

shall prosecute therefor, the other half to the use of the state, to be recovered and applied in the manner hereinbefore directed." And the question was put, and determined in the affirmative.

The bill having been read throughout as amended a third time, was passed and returned to the house of delegates.

Mr. Forrest presented the petition of William Sprigg and others children and heirs of John Sprigg, which was read and referred to the committee on invalid deeds.

On motion of Mr. Herbert, the bill relative to tobacco remaining in the several tobacco warehouses, and the manner of issuing manifests and notes in this state, was read a second, and by special order a third time, rejected and returned to the house of delegates.

Mr. Thomas from the committee on ways and means to whom was referred the bill to regulate sales by public auction, reported that the committee were of opinion that it ought not to pass, and that he had been instructed by the committee to submit to the senate the following message, to wit:

By the Senate, February 26, 1828.

Gentlemen of the House of Delegates,

The senate have considered the bill passed by your honorable body, entitled, an act to regulate sales by public auction, and having insuperable objections to the passage of it in its present shape, have rejected it. Sensible, however, of the necessity of the adoption of a permanent and efficient system of revenue, Believing the great interest, as well as the credit of the state depend upon it; and believing, too, that the auction bill may be so modified as to form a part of that system. The senate respectfully propose the appointment of a committee of conference upon the subject, and name on their part, Messrs. Thomas, Lloyd, Herbert, Heath and Johnson. Which was read.

On motion by Mr. Heath the bill to regulate sales by public auction was read a second time.

A question then arising to wit: whether it was in order to go into a third reading, and rejection of the said bill, previous to the adoption of the report of the committee and the message as a part of it. After considerable discussion the president decided that the whole report of the committee was before the senate, and in order for discussion.

Mr. Lloyd then offered the following as a substitute for the message to wit: