

of the state, or any of its officers, as the case may be, and submit to a speedy conclusion a fair trial of the above question, and the claims of the said visitors and governors to the funds withdrawn and appropriated by the said law, in case it should be judicially decided, that the said law is unconstitutional.

*Resolved*, That in any suit or suits, action or actions, either in law or equity, which may or shall be commenced by the visitors and governors of Washington College, in the state of Maryland, against this state, or any of its officers, with a view to try the constitutionality of the said law, or for the purpose of trying the second section of an act passed at November session, in the year of our Lord one thousand seven hundred and ninety-eight, chapter one hundred and seven, entitled, "An act for the promotion of literature in this state," the attorney general be instructed and required, and he is hereby instructed and required, to appear to such suit or suits on behalf of the state, or any of its officers, as the case may be, and submit to a speedy conclusion a fair trial of the above question or questions, and the claims of the said visitors and governors to the funds withdrawn by the said laws, in case it should be judicially decided that the said laws are unconstitutional.

*Resolved*, That such suit or suits, contemplated in the foregoing resolutions, shall be docketed by the said attorney general, with the consent of the said visitors and governors, on the docket of the court of appeals of the Western Shore of this state, and tried at the next term of the said court.

By order,

T. E. HAMILTON, Ck.

Which was read.

On motion by Mr. J. P. Kennedy, the following order was read:

*Ordered*, That all papers of a public nature presented to this house be printed. On motion by Mr. Johnson, the words "at the discretion of the speaker," were added to the same, and the question put, that the house assent to the order as amended? Resolved in the affirmative.

On motion by Mr. Millard, the following message was read, assented to, and sent to the senate.

BY THE HOUSE OF DELEGATES, December 11, 1822.

*Gentlemen of the Senate,*

We concur with your honorable body, to proceed at 12 o'clock this day to the election of a senator to represent this state in the senate of the United States, to supply the vacancy occasioned by the death of the much lamented William Pinkney, Esq. No other person has been put in nomination by this house. Messrs. Millard and Norris are appointed on the part of this house, to join the gentlemen named by you, to count the ballots, and report the result.

*Resolved*, That the person to be chosen shall be a resident of the Western Shore of this state, and that he, having a majority of all the attending members of both branches of the general assembly, be declared duly elected to represent this state in the senate of the United States; and that a commission issue to the said senator, appointed as aforesaid, signed by the governor for the time being, or in his absence by the presiding member of the council, in the following words, to wit:

The state of Maryland, to greeting. The state of Maryland reposing especial confidence in your integrity and abilities, have appointed you a senator to represent this state in the senate of the United States, from the present time to the third day of March, eighteen hundred and twenty-seven. Given under my hand and seal this day of eighteen hundred and twenty-two.

By order,

J. BREWER, Ck.

Mr. Purviance presents a petition from John Glendy and George Douglass, praying to lease the property of the orphans of William Vance; read and referred to Messrs. Purviance, J. P. Kennedy and T. Kennedy.

On motion by Mr. Allen, the following order was read:

*Ordered*, That a committee of five be appointed by the speaker to examine the communications from the different states respecting the appropriation of public lands of the United States, to purposes of education, and make such report as they may deem necessary. And the question put, that the house assent to the same? Determined in the negative.

The Clerk of the Senate delivers the following message.

BY THE SENATE, December 11, 1822.

*Gentlemen of the House of Delegates,*

The senate have received your message of to-day, concurring in their proposition to proceed to the election of a senator to represent this state in the senate of the United States, at 12 o'clock, together with the resolution accompanying it. The senate concur in that resolution, if amended as proposed by them.

By order,

WM. KILTY, Ck.

The amendment proposed, was to change the term of office from the 3d to the 4th day of March 1827; which were read, and the amendment proposed assented to.

The house proceeded to ballot for a senator to represent this state in the senate of the United States. The ballots being deposited in the ballot box, the gentlemen named to strike, retired to the conference room to examine the same, and after some time returned and reported, that Samuel Smith, Esq. was elected; Whereupon,

*Resolved*, That Samuel Smith, Esq. be, and he is hereby declared to be, a senator to represent the state of Maryland in the senate of the United States.

Mr. Loockerman reports a bill, entitled, An act to alter the time of the meeting of the general assembly of this state, and for other purposes; and Mr. Keller reports a bill, entitled, An act to provide for the building of a bridge over Antictam creek, in Washington county; which were read.