of the House of Representatives—77.

Those who voted for mr Brumby are, messrs Arnold Burke Crabb Devereux Farrar Henderson Lee Rains Rather Roberts Simmons Smith and Wellborn, of the Senate: messrs Speaker Aldridge Address Baker Bates Beauchamp Blake Booker Boston Brashier Brevard Burt Cane Carney Clifton Clough Cobb Cochran Coman Cook Cottrell Cross Davis of M DeJarnett Godbold Greening High Johnson Jones of B. King Lea Long Martin of P. McClannahan of m. McClannahan of S. McClellan McCord Nelson Owen Perryman Porter Priest Prim Puckett Rawls Rogers Sheffield Simmons of P. Skinner Smith of m Stephenson Tarrant Tiffin Warren Weissinger Williams of H and Wilson, of the House of Representatives—70.

Those who voted for mr Cokely are, messrs President Arnold Crabb Devercaux Farrar Hill Moore Posey Riddle Smith Spann Terry Watrous and Wilson, of the Senate Messrs Aldridge Bates Beauchamp Cane Carney Clifton Clough Cochran Davis of B. Davis of M. Godbold Gordon Greening Hammond Jones of C. Long Martin of B. May McClannahan of S. McCord Morris Nelson Oliver Owen Parker Perryman Porter Puckett Rawls Rogers Scott of m. shields Simmons P. Smith of D. Vining Warren Williams of H. and Womack, of the House of Representatives — 51.

Those who voted for mr Campbell are, messrs President Arnold Burke Crabb Farrar Hill Moore Posey Riddle Smith Spann Terry Watrous and Wilson, of the Senate : messrs Aldridge Bates Beauchamp Bester Blake Booker Boston Brashier Calhoun Cane Carmack Carnoy Clifton Cobb Cochran Coman Cook Davis of B. Davis of m. DeJarnett Erwin Finley Gann Gordon Hammond High Johnson Jones of C. Lee Lucas Martin of B. Martin of P May McAlpin McClannahan of M McClannahan of S. McClellan McLemore Morris Nelson Parker Payne Prim Rawls Rogers Ross Shields Simmons of L. Simmons of P. Smith of D. Smith of m Tarrant Taylor Tiffin Toulmin Vining and Weissinger of the House of Representatives—72.

Those who voted for mr Durden are, messrs President Mays Hill Smith and Watrous of the Senate messrs Aldridge Gordon McClannahan of S. and Prim of the House of Representatives—9.

Those who voted for mr Fleming are, messrs Burke Farrar Fleming Frazier Henderson Lee Musgrove Rains Rather Riddle Wallace and Watrous, of the Senate: messrs Address Calhoun Cobb McClannahan of S. and McClellan of the House of Representatives—17.

Those who voted for mr Goldwaite are, messrs President Arnold Burke Crabb Fleming Frazier Hill Mays Moore Posey Riddle Smith Terry Wallace and Wellborn, of the Senate: messrs Speaker Ashurst Baker Bates Beauchamp Calhoun Carmack DeJarnett Erwin Finley Gann Lucas Long Martin of B. May McAlpin McCord McLemore Oliver Owen Payne Porter Puckett Ross Scott of m. Shields Smith of M. Tarrant Taylor Tiffin Toulmin Vining and Warren. of the House of Representatives — 48.

Those who voted for mr Herbert are, messrs Devereaux Elmore Hudson Lee Mays and Roberts, of the Senate—of the House of Representatives none—6.

Those who voted for mr Harwell are messrs Arnold Burke Crabb Frazier Henderson Hill Lee Moore Posey Rains Roberts Simmons Smith Spann Terry Wellborn and Willborn of the Senate messrs Aldridge Address Bates Beauchamp Blake Booker Boston Brashier Brevard Cane Carmack Carney Clifton Clough Cobb Cochran Coman Cottrell Davis of B. DeJarnett Gann Godbold Gordon Greening Hammond High Johnson Jones of B. Jones of C. King Long Martin of B. McClannahan of m. McClellan McCord McLemore Morris Nelson Parker Perryman Priest Prim Puckett Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Skinner Smith Smith of D. Smith of M Stephenson Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. Wilson and Womack, of the House of Representatives—81.

Those who voted for mr Hall are messrs President Arnold Farrar Fleming Frazier Henderson Hill Hudson Moore Musgrove Posey Rains Rather Smith Spann Terry Watrous Wellborn and Wilson , of the Senate : messrs Alridge Baker Beauchamp Blake Booker Boston Brashier Cane Carmack Carney Clifton Cobb Cochran Cross Davis of m. DeJarnett Finley Gann Godbold Gordon Hammond High Johnson Jones of B. Jones of C. King Lucas Long Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. Morris Nelson Owen Payne Priest Prim Rogers Ross Sheffield Shields Simmons of L. Simmons of P. Skinner Smith of D Smith Sf m. Stepenson Tarrant Taylor Tiffin Toulmin Vining Warren Williams of H. and Wilson of the House of Representatives—77.

Those who voted for mr Huey are, messrs Moore and Roberts of the Senate—2. Of the House of Representatives, none.

Those who voted for mr Johnson are, messrs President Arnold Farrar Henderson Hill Lee Simmons Smith Spann and Watrous of the Senate messrs Speaker Aldridge Baker Blake Booker Boston Brazier Brevard Burt Cane Carmack Clifton Clough Cobb Cochran Coman Davis of B. DeJarnett Finley Gann Godbold Gordon Greening Hammond High Johnson Jones of B. King Lee Long Martin of B. Martin of P. McClannahan of m McClannahan of S. McClellan Morris Nelson Parker Phillips Prim Rawls Ross Shields Simmons of L. Simmons of P. Smith of D. Smith of M. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger and Wilson of the House of Representatives—65.

Those who voted for mr Kidd are, messrs Crabb Farrar Frazier Hudson Musgrove Rains Riddle Simmons Wallace Watrous and Wilson. of the Senate Messrs Baker Bester Brevard Burt Clough Davis of B. Finley Hammond King Lucas McClannahan of S. McClellan McLemore Parker Porter Priest Prim and Rogers, of the House of Representatives—29.

Those who voted for mr Knox, are messrs President Arnold Crabb Elmore Fleming Frazier Mays Moore Musgrove Posey Rather Spann Terry Wallace and Watrous of the Senate messrs Speaker Aldridge Ashurst Booker Brashier Carmack Cochran Cottrell Cross Davis of B. Finley Gann Gordon Johnson King Lee Lucas Long Martin of B. Martin of P. May McAlpin McClannahan of m McClannahan of S. McClellan Morris Nelson Oliver Parker Perryman Priest Puckett Rawls Rogers Ross Scott of m. Sheffield Shields Simmons of P. Smith of D. Stephenson Tiffin Toulmin Vining Weissinger and Wilson of the House of Representatives—62.

Those who voted for mr Lucas are, Messrs Arnold Burke Crabb Devereaux Elmore Farrar Fleming Henderson Hudson Lee Mays Moore Musgrove Posey Rather Riddle Roberts Simmons Terry Wallace

and Wellborn , of the Senate: messrs Speaker Aldridge Address Ashurst Baker Bestor Booker Boston Brashier Brevard Burt Calhoun Clifton Clough Coman Cook Cottrell Cross Davis of B. Davis of m Erwin Finley Greening Hammond High Johnson King Lee Lucus Long Martin of B. Martin of P. May McAlpin McClannahan of M. McCOrd McLemore Nelson Oliver Owen Payne Perryman Phillips Porter Priest Puckett Rawls Scott of m Sheffield Simmons of P. Skinner Smith of M. Stephenson Tarrant Tiffin Toulmin Vining Warren Weissinger Wilson and Womack, of the House of Representatives—85:

Those who voted for mr Matthews are, messrs President Burke Devereaux Elmore Fleming Hill Hudson May Musgrove Riddle Roberts Wallace Wellborn and Wilson of the Senate : messrs Speaker Ashurst Bates Brevard Calhoun Cook Cottrell Erwin Greening Martin of P. McAlpin McLemore Morris Oliver Phillips Ross Scott of m Tarrant Weissinger Williams of H. and Womack , of the House of Representatives—35.

Those who voted for mr McGill are, Messrs Devereax Elmore Fleming Henderson Hudson Lee Musgrove Posey Rains Rather Roberts Simmons Spann and Wilson, of the Senate: messrs Speaker Address Bates Beauchamp Bestor Blake Brashier Brevard Burt Calhoun Cane Carmack Clough Cochran Coman Cook Cottrell Davis of m. Erwin Gordon Greening Hammond Jones of B. Jones of C. Lee Long Martin of P. McClannahan of m . Morris Perryman Phillips Prim Puckett Rogers Ross Sheffield Shields Simmons of L. Smith of D. Stephenson Weissinger and Williams of H. of the House of Representatives—56.

Those who voted for mr Munday are, messrs Elmore and Musgrove of the Senate—2. Of the House of Representatives none.

Those who voted for mr Pollard are messrs President Burk Crabb Devereaux Farrar Fleming Henderson Mays Posey Rains Rather Riddle Roberts Smith Terry Wallace and Wellborn of the Senate: messrs Speaker Address Ashurst Baker Bates Bester Blake Booker Boston Brashier Brevard Calhoun Carmack Carney Clifton Cobb Coman Cook Cottrell Cross Davis of B. Davis of m DeJarnett Erwin Finley Gann Godbold Greening High Johnson Jones of B. King Lee Lucas Long Martin of B. Martin of P. May McAlpin McCOrd McLemore Oliver Owen Parker Payne Perryman Phillips Porter Priest Puckett Rawls Scott of m. Sheffield Shields Simmons of L. Skinner Smith of D. Smith of m. Tarrant Taylor Vining Warren Weissinger Williams of H. Wilson and Womack, of the House of Representatives—83.

Those who voted for mr Pearce, are messrs President Burke Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hill Hudson Lee Posey Rains Rather Riddle Roberts Smith Spann Terry Wallace Watrous Wellborn and Wilson of the Senate : messrs Aldridge Address Ashurst Baker Bates Beauchamp Bestor Blake Booker Boston Burt Calhoun Cane Carney Clifton Clough Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m DeJarnett Erwin Gann Godbold Gordon Hammond High Jones of B. Jones of C. King Lee Long Martin of P. McAlpin McClannahan of m. McClellan McCord Oliver Owen Parker Payne Perryman Phillips Porter Priest Prim Rawls Scott of m Sheffield Shields Simmons of P. Skinner Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Williams of H. Wilson and Womack of the House of Representatives —91.

Those who voted for mr Prewit are, messrs Devereaux Elmore Farrar Frazier Henderson Hudson Moore Musgrove Rains Rather Roberts Simmons Wallace and Wilson, of the Senate: messrs Baker Booker Burt Calhoun Clifton Clough Cobb Coman Cook Cottrell Cross Erwin Greening Hammond High Jones of B. Jones of C. Lucus Martin of P. McCord Nelson Phillips Porter Priest Puckett Rawls Sheffield Simmons of L. Taylor Wilson and Womack, of the House of Representatives—46.

Those who voted for mr Saxon are, messrs Elmore Fleming Frazier Hudson Lee Posey Rains Rather and Simmons, of the Senate: messrs Aldridge Address Ashurst Boston Brashier Brevard Burt Calhoun Carney Clifton Cobb Coman Cottrell Cook Davis of B. Davis of m DeJarnett Godbold Gordon Johnson King Lucus Long May McClannahan of S. McClannahan of m McClellan McCord Morris Parker Perryman Prim Puckett Ross Skinner Smith of m Tiffin Warren Williams of H and Wilson of the House of Representatives—49.

