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SOUTH CAROLINA.

ACTS

AND

REPORTS & RESOLUTIONS,

JUNE SESSION, 1808

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FAC-SIMILE REPRINT

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**AN ACT**  
OF THE  
GENERAL ASSEMBLY OF SOUTH-CAROLINA  
JUNE SESSION, 1808.

*An ACT to authorize and direct the treasurers to receive the pay-bills of the Members of the Legislature and Solicitors for the present session, in payment of taxes, or to pay the same out of the unappropriated monies in the treasury, and for other purposes therein mentioned.*

**B**E it enacted by the honorable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same, That the president of the senate and speaker of the house of representatives respectively, be, and they are hereby authorized and required to sign, in behalf of the members in either house respectively, bills or warrants for their usual pay allowed to the members of the legislature, and the solicitors for their attendance at the present session; and that the treasurers be, and they are hereby authorized and directed to receive the aforesaid drafts in payment of taxes, or to pay the same out of the unappropriated monies in the treasury.

*And be it further enacted by the authority aforesaid, That the following additional appropriations be made:*

For the comptroller-general, as compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the secretary of state, as compensation for his travelling expenses and attendance during the present session, six dollars per diem.

For the clerk of each house, for their attendance during the present session, each three hundred dollars, in the whole six hundred dollars.

For the door keepers and messengers of each house, for their attendance during the present session, each one hundred and eight dollars, in the whole four hundred and thirty-two dollars.

For the keeper of the state-house, sixty dollars.

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For house-rent for the governor, one hundred dollars,  
To the administrators of Judith Bedout, for a negro executed, one hundred and twenty-two dollars forty-three cents.

For repairing the gaol of Richland district, eight hundred dollars; and that Benjamin Hail, William Taylory jun. and Daniel Faust, be managers of the same.

*Be it further enacted by the authority aforesaid, That the sum of three hundred and forty dollars be paid to William Lloyd, for amount of arrears of pension, from the year one thousand seven hundred and eighty-seven, to the first day of January, one thousand eight hundred and five.*

To the state printers, in addition to the amount of the contract for printing during the present year, three hundred dollars.

William Lewis, for the amount paid by him in part of the purchase of six hundred and forty acres of land on Wateree creek, and the costs of suit in three actions, instituted for the purpose of establishing his title thereto, under the state, two hundred and seventy-seven dollars and seventy-nine cents.

The reverend Mr. Brantley, for performing divine service during the present session of the legislature, twenty-five dollars.

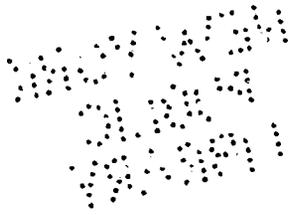
For William Huggins, the sum of four hundred and fifty dollars, the amount of twenty-one years pension, from one thousand seven hundred and eighty-six to one thousand eight hundred and eight.

For William Carter, the sum of two hundred and fifty seven dollars fourteen cents, the amount of twelve years pension, from one thousand seven hundred and eighty-six, to one thousand seven hundred and ninety-eight.

*In the Senate House, the twenty-ninth day of June, in the Year of our Lord one thousand eight hundred and eight, and in the thirty-second year of the Independence of the United State of America.*

WILLIAM SMITH, *President of the Senate.*

JOSEPH ALSTON, *Speaker of the House of Representatives.*



## REPORTS AND RESOLUTIONS.

JUNE SESSION, 1808.

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*In the House of Representatives, June 25, 1808.*

**R**ESOLVED, That the comptroller be directed not to proceed to the sale of any property on judgments or executions obtained, or to be obtained, at the suit of the state, until the end of the next session of the legislature: Provided, that nothing herein contained be construed to extend indulgence to any one who may be a defaulter in the payment of taxes. And provided, that should the security for any debtor to the state, insist upon the comptroller proceeding against the principal, the comptroller shall do so, unless the principal afford such further and other security as the comptroller may deem requisite to insure the payment of his debt at the expiration of the period for which indulgence shall be granted to him.

