

“ the house of delegates, December 21, 1790: Read the first and second time by especial order and will pass.

“ By order, W. HARWOOD, clk.”

Which was read the first time and ordered to lie on the table.
And also the following resolution and message :

BY THE HOUSE OF DELEGATES, DECEMBER 21, 1790.

RESOLVED, That the auditor be and he is hereby authorized and directed to settle with, and grant a certificate or certificates for depreciation of pay unto, John Lanham, late a soldier in the first Maryland regiment, on the same terms and in the same manner that depreciation of pay hath been heretofore granted to officers and soldiers of the Maryland line.

By order, W. HARWOOD, clk.

Which was read the first time and ordered to lie on the table.

BY THE HOUSE OF DELEGATES, DECEMBER 21, 1790.

MAY IT PLEASE YOUR HONOURS,

THIS house have dissented from your amendments to the bill, entitled, An act to continue and amend the act for the more effectual punishment of criminals. We think it would tend, in great measure, to destroy the utility of the criminal court to substitute the associate justices in the place of the present magistrates, because, from the number of these magistrates, and their activity in the execution of their trust, offences have been brought to light, which, in all probability, would otherwise have escaped detection. Judging, therefore, of the future by the past, it appears to us that this alteration, instead of being beneficial, will be productive of mischievous consequence.

The change proposed in the salary of the chief justice is equally exceptionable. It may prevent the office being accepted by those who are competent to fill it, and compel such an appointment as nothing but necessity can justify. It is also inadmissible on another ground, for it cannot be denied that the allowance to the chief justice ought to exceed that of the other justices; and as the criminal court of Baltimore sits, on an average, at least seventy days in a year, the associate justices, to whom, with the chief justice, your honours propose to commit the administration of criminal justice in that county, at twenty shillings per day, have a larger allowance than the chief justice himself.

We think it proper to add, as an objection to all your amendments, that we consider this bill as a money bill, and therefore that the senate can only pass or reject it. The constitution has defined what is a money bill, and what is not. Your honours will perceive, by adverting to the form of government, that the present bill is not within the exceptions, but is clearly within the affirmative description, because it contains an application of taxes or supplies to the support of government.

We hope that, on reconsideration, the senate will recede from their amendments, and pass the bill.

By order, W. HARWOOD, clk.

The resolution respecting John Lanham, was read the second time by especial order and assented to.

The bill for continuing the act, entitled, An act for enlarging the power of the high court of chancery, and the several supplementary acts to the said act, and for increasing the power of the said court with respect to the personal estates of idiots and lunatics, was read the second time by especial order and will pass.

The bill to continue the acts of assembly therein mentioned, was read the second time by especial order and will pass with the following amendment :

Amendment proposed. At the end of the bill add the following clause : “ And that another act of assembly, entitled, An act for the more effectual punishment of criminals, passed at a session of assembly begun and held at the city of Annapolis on Monday the second of November, in the year of our Lord one thousand seven hundred and eighty-nine, be and is hereby continued until the first day of January, seventeen hundred and ninety-two.”

The president communicates to the senate a report from the commissioners appointed to examine the records and office papers of the general court office for the western shore, the land-office, prerogative and chancery-offices; which was read and referred to the consideration of the house of delegates.

The report from the commissioners appointed to examine the records of the public offices, the bill for continuing the act, entitled, An act for enlarging the powers of the high court of chancery, and the several supplementary acts to the said act, and for increasing the power of the said court with respect to the personal estates of idiots and lunatics, the bill for continuing the acts of assembly therein mentioned, the resolution respecting John Lanham, and the following message respecting the amendments to the bill to continue and amend the act for the more effectual punishment of criminals, with the said bill, and the message respecting a reconsideration of the bill, entitled, A Supplement to the act for the better administration of justice in the several counties of this state, with the said bill, were sent to the house of delegates by John Smith, Esquire.

BY THE SENATE, DECEMBER 21, 1790.

GENTLEMEN,

WