

court and the judge of the court of admiralty associate with and join the said three judges; and whenever the chief justice shall be absent from the state, or so indisposed that he cannot attend, the next judge in commission of the general court shall associate with and join the said three judges. That any one of the said judges have power to call and adjourn the said court.

By order,

G. DUVALL, cl. ho. del.

Which was read and ordered to lie on the table.

William Paca, Esq; has leave of absence.

Adjourned till next day 10 o'clock.

S A T U R D A Y, March 29, 1777.

SENATE met according to adjournment. The same members present as on yesterday, except William Paca, Esq; The proceedings of yesterday were read.

The following resolve and message was sent to the house of delegates by Robert Goldsborough, Esquire.

In the SENATE, March 29, 1777.

RESOLVED, That the governor and council be empowered to order all such of the new recruits, who have not had the small pox, to be immediately inoculated, and to give directions to the field officers to draw the recruits of their respective battalions to such places as the governor and council may judge most convenient for that purpose.

By the SENATE, March 29, 1777.

Gentlemen,

THE measure pointed out in the resolve which accompanies this message, we conceive to be of so much importance, that on the timely execution of it depends the preservation of the lives of a large proportion of our forces; if it should appear to you of the same consequence, we make no doubt of its meeting your ready concurrence.

By order,

R. RIDGELY, cl. sen.

Mr. Chaille and Mr. Wright from the house of delegates, deliver to Mr. President the above resolve, thus endorsed; "By the house of delegates, March 29, 1777: Read and concurred with."

"By order,

G. DUVALL, cl. ho. del."

And which being read, was sent to the governor and council by Thomas Stone, Esquire,

The bill, entitled, An act to provide carriages for the army and to ascertain the hire thereof, and the pay for crossing ferries, was read a second time and will not pass, so endorsed, and sent to the house of delegates by Charles Carroll of Carrollton, Esquire.

On motion, a bill was brought in, entitled, An act to expedite the march of troops in and through this state, which was read a first and second time by an especial order, and will pass, so endorsed, and sent to the house of delegates by Brice Thomas Beale Worthington, Esquire.

On reading a second time the message from the house of delegates by Messieurs Crabb and Polk, the following message, in answer, was sent to the house of delegates by Charles Grahame, Esquire.

By the SENATE, March 29, 1777.

Gentlemen,

WE agree with your resolve for constituting a court of appeals, so far as it relates to the proposed number of five judges, to the power to be lodged with any three or more of them to hear and determine all appeals and writs of error from the inferior courts within this state, and to the power given to any one of those judges of calling and adjourning the said court, but we cannot agree with that part of the resolve directing that the chancellor, chief justice of the general court, or judge of admiralty, shall be occasionally associated with the three judges proposed to be appointed by the joint ballot of both houses, because we conceive it to be a matter of the highest importance to keep the court of the last resort totally distinct from all inferior jurisdictions; which distinction, we apprehend, could not be so entirely preserved, were the chancellor, or one of the judges of the general court, or the judge of the court of admiralty, to be admitted judges in the court of appeals; many appeals may come from the general court through the court of chancery into the court of appeals, and in such cases either a judge of the general court, or the chancellor, might sit and determine in the last resort, a cause in which one of them had already passed judgment; the frequent and occasional charges too of judges, besides interrupting the sittings of the inferior courts, may also prevent the uniformity of decision in cases governed by the same principles; and those settled rules of practice so necessary to be observed in the court of appeals; we therefore propose, that five persons be appointed judges of the court of appeals by the joint ballot of both houses.

By order,

R. RIDGELY, cl. sen.

Mr. Lethbury and Mr. Bordley from the house of delegates, deliver to Mr. President a bill, entitled, An act for quartering soldiers, endorsed; "By the house of delegates, March 14, 1777: Read the first time and ordered to lie on the table."

"By order,

G. DUVALL, cl. ho. del.

"By