*Ordered,* That the same be sent to senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 27, 1808.*

*Resolved,* That this House do concur with the House of Representatives. *Ordered,* That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

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*In the Senate, June 28, 1808.*

**R**ESOLVED, That Benjamin Haile, treasurer of the upper division of the treasury be, and he is hereby appointed to enquire into the conduct of the former commissioners of the town of Columbia, to bring them to an account and settlement for all monies heretofore received by them, any or either of them, to take due and legal measures to secure all debts due to the state by the several purchasers of lots in said town, to restrain all persons indebted for lots as aforesaid, to pay to any one except to himself, for the use of the state, the debts by them respectively due, to compel the said commissioners, or the representatives of such of them as may be dead, to pay over to him all monies in their hands, or to deliver over all evidences of debts for lots as aforesaid, in the hands, custody or possession of them or either of them, to make enquiry and report to the legislature the number of lots sold, the times when, the names of purchasers, the price at which such lots were sold, and to whom all monies on account of said purchases have been paid, and if any sums are due by said purchasers, to state by whom the evidences of their debts are now held or possessed, and to cause those holding debts due for lots as aforesaid, to state from whom they received them, and under and

for what consideration they obtained them, and generally to do all acts and things which may tend to secure the rights and interests of the state in the premises; and that as a compensation for his services, be entitled to retain, out of all monies actually received by him, or bona fide secured to the state, as an efficient and available fund, the sum of ten per cent. in lieu of all charges whetsoever, Provided that the ten per cent. on the monies so collected, shall not exceed the ratio of one thousand dollars per annum. Provided that the said B. Haile give bond to the comptroller, himself in the sum of 5000 dollars, and two sureties in the sum of 2500 dollars each, for the true and faithful performance of the duties herein assigned to him.

*Ordered*, That the above resolution be sent to the house of Representatives for their concurrence.

*By order of Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 29, 1808.*

*Resolved*, That this House do concur with the Senate in the above resolution. *Ordered*, That the resolutions be returned to Senate.

*By order of the House,*

R. GANTT, C. H. R.

*In the House of Representatives, June 25, 1808.*

**R**ESOLVED, That the reverend Mr. Brantley be requested to perform divine service in the senate room, during the present session of the legislature, and that he receive the sum of twenty-five dollars for the same.

*Ordered*, That the resolution be sent to Senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 27, 1808.*

*Resolved*, That this House do concur with the House of Representatives. *Ordered*, That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 27, 1808.*

St. PETERS.

**R**ESOLVED, That James Roberts be, and is hereby appointed justice quorum, vice Joakim Sancy, refusing to serve; and that John Hover be appointed justice of the piece, vice Francis Delacroix, refusing to qualify.

*Resolved*, That James Jervey be appointed a justice of the quorum for Charleston district, vice Thomas Hinds, resigned; and that Charles Tew be appointed a justice of the peace, vice William Rouse, resigned.

*For Chester.* Jesse T. Wallis, in place of James Morrow, removed; and Francis Wilks, in place of Thomas Jenkins, deceased.

*Resolved*, That Enos Tart be appointed justice of quorum, vice Thomas Godbolt, now sheriff of Marion district.

*For St. Luke's Parish.* George Washington Morrall, in place of Charles J. Jenkins.

John Frierson, justice of the peace for St. John's, Berkley, vice Peter Gaillard, refusing to qualify.

James Clarke, of Edisto Island, justice of the peace for St. John's, Colleton.

*Winton.* Resolved, That Edmund Brown be appointed coroner in the place of Richard Creach, deceased. William Bassett, I. P. in the place of John Chessard, deceased; John Bates, L. Q. in the place of Richard Creach, deceased; John Heard, I. P. in the place of Reuben Boyd, refuses to serve; Jinnings O'Banion, vice John Stackhouse, removed.