Those who voted for mr Shortridge are, messrs President Arnold Crabb Devereuax Farrar Fleming Henderson Hill Hudson Moore Musgrove Posey Rains Rather Riddle Roberts Smith Spand Terry Wallace Watrous Wellborn and Wilson of the Senate : messrs Speaker Aldridge Address Ashurst Baker Bates Beauchamp Bestor Blake Booker Boston Brashier Calhoun Cane Carmack Carney Clifton Cobb Cochran Coman Cottrell Cross Davis of B. Davis of m Erwin Finley Gann Godbold Gordon Hammond Johnson Jones of B. Jones of C. Lee Lucas Long Martin of B. Martin of P May McAlpin McClanna-

han of m McClannahan of S. McCLEllan McCORD McLEmore Morris Oliver Owen Parker Payne Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Scott of m. Simmons of P. Skinner Smith of m Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of H. and Womack , of the House of Representatives-96.

Those who voted for mr A K Smith are messrs President Burke Frazier Henderson Moore Musgrove Riddle Simmons Smith Watrous and Wilson of the Senate, messrs Andress Beauchamp Burt Cane Carmack Carney Clough Cobb Cochran Cook Cross Godbold Gordon High Jones of C. King Lucas Martin of P. McCLEllan Morris Prim Ross Sheffield Simmons of L. Skinner Stephenson Tarrant and Wilson of the House of Representatives -39.

Those who voted for mr N. Smith are messrs Burke Elmore Frazier Hudson Rains Roberts Smith and Watrous of the Senate. 8 Of the House of Representatives none.

Those who voted for mr Stickney, are messrs Devereaux Mays Rather Riddle Wallace and Watrous

of the Senate. messrs Speaker Ashurst Bates Bestor Blake Brevard Carney Erwin Hammond McAlpin McClannahan of s McLemore Oliver Payne Perryman Porter Priest Rawls Scott of m. Smith of D and Womack of the House of Representatives—27.

Those who voted for mr Spyker, are messrs Arnold Crabb Elmore Frazier Hill Simmons Terry Watrous and Wilson of the Senate. messrs Aldridge Baker Boston Cobb Finley Gann Johnson Lee Lucas Martin of B. McClannahan of m McClannahan of S McClellan Morris Nelson Parker Payne Rodgers Simmons of L. Simmons of P. Stephenson and Vining of the House of Representatives —32.

Those who voted for mr Thompson are messrs Devereaux Farrar Hill Lee Moore Rains Rather Spann and Willborn of the Senate. Messrs Speaker Bates Bestor Brashier Brevard Carney Cochran Cochran Gann Greening Johnson Jones of B. Jones of C. Martin of P. May McLemore Nelson Owen Perryman Phillips Porter Priest Ross Scott of m Smith of m Taylor Williams of H. and Womack of the House of Representatives, 36.

Those who voted for mr Thorington, are messr President Arnold Burke Fleming Lee Mays Moore Musgrove Posey Riddle Simmons Spann Terry and Wellborn of the Senate . messrs Aldridge Baker Beauchamp Brevard Burt, Clough Cochran Cook Davis of B. Davis of M DeJarnett Erwin Finley Greening Hammonnd High Jones of B. Jones of C. Lee Martin of B. may McCord McLemore Nelson Oliver Owen Payne Perryman Phillips Porter Priest Puckett Rawls Rodgers Sheffield Shields Simmons of P Skinner Stephenson Taylor Toulmin and Warren of the House of Representatives, 56.

Those who voted for mr Wyman, are messrs Arnold Burke Fleming Mays Moore Musgrove Posey Smith Spann Terry Wellborn and Wilson of the Senate. messrs Ashurst Beauchamp Brashier Calhoun Cane Carmack Cochran Cross Davis of B. DeJarnett Erwin Finley Gann Godbold High Johnson Jones of C. Lucas Martin of May McAlpin McLemore Oliver Owen Parker Payen Rawls Rodgers Ross Scott of m Sheffield Shields Simmons of P. Skinner Smith of M Taylor Tiffin Toulmin Vining Warren and Womack of the House of Reprsentatives—53.

Messrs Bell , Baldwin, Barclay, Brumby, Campbell, Harewell, Hall, John son, Knox, Lucas, Pollard, Pearce and Shortridge , having received a majority of all the votes given, and no other one of the candidates having received a majority of all the votes given, mr Speaker declared them only, as duly and constitutionally elected , Directors of the Branch of the Bank of the State of Alabama, at Montgomery.

The Senate withdrew to their chamber and mr President resumed his chair. The Senate then adjourned till to-morrow 9 o'clock.

Friday, December , 22—The Senate met pursuant to adjournment.

Mr Rains from the committee on enrolled bills , reported as correctly enrolled bills entitled, an act to incorporate the town of West Wetumpka and repeal an act entitled an act to incorporate the town of Wetumpka, approved January 8, 1834; joint resolutions in favor of a Pension Agency at Tuscaloosa; an act to incorporate the city of Montgomery and an rct to limit the accommodations of the president and directors of the Bank of the State of Alabama and its several branches.

Message from the House of Representatives—mr President : The House of Representatives have adopted the following resolution: Resolved that the Senate be now invited to assemble in the Hall of the House of Representatives to elect a director for the Branch of the Bank of the State of Alabama at Montgomery ; also, to go into the election of a president and directors of the Bank of the State of Alabama, and the Branches thereof at Decatur and Hunsville.

The Senate then assembled in the Hall of the House of Representatives and were seated. The two House then proceeded to the election of one director for the Branch of the Bank of the State of Alabama at Montgomery —Justins Wyman and Benjamin Saxon being in nomination.

Those who voted for mr Wyman are, messrs Arnold Farrar Fleming Frazier Goyne Henderson Hill Lea Mays Moore Musgrove Riddle Smith Wallace Watrous Wellborn and Wilson of the Senate ; messrs . Bates Beauchamp Bestor Booker Boston Brashier Calhoun Carmack Carney Cochran Cross Davis of B. Erwin Finley Gann High Johnson Jones of C. Lee Lucas Martin of B. May McAlpin McLemore Nelson Oliver Owen Parker Payne Rawls Scott of J.

Scott of M. Sheffield Shields Simmons of L Slaughter Smith of m Tarrant Taylor Tiffin Toulmin Vining Warren Williams of T. Wilson and Womack of the House of Representatives —64.

Those who voted for mr Saxon are messrs President Crabb Devereuax Elmore Hudson Ra-

ther Roberts Simmons and Terry of the Senate ; messrs Aldridge Andress Baker Blake Bre-
vard Burt Cane Clifton Clough Coman Cottrell Davis of m De Jarnett Greening Hammond
Jones of B. King Martin of P. McCLannahan of M McCLannahan of S. McClellan McCOrd Per-
ryman Phillips Porter Prim Puckett Ross Simonton Smith of D. Spencer Stephenson
Weissinger and Wright of the House of Representatives—45.

Mr Wyman having received a majority of all the votes given mr Speaker declared him duly
and constitutionally elected a director of the Branch of the Bank of the State of Alabama at
Montgomery.

The two Houses then proceeded to the election of a president of the Bank of the State of
Alabama—William D. Stone, Hardin Perkins and John Marast being in nomination.

Those who voted for mr Marast are messrs Riddle and Watrous of the Senate; messrs. Beater Calhoun Carmack Cook Erwin Finley McAlpin Morris Payne Rogers Scott of J. Sheffield and Spencer of the House of Representatives—15.

Those who voted for mr Perkins are messrs Arnold Crabb Devereuax Elmore Fleming Henderson Hudson Mays Rains Rather Roberts Simmons and Wallace of the Senate; messrs. Speaker Andress Baker Bates Blake Booker Brevard Burt Cane Clifton Clough Coman Cottrell Davis of m Greening High Jones of B. Martin of P. May McClannahan of M McClannahan of S. McClellan McCord McLemore Oliver Perryman Phillips Porter Priest Prim Puckett Ross Scott of m Simonton Skinner Slaughter Stephenson Tarrant Tiffin Weissinger Williams of T. and Wright of the House of Representatives—55.

Those who voted for mr Stone are messrs President Frazier Hill Lee Moore Musgrove Posey Smith Spann and Wilson of the Senate: messrs Aldridge Beauchamp Boston Brashier Carney Cobb Cross Davis of B. DeJarnett Gann Hammond Johnson Jones of C. King Lee Lucas Martin of B. Nelson Owen Parker Rawls Simmons of L. Smith of D. Smith of M Taylor Toulmin Vining Warren Wilson and Womack of the House of Representatives—40.

Neither of the candidates having received a majority of all the votes given, the two House proceeded to a second ballting. Mr Marast being withdrawn.

Those who voted for mr Perkins are, messrs Arnold Crabb Deveraux Elmore Fleming Henderson Hudson Mays Rains Rather Riddle Roberts Simmons Wallace and Watrous of the Senate; messrs. Speaker Andress Baker Bates Bestor Blake Booker Brevard Burt Calhoun Cane Clifton Clough Cochran Coman Cook Cottrell Davis of m Erwin Greening High Jones of B. Martin of P. May McAlpin McClannahan of m McClannahan of S. McClellan McCord McLemore Morris Oliver Payne Perryman Phillips Porter Priest Prim Puckett Rodgers Ross Scott of M Simonton Skinner Slaughter Spencer Tarrant Tiffin Weissinger Williams of T. and Wright of the House of Representatives—66.

Those who voted for mr Stone are messrs President Frazier Goyne Hill Lea Moore Musgrove Posey Smith Terry and Wilson of the Senate; messrs. Aldridge Beauchamp Boston Brashier Carmack Carney Cross De Jarnett Finley Gann Hammond Johnson Jones of C. King Lee Lucas Martin of B. Nelson Owen Rawls Simmons of L. Smith of D. Smith of M. Taylor Toulmin Vining Warren Wilson and Womack of the House of Representatives —40.

Mr Hardin Perkins having received a majority of all the votes given, mr Speaker declared him duly and constitutionally elected president of the Bank of the State of Alabama at Tuscaloosa.

The two Houses then proceeded to the election of twelve directors for the Bank of the State of Alabama at Tuscaloosa—messrs William Azlett, John Cantley , Robert Caruthers L. Clarke M. Cook, T. B. Childress, C. M. Conroe. Daniel Cribbs, J. H. Dearing P Donaldson S. G. Frierson P. B. Healy James Hogan A. J. Holcomb Robert Jimison, Jr. Joseph Lacy, Charles Lewin, John Morast, G. B. W. Mitchell, John Owen A. K. Ramsey, Thomas A. Smith , J H. Thomason, J Vanhouse, Joel White J. J. Webster, H. C. Whitney, James C. Wilson and Benjamin Williams being in nomination.

Those who voted for mr Azlett are messrs President Devereaux Smith and Watrous of the Senate; messrs Speaker Calhoun Cottrell and Phillips of the Representatives —8.

Those who voted for mr Cantley are messrs Arnold Crabb Elmore Farrar Fleming Frazier Grove Henderson Hudson May Moore Musgrove Posey Rains Roberts Terry and Wallace of the Senate ; messrs Aldridge Andress Baker Blake Booke Cane Carmack Carney Clifton Clough Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of M De Jarnett Finley Gann Greening Hammond High Johnson Jones of B. Jones of C King Lee Martin of B. May McCord McLemore Morris Nelson, Owen Parker Payne Perryman Phillips Porter Priest Prim Rawls Rogers Ross Scott of J Scott of Mr Sheffield Shields Slaughter Smith of D. Spencer Stephenson Tarrant Tiffin Warren Weissinger Williams of T. and Wright of the House of Representatives—78.

