

BY THE SENATE, JANUARY 18, 1822.

Gentlemen of the House of Delegates,

We propose with the concurrence of your house to appoint a joint committee of both houses to proceed forthwith to the head of the Susquehanna canal to enquire into the effect of those obstructions on the navigation of the river Susquehanna, created by wing-dams erected by the Susquehanna Canal Company, with full power and authority to send for persons and papers, and to do in the premises what they shall deem necessary to enable them to report during the present session, a full and impartial statement for the guidance of the legislature in determining between the rights of the people of this state to the navigation of said river, and the proprietors of the Susquehanna canal. We have appointed on the part of this house, Mr Price

By order,

WILLIAM KILLY, Clerk.

Which was read.

The resolution in favor of Luther Martin was read the second time, and on motion by Mr. Dorsey was so amended that payment should be made to William Pinkney and William H. Winder, for his, Mr Martin's use.

On motion by Mr Dorsey, the following was added as a preamble: Whereas Luther Martin, Esquire, assumed upon himself the duties of the office of attorney-general of the state, at the commencement of the American revolution, and the period of time when it was very problematical if the glorious struggle for independence would succeed, and when it was indubitable that he would render himself odious, and an object of peculiar resentment to the crown of Great Britain, and the enemies of our revolution, by an able and zealous prosecution of those who were to be arrested and tried, for giving aid and comfort to the enemy. And whereas it is believed that many of our distinguished statesmen, then declined that appointment for fear of the danger to be apprehended to their persons and property, from the resentments and secret machinations of such daring and profligate characters; and as the said Luther Martin has continued to perform the various, laborious, complicated and invidious duties of that office for upwards of twenty-seven years, without receiving any other emolument therefor from this state, other than the small legal fees established by law, while his great legal acquirements, his high professional reputation, and his unequalled assiduity would have commanded the most lucrative fees, (if he had not been prevented by the very tenor of his office from appearing for those against whom the state had instituted either suits or prosecutions; and as the said Luther Martin is now laboring under an awful visitation of Providence, rendering him incompetent to provide for his support; and as both justice and gratitude require that such firmness in the cause of the revolution, and such services to the state should be rewarded, and that such sacrifices of interest made for the benefit of us all should be remunerated—Therefore,

On motion by Mr Allen, that the words "treasurer of the western shore," be struck out for the purpose of inserting the words, "the attorney general or his deputy practising in the city court of Baltimore." A division was called for by Mr Forwood and put on striking out.

Determined in the negative.

On motion by Mr Barney the question was put, that the blank be filled up with "five hundred dollars." Determined in the negative.

On motion by Mr Marriott that the question be put on four hundred dollars. Mr Semmes moved to strike out the preamble for the purpose of inserting the following: Whereas, Luther Martin, esquire formerly attorney-general of this state, accepted the said appointment at an early period of our glorious revolution, at the hazard of his life and property, in as much as it is clearly evident to all those conversant with our revolutionary history that persons holding certain high and responsible stations of which the appointment held by Mr Martin was one, were equally obnoxious to the enemies of our country as those holding military appointments. And whereas the said Luther Martin discharged the high and responsible duties of his station in a manner highly honorable and beneficial to the state, and is now by an afflicting dispensation of divine Providence, bereaved of his intellectual powers, and is poor and unable to procure a support, and this general assembly believing that although his services were not military, that he was probably, from the peculiar situation of our country, being compelled to prosecute many powerful and dangerous families and persons, exposed to as great danger as any other individual in the state. And whereas, it is highly proper that all those equally exposed in the day of trial should receive like remuneration for their services; and believing that the said Luther Martin, esquire was the only individual in this state, holding a civil appointment, that was exposed to equal dangers with those holding military appointments; Therefore, Resolved " A division of the question was called for and put on striking out. Determined in the negative. The question was then put on filling up the blank with three thousand four hundred dollars. The yeas and nays being required, appeared as follow:

AFFIRMATIVE.

Messrs Dorsey, Millard, Llewellyn, Maddox, Marriott, Brown, Stewart, Jenifer, Edelen, Garner, Loockerman, Martin, Dennis, King, Ballard, Waters, Sullivan, Travers, Archer, Williams, Chew, Semmes, Carroll, Hughes, J. S. Spence, Forwood, Norris, Kennedy, Barney, Wever, Duvall, Sprigg, Greenwell, Wyatt.—34.

NEGATIVE.

Messrs Speaker, Harris, Woodward, Dalrymple, Smith, Weems, Sollars, Orrick, Snowden, Showers, Nabb, T. Kemp, Maffit, J. Forrest, Culver, Meconekin, Nicholson, Stevens, Moffett, A. Spence, Purnell, Riley, H. Kemp, Pigman, Culler, Bruce, Allen, Whitford, Douglass, Whiteley, Hardcastle, Saulsbury, Bowles, Gabby, Kershner, Hoffman.—36.

Determined in the negative.

On motion by Mr. Barney, the further consideration of the same was postponed.

The clerk of the senate delivers the bill to authorise and empower the levy court of Anne Arundel county to assess and levy a sum of money for the purposes therein mentioned, and the further sup-