Resolved, That Samuel Thompson be appointed conductor of an election for Marion district, to be held at Jeremiah Brown's, vice James Bigham, removed.

*Clarendon.* Justice of the quorum—Robert Dingle, vice Michael Burch, deceased.

Joseph Couturier, justice of the peace for St. John's, Berkley, vice James Richbourg, refusing to qualify.

Resolved, That John E. Kitts be appointed a justice of the peace for St. James, Goose-creek.

Resolved, That John Gould and capt. John Summers be appointed managers of election for Newberry C. H. vice Wm. Calmes, refusing to serve, and Abner Crenshaw, at that time to be out of the state.

*For Prince William.* Resolved, That Thos. J. Griffith be, and is hereby appointed one of the managers to conduct the election for members of the legislature at next general election, vice Thomas G. Scott, refusing to serve.

Resolved, That William Murrell be appointed manager of the election district of Claremont, at Stateburgh, in the place of Richard Hainesworth, removed.

*Laurens district.* Thomas Parks, in the room of Nathaniel Power, removed; Jesse Childress, in the room of Peter Hammond, resigned.

*Orange.* Jacob Rickenbaker, commissioner of public buildings, vice Samuel Felder, deceased.

*St. Paul's.* James Maul.

*Tork district.* George Piexco, re-appointed justice of the peace; John Brown, J. Q. vice William Smith, resigned.

*Penleton district.* John Simpson, I. P. vice Jehu Kirksey, removed.

*Williamsburgh district.* I. P. Robert Kade, vice John Nesmit, removed; Robert L. Witherspoon, vice Charles Williams, refusing to qualify; John Brown, vice John Fardon, deceased.

*Wingow.* Percival Vaux, I. P. vice Joseph White, removed; John L. Wilson, I. P. vice George Herriott, deceased.

*Darlington district.* Thomas Night Ceroyer, vice Joseph Woods, refusing to qualify.

Ordered, That the the same be sent to the Senate for their concurrence.

*By order of the House.*

R. GANTT, C. H. R.

*In the Senate, June 28, 1808.*

*Resolved,* That this House do concur with the House of Representatives.

*Ordered,* That the same be returned.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 29, 1808.*

**T**HE committee to whom was referred; that part of the governor's message which relates to the military preparations of the state, and to the provisions and regulations which might appear best adapted to the eventful crisis of our public affairs, *Report,* That they have made enquiry of his excellency the governor, of the quantity and state of the arms, ammunition and military stores in the public arsenals and magazines; and they beg leave to submit to the house, the communications made on that subject by the governor, to the committee. The committee beg leave to remark thereon, that the quantities of light artillery, musquets, pistols, sabres, cannon ball, lead, and other military stores in the arsenals and magazines, are very deficient, and far from being adequate to the supply of the militia, in case there should be real occasion for their services; and that although considerable quantities of powder have been purchased, the supply of that article is not yet deemed sufficient.

The committee perceives by the report of the commissioners appointed to make purchase of arms, conformably to the "Act to make appropriations for the year 1807," that they have not been able to succeed in making such purchases, owing to various causes assigned by them.

The committee beg leave to recommend that new instructions be given to said commissioners to continue to use their utmost exertions to carry into effect the intentions of the legislature respecting the purchase of arms. Your committee having been informed that some supplies of smooth bore musquets, pistols and sabres may be obtained in this state, they recommend that the commissioners do endeavor to procure as many as they can from any part of this state; provided the same can be obtained of a uniform calibre, of good quality, compleatly finished, at a reasonable price and in a short time; without however relaxing in their endeavors to procure the arms wanted in other parts of the United States.

The committee approve of the caution of the commissioners in not purchasing musquets which could not be warranted, and recommend that the same caution be persevered in, as it would be a waste of the public money, and a deception on the public hopes, to arm the militia with defective musquets.