Those who voted for mr Caruthers are messrs President Elmore Farrar Fleming Frazier Goyne Henderson Hudson Mays Musgrove Posey Rains Rather Riddle Roberts Simmons Terry and Wellborn of the Senate: messrs Speaker Aldridge Alston Ashurst Bates Blake Brashier Brevard Clifton Coman Cook Cottrell Cross Davis of B. Davis of m De Jarnett Finley Gann

High Jones of B. McClannahan of M McClellan McLemore Morris Nelson Oliver Owen Payne Priest Rogers Scott of J. Scott of m Stephenson Taylor Toulmin Vining Wilson Womack and Wright of the House of Representatives —64.

Those who voted for mr Clarke are messrs President Elmore Farrar Hill Moore Posey Riddle and Wilson of the Senate ; messrs Aldridge Ashurst Beauchamp Boston Brashier Calhoun Carney Cochran Davis of M. Gann Jones of c. Lee Lucas martin of B. McClannahan of S. Morris Prim Scott of J. Simmons of L. Smith of D. Smith of M. and Taylor of the House of Representatives—32.

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Those who voted for mr Cook are messrs President Arnold Elmore Frazier Goyne Henderson Hill Lee Moore Musgrove Rains Riddle Smith Terry Wellborne and Wilson of the Senate; messrs Aldridge Beauchamp Booker Cane Carney Clough Cobb Cochran Coman Cottrell Cross Davis of B. Gann High Johnson Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m McClannahan of S. Morris Nelson Parker Payne Puckett Rawls Rogers Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Smith of m Tarrant Taylor Toulmin Vining Warren Weissinger Wilson Womack and Wright of the House of Representatives—63.

Those who voted for mr Childress are, messrs President Arnold Devereaux Farrar Prazier Henderson Hudson Lee Mays Musgrove Rains Riddle Roberts Smith Terry Watrous Wellborn and Wilson of the Senate; messrs Speaker Alston Ashurst Bates Boston Brevard Burt Clifton Clough Cross Davis of M Erwin Godbold High Johnson Jones of B. Martin of P. McAlpin mcLemore Nelson Owen Prim Rawls Scott of m Shields Simonton Skinner Taylor Toulmin Weissinger Wilson Womack and Wright of the House of Representatives —52.

Those who voted for mr Conroe are, messrs Arnold Crabb Devereaux Elmore Fleming Goyne Mays Rains Roberts Simmons Wallace and Watrous of the Senate ; messrs Speaker Bates Burt Calhoun Cane Carmack Coman Cook Cottrell Greening Johnson Jones of C. King McCord McLemore Morris Oliver Perryman Phillips Priest Prim Pucket Rodgers Scott of m. Simmons of L. simonton Spencer Stephenson and Womack of the House of Representatives — 43—

Those who voted for mr Cribbs are messrs President Arnold Frazier Hill Musgrove Rather and Smith of the Senate ; messrs Aldridge Bestor Boston Brashier Burt Cane Carmack Davis of m De Jarnett Erwin Finley Gann Godbold High Johnson King Martin of B. May McAlpin Parker Rogers Sheffield Simmons of L. Simonton Skinner Smith of m Spencer Taylor Tiffin Toulmin and Warren of the House of Representatives—38.

Those who voted for mr Dearing are, messrs President Farrar Frazier Mays Moore Riddle and Wallace of the Senate; messrs Speaker Beauchamp Blake Boston Carmack Clifton Coman Lucas Martin of B. McClannahan of M McClellan Payne Rogers Scott of J. and Vining of the House of Representatives—22.

Those who voted for mr Donaldson are, messrs President Arnold Elmore Fleming Frazier Goyne Hill Moore Musgrove Smith Terry Watrous and Wilson of the Seanate; messrs Aldridge Beauchamp Booker Brashier Cobb Cross Davis of B. De Jarnett Finley Hammond High Johnson King Lee Lucas Martin of B. May McClannahan of m McClannahan of S. Morris Parker Rawls Scott of J Scott of m. Smith of m. Spencer Tiffin Toulmin Vining Williams of T. and Womack of the House of Representatives — 44.

Those who voted for mr Frierson are, messrs President Arnold Farrar Fleming Frazier Goyne Hill Moore Musgrove Posey Rains Smith Terry Wellborn and Wilson of the Senate ; messrs Speaker Aldridge Baker Beauchamp Blake Booker Boston Brashier Brevard Cane Carmack Carney Clifton Cobb Cochran Coman Cross Davis of B. Davis of m. De Jarnett Finley Gann Godbold Hammond Jones of B. Jones of C. King Lee Lucas Martin of B. May McClannahan of m. McClannahan of S. McLemore Nelson Owen Parker Payne Priest Prim Rawls Rodgers Scott of J. Sheffield Shields Simmons of L Skinner Smith of D. Smith of M Spencer Taylor Tiffin Toulmin Vining Warren Williams of T. Wilson and Wright of the House of Representatives—74.

Those who voted mr Healey are messrs Fleming and Rather of the Senate ; messrs Ashurst Cochran Cook Martin of P. Porter Ross and Wilson of the House Representatives—9.

Those who voted for mr Hogan are messrs Crabb Devereaux Elmore Fleming Henderson Hill Hudson Lee Mays Posey Rather Riddle Roberts Simmons Smith Terry Wallace Watrous Wellborn and Wilson of the Senate ; messrs Speaker Alston Address Ashurst Baker Bates Bestor Blake Booker Boston Calhoun Cobb Cochran Cook Cottrell Davis of B. Davis of m Erwin Finley Greening Jones of B. Jones of C. Lee Martin of B. Martin of P. McAlpin McClannahan of m McClannahan of S. McClellan McCord McLemore Morris Oliver Owen Parker Payne Perryman Phillips Porter Ross Scott of M. Sheffield Shields Simmons of L Skinner Slaughter Smith of m Spencer Stephenson Tarrant Taylor Vining Weissinger Williams of T. Wilson and Womack of the House of Representatives—76.

Those who voted for mr Holcombe are messrs Devereaux Goyne and Watrous of the Senate; messrs Hammond McClannahan of S. Perryman Prim Smith of D. and Tarrant of the House

of Representatives—9.

Those who voted for mr Jemison are, messrs Crabb Devereaux Elmore Fleming Goyne Hender-
son Lee Mays Moore Rains Rather Riddle, Roberts Simmons Smith Wallace Watrous Well-
born and Wilson of the Senate; messrs Speaker Alston Andress Ashurst Bates Beauchamp
Bester Blake Booker Brashier Brevard Burt Calhoun Carmack Carney Clough Cobb Cochran
Coman Cook Cottrell Davis of m De Jarnet Erwin Gann Godbold Greening Hammond Jones
of M Jones of C. Lee Martin of P. May McAlpin McClellan McCord McLemore Morris Oli-
ver Owen Payne Perryman Phillips Porter Rawls Rogers Scott of M Shields Simmon
of L Skinner Slaughter Smith of D. Spencer Stephenson Tarrant Toulmin Weissinger Wil-
iams of T. and Womack of the House of Representatives—80.

Those who voted for mr Lacy are, messrs Arnold Crabb Devereaux Elmore Farrar Hill Hudson Lee Mays Musgrove Simmons Wallace and Watrous of the Senate; messrs Address Ashurst Baker Bestor Blake Burt Calhoun Cane Cobb Cook Cottrell Davis of B. Godbold Greening Hammond Jones of B. King Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Parker Perryman Phillips Porter Prim Puckett Ross Skinner Slaughter Stephenson Tarrant Tiffin Vining Warren Weissinger Williams of T. and Wright of the House of Representatives — 57.

Those who voted for mr Lewin are messrs Arnold Crabb Devereaux Elmore Farrar Henderson Hill Hudson Mays Moore Rains Rather Riddle Roberts Simmons Smith Terry Wallace and Wilson of the Senate; messrs Speaker Address Baker Bates Bestor Blake Booker Brashier Brevard Burt Carney Clough Cochran Coman Davis of B. Davis of m. Erwin Godbold Greening Hammond High Johnson Jones of C. Lee Lucas Martin of P. McAlpin McClannahan of m. McClellan Oliver Owen Parker Perryman Porter Priest Puckett Rawls Rodgers Ross Sheffield Simmons of L. Simonton Skinner Slaughter Stephenson Taylor Tiffin Toulmin Warren Weissinger Williams of T. Womack and Wright of the House of Representatives — 72.

Those who voted for mr Marast are messrs Crabb Devereaux Elmore Fleming Henderson Hudson Lee Mays Posey Rains Rather Riddle Roberts Simmons Terry Wallace and Watrous of the Senate; messrs Speaker Alston Address Baker Bates Beauchamp Bestor Brevard Burt Calhoun Carney Clough Cobb Coman Cook Cottrell Davis of m. Erwin Finley Godbold Greening High Lee Martin of P. May McAlpin McClannahan of S. McCord McLemore Nelson Oliver Owen Payne Phillips Porter Priest Puckett Rodgers Ross Scott of m. Sheffield Shields Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Warren Weissinger Williams of T. and Wright of the House of Representatives — 70.

Those who voted for mr Mitchell, are messrs Arnold Hill Moore Musgrove Posey Wellborn and Wilson of the Senate. messrs Alston Beauchamp Brashier Cane Davis of B. DeJarnett Erwin Gann Godbold Hammond Lucas May Oliver Parker Porter Rawls Sheffield Shields Skinner Smith of m. Spencer Taylor Tiffin Toulmin and Wilson, of the House of Representatives, 32.

Those who voted for mr Owen, are messrs Crabb Hill Hudson Lee Posey Rains Rather Roberts Simmons Smith Wallace Watrous Wellborn and Wilson, of the Senate. messrs Speaker Alston Address Baker Bates Beauchamp Bestor Booker Burt Calhoun Cane Carney Clifton Clough Cobb Cook Cottrell Davis of B. Erwin Godbold Greening Johnson King Lee Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Nelson Oliver Owen Parker Perryman Phillips Porter Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of m. Shields Simonton Slaughter Smith of m. Tarrant Toulmin Vining Warren Weissinger Williams of T. Womack and Wright, of the House of Representatives, 73.

Those who voted for mr Ramsay, are messrs President Crabb Frazier Hudson Mays Rains Rather Riddle Roberts Smith Simmons Willborn and Wilson, of the Senate. messrs Alston Ashurst Baker Beauchamp Bestor Booker Boston Brevard Calhoun Carney Clough Cochran Coman Cross De Jarnett Erwin Finley Godbold Greening High Jones of C. Lee McAlpin McCord Nelson Owen Payne Perryman Phillips Prim Puckett Rawls Ross Scott of J. Scott of m. Shields Simmons of L. Simonton Slaughter Stephenson Wareen Williams of T. Wilson and Wright, of the House of Representatives, 57.

Those who voted for mr Smith, are messrs Crabb Devereaux Fleming Goyne Hudson Lee Posey Rather Riddle Simmons Wallace and Willborn, of the Senate. messrs, Alston Address Baker Bestor Burt Calhoun Carney Clifton Cook Cottrell Cross Davis of B. DeJarnett Erwin High Jones of B. Jones of C. King Lucas Martin of P. McAlpin McClannahan of S. McCord Nelson Oliver Payne Perryman Phillips Porter Priest Prim Puckett Ross Scott of J Scott of m Sheffield Simonton Slaughter Smith of D Spencer Stephenson Tarrant Vining Warren Weissinger Williams of T. Wilson and Womack, of the House of Representatives, 60.

