

The clerk of the house of delegates delivers to the clerk of the senate the following message, with the resolution therein mentioned.

BY THE HOUSE OF DELEGATES, DECEMBER 19, 1796.

GENTLEMEN OF THE SENATE,

WE have returned you the resolution in favour of Daniel Buffard, of Frederick county, to which you refused your assent, but hope, upon reconsideration, the obvious propriety of the resolution will procure your concurrence in the measure. Every principle of equity certainly dictates the propriety of costs being recoverable from the state in cases where our citizens have been manifestly harrassed by process issued at the instance and for the recovery of a debt supposed to be due the state. We do not know what principle actuated the senate in refusing assent to the resolution, but suppose the general rule of law which has been adopted, that the state is not liable for costs, was the ruling motive; but if, on reconsideration, this rule should appear unjust and hard, we anxiously hope it will be departed from.

By order,

W. HARWOOD, clk.

Which was read

The resolution in favour of John Smith Brookes was read the second time and dissented from.

The resolution in favour of Gassaway Watkins was read the second time and assented to.

The bill, entitled, A supplement to the act, entitled, An act to improve and repair the streets in Frederick-town, in Frederick county, and for other purposes therein mentioned, was read the second time and will pass.

The bill, entitled, An act to empower the justices of the levy court of Charles county to assess and levy annually a sum of money for the purpose therein mentioned, was read the second time and will pass.

The resolution in favour of Basil Williams was read the second time and dissented from.

The following message was prepared, read and agreed to.

BY THE SENATE, DECEMBER 19, 1796.

GENTLEMEN,

WE have rejected the resolution in favour of Basil Williams. By examining the proper officers, we think it will be more proper to take up the consideration of this subject at the next session of assembly. We are informed that a suit is now depending upon a bond of Clement Sewall, and others, assigned the state by Basil Williams. If the sum mentioned in the bond is not recovered, it would be nugatory to pass the credit proposed, as a large sum would remain due the state from Patrick Hamilton. We find that the securities are not liable to be put to any inconvenience before the next session of assembly, and that probably they could not give the security required, which at present would appear necessary, because if the account liquidated against Christie's estate should have been assigned by Patrick Hamilton, the assignee would, upon application, receive the amount from our treasury, notwithstanding the credit proposed being passed. All these difficulties may probably cease by the next session of assembly.

By order,

A. VAN-HORN, clk.

The resolution in favour of Vachel Stevens was read the second time and assented to.

On motion, ORDERED, That the times of sitting by the senate during the remainder of this session be from nine o'clock in the morning till two in the evening, and from five in the evening until eight.

The senate adjourns until to-morrow morning 9 o'clock.

T U E S D A Y, December 20, 1796.

THE senate met. Present the same members as on yesterday. The proceedings of yesterday were read.

The resolution in favour of John Smith Brookes, the resolution in favour of Gassaway Watkins, the bill, entitled, A supplement to the act, entitled, An act to improve and repair the streets in Frederick-town, in Frederick county, and for other purposes therein mentioned, the bill, entitled, An act to empower the justices of the levy court of Charles county to assess and levy annually a sum of money for the purpose therein mentioned, the resolution in favour of Basil Williams, with the message respecting the said resolution, and the resolution in favour of Vachel Stevens, were sent to the house of delegates by the clerk.

The following message was prepared, read and agreed to.

BY THE SENATE, DECEMBER 20, 1796.

GENTLEMEN,

WE have received your message of this day upon the subject of a reconsideration of the resolve in favour of Daniel Buffard, and cannot reconsider as requested. We are not sensible of the propriety of distinguishing any individual applicant from all other persons in the same situation. The law against which relief is prayed for has for a long time existed, and many have been subject to its operation. The recency of the fact may interest the passions, but ought not to influence the judgment. The propriety or justice of the law upon the subject as now existing, is certainly a distinct consideration. Whatever may be the proper idea as to future costs, it appears to us that policy, and a due respect to former legislatures, ought to prevent us from passing laws similar to that requested. If the principle of a retrospect of this kind is once admitted, precedent is established, which we conceive may lead to the most serious and alarming consequences.

By order,

A. VAN-HORN, clk.

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