

virtue of the resolutions aforesaid, at the rate and for the compensation so rejected by said register; upon whose appointment the executive passed an order that the register be authorised and required to deliver to each and any of the persons so employed, the unrecorded chancery papers aforesaid, upon the order of said Thomas Culbreth, under whose superintendence the said papers were to be recorded.

And whereas, upon such order for said papers, a receipt was given to the register for each particular case, which receipt was retained as an acknowledgment that all the papers belonging to such case was received.

And whereas, the said records have been executed to the satisfaction of two committees of the general assembly, heretofore appointed, after a close and rigid examination of the same, as appears by the report of said committees, now on record upon the journal of proceedings of the years when those committees were respectively appointed.

And whereas, a judgment was heretofore obtained against a certain Henry Wayman, surety of Thomas H. Bowie, one of the supposed delinquent registers, expressly on the ground of default in said Bowie, to record chancery proceedings required by law to be recorded; from the payment of which judgment said Henry Wayman has been released by a resolution of this present general assembly, upon satisfactory evidence that the papers, for the non-recording of which said judgment was obtained, had been fully recorded according to law by said Bowie in his life-time, but that the book containing such records had been lost, after having been delivered into the custody of the present register in chancery.

And whereas, it is perfectly clear to every intelligent mind, and this general assembly are fully and completely satisfied, that the records so lost cannot be embraced within the terms and provisions of the resolutions aforesaid, which had reference only to unrecorded papers; and that said Culbreth, as superintendant aforesaid, had no control over, or right to the possession of such record books, and that it was not his duty to have them transcribed, they having been but recently recorded, and no order ever was given by said Culbreth for any such record book, nor any receipt taken therefor by the register, from any of the persons so employed as aforesaid, and there is not the slightest testimony that said records ever were in possession of said Culbreth.

Therefore, Resolved as the deliberate opinion of this house, that no imputation can attach to said Culbreth for the loss of such records, nor hath he incurred thereby any legal respon-