

Mr. J. H. Thomas delivers the following message:  
*By the House of Delegates, June 8, 1809.*

*Gentlemen of the Senate,*  
On the 6th instant a message was received on your honourable body, proposing to proceed, by joint ballot, to the election of a senator to represent this state in the senate of the United States for the constitutional period.

If we declined giving an immediate and direct answer to that message, it is not to be attributed to inattention or disrespect, but being sincerely anxious that the disagreement, which was foreseen would arise between the two bodies as to the person contemplated for senator, might be eventually adjusted in a spirit of mutual accommodation, we wished to avoid any precipitate step, by which our hopes of such an arrangement would be at once entirely precluded.

Guided by these hopes, and actuated by motives equally liberal and just, we yesterday submitted to the senate a proposal for a conference, by a joint committee of the two bodies, on this very important and interesting subject. An answer was immediately returned from the senate, rejecting, in decisive terms, the proposition for a conference offered in the part of this house.

Thus circumstanced, no alternative was left to us, but either to yield implicitly to the course insisted on by the senate, which must eventually result in an appointment highly repugnant to the interests of a majority of this house, and to the people of the state of Maryland, whose delegates they are; or else to assert a constitutional right of resolving on the mode of concurrent choice, by which the wishes and feelings of our constituents and ourselves might, in some degree, be regarded and gratified in the election finally to be made. The name of John Eager Howard, a name distinguished in the annals of American patriotism, of untarnished virtue, and high estimation in the hearts of his countrymen, was inserted in the resolution transmitted to you yesterday; because we believed such a choice would be equally satisfactory to the people, and honourable to ourselves. But if this nomination was not agreeable to the senate, unless they were determined to confine the choice to a particular individual, and compel us to re-elect him, and him alone, against whom it is known, that in this house, and throughout a majority of the counties, there exist great and insuperable objections; if such was not the determination of the senate, we should have hoped they would have preferred the opportunity of uniting with us in a plan of reasonable concession on both sides, and have selected some character, in whose appointment both houses might concur, without any violent sacrifice of duty or opinion.

In this hope, however, we have been again disappointed by your message of to-day, informing us, that the senate will persist in adhering to the ground they have assumed, and which they pronounce to be the only correct and proper one. Let us examine the accuracy of this belief.

By the constitution of the United States, power is given to the state legislatures to prescribe the manner, as well as the time and place, of holding elections for senators and representatives to congress.

In the state of Maryland there has never been any law, nor any fixed resolution of the legislature, prescribing the manner of electing senators. The mode has always been regulated by a special message between the two houses, applying only to each particular election. In some of the states, it is well known, that at different periods different modes have prevailed; where there is no legislative provision on the subject, the constitution of the United States having said, that the senators shall be chosen by the legislature, it would seem that this, like all other legislative acts, was to be the concurrent act of the two branches of the general assembly. We admit, that the legislature may vary the mode of election in any form they please; but in this case, where there has been no general resolution permanently establishing the mode, the senate must also admit, for they are certainly too intelligent not to know, that the mode now pursued by the house of delegates is constitutional and right.

Being impressed with a firm and perfect conviction of our own rectitude, and having made overtures in a style of equal candour and moderation, we must suppose, that the senate are too reasonable to expect that their views are to be exclusively indulged, the rights of this house entirely abandoned, and that a body, so remotely elected, and now constituted as the senate is, on an occasion so important, and in certain respects so extraordinary, as the present, ought, and are imperiously to control and overrule the will of the people, expressed through their immediate delegates, the recent depositories of the public confidence, and the constitutional guardians of every popular privilege. The senate surely cannot expect of us so flagrant a departure from the path of fidelity; and, while we regret they should continue insensible to the consequences of their own inflexible design, we are in some measure consoled by the consciousness, that having repeatedly attempted ourselves, as

far as could be, to conciliate and adjust this untoward difference, if these attempts shall have altogether failed, no blame can attach to a majority of this house, nor can they be considered in any degree responsible.