Those who voted for mr Thomason, are messrs Farrar Lee and Posey of the Senate. messrs Aldridge Alston Address Baker Booker Boston Burt Carmack Clifton Cobb Cross Greening Hammond Martin of B. McClannahan of S. McClellan Nelson Phillips Simmons of L. and Smith of D. of the House of Representatives, 23.

Those who voted for mr Vanhouse, are messrs Henderson of the Senate. messrs Brashier Cane and Gann of the House of Representatives, 4.

Those who voted for mr White, are messrs Devereaux Farrar Fleming Goyne Henderson Lee Mays

Posey Rains Riddle Roberts Simmons Terry Wallace Watrous and Wellborn, of the Senate. messrs Speaker Alston Andress Ashurst Baker Bates Bestor Boston Brashier Brevard Burt Calhoun Carmack Carney Clifton Clough Cobb Cochran Cook Cottrell DeJarnett Erwin Finley Greening High Jones of B. Jones of C. King Lee McAlpin McCord McLemore Oliver Owen Payne Perryman Phillips Porter Priest Puckett Rawls Ross Scott of M. Shields Simonton Skinner Stephenson Tiffin Weissinger and Womack, of the House of Representatives, 67.

Those who voted for mr Webster, are messrs President Hill Moore Musgrove and Terry of the Senate. messrs Aldridge Bestor Blake Brashier Brevard Carmack Cochran Cross Hammond Jones of c. Martin of B. May McClellan McCord Nelson Porter Simonton Smith of m. Spencer Taylor Tiffin and Vining, of the House of Representatives, 27.

Those who voted for mr Whitney, are messrs Frazier Goynes Musgrove and Rather of the Senate. messrs Aldridge Bates Beauchamp Blake Boston Brevard Burt Cane Carmack Clifton Clough Com

Cross Davis of M. DeJarnett Finley Gann Godbold Johnson Jones of B. King Lucas McClannahan of m. McClellan Morris Oliver Priest Prim Puckett Sheffield Slaughter Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Warren Wilson and Wright, of the House of Representatives, 44.

Those who voted for mr Wilson, are messrs President Arnold Crabb Elmore Farrar Fleming Frazier Goyne Henderson Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Wallace Wellborne and Wilson, of the Senate. messrs Aldridge Alston Andress Ashurst Baker Bates Beauchamp Bestor Blake Booker Boston Brashier Brevard Cane Carmack Carney Clifton Clough Cochran Coman Cross Davis of B. Davis of m. Erwin Finley Gann Godbold Greening Hammond High Johnson Jones of B. Jones of c. Lucas Martin of B. Martin of p. May McClannahan of M. McClellan McLemore Morris Oliver Owen Parker Perryman Priest Puckett Rawls Rogers Scott of J. Sheffield Shields Simmons of L. Slaughter Skinner Smith of D. Smith of M. Spencer Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives, 93.

Those who voted for mr Williams, are messrs Arnold Crabb Devereaux Farrar Henderson Lee and Watrous of the Senate. messrs Aldridge Andress Ashurst Bates Blake Boston Brevard Calhoun Cane Carmack Clifton Clough Cobb Cook De Jarnett Finley Gann Hammond Johnson Jones of B. King Lucas McClannahan of M. McClannahan of S. McClellan Mccord Morris Priest Prim Scott of J. Sheffield Simmons of L. Simonton Smith of D. Spencer Tarrant Tiffin Vining and Wilson, of the House of Representatives, 46.

messrs John Cantley, Robert Caruthers, M Cook, S. G. Frierson James Hogan, Robt Jemison, Ches. Lewin, John Marast, John Owen, Thos A. Smith, Joel White, and James C. Wilson, having received a majority of all the votes given, mr Speaker declared them duly and constitutionally elected Directors of the bank of the State of Alabama at Tuscaloosa.

The two Houses then proceeded tot he election of a President for the branch of the bank of the State of Alabama at Decatur, H. Green and Hugh McVay, being in nomination.

Those who voted for mr Green, are messrs President Devereaux Elmore Fleming Frazier Hudson Mays Musgrove Rains Rather Riddle Roberts Simmons Terry and Wallace, of the Senate. messrs Speaker Andress Ashurst Baker Bates Bestor Booker Brevard Calhoun Coman Cook Cottrell Cross Davis of B. Davis of M. Erwin Finley Godbold High Johnson King Lee Martin of P. May McAlpin McClannahan of m. McClellan McCord McLemore Morris Nelson Oliver Payne Phillips Porter Priest Prim Puckett Rogers Ross Scott of J. Scott of m. Skinner Slaughter Smith of D. Stephenson Vining Weissinger Williams of T. Wilson Womack and Wright, of the House of Representatives, 65.

Those who voted for mr McVay, are messrs Crabb Farrar Henderson Hill Moore Posey and Wilson, of the Senate. messrs Aldridge Beauchamp Blake Boston Brashier Carmack Clifton Cobb Hammond Jones of c. McClannahan of s. Rawls Sheffield Simmons of L. Smith of m. Tarrant Taylor and Toulmin of the House of Representatives, 25.

Mr Green having received a majority of all the votes given, Mr Speaker declared him duly and constitutionally elected President of the branch of the bank of the State of Alabama at Decatur.

The two Houses then proceeded to the election of fourteen Directors of the branch of the bank of the State of Alabama at Decatur. — messrs Samuel Baker, John Berry, H. A. Bragg, G. W. Carroll, John Coffee, James Fennell, J. W. Garth, W. N. Gillespie, M. D. Hampton, M. C. Houston, J. K. Hudson, S. Holt, James Erwin, J. C. Johnson, Jas. E. Jones, T. Jones, Wm Little, S. C. Newman, J. T. Sykes, Jos. Stout, E. B. Westmoreland, William Sanders and Samuel Tanner, being in nomination.

Those who voted for mr Baker, are messrs Crabb, Devereaux Fleming Frazier Goyne Henderson Hill Lee Mays Moore Rains Riddle Roberts Wallace Wellborn and Wilson, of the Senate. messrs Speaker Aldridge Andress Ashurst Bates Beauchamp Bester Brevard Burt Calhoun Cane Cobb Cook Cottrell Davis of B. Davis of m. De Jarnett Erwin Greening Hammond Lucas mcAlpin mcClannahan of m. mcClannahan of s. mcCord mcLemore Morris Perryman Priest Prim Puckett Scott of m. Sheffield Smith of m. Stephenson Tiffin Vining Warren Weissinger Williams of T. and Wright, of the House of Representatives, 57.

Those who voted for mr Berry, are messrs President Arnold Crabb Elmore Farrar Fleming Frazier Goyne Henderson Hill Hudson Lee Mays Moore Musgrove Posey Rains Rather Roberts Simmons Smith

Terry Wallace Watrous Wellborn and Wilson, of the Senate. messrs Aldridge Ashurst Baker Bates Beauchamp Bester Blake Booker Boston Brashier Brevard Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Erwin Finley Godbold Greening Hammond High Johnson Jones of B. King Lucas Martin of B. May mcAlpin mcclannahan of m. mc-cord mcLemore Morris Nelson Oliver Payne Perryman Phillips Priest Prim Puckett Rawls Rodgers Ross Scott of J. Scott of m. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson and Wright, of the House of Representatives, 91.

Those who voted for mr Bragg, are messrs President Devereaux Farrar Frazier Goyne Henderson Hill Lee Mays Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Terry Watrous Wellborn

and Wilson of the Senate. messrs Address Baker Beauchamp Bester Blake Boston Brashier Brevard Calhoun carmack clifton cook cottrell Davis of B. Davis of m. Hammond Johnson Jones of B. King mcclannahan of m. mcclannahan of s. mccord Nelson Oliver Payne Priest Prim Puckett Rawls Rodgers Ross Scott of J. Scott of m. Sheffield Shields Simmons of L. Skinner Slaughter Smith of D. Stephenson Toulmin Vining warren weissinger and wright, of the House of Representatives, 66.

Those who voted for mr Carroll, are messrs President Arnold crabb Devereaux Elmore Farrar Frazier Henderson Hill Hudson Lee Mays Moore Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Terry wallace watrous wellborn and wilson, of the Senate. messrs Speaker Address Ashurst Baker Bates Beauchamp Booker Brashier Brevard Burt calhoun carmack cobb cochran coman cook cottrell cross Davis of m. De Jarnett Erwin Finley Godbold Greening High Jones of B. King Lucas Martin of B. Martin of p. May McAlpin mcclannahan of m. mcclannahan of s. mcclellan mcLemore Morris Nelson Oliver Owen Payne Perryman Phillips Priest Puckett Rawls Rodgers Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Smith of D. Smith of m. Stephenson Tarrant Taylor Tiffin Toulmin Vining warren weissinger williams of T. and wilson, of the House of Representatives, 92.

Those who voted for mr Coffee, are messrs Arnold Emore Farrar Fleming Frazier Goyne Henderson Hill Lee moore musgrove Posey Roberts Smith Terry wallace and wellborn, of the Senate. messrs Speaker Aldridge Ashurst Beauchamp Bester Balker Booker Boston Brashier calhoun cane carmack clifton cobb cochran coman cook cottrell cross Davis of B. De Jarnett Finley Godbold Greening High Johnson Jones of B. King Lucas martin of B. martin of p. may mcAlpin mcclannhan of s. mcclellan mccord mcLemore morris Nelson Oliver Phillips Priest Prim Rawls Ross Scott of J. Scott of m. Simmons of L. Simonton skinner smith of D. smith of m. stephenson Tarrant Taylor Tiffin Toulmin warren weissinger williams of T. wilson and wright, of the House of Representatives, 79.

Those who voted for mr Fennel are, messrs President Crabb Devereaux Elmore Farrar Fleming Frazier Henderson Hudson Mays Moore Musgrove Rains Rater Riddle Roberts Simmons Watrous and Wellborn, of the Senate: messrs Speaker Aldridge Ashurst Baker Beauchamp Bester Brevard Burt Calhoun Cochran Coman Davis of B. Davis of m. Erwin Finley Greening Hammond High Lucas Martin of P. May McAlpin McClannahan of m. McClannahan of S. McCord McLemore Nelson Oliver Owen Payne Phillips Prim Rogers Scott of J. Scott of m. Shields Slaughter Toulmin Vining Warren Weissinger Williams of T. and Wilson, of the House of Representatives — 62.

Those who voted for mr Garth are, messrs President Crabb Devereaux Elmore Henderson Hill Mays Moore Posey Rains Rather Riddle Simmons Smith and Wallace, of the Senate: messrs Speaker Blake Burt Calhoun Carmack Cochran DeJarnett Finley Godbold Hammmond McClannahan of m. McClannahan of S. McClellan Payne Perryman Priest Ross Shields Slaughter Smith of m. Stephenson Tarrant Taylor Vining and Williams of T., of the House of Representatives — 40.

Those who voted for mr Gillespie are, messrs Devereaux Fleming Frazier Goyne Hudson Mays Posey Rather Riddle and Simmons of the Senate: messrs Aldridge Beauchamp Blake Boston Brevard Coman Davis of B. Davis of m. DeJarnett Erwin High McAlpin McClannahan of m. Owen Payne Priest Sheffield Simmons of L. Slaughter Tarrant Warren and Williams of t., of the House of Representatives — 32.