The committee beg leave to recommend that the commissioners should be authorized to lay out part of the said appropriation in the purchase of light field artillery, compleatly fitted for service, powder, cannon ball, lead, and other military stores, with part of the money placed under their direction, not exceeding a fifth part thereof.

The committee do not think it foreign to the object of their appointment, to report that they have been informed that the defences preparing under the orders of the general government for the city and harbour of Charleston. are advancing rapidly to completion; that a respectable battery is erected at Fort Johnson, and Fort Mechanic is re-constructed, and that a large and respectable fort is erecting on Sullivans island, so that there is good ground to hope that important commercial city will shortly be placed, by the cares of the government, in a situation above insult or apprehension.

*Resolved*, That this House do agree to the above report. *Ordered*, That the report and resolution be sent to senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 29, 1808.*

*Resolved*, That this House do concur with the House of Representatives. *Ordered*, That the same be returned to the House of Representatives.

*By order of Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 28, 1808.*

**W**HEREAS the bill for altering the representation in the legislature of this state has been read three times in the house of representatives and three times in the senate, and has been agreed to by two thirds of both branches of the whole representation, therefore,

*Resolved*, That the president of the senate and the speaker of the house of representatives be directed to attach to the said bill, a certificate to that effect.

*Resolved further*, That the said bill be deposited in the office of the secretary of state.

*Ordered*, That the resolution be sent to Senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 29, 1808.*

*Resolved*, That this House do concur with the House of Representatives. *Ordered*, That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 23, 1808.*

**R**ESOLVED, That one senator be elected for the parish of St. Andrew's, on the second Monday in October next; the election to be managed at the same places and by the same managers, appointed to manage and conduct the election of members of the house of representatives at the next general election.

For St. Stephen's; at the episcopal church; managers, the church wardens. To elect one senator in addition to the constitutional number of representatives.

**For St. Luke's.** At Hilton Head; managers, Henry Bona and John Davant. At St. Luke's church; Daniel Cole and Jacob Fahn. At the Euhaw meeting-house; John Huguenin and Reuben Williams. Two days at each place. To elect one senator and the constitutional number of representatives. The managers to meet the second day after the election, to count over the votes and declare the election, at St. Luke's church.

**For St. Bartholomew's.** At the house occupied by Mr. George Rumph, at the Cross roads near Pon Pon church the first day, and the second day at the house now occupied by Mr. Thompson, at the Cross roads near the Fish ponds; managers, Moses Singelton and Henry H. Basquin. In the upper district, at the meeting-house near Richard Bryants the first day, and at Island creek meeting house near John McCormick's the second day; managers, George W. Cough and Henry Ulmer. To elect the constitutional number of representatives. The managers to meet at the house at Island creek, commonly called the Board-house, on the third day, to count over the votes and declare the election.

**For Abbeville district.** Captain John Chiles appointed manager of the election held at Adam Wideman's, in the place of Reuben Chiles, deceased.

**For Winyaw.** At the muster-house of the North Santee company, near Spry's old field; managers, Nathan Huggins and Robert Huggins, vice Richard Vanderhorst and A. Glass, removed. And at captain Joseph Coachman's muster-house, on Pedee; Percival Vaux, vice Joseph White, removed. The managers to meet the next day after the election, at the Episcopal church in Georgetown, to count over the votes for representatives and declare the election.

**For St. George, Dorchester.** Managers at Abraham Riddlespurger's, called Roswell's hill, Joseph Hall Waring, vice Joseph Paul Waring, and Charles B. Ladson. At Andrew Liston's, near the Fourholes bridge, George Stevenson and John Cleyton. At Abraham Wimberley's, in the upper part of the parish; Edward Hussey and James Dewitt, jun. Two days at each place. The managers to meet the third day at Andrew Liston's, to count over the votes and declare the election.

