

tence in the case of his associates. The greater portion of *the slaves* who were engaged in this outbreak were *without trial* sold by their Masters, and have been taken out of the State; and a free negro indicted with the slave in question, as the leader in this affair, was convicted of a minor grade of the same offence, and has been sentenced to the Penitentiary for the period of *forty years*.

A memorial very numerously and respectably signed has been presented to me, asking a transmutation of the punishment in this case. If I possessed the power to commute the punishment from death to confinement for life in the Penitentiary, I would not hesitate to do so, but the existing law furnishing no alternative between the punishment of death in such a case and an entire exemption from all punishment, I determined to submit the case to your consideration, with the earnest request that you will authorize me to commute the punishment in this case, *with the assent of the convict* from death to confinement for life in the Penitentiary.

By resolution No. 54, of December session, 1842, the Governor was directed to distribute to the levy courts of the several counties, *one standard of the several kinds of weights and measures*, which should be received from the United States under the act of Congress of 1836. Under this resolution his Excellency, Governor Thomas, appointed J. H. Alexander, Esq., the agent of the State to receive the standards from the United States, and to prepare copies of each for distribution. The required number of "*standard yards*" have been completed, and delivered by Mr. Alexander to me for distribution amongst the several counties; and it is due to the agent of the State, that this "*measure of length*" should be inspected by you, that its mechanical finish and accuracy may be appreciated. The construction of the standard copies of the weights and capacity measures, have not been commenced, and cannot be undertaken without further legislation. By the resolution above referred to, the Governor was undoubtedly empowered to appoint *and pay* an agent to prepare the different standards which he is thereby directed to distribute—the appointment of Mr. Alexander was consequently legal, and the expense which has been incurred by him in the prosecution of this work of the State, together with a full and liberal compensation for his services, now constitute *one* of the *obligations* of the State, which she has the ability to discharge, and one which I should have ordered to be paid, if I had possessed the power to do so. The Constitution of the State, as amended by the act of December session, 1843, ch. 339, and confirmed by the act of 1844, ch. 86, "prohibits any money being drawn from the Treasury of the State, but in consequence of appropriations made by law." Under my construction of this clause of the Constitution, I possessed no power to direct the payment to this agent of the State, either of the expense incurred or of the compensation manifestly due to him for his services as agent. I most respectfully submit the entire subject to your consideration, with the request that you will pay for the work so far as it has been executed, and give such specific instructions in reference to the construction of the other