Those who voted for mr Hampton are, messrs Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Goyne Hill Hudson Lee Mays Moore Musgrove Posey Rains Riddle Roberts Simmons Smith Terry Wallace Watrous and Wilson, of the Senate: messrs Speaker Ashurst Baker Beauchamp Bester Blake Booker Boston Brashier Brevard Burt Calhoun Cane Carmack Cobb Cochran Coman Cook Cottrell Cross Davis of m. DeJarnett Erwin Finley Greening Hammond High King Lucas Martin of B. Martin of P. May McAlpin McClannahan of S. McClellan McCord Morris Nelson Oliver Owen Payne Perryman Phillips Priest Prim Puckett Rawls Rogers Scott of J. Scott of m. Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Stephenson Tarrant Taylor Tiffin Toulmin Vining Weissinger Wilson and Wright, of the House of Representatives — 88.

Those who voted for mr Houston, are, messrs President Crabb Devereaux Elmore Fleming Hill Hudson Lea Mays Moore Rains Rather Riddle Roberts Simmons Wallace Watrous Wellborn and Wilson, of the Senate: messrs Speaker Aldridge Address Ashurst Baker Bates Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Calhoun Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m. Erwin Finley Godbold Greening High Jones of B. Lucas Martin of B. Martin of P. May McAlpin McClannahan of M. McClannahan of S. McClellan McCord Morris Oliver Owen Payne Perryman Phillips Priest Puckett Rawls Rogers Ross Scott of J. Scott of m. Sheffield Simmons

of L. Simonton Slaughter Smith of m. Stephenson Tarrant Taylor Toulmin Vining Weissinger Wilson and Wright, of the House of Representatives — 84.

Those who voted for mr Hudson, are, messrs presidnet Arnold Devereaux Elmore Farrar Frazier Goyne Henderson Hill Hudson Lea Moore Musgrove Rains Rather Simmons Smith Terry Wallace Watrous and Wellborn, of the Senate: messrs Aldridge Andress Baker Bates Booker Boston Brashier Cane Carmack Clifton Cobb Cross Finley Godbold Hammond High Johnson Jones of B. King Lucas Martin of B. Martin of P. McClannahan of S. McLemore Morris Nelson Perryman Phillips Priest Prim Rogers Ross Sheffield Shields Simmons of L. Skinner Slaughter Smith of D. Smith of M. Stephenson Tarrant Taylor Tiffin Toulmin Warren Williams of T. Wilson and Wright, of the House of Representatives — 69.

Those who voted for mr Holt, are, Messrs Crabb Devereaux Elmore Fleming Henderson Hudson Lee Musgrove Posey Rains Rather Simmons Smith Terry Wallace Watrous and Wilson of the Senate: Messrs Andress Ashurst Baker Bates Blake Brevard Calhoun Cane Carmack Clifton Davis of B. Godbold Greening High Johnson Jones of B King Martin of B Martin of P McClannahan of m McClellan McLemore Morris Oliver Perryman Phillips Priest Prim Puckett Rawls Rogers Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Smith of D. Smith of m. Stephenson Taylor Tiffin Vining Warren Williams of T. Wilson and Wright, of the House of Representatives — 64.

Those who voted for mr Irwin, are messrs Crabb Fleming Frazier Henderson Hudson Riddle Wallace and Wilson of the Senate: Messrs Speaker Bestor Blake Boston Burt Erwin Martin of P. and Simmons of L. of the House of Representatives — 16.

Those who voted for mr Johnson, are, messrs Arnold Devereaux Elmore Farrar Frazier Goyne Henderson Hill Lea Moore Musgrove Posey Rains Roberts Smith Terry Wellborn and Wilson, of the Senate: messrs Speaker Aldridge Address Baker Bates Beauchamp Bester Booker Boston Brashier Burt Cane Carmack Clifton Cobb Cochran Coman Cottrell Cross Davis of M. DeJarnett Finley Godbold Greening Hammond High Johnson Jones of B. King Lucas Martin of B. May McClellan McLemore Morris Nelson Oliver Owen Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of M. Sheffield Shields Simonton Skinner Smith of D. Smith of m. Stephenson Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson and Wright, of the House of Representatives — 81.

Those who voted for mr James E. Jones, are, messrs President Crabb Devereaux Elmore Flemming Goyne Hudson Lea Mays Rains Riddle Roberts Simmons Smith Terry Wallace and Wilson of the Senate: messrs Speaker Ashurst Baker Bates Bestor Booker Boston Brashier Burt Calhoun Cane Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. DeJarnett Erwin Greening Hammond High Johnson Jones of B. King Lucas Martin of B. Martin of P. May McAlpin McClellan McCord McLemore Morris Nelson Payne Perryman Phillips Puckett Rawls Rogers Ross Scott of m. Shields Simmons of L. Simonton Skinner Slaughter Stephenson Tarrant Tiffin Toulmin Vining Warren Weissinger and Wilson, of the House of Representatives — 76.

Those who voted for mr Jones, are messrs President Arnold Devereaux Fleming Hill Lee Moore Rains Rather Riddle and Watrous, of the Senate: messrs Aldridge Bates Blake Cane Davis of B. Davis of m. Greening Hammond Johnson McClannahan of m. Owen Payne Perryman Puckett Sheffield Slaughter and Smith of D. of the House of Representatives — 28.

Those who voted for mr Little, are, messrs President Arnold Crabb Elmore Farrar Frazier Goyne Henderson Hudson Moore Musgrove Posey Rather Riddle Roberts Simmons Smith Terry Watrous and Wellborn, of the Senate: messrs Speaker Aldridge Address Ashurst Bates Beauchamp Bestor Blake Booker Boston Brashier Brevard Burt Cane Carmack Clifton Cobb Cochran Cook Cottrell Cross Davis of m. DeJarnett Finley Godbold Hammond Johnson Jones of B. King Martin of B. Martin of P. May McAlpin McClannahan of S. McClellan Morris Nelson Oliver Owen Payne Phillips Prim Puckett Rawls Rogers Scott of m. Sheffield Simmons of L. Simonton Skinner Smith of D. Smith of m. Stephenson Tarrant Talor Tiffin Toulmin Warren and Williams of T., of the House of Representatives — 80.

Those who voted for mr Newman, are, messrs Arnold Elmore Musgrove Posey and Watrous of the Senate: messrs Aldridge Address Ashurst Beauchamp Blake Booker Boston Brashier Burt Cane Carmack Clifton Cobb Cochran Coman Cross Davis of B. DeJarnett Erwin Finley Godbold Greening Hammond Johnson Jones of B. King Lucas Martin of B. Martin of P. May McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Phillips Prim Puckett Ross Scott of J. Scott of m. Sheffield Simonton Skinner Slaughter Smith of D. Smith of m. Stephenson Tarrant Tiffin Warren Williams T. and Wright, of the House of Representatives — 61.

Those who voted for mr Sykes, are, messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Hudson Lee Mays Moore Musgrove Rains Rather Riddle Roberts Simmons Smith Terry Wallace Watrous and Wellborn, of the Senate: messrs Speaker Aldridge Address Ashurst Baker Bates Bestor Booker Brashier Brevard Burt Calhoun Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m. Erwin Finley Godbold High Johnson Jones of B. Lucas Martin of B. Martin of P. McAlpin McClellan McCord McLemore Nelson Oliver Owen Payne Perryman Phillips Priest Prim Puckett Rawls Rogers Ross Scott of J. Scott of m. Shields Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Toulmin Vining Weissingers Williams of T. Wilson and Wright of the House of Representatives — 83.

Those who voted for mr Stout, are, messrs President Arnold Elmore Goyne Hill Lea Mays Musgrove Posey Rather Riddle Watrous and Wilson, of the Senate: messrs Aldridge Address Beauchamp Cane Clifton Coman Cook Davis of m. Erwin Greening Johnson May McClannahan of m. McCord Owen Payne Perryman Puckett Slaughter and Tarrant, of the House of Representatives — 33.

Those who voted for mr Westmoreland, are, messrs Farrar Goyne Posey Terry Wellborn and Wilson of the Senate: messrs Address Baker Bates Blake Booker Boston Brashier Brevard Cane Carmack Clifton Cook Cottrell Cross DeJarnett Finley Godbold Jones of B. King McAlpin McClannahan

of J. Sheffield Simmons of L. Simonton Skinner Smith of D. Taylor Toulmin Warren Weissinger Williams of T. Wilson and Wright, of the House of Representatives — 50.

Those who voted for mr Saunders, are, messrs President Arnold Crabb Farrar Fleming Frazier Goyne Henderson Hill Hudson Mays Moore Posey Rather Roberts Smith Terry Wallace Wellborn and Wilson of the Senate. messrs Speaker Aldridge Andress Ashurst Baker Bates Bester Booker Boston Brevard Burt Calhoun Carmack Clifton Cobb Cochran Coman Cook Cottrell Cross Davis of B. DeJarnett Erwin Godbold Hammond High Johnson Jones of B. King Lucus Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Nelson Oliver Owen Payne Perryman Phillips Priest Rawls Rosss Scott of J. Scott of m. Shields Simmons of L. Simonton Slaughter Smith of m. Taylor Tiffin Toulmin Vining Weissinger Wilson and Wright, of the House of Representatives — 82.

Those who voted for mr Tanner, are, messrs President Arnold Crabb Farrar Fleming Frazier Goyne Henderson Hill Hudson Mays Musgrove Roberts Smith Terry Wallace Watrous Wellborn and Wilson of the Senate: messrs Speaker Andress Ashurst Baker Bates Beauchamp Bester Blake Booker Bra-shier Brevard Burt Calhoun Cane Cobb Cochran Coman Cook Cottrell Cross Davis of B. Davis of m. DeJarnett Erwin Finley Godbold Greening Hammond High Johnson King Lucas Martin of B. Martin of P. May McAlpin McClannahan of m McClannahan of S McClellan McCord McLemore Morris Nelson Oliver Owen Perryman Phillips Prim Rawls Rogers Ross Scott of J. Scott of m. Sheffield Shields Simonton Skinner Smith of D. Smith of m. Taylor Tiffin Vining Weissinger Wilson and Wright, of the House of Representatives — 85.

Messrs John Berry, A. H. Bragg, G. M. Carroll, John Coffee, M. D.

Hampton, H. C. Houston, J. R. Hudson, L. Holt, J. C. Johnson, James G. Jones, William Little, J. T. Sykes, William Sanders and Samuel Tanner, having each received a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected, directors for the Branch of the Bank of the State of Alabama at Decatur.

The Senate withdrew to their chamber and Mr President resumed his chair. The Senate then adjourned till to-morrow 9 o'clock.

Saturday, December 23. — The Senate met pursuant to adjournment.

Mr Crabb called up the bill entitled an act to regulate trade in the city of Mobile. Mr Rains moved its indefinite postponement; which was lost.

The yeas and nays being desired, those who voted in the affirmative, are, messrs Arnold Elmore Hudson Mays Rains Rather Smith and Wallace.

Those who voted in the negative, are messrs President Crabb Devereaux Farrar Hill Lea Moore Musgrove Posey Riddle Simmons Terry Watrous and Wilson.

Mr Mays moved to lay the bill on the table; which was lost.

The yeas and nays being desired, those who voted in the affirmative, are messrs Elmore Hudson Mays Rains Smith and Wellborn.

Those who voted in the negative are, messrs President Crabb Devereaux Farrar Fleming Hill Lea Moore Musgrove Posey Rather Riddle Simmons Terry Wallace Watrous and Wilson.

The bill was then put on its passage.

The yeas and nays being desired, those who voted in the affirmative are, messrs President Crabb Devereaux Farrar Fleming Frazier Hill Lea Moore Musgrove Posey Riddle Simmons Watrous Wellborn and Wilson.

Those who voted in the negative, are messrs Arnold Elmore Hudson Mays Rains Rather Roberts Smith Terry and Wallace.

So the bill passed.