Which was read the first and second time, and the question put, That the house agree to the same? The yeas and nays being required, appeared as follow:

#### AFFIRMATIVE:

Messrs. Hebb, Blakistone, Hopewell, Reynolds, Blake, Ireland, Grahame, P. Stuart, Chapman, Dorsey, Parnham, Edmondson, Bayly, Gale, Coitman, Ennalls, Frazier, Dennis, Griffith, Page, Ferris, Herbert, Beall, Hayward, (Wilson, T. N. Williams, Bennett; Baer, J. H. Thomas, Sappington, J. Thomas, Hughtlett, Young, Carroll, Gaither, S. Thomas, Veatch, Hilleary, M' Mahon, Tomlinson, Reid.—41.

#### NEGATIVE:

Messrs. Angier, Brice, Welch, Moffitt, Hodges, Belt, O. Williams, Merriken, Stanbury, Harryman, Randall, Brown, Stevens, Kerr, Seth, Mitchell, Porter, Veazey, Muir, Boyle, Hopper, Spencer, Wright, Scott, Forwood, Streett, Davis, Sanders, Bayard, Willis, R. Steuart, Bland, Gabby, Downey, Bowles. 35.

So it was resolved in the affirmative. The following message was twice read and agreed to.

*By the House of Delegates, June 8, 1809.*  
*Gentlemen of the Senate,*

We regret that the bill for the preservation and distribution of the vaccine matter for the use of the citizens of this state, was rejected by your house.

The object of one thousand dollars annually, for the period contemplated in this bill, can bear no proportion to the immense benefits that must flow to the citizens of Maryland from the proposed institution. It seems at this day generally admitted, that vaccination is a certain preventative against infection derived either from the natural or inoculated smallpox, and that the remedy is not only certain, but totally exempt from danger.

To distribute, therefore, free from individual expense, to the remotest corners of the state, a constant supply of the genuine vaccine matter, must eventually exclude all the miseries that would flow from the introduction and extension of the natural smallpox. Perhaps the senate are not aware of the fact, that in some counties several persons have died with this fatal disease, having before been inoculated with spurious vaccine matter.

The author of the proposed plan seriously avers, that less than the contemplated sum will not be a reasonable compensation for the expenses of the institution, and the labour necessarily requisite completely to effectuate the object. We therefore return you the bill, and request your reconsideration thereof.

By order, J. BREWER, clk.

Mr. Veazey delivers a bill, entitled, An act to incorporate a company for making an artificial road from the town of New-Castle, in New-Castle county, to the line of this state, in the route or direction to French-town, on Elk river, in Cecil county, in the state of Maryland, and to extend the same artificial road from thence, by the nearest and best practicable course, to French-town, on Elk river, in Cecil county, in the state of Maryland; which was read and referred to the next general assembly.

Mr. Boyle delivers a favourable report on the petition of Frederick Green; which was twice read, and the question put, That the house concur therewith, and assent to the resolution therein contained? Resolved in the affirmative, yeas 65, nays 8.

The resolution respecting the penitentiary was read the second time, the blank therein filled up with "five thousand dollars," and the question put, That the house assent to the said resolution? Resolved in the affirmative, yeas 46, nays 29.

The following order was read.  
Ordered, That the printer of the state strike five hundred copies of the message of this house in answer to the message of the senate on the subject of the election of the senator for this state to the United States, for the use of the members of the legislature.

Mr. Frazier delivers a favourable report on the petition of Samuel Brown; which was read.

The house adjourns till to-morrow morning.

FRIDAY, JUNE 9, 1809.

THE house met. Present as on yesterday. The proceedings of yesterday were read.

The resolution in favour of Fred. Green, the resolution relative to the penitentiary, the message relative to a senator of the United States, and the bill for the preservation and distribution of the vaccine matter, with the message relative thereto, were sent to the senate.

