

## 22 VOTES AND PROCEEDINGS, NOVEMBER, 1779.

On the second reading the message from the house of delegates on yesterday by Messieurs J. Hall and Key, the question was put, That the senate recede from the following amendments? After the word "minority," in the third line of the third page, strike out the words "and the same hath," in the same line of the said page, and insert, "either by charging lands with the payment of an annuity or annuities for the purposes aforesaid, or by appropriating the annual interest of monies lent on mortgages, bonds, or promissory notes, and the same provision or annuities have." After the word "allowance," in the eighth line of the third page, strike out to the end of the clause, and insert the following, "as to the said justices, or to the chancellor, shall appear just and reasonable, out of the issues, rents, and profits, of the landed estate of the deceased, where such provision as aforesaid hath been made and charged on the land, and where the annuities arise out of the annual interest, appropriated as aforesaid of monies lent as aforesaid, by compelling the borrowers of such monies, where the principal hath not been paid, to pay an interest proportionate to the increased prices of the necessaries of life, and where the principal hath been paid, to pay such further sum or sums as may be equivalent to the difference in the prices of the necessaries of life at the times when the monies were lent, and the prices obtaining at the respective times of payment of such principal sum or sums." Carried in the negative.

### N E G A T I V E.

Honourable Daniel of St. Thomas Jenifer, Esq; president, honourable Matthew Tilghman, Charles Carroll of Carrollton, Brice T. B. Worthington, William Hindman, and Joseph Sim, Esquires.

### A F F I R M A T I V E.

Honourable Richard Barnes, and Upton Sheredine, Esquires.

The question was then put, That the other clauses of the bill, exclusive of the clause in question, be enacted into a law? Resolved in the affirmative.

ORDERED, That Matthew Tilghman and Charles Carroll of Carrollton, Esquires, prepare a message in answer to the message from the house of delegates by Messieurs J. Hall and Key.

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

## S A T U R D A Y, December 18, 1779.

**T**HE senate met. Present the same members as on yesterday. The proceedings of yesterday were read.

The order of the day being read, the senate gave notice to the parties concerned, that they were ready to consider the same.

The senate adjourns till 3 o'clock.

### P O S T M E R I D I E M.

The senate met.

Matthew Tilghman, Esq; brings in and delivers to the president the following message, which was read, and sent to the house of delegates by Richard Barnes, Esq;

BY THE SENATE, DECEMBER 18, 1779.

GENTLEMEN,

WE cannot recede from the amendments we made to the clause empowering the orphans courts, or the chancellor, to give relief to widows and orphans in the cases particularised, because we think the clause, as amended, the most essential in the bill, and without the amendments proposed extremely exceptionable, for were the amendments to be departed from, and the clause retained, a power would be thereby given to the justices of the orphans court, or to the chancellor, of altering the last wills of deceased persons in many instances, a power, as we conceive, too extensive and dangerous to be lodged in any man, or body of men. We cannot suggest the reasons which occasioned the unanimity of your house in rejecting the amendments in question, they were no doubt forcible, and therefore we are not a little surpris'd that they have been withheld from us, for an appeal on this occasion to our understandings, had been full as proper as to our feelings, not that we are less susceptible of pity and compassion than yourselves, or less desirous of drying up the true source of the tears of the fatherless and of widows; the proposed amendments affording equal relief, and doing stricter justice, than the clause as it stood in the bill, evince the truth of these assertions; the reflection therefore obliquely cast upon us in your message of yesterday, of being regardless of the cries of widows and orphans, is not only injurious and impolite, but has a tendency to destroy that temper and mutual respect which are so necessary to be preserved by public bodies, for the judicious and dispassionate transaction of the public business. It gives us some concern that you should adopt the other amendments without being convinced of their propriety, this, in our opinion, is erring in the other extreme, and carrying your complaisance too far; some of those amendments we esteem important, and none of