A message from the House of Representatives — Mr President: The House of Representatives have passed bills which originated in the Senate of the following titles, to wit: An act to authorize the holding of a special term of the county court for Montgomery: an act to establish a medical board at the town Irwinton, in the county of Barbour: an act to provide for the more permanent location of the seat of justice for Greene county. They concur in the amendments made by the Senate to the bills entitled, an act to provide for the payment of certain persons therein named: an act for the relief of George W. Fisher, guardian of Lewis Griffith: and, an act to attach a part of Marion to Fayette county.

Mr Rains from the committee on enrolled bills made the following report. The committee on enrolled bills report as correctly enrolled: an act to incorporate the town of Jefferson in Cherokee county: an act for the relief of William Chalmers of Pickens county: an act to increase the sheriff's fees in Baldwin county: an act to provide for the payment of certain persons therein named: and, an act to regulate the compensation of witnesses in civil cases, and for other purposes.

The bill from the House to incorporate the Dallas riflemen company of volunteers, was taken up and read a third time and passed.

The bill from the House to incorporate the Alabama lever press and insurance company, was read a third time and passed.

The bill from the House to provide for taking the census for the year 1838, was read a third time and passed.

Mr Rather offered a resolution proposing to rescind the resolution heretofore adopted by the two Houses, in relation to the adjournment of the two Houses of the General Assembly, sine die. Mr Posey moved to lay the resolution on the table, which was carried.

The yeas and nays being called for, those who voted in the affirmative are, messrs President Crabb Devereaux Elmore Fleming Frazier Henderson Hudson Lea Mays Musgrove Posey Roberts Simmons and Wellborn.

Those who voted in the negative are, messrs Arnold Moore Rains Rather Smith Terry Wallace and Watrous.

Mr Mays called from the table the bill entitled, an act authorising the judge of the county court of Montgomery county, to hold a special term of said court, which was read the third time and passed.

Engrossed bill entitled, an act prescribing the times of holding the circuit courts in the sixth judicial circuit, was taken up and read a third time and passed.

Message from the House of Representatives. — Mr President: The House of Representatives have adopted the following resolution: Resolved, That the two Houses will, with the consent of the Senate, assemble in the Hall of the House of Representatives on this day at 11 o'clock A. M., for the purpose of electing a President and fourteen Directors for the branch of the bank of the State of Alabama at Huntsville: they have passed a bill from the Senate entitled an act making an appropriation for the payment of the members and officers of the present General Assembly; in which message the Senate concurred.

Mr Lea called up the bill to provide for the inspection of cotton in the city of Mobile, as amended by the Senate, to which amendment the House disagree. Ordered, that the Senate recede

from their amendments to said bill, and that the secretary of the Senate acquaint the House therewith.

Engrossed bill entitled an act to incorporate the Bridgeville Male and Female Academy, was taken up and read a third time and passed.

Engrossed bill to regulate the drawing and summoning of jurors in Talladega county, was taken up and read a third time and passed.

The following is a condensed report of Mr Rains and others from the committee on enrolled bills. The committee on enrolled bills have examined and find correctly enrolled, bills of the following titles, to wit an act to incorporate a regiment of cavalry in Benton county: an act for the relief of Babb a man of color: an act to authorise the holding of a special term of the county court for the county of Montgomery: an act to attach a part of Marion to Fayette county: an act making an appropriation for the payment of the members and officers of the present General Assembly: an act to establish a medical board at the town of Irwinton in the county of Barbour: joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States: an act to increase the revenue fund: an act for the relief of Barbary Hazle and Mary McCain: an act to allow additional compensation to constables for collecting money on executions, in the county of Tuscaloosa: an act to incorporate the Monroe company of volunteer riflemen, in the county of Monroe; an act more effectually to provide for discoveries in suits at common law: an act to authorize guardians to remove the property of their wards in certain cases; an act to amend the laws now in force, in relation to retailers of spirituous liquors: joint resolutions in relation to the annexation of part of West Florida to the State of Alabama: an act to provide for the more permanent location of the seat of justice in the county of Greene; an act to establish a new beat in the county of Dallas; an act to incorporate the Selma Male and Female Academy in the county of Russell: an act to incorporate the Gainesville Female Academy: an act to incorporate the town of Allenton in the county of Wilcox: an act to change the time of holding the county court in Barbour and Green counties: an act to incorporate the Farmer's Academy: an act for the benefit of the University of this State and, joint memorial of the General Assembly of the State of Alabama to the Congress of the United States.

Message from the House of Representatives by Mr Garrett, their assistant clerk: Mr President — The House of Representatives have adopted the following resolution: Resolved, That the Senate be now invited to assemble in the Representative Hall for the purpose of electing a President and fourteen Directors for the branch of the bank of the State of Alabama at Huntsville. Whereupon the Senate repaired to the Hall of the House of Representatives, and were seated: Mr President announced the object of the meeting.

The two Houses then proceeded to elect a president for the Branch of the Bank of the State of Alabama at Huntsville, B. M. Lowe, alone being in nomination.

Those who voted for mr Lowe are, messrs. President Arnold Crabb Devereaux Fleming Frazier Henderson Hudson Lee

Musgrove Posey Rains Rather Riddle Roberts Simmons Smith Terry Wallace & Watrous of the Senate; messrs. Speaker

Aldridge Andress Baker Bates Beauchamp Bestor Blake Booker Boston Brevard Calhoun Carmack Clifton Coman Cook

Davis of m. Erwin Finley Godbold Hammond Johnson Jones of B. Lee Lucas Martin of B. Martin of P. May McAlpin

McClannahan of m. McClannahan of S. McClellan McCord Morris Nelson Owen Parker Payne Phillips Porter Prim

Ross Scott of J. Sheffield Shields Simmons of L. Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Toulmin

Vining Weissinger Williams of T. Wilson and Womack of the House of Representatives — 78.

Mr B. M. Lowe having received all the votes given, Mr Speaker declared him duly and constitutionally elected president of the Branch of the Bank of the State of Alabama at Huntsville.

The two Houses then proceeded to elect fourteen directors for the Branch of the Bank of the State of Alabama at Huntsville — Messrs E. L. Andrews, Thomas Brandon, John E. Chambers, William Dewoody, R. R. Drake, S. S. Ewing, George E. Garrett, George W. Hall, James R. Murry, S. C. Newman, B. Patterson, E. W. Parker Robert M. Patton, V. G. Pruit, Joseph Rice, J. Taylor P. Yeatman and Thomas M. King, being in nomination.

Those who voted for mr Andrews are, messrs President Arnold Farrar Fleming Hill Lee Moore Musgrove Posey Roberts Smith Terry and Watrous of the Senate; messrs Speaker Aldridge Alston Address Baker Bates Bestor Booker Clifton Coman Cook Cross Davis of B. Davis of m. De Jarnett Finley Greening Hammond Horton Jones of B. Lee Martin of B. May McAlpin McClannahan of S. McCord McLemore Morris Nelson Owen Payne Perryman Porter Puckett Scott of J. Sheffield Shields Tarrant Tiffin Toulmin Vining Warren Wilson and Wright of the House of Representatives — 57.

Those who voted for mr Brandon are, messrs President Arnold Farrar Fleming Hill Moore Musgrove Posey Rather Roberts Smith and Wellborn of the Senate; messrs Speaker Aldridge Baker Beauchamp Booker Boston Calhoun Carmack Carney Clifton Clough Cross Davis of B. De Jarnett Finley Hammond Horton Johnson Jones of B. Lee Lucas Martin of B. May Morris Nelson Oliver Owen Parker Payne Porter Ross Scott of J. Shields Simmons of L. Skinner Slaughter Smith of D. Smith of m. Taylor Toulmin Vining Warren Womack and Wright of the House of Representatives — 57.

Those who voted for mr Chambers are, messrs Arnold Devereaux Farrar Frazier Lee Moore Musgrove Rather Roberts and Simmons of the Senate; messrs Aldridge Address Baker Bates Beauchamp Booker Boston Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. De Jarnett Finley Godbold Greening Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of P. McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives — 73.

Those who voted for mr Dewoody are messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. De Jarnett Finley Godbold Greening Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Toulmin Vining Warren Weissinger Wilson Womack and Wright of the House of Representatives — 89.

Those who voted for mr Drake are messrs President Arnold Crabb Devereaux Elmore Farrer Fleming Frazier Lee Moore Musgrove Rather Roberts Smith Terry and Watrous of the Senate; messrs Aldridge Alston Address Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carney Clifton Clough Coman Cook Cottrell Cross De Jarnett Finley Godbold

Greening Hammond Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. M Clannahan of m. Mc-Clannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker Phillips Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Slaughter Smith of D. Smith of m. Tarrant Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives — 79.

Those who voted for mr Ewing are messrs President Arnold Crabb Devereaux Elmore Fleming Frazier Hill Hudson Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Alston Andress Baker Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. Davis of m. Finley Godbold Greening Hammond Horton Jones of B. Jones of C. King Lee Martin of B. Martin of P. May McAlpin McClannahan of m. McClellan McCord McLemore Morris Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Ross Shields Simmons of L. Simonton Skinner Slaughter Smith of m. Smith of D. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Womack and Wright of the House of Representatives — 85.

Those who voted for mr Garrett are messrs Arnold Crabb Devereaux Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Andress Baker Bates Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clough Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Godbold Greening Hammond Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Phillips Porter Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives — 84.

Those who voted for mr Hall are messrs Crabb Elmore Farrar Frazier Hudson Lee Musgrove Rather Simmons Smith and Wellborn of the Senate; messrs Aldridge Andress Baker Bates Beauchamp Boston Brevard Calhoun Cane Carmack Carney Clough Coman Cottrell Cross Davis of B. Davis of m. DeJarnett Godbold Greening Hammond Johnson Jones of B. Jones of C. King Lucas McClannahan of m. McClannahan of S. McClellan Morris Oliver Parker Perryman Prim Ross Scott of J. Sheffield Simmons of L. Skinner Slaughter Smith of D. Tarrant Taylor Tiffin Weissinger Williams of T. Wilson and Womack of the House of Representatives — 59.

Those who voted for mr Murry are messrs. President Arnold Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Andress Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Clough Coman Cook Cottrell Cross Davis of B. Davis of m. DeJarnett Greening Horton Johnson Jones of C. King Lucas Martin of B. Martin of P. McClannahan of m. McClannahan of S. McCord Nelson Oliver Owen Parker Perryman Phillips Porter

Prim Puckett Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m.

Tiffin Toulmin Vining Warren Weissinger Wilson Womack and Wright of the House of Representatives — 30.

Those who voted for mr Newman are, messrs. President Arnold Crabb Elmore Farrar Frazier Hudson Lee Musgrove

Posey Rather Simmons and Watrous of the Senate; messrs. Aldridge Alston Address Bates Beauchamp Boston Brevard

Calhoun Cane Carmack Carney Clifton Clough Coman Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Godbold

Hammond Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClanna-

han of S. McClellan McCord McLemore Morris Nelson Oliver Phillips Prim Ross Scott of J. Sheffield Simmons of L. Si-

monton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Weissinger Williams of T. Wilson

Womack and Wright of the House of Representatives — 72.

Those who voted for mr Patterson are, messrs President Arnold Crabb Devereaux Elmore Fleming Frazier Hill Hud-

son Lee Posey Rather Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Alston Address Baker Beau-

champ Bestor Booker Boston Brevard Calhoun Cane Carmack Carney Clifton Coman Cook Cross Davis of B. Davis of m.

DeJarnett Finley Godbold Greening Hammond Horton Johnson Jones of B. King Lee Lucas Martin of B. Martin of P.