**For Pendleton district.** James Jett appointed manager of the election to be holden at the widow Murphrey's, vice Jehu Kirksey, removed.

*Ordered,* That the resolution be sent to Senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 24, 1808.*

*Resolved,* That this house do concur with the House of Representatives. *Ordered,* That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 28, 1808.*

**R**ESOLVED, That the bill for altering the representation in the legislature of this state, shall be published in every gazette or newspaper in the state, twice every month, till the next general election, and that the first publication be as soon as it shall be practicable after it shall have been signed by the president of the senate and the speaker of the house of representatives, and that the following gentlemen form committees to superintend its publication, to wit: in Columbia, major Clifton and Mr. Tucker; in Charleston, Mr. Freneau, major Ward and Mr. Lee; in Georgetown, the representatives from Winyaw; in Pendleton, the representatives from that district.

*Ordered,* That the same be sent to senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 29, 1808.*

*Resolved,* That this House do concur with the House of Representatives. *Ordered,* That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 29, 1808.*

**R**ESOLVED, That the conduct of the speaker during the term of time which he has presided, is highly approved by this house.

*Resolved further,* That the thanks of this house be tendered him for the faithful, able and impartial discharge of the arduous duties of the chair.

*By order of the House,*

R. GANTT, C. H. R.

*In the House of Representatives, December 19, 1807.*

**T**HE committee on claims to whom was referred, the petition of William Lewis, *Report.* That from the documents submitted to, and other evidences given before the committee, it appears that the petitioner, William Lewis, became the purchaser of 640 acres of land on the Wateree creek, originally granted to Meridith Taylor, by him conveyed to James Rainey, mortgaged by the said James to secure a joint debt of himself and John Winn, to the state, for a loan of paper medium, and sold under the acts of the legislature, by the sheriff of Fairfield district; that three persons, namely, John Allen, Daniel M'Cullough and Sterling Tidwell, being in possession of different parts of the said land, the petitioner was compelled to institute, and did institute three separate actions against them respectively, to establish his title to, and recover the possession of the said lands; that in the suits against Allen and M'Cullough, his actions were defeated by virtue of titles in the defendants, to the parts they occupied, under grants prior to that of Meridith Taylor; and in the action against Tidwell he was nonsuited, because it appeared from the testimony of the subscribing witnesses to the conveyance to James Rainey, that the same had been delivered in blank, and afterwards filled with

the name of the said James Rainey. The committee further report, that the consideration from the petitioner to the state for his purchase, was three hundred dollars and 90 cents; seventy-five dollars, 25 cents of which was paid in cash, and for 225 dollars, 75 cents, he gave his bond; that the costs of suit upon the three actions aforesaid, taxed upon the petitioner, amount in the whole to 202 dollars, 54 cents. The committee therefore recommend, that as the comptroller-general was duly vouched on the part of the state, to defend their title, and it appears the petitioner failed in his suits from a defect therein; that the cash paid by the petitioner, and his costs of suit, be allowed him, and his bond cancelled, and for that purpose submit to the house the following resolution:

*Resolved*, That the sum of two hundred and seventy-seven dollars, seventy-nine cents, be appropriated to satisfy William Lewis for the cash paid by him for the purchase of 640 acres of land on Wateree creek, and his costs of suit in three actions, instituted for the purpose of establishing his title under the state thereto, and that the comptroller-general be authorized to deliver to the said William Lewis, his bond of 225 dollars, 75 cents, executed for the balance of his purchase,

*Resolved*, That this House do agree to the above report. *Ordered*, That the report and resolution be sent to senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 24, 1808.*

*Resolved*, That this House do concur with the House of Representatives in the foregoing report and resolution. *Ordered*, That the same be returned to the House of Representatives.

*By order of Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, December 18, 1807.*

**T**HE committee on public buildings to whom was referred, the governor's message No. 5, covering a communication from the sheriff of Richland district, *Report*, That they find the allegations in that communication to be true, and recommend the appropriation of eight hundred dollars for repairing the gaol of the district of Richland.