The clerk of the senate delivers the supplement to the act to provide for the erection of a new court-house for Baltimore county, and the bill authorising John Mitchell, late sheriff and collector of Caroline county, to complete his collection, severally endorsed, "will not pass." The bill to authorise the governor and directors of the Susquehanna canal company to raise a sum of money by

lottery for the purpose therein mentioned, the additional supplement to the act authorising a lottery to raise a sum of money for the repairs of Shrewsbury church, and the bill annulling the marriage of Charles Farrow, and Anne his wife, severally endorsed, "will pass." Ordered to be engrossed.

The following order was read.  
Ordered, That five hundred copies of the following described papers be printed for the use of the members of this house, in the order in which they appear upon the journals.

1st. The message from the senate of the 6th instant relative to the election of a senator from this state to the senate of the United States; 2d. Our message of the 7th to the senate; with their answer. 3. The resolution of this house appointing J. E. Howard, Esq. senator; with the proposed substitute, and the reply of the senate to the same. 4th. The report of the select committee of yesterday.

The report on the petition of Samuel Brown was read the second time, the resolution therein contained assented to, and sent to the senate.

Mr. T. B. Dorsey and Mr. Bowie from the senate, acquaint the speaker that the governor elect is attending in the senate room, and request his attendance with the members of the house of delegates to see the governor qualified.

The speaker left the chair; and, attended by the members of this house, went to the senate room, where his excellency qualified in presence of both houses.

The speaker, attended by the members, returned and resumed the chair.

The following resolution was assented to, and sent to the senate:

Resolved, That captain James Clempson, under the direction of the executive of the state, cause to be mounted an iron field-piece belonging to the state, now lying at Liberty-town, in Frederick county, and when mounted, and completed with all the necessary apparatus, the executive to loan the same, as the property of the state, to the company of artillerymen commanded by captain James Clempson, on the usual conditions, and to draw on the treasurer of the western shore for the amount of the expense attending the same.

The bill to alter the thirty-second article of the constitution and form of government was read the second time, amended, and the question put, Shall the said bill pass? Resolved in the affirmative, and sent to the senate.

Mr. Chapman delivers a bill, entitled, An act to provide a ready mode of obtaining the testimony of the registers of the land-offices; which was read.

On the second reading of the further supplement to the act for regulating the mode of staying executions, and repealing the acts of assembly therein mentioned, and for other purposes, the question was put, That the same be recommitted? Resolved in the affirmative, and two members added to the committee on said bill.

The following resolution was read.

Resolved, That the treasurer of the western shore be and he is hereby authorised and required to pay unto Frederick Green, printer to the state, the sum of — dollars; to John Brewer, clerk of the house of delegates, the sum of — dollars, and to Thomas Rogers, clerk of the senate, the sum of — dollars, as a further compensation for the discharge of the several duties imposed on them by this extra meeting of the legislature.

The house adjourns till 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

THE house met.

Mr. Bland delivers a bill, entitled, A further additional supplementary act to an act, entitled, An act for regulating the mode of staying executions, and repealing the acts of assembly therein mentioned; which was twice read, passed, and sent to the senate.

The clerk of the senate delivers the following message:

*By the Senate, June 9, 1809.*  
*Gentlemen of the House of Delegates,*

We received your message requesting a reconsideration of the bill, entitled, An act for the preservation and distribution of the vaccine matter for the use of the citizens of this state. The senate have reconsidered the same, but cannot recede from their former determination.

By order, T. ROGERS, clk.

Which was read.  
Also the resolutions relative to repairing the armories at Frederick-town and Easton, severally endorsed, "dissent from."

The following resolution was read:

Resolved, that the four thousand stand of arms, and the horseman's swords and pistols, directed to be purchased by the legislature of this state at their last session, and subject to the order of the executive, shall be deposited in such convenient and secure place, as, in the opinion of the executive, shall be judged proper, and distributed by them among the militia, only when called into actual service; and that the executive shall cause the said arms to be insured against loss by fire, and that they shall draw upon the treasury from time to time for such sum of money as shall

be sufficient to defray the expense of insurance.