May McAlpin McClannahan of m. McClannahan of S. McClellan McCord McLemore Morris Nelson Oliver Owen Parker

Payne Perryman Phillips Porter Prim Puckett Ross Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith

of m. Taylor Tiffin Vining Warren Weissinger Williams of T. and Wilson of the House of Representatives — 81.

Those who voted for mr Parker are messrs President Crabb Devereaux Elmore Fleming Frazier Hill Hudson Moore

Rather Roberts Simmons Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Address Baker

Bates Bestor Booker Brevard Cane Carmack Carney Clifton Clough Cross Davis of B. Davis of m. Finley Hammond Hor-

ton Johnson Jones of C. King Lee Lucas Martin of B. Martin of P. May McAlpin McClannahan of m. McClannahan

of S. McClellan McLemore Morris Nelson Owen Parker Payne Perryman Phillips Porter Prim Puckett Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of m. Vining Warren Williams of T. and Wilson of the House

of Representatives — 69.

Those who voted for mr Patton are, messrs Arnold Crabb Devereaux Elmore Farrar Frazier Hill Hudson Lee Musgrove Posey Poberths Simmons Smith Terry and Watrous of the Senate;

messrs Speaker Aldridge Alston Baker Bates Beauchamp Bestor Boston Brevard Calhoun Cane Carmack Carney Clifton Clough Coman Cook Cottrell Davis of B. Davis of m. De Jarnett Finley

Godbold Greening Horton Johnson Jones of B. Jones of C. King Lee Lucas Martin of B. Martin of P. May McClannahan of m. McClannahan of s. McClellan Mccord Nelson Owen Parker Perry-

man Phillips Porter prim Puckett Ross Scott of J. Sheffield Simmons of L Slaughter Skinner Smith of D. Tarrant Taylor Toulmin Warren Williams of T. Wilson Womack and Wright of the House of Representatives — 77.

Those who voted for mr Pruit are, messrs. Speaker Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Posey Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs Speaker Aldridge Alston Andress Baker Bates Beauchamp Bestor Booker Boston Brevard Calhoun Cane Carmack Clough Coman Cook Cottrell Davis of m. Godbold Greening Hammond Horton Johnson Jones of B. King Lee Lucas May McAlpin Mcclannahan of m. Mcclannahan of s McClellan Mccord McLemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Ross Scott of J. Sheffield Shields Simonton Skinner Smith of D. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Womack and Wright of the House of Representatives — 83.

Those who voted for mr Rice are, messrs president Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Speaker Aldridge Alston Andress Baker Bates Beauchamp Bestor Booker Boston Brevard Cane Carmack Carney Clifton Clough Coman Cook Cottrell Cross Davis of B. Davis of m. De Jarnett Finley Godbold Greening Hammond Horton Johnson Jones of B. Jones of c. King Lee Lucas Martin of B. Martin of P. May McAlpin mcclannahan of m mcclannahan of s mcclellan mccord mclemore Morris Nelson Oliver Owen Parker Payne Perryman Phillips Porter Prim Puckett Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives — 95.

Those who voted for mr Taylor are messrs President Crabb Devereaux Elmore Farrar Fleming Hill Hudson Lee Moore Musgrove Posey Roberts Simmons Terry Watrous and Wellborn of the Senate; messrs Speaker Alston Andress Bestor Booker Brevard Carmack Carney Clifton Cook Cottrell Davis of B. Davis of m. DeJarnett Godbold Greening Hammond Horton Jones of c. Lee Martin of B. Martin of P May McAlpin Mcclannahan of s. Mccord McLemore Owen Parker Payne Perryman Porter Prim Puckett Scott of J. Shields Simonton Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger and Williams of T. of the House of Representatives — 63.

Those who voted for mr Yeatman are, messrs President Crabb Devereaux Elmore Fleming Hill Hudson Moore Posey Rather Simmons Smith and Wellborn of the Senate; messrs Speaker Alston Bates Beauchamp Bestor Booker Brevard Calhoun Clifton Coman Cook Cottrell Davis of m. Finley Godbold Greening Hammond Horton Jones of c. Martin of P May McAlpin McClellan Mccord McLemore Oliver Owen Parker Payne Perryman Phillips Porter Puckett Ross Shields Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Vining Weissinger Williams of T. Womack and Wright of the House of Representatives — 60.

Those who voted for mr King are messrs President Arnold Crabb Devereaux Elmore Farrar Fleming Frazier Hill Hudson Lee Moore Musgrove Posey Rather Roberts Simmons Smith Terry Watrous and Wellborn of the Senate; messrs. Aldridge Alston Andress Baker Bates Beauchamp Bestor Boston Calhoun Cane Carney Clifton Clough Cook Cottrell Cross Davis of m. DeJarnett Godbold Finley Hammond Horton Johnson Jones of B. Jones of c. King Lucas Martin of B. Martin of P May Mcclannahan of m Mcclannahan of s McClellan McLemore Morris Nelson Owen Parker Phillips Prim Ross Scott of J. Sheffield Shields Simmons of L. Simonton Skinner Slaughter Smith of D. Smith of m. Tarrant Taylor Tiffin Toulmin Vining Warren Weissinger Williams of T. Wilson Womack and Wright of the House of Representatives — 82.

Messrs. John E. Chambers, William Dewoody, A. R. Drake, S. S. Ewing, George E. Garrett, James H. Murry, L. C. Newman, B. Patterson, E. M. Parker, Robert M. Patton, V. G. Pruit, Joseph Rice, J. Taylor and Thomas W. King having received a majority of all the votes given, Mr Speaker declared them duly and constitutionally elected Directors of the Branch of the Bank of the State of Alabama at Huntsville.

The Senate then withdrew to their Chamber, and Mr President resumed his Chair and the Senate adjourned to 3 o'clock, P. M.

Saturday Evening, December 23. — The Senate met pursuant to adjournment.

Mr Arnold from the committee on enrolled bills, reported as correctly enrolled: an act to compensate persons therein named.

The Senate then resumed to the consideration of the resolution to rescind the resolution to adjourn sine die. mr Mays moved to amend the same. mr Musgrove called the previous question: which was sustained. mr Smith moved to strike out the first "whereas;" which was carried. mr Mays moved to lay the resolution on the table; which was lost. The resolution was then adopted.

Mr Crabb introduced joint resolutions in relation to the boundary line between this State and

Georgia; which was read and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith, and said rule being further dispensed with, it was read the third time forthwith and adopted.

Engrossed bill from the House entitled an act to change and designate the line between the the counties of Marshall and Madison, and for other purposes, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second and third time forthwith and passed.

The bill from the House entitled an act to incorporate the Light Artillery borderers, was read and laid on the table.

The bill from the House to attach a part of the 74th to the 79th regiment of Alabama militia, was read and the rule requiring bills to be read on three several days, being dispensed with, the bill was read a second and third time forthwith and laid on the table.

The bill from the House entitled an act to alter and amend the patrol laws now in force in the county of Jefferson, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith, and passed.

The bill from the House entitled and act to compensate talles jurors in the county of Marengo was taken up and read, and the constitutional rule requiring bills to be read on three several days, being dispensed with, it was read a second and third time forthwith and passed.

Engrossed bill entitled an act for the relief of William Sizemore and others, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith. Mr Crabb moved to amend by inserting "except as to the right of suffrage;" which was carried. Mr Robert moved to add "William Powell and Alexander Weatherford; which was carried; and said rule being further dispensed with, the bill was read a third time forthwith and passed.

The bill from the House entitlen an act in relation to taking affidavits and administering oaths, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second time forthwith; and on motion of Mr Lea the bill was laid on the table.

The bill from the House entitled an act for the relief of Thomas W. Webb, was taken up and read, and ordered to lie on the table.

The bill from the House entitled an act to raise a revenue for Baldwin county, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with, the bill was read a second and third time forthwith and passed.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act to incorporate the town of Franklin in the county of Macon.

The following message was received from the House of Representatives by Mr Garrett, their assistant clerk: Mr President — The House of Representatives have read and adopted, a joint memorial of the Senate and House of Representatives of the State of Alabama, to the Congress of the United States, which originated in the Senate. They concur in the amendment made by the Senate to their bill entitled: An act to regulate the compensation of witnesses in civil cases, and for other purposes. They have passed bills which originated in the House of Representatives of the titles following: An act to compensate Percival Halbert for a slave executed according to law and for other purposes: An act for the relief of Thomas W. Webb: an act for the support of paupers in the county of Jackson: an act to raise a revenue for Baldwin county: an act to incorporate the town of Franklin in the county of Macon: an act to add a part of the county of Macon to the county of Russell, and for other purposes: an act to amend an act to incorporate the Florence and Waterloo rail road company: an act for the relief of the legal representatives of George W. Owens, late of Mobile county, deceased: an act to incorporate the Oak Bowry academy: an act to authorise Nathaniel Barram and his associates, to turnpike a certain road therein named: an act to incorporate the Trustees of Maplesville academy in the county of Bibb: an act to incorporate Good Hope male and female academy in the county of Russell: an act to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer : an act to amend and enlarge an act entitled an act to incorporate the town of Gainesville in the county of Sumter, approved January 10, 1835. They have also read and adopted a joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States: An act to compensate John Starnes of Marshall county for public services therein named: In all of which they respectfully ask the concur-

rence of the Senate.

Mr Arnold from the committee on enrolled bills made the following report: The committee on enrolled bills have examined and find correctly enrolled, the following bills, to wit: An act to compensate Percival Halbert for a slave executed accord to law, and for other purposes: An act to incorporate the Gainesville male academy: an act to regulate the sessions of the county courts of Marengo county: an act to incorporate the Alabama Lever Press and Insurance company: an act authorizing the Judge of the county court of Montgomery county to hold a special term of said court: an act to incorporate the Dallas riflemen company of volunteers: an act for the support of paupers in the county of Jackson: an act to revive and amend the law in relation to school and school lands: an act to appoint commissioners to contract for and superintend the building of a bridge across Flint river, in Madison county: an act to

regulate the drawing and summoning jurors for the county of Talladega: an act to amend and enlarge an act entitled an act to incorporate the town of Gainesville.

Joint memorial of the General Assembly of the State of Alabama, to the Congress of the United States, from the House of Representatives was taken up, and the constitutional rule requiring joint memorials, joint resolutions and bills to be read on three several days, being dispensed with, it was read a second and third time forthwith, and after amending the same by inserting \$95,000, the memorial passed the Senate.

The bill from the House entitled an act to add a part of the county of Macon to the county of Russell, was taken up and read, and the rule being dispensed with, it was read a second time. On motion of Mr Devereaux the bill was laid on the table.

Those who voted in the affirmative, are messrs Crabb Devereaux Elmore Hudson Mays Moore Riddle Roberts Simmons Smith Wallace and Watrous.

Those who voted in the negative, are, messrs President Lea Musgrove Rains Rather and Wellborn.

The bill from the House entitled an act to amend an act to incorporate the Florence and Waterloo rail road company, was read and ordered to lie on the table.

The bill from the House entitled an act for the relief of the legal representatives of George W. Owen late of Mobile county, deceased, was taken up and read, and the constitutional rule requiring bill to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed.

The bill from the House entitled an act to incorporate the Oak Bowery Academy was taken up and read, and the constitutional rule being dispensed with, it was read a second and third time forthwith and passed.

The bill from the House entitled an act to authorize Nathaniel Berman and his associates to turnpike a certain road therein named, was taken up and read, and the rule requiring bills to be read on three several days, being dispensed with, it was read a second and third time forthwith and passed.

The bill from the House entitled an act to incorporate the Trustees of the Maplesville academy in Bibb county, was taken up and read, and the constitutional rule being dispensed with, it was read a second and third time forthwith and passed.