*Resolved*, That this House do concur in the above report. *Ordered*, That the same be sent to Senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 23, 1808.*

*Resolved*, That this House do concur with the House of Representatives. *Ordered*, That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 28, 1808.*

**W**E, the representatives of the people of the state of South-Carolina, in general assembly met, deeply impressed with the state of our political affairs, and feeling as freemen ought to feel, whose rights have been violated by different belligerent nations, conceive it to be our duty, at this crisis, to come forward and vindicate republican institutions from the charge of ingratitude, and unequivocally to express our sense of the late measures of our general government. We see in them a sincere desire to preserve to our country, the blessings of peace and independence, objects so dear to us as to render personal inconvenience and individual privation, matters unworthy of consideration; therefore,

*Resolved,* That Thomas Jefferson, President of the United States, in recommending, and the congress of the United States, in passing the acts imposing and for enforcing the embargo, have deserved well of their country.

*Resolved,* That it be, and it is hereby recommended to the good citizens of this state, to give their aid to carry into execution this important national measure

*Resolved,* That this state will, to the utmost of its power, and at all hazards, support the general government in all measures calculated to maintain the rights, and support the independence of the United States.

*Resolved,* That these resolutions be forthwith transmitted by the president of the senate and the speaker of the house of representatives of this state, to the President of the United States.

*Ordered,* That the resolution be sent to Senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 29, 1808.*

*Resolved,* That this House do unanimously concur with the House of Representatives. *Ordered,* That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

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*In the House of representatives, June 23, 1808.*

**R**ESOLVED, That William Sims and James Moman, be appointed commissioners of the navigation of Broad river, vice Joseph Brown, resigned and Thomas Jenkins, deceased.

*Ordered,* That the same be sent to Senate for their concurrence.

*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 23, 1808.*

*Resolved,* That this House do concur in the above resolution. *Ordered,* That the same be returned to the House of Representatives.

*By order of the Senate,*

B. H. SAXON, C. S.

*In the House of Representatives, June 29, 1808.*  
**R**ESOLVED, That the state printers be directed to procure the acts of the legislature now printing, to be bound in boards with leather backs, before they are delivered to the persons entitled to receive them.

*Ordered,* That the resolution be sent to Senate for their concurrence.  
*By order of the House,*  
R. GANTT, C. H. R.

*In the Senate, June 29, 1808.*  
*Resolved,* That Senate do concur with the House of Representatives. *Ordered,* That the same be returned to the House of Representatives.  
*By order of the Senate,*  
B. H. SAXON, C. S.

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*In the Senate, June 29, 1808.*  
**R**ESOLVED, That the members of both branches of the legislature, at their session in November next, will appear clothed in manufactory of the United States.

*Ordered,* That the same be sent to the House of Representatives for their concurrence.  
*By order of Senate,*  
B. H. SAXON, C. S.

*In the House of Representatives, June 29, 1808.*  
*Resolved,* That this House concur in this resolution. *Ordered,* That the same be returned to Senate.

*By order of the House,*  
R. GANTT, C. H. R.

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*In the House of Representatives, June 23, 1808.*  
**R**ESOLVED, That in the printed resolutions to be published for the managers of the next general elections, and to be forwarded by the clerks of the two houses, the printer insert the appointments made for Barnwell, including the fork of Edisto, as was agreed to by the two houses, and attached to said resolutions, in place of the appointments for Winton; which were retained by mistake and since published among the printed resolutions.

*Ordered,* That the resolution be sent to Senate for their concurrence.  
*By order of the House,*

R. GANTT, C. H. R.

*In the Senate, June 25, 1808.*  
*Resolved,* That this house do concur with the House of Representatives. *Ordered,* That the same be returned to the House of Representatives.  
*By order of the Senate,*  
B. H. SAXON, C. S.