A petition from Mary Lomax, of Virginia, praying that a sum of money may be levied on Washington county to pay her negro sold as a runaway by the sheriff of that county, was preferred, read, and referred.

Mr. Downey delivers a bill, entitled, An act to authorise the levy court of Washington county to levy a sum of money for the purpose therein mentioned; which was twice read, passed, and sent to the senate.

The engrossed bills from No. 1 to No. 14 inclusive, were read, assented to, and sent to the senate.  
The resolution in favour of Frederick Green, John Brewer and Thomas Rogers, was read the second time, the blanks therein filled up with "two hundred, one hundred, and fifty dollars," and the words "also the sum of twenty dollars to the rev. Mr. Wyatt, attending as our chaplain during the present session of the legislature," added thereto, and the question was put, That the house assent to the same? Resolved in the affirmative, and sent to the senate.

The following message was read:  
*By the House of Delegates, June 8, 1809.*  
*Gentlemen of the Senate,*

We accede to your proposition of the 6th instant, and are ready to proceed, by joint ballot, to the election of a senator to represent this state in the senate of the United States for the constitutional period. We therefore request your concurrence with the following resolution, adopted by us.

Resolved, That Saturday, the 10th instant, be appointed to choose one senator to represent this state in the senate of the United States, to be resident on the western shore, and that the person on the said shore having a majority of votes of all the attending members of both houses, be declared duly elected to represent this state in the senate of the United States until the 4th day of March, 1811, and that a commission issue to the said senator appointed as aforesaid, signed by the governor for the time being, or in his absence the presiding member of the council, in the following words, to wit: The Legislature of Maryland, relying especial confidence in your integrity and abilities, hath appointed you senator to represent this state in the senate of the United States until the fourth of March, eighteen hundred and fifteen, agreeably to the constitution of the United States. Given under my hand, and seal of this state, and domini —

And the question put, That the house agree to the same? Determined in the negative, yeas 35, nays 39.

The following order was read and agreed to.

Ordered, That John Shaw, of the city of Annapolis, be requested to apply to the persons having charge of the government-house under the authority of the late governor, for a list of furniture of every description, and the condition thereof, belonging to the same, and make report, under this order, to the house of delegates at their next session.

Leave given to bring in a bill for the payment of the journal of accounts.

The clerk of the senate delivers the bill to authorise the levy court of Washington county to levy a sum of money for the purpose therein mentioned, endorsed, "will not pass." The further additional supplementary act to an act, entitled, An act for regulating the mode of staying executions, and repealing the acts of assembly therein mentioned, endorsed, "will pass with the proposed amendments, which amendments were agreed to, and the bill ordered to be engrossed. The resolution in favour of Samuel Brown and Frederick Green, endorsed, "dissent from." The resolution in favour of Frederick Green, John Brewer, Thomas Rogers and the rev. Mr. Wyatt, and the resolutions relative to the penitentiary, and to mounting a field-piece at Liberty-town, severally endorsed, "assented to." And the engrossed bills from No. 1 to No. 14, inclusive, endorsed, "read and assented to."

The house adjourns till to-morrow morning.

SATURDAY, JUNE 10, 1809.

THE house met. Present as on yesterday.

The proceedings of yesterday were read.

The clerk of the senate delivers the following message:

*By the Senate, June 9, 1809.*  
*Gentlemen of the House of Delegates,*

We have received the message transmitted by your house on the subject of the election of a senator of the United States; and you appear to have relinquished every idea of making such election during the present session of the general assembly, we should not have intruded upon your notice, but that from the tenor of your communication we are apprehensive you have not rightly understood or duly appreciated the conduct and motives of the senate on this important and interesting occasion.

A sense of respect due to a co-ordinate branch of the legislature, and a reasonable deference to the wishes and opinions of the immediate representatives of the people, would we trust, ever characterise the present senate of Maryland.

It was with pleasure we found that no diversity of opinion existed as to the imperious