The bill from the House entitled an act to incorporate the Good hope male and female academy in the county of Russell, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second and third time forthwith and passed.

The bill from the House entitled an act to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer, was taken up and read, and the constitutional rule being dispensed with, it was read a second and third time forthwith and passed.

The bill from the House to compensate John Starnes of Marshall county for public services therein named, was taken up and read and laid on the table.

Message from the House of Representatives — Mr President: The House of Representatives concur in the first amendment of the Senate to the bill to provide for the inspection of cotton in the city of Mobile and disagree to the second and third amendments.

They concur in the first amendment made by the Senate to the bill the better to regulate the taxing of pedlars and shows, and disagree to the second amendment made to said bill.

The Senate took from the message the bill entitled an act the better to regulate the taxing of pedlars and shows, with the disagreement of the House to the

amendment made thereto by the Senate. The question was on the Senate insisting on their amendment, and determined in the negative.

Those who voted in the affirmative, are messrs Farrar Lea Moore Rains and Watrous.

Those who voted in the negative, are messrs President Arnold Crabb Devereaux Elmore Hill Hudson Mays Musgrove Rather Roberts Simmons Smith Terry and Wallace.

Ordered that the Senate recede from their amendment to said bill.

The bill from the House entitled an act to authorise the judge of the county court and commissioners of roads and revenue of the county of Henry, to lay off and divide said county into school districts, and for other purposes, was taken up and read, and ordered to lie on the table.

The bill from the House entitled an act to establish a separate chancery court for the second judicial circuit, was taken up and read, and the rule requiring bills to be read on three several days being dispensed with, it was read a second time forthwith. Mr Elmore moved to postpone its further consideration until the 1st of March next, which was carried.

The bill from the House entitled an act to change the mode of bringing suits on bills of exchange by the Bank of the State of Alabama and its branches, was taken up and read, and on motion of Mr Crabb it was referred to a select committee consisting of Messrs Crabb, Wallace and Mays.

The bill from the House entitled an act in relation to the county court of Mobile, was taken up and read, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed.

The bill from the House entitled an act requiring the State printer to present an additional number of the acts and journals of the General Assembly, and to distribute the same in the counties therein named, was taken up and read, and the constitutional rule requiring bills to be read on three several days being dispensed with, it was read a second and third time forthwith and passed.

Joint resolutions of the General Assembly of the State of Alabama, authorizing the Secretary of State to purchase a certain number of copies of Aikin's Digest, for the use of certain counties therein named, from the House of Representatives, was taken up and read, and the rule requiring bills and joint resolutions to be read on three several days being dispensed with, it was read a second time forthwith, and the said constitutional rule being further dispensed with, it was read a third time and passed.

The bill from the House entitled an act to amend an act incorporating the Cahawba navigation company, was taken up and read, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed.

The bill from the House entitled an act to amend judicial proceedings in certain cases therein named, with the Senate's amendment, to which the House have disagreed, was taken up from the message. Ordered, that the Senate insist on their amendment to said bill.

Mr Hill from the committee on propositions and grievances, to whom was referred the account of M. Burt, reported that it is inexpedient to legislate upon the subject, in which report the Senate concurred.

Mr Terry offered the following resolution, which was unanimously adopted: Resolved, That the thanks of the Senate are due to the Hon. Jesse Beene, for the able, efficient, and impartial manner, in which he has discharged the arduous duties incumbent upon him, as presiding officer of this body, during the present session.

Message from the House of Representatives. — Mr President: The House of Representatives have passed a bill from the Senate, entitled an act to provide for

the payment of provisions and other articles furnished the troops while in the service of the United States. They have passed a bill which originated in the House of Representatives, entitled an act to provide for the payment of a corps of troops therein specified.

The bill from the House, entitled an act to provide for the payment of a corps of troops therein specified, was taken from the message and read, and the rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed.

Mr Crabb from the select committee to which was referred the bill from the House of Representatives, to change the mode of bringing suits on bills of exchange, by the bank of the State of Alabama and its branches, reported the same with an amendment, by striking out the 3d section of the bill and inserting another in lieu thereof, in which amendment the Senate concurred. The bill was then read a third time and passed.

The following message from his Excellency the Governor, by his private secretary Mr Gooch, was received.— Mr President: His Excellency the Governor, this day approved and signed, bills which originated in the Senate of the following titles, to wit: an act authorising the branch of the bank of the State of Alabama at Mobile, to increase its issues, to be advanced upon the shipment of cotton: an act to limit the accommodations of the President and Directors of the Bank of the State of Alabama and its several branches.

Mr Farrar from the committee on enrolled bills, reported as correctly enrolled, an act to incorporate the Bridgeville Male and Female Academy ; an act to incorporate the town of Franklin in the county of Macon: an act making appropriation for the year one thousand eight hundred and thirty-eight.

Mr Mays from the same committee, reported as correctly enrolled, an act for the compensation of talis jurors in the county of Marengo: an act to alter and amend the patrol laws now in force in the county of Jefferson: and an act to provide for the payment of provisions and other articles furnished the troops while in the service of the United States.

Message from the House of Representatives. — Mr President: The House of Representatives have passed a bill entitled an act making appropriations for the payment of certain persons therein named; in which the concurrence of the Senate is requested. They have passed the bill from the Senate entitled, an act making appropriations for the payment of certain claims therein named, and have amended the same as therein shewn; in which the concurrence of the Senate is asked.

The bill from the House, entitled an act to compensate certain persons therein named, for services rendered the State, was read, and the constitutional rule requiring bills to be read on three several days being dispensed with, the bill was read a second and third time forthwith and passed.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled An act for the payment of sundry claims therein named.

On motion of Mr Wallace, Resolved, with the concurrence of the House of Representatives, the two Houses will adjourn on Monday next, at eleven o'clock sine die.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act requiring the State printer to print an additional number of the Acts and Journals of the General Assembly, and to distribute the same in the counties therein named: an act to enable Elizabeth Ezell to exercise and enjoy the rights and privileges of a free dealer: and an act to amend the act incorporating the Cahawba navigation company.

Mr May from the committee on enrolled bills, reported as correctly enrolled: An act to alter and amend the charter of the Alabama Life Insurance and Trust company.

Message from the House of Representatives: Mr President — The House of Representatives have passed a bill from the Senate, entitled: An act to incorporate the Mobile Aqueduct company.

On motion of Mr Wallace, Resolved, that the standing committee be discharged from the further consideration of all subjects referred to them.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act to authorise the Tennessee canal commissioners, to settle and pay for work done on said canal by John B. Jones & Co. upon the principles of equity and justice.

Message from the House of Representatives: Mr Speaker — The House of Representatives have read and adopted a joint resolution to provide for keeping the furniture of the two Houses of the General Assembly.

Joint resolution from the House, to provide for keeping the furniture of the two Houses of the General Assembly, was read, and the constitutional rule being dispensed with, it was read the second time forthwith, and adopted.

Message from the House of Representatives: Mr President — The House of Representatives have read and adopted, joint resolutions of the General Assembly of the State of Alabama, in relation to the boundary line between this State and the State of Georgia; which originated in the Senate; and have amended the same as therein shewn; in which they ask the concurrence of the Senate.

Joint resolutions of the General Assembly of the State of Alabama, in relation to the boundary line between this State and the State of Georgia, as amended by the House, was read. Mr Hudson moved that the Senate disagree to the amendment of the House thereto. Mr Wallace offered an amendment to the amendment of the House, in which the Senate concurred.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act to explain an act to increase the pay of jurors in certain counties therein named.

Message from his Excellency, the Governor, by Mr Gooch his private secretary: Mr President — His Excellency, the Governor, this day approved and signed a bill which originated in the Senate of the following title, namely: An act entitled an act for the payment of sundry claims therein named.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act to declare Sipsey river a public highway: an act to locate the seat of justice in the county of Marshall, and for other purposes: and an act to incorporate the Fireman's Insurance company in Mobile.

Message from the House of Representatives: Mr President — The House of Representatives concur in the resolution of the Senate proposing that the two Houses will adjourn sine die, on Monday next at 11 o'clock A. M. and have amended the same by striking out "11 o'clock, A. M." and inserting in lieu thereof, "9 o'clock, A. M." on that day, and add the following, "that the resolution this day, be and the same is hereby rescinded; in which the Senate concurred. The Senate then adjourned to Monday morning 8 o'clock.

Monday morning, December 25. — The Senate met pursuant to adjournment.

Mr Rains from the committee on enrolled bills, reported as correctly enrolled: An act to appropriate a certain sum for the completion of the Muscle Shoals canal: and an act to explain and amend the law in relation to attachments.

Mr Moore offered the following resolution: Resolved, That a committee be

appointed on the part of the Senate; to act with such committee as may be appointed on the part of the House of Representatives, to wait on his Excellency the Governor, and inform him of the readiness of the two Houses to adjourn, and ascertain if he has any further communication to make to the General Assembly; which was adopted; and Messrs: Moore, Smith and Rather, were appointed said committee.

Mr Wallace offered the following resolution: Resolved, that the door keeper of the Senate be instructed to take charge of the Senate chamber, and the rooms attached to it, and be required to take care of the furniture, &c., and return the same at the next session of the Legislature in good order, which was adopted.

Message from the House of Representatives. — Mr President: The House of Representatives have adopted a joint resolution, authorising and requesting the Governor and Treasurer to perform certain duties, in which they ask the concurrence of the Senate.

Joint resolution from the House of Representatives authorizing and requesting the Governor and Treasurer to perform certain duties, was read and laid on the table.

A message from his Excellency by mr Gooch his private secretary — Mr President: On Saturday the 23d instant, the Governor, approved and signed bills which originated in the Senate, of the following titles, namely: An act to alter and amend the charter of the Alabama life insurance and trust company: an act to explain an act to increase the pay of jurors in certain counties therein named: an act to authorize the Tennessee Canal commissioners to settle and pay for work done on said Canal by John R. and S. S. Henry, assignees of John B. Ives & Co. upon the principles of equity and justice. And that he did on this day approve and sign bills which originated in the Senate of the following titles, to wit: An act to locate the seat of justice of the county of Marshall, and for other purposes: an act to incorporate the Mobile Aqueduct company: and, an act to incorporate the Fireman's insurance company of Mobile.

A message from the House of Representatives — Mr President: The House of Representatives concur in the resolution of the Senate proposing the appointment of a joint committee to wait upon his Excellency the Governor, to ascertain if he has any further communications to make to the General Assembly, and have appointed on their part, messrs Williams of T., Porter and Davis of m.

Mr Moore from the committee appointed to wait upon His Excellency the Governor, and inform him of the readiness of the two Houses of the General Assembly to adjourn sine die, and to ascertain if he has any further communications to make, reported that they have performed that duty and received for answer that he had no further communication to make.

On motion of mr Rather, Resolved, That the Senate do now adjourn sine die.

Mr President rose, and in an appropriate manner expressed his thanks for the honor conferred on him by their resolution heretofore adopted, and pronounced this House adjourned sine die.

JESSE BEENE,
President of the Senate.

Attest, C. D. Connor,
Secretary of the Senate.

The Senate met pursuant to adjournment. Mr Lea rose in his place and very feelingly and eloquently announced to the Senate, the death of the Hon. D. Sullivan, one of the Representatives from the county of Perry — when, on motion of mr Crabb, Resolved, That the usual testimonial of mourning be worn by the members of the Senate, for thirty days.

The Senate adjourned to 10 o'clock to-morrow.

The proceedings of this day having been left blank in the journal, we place them at the end of the journal, at the request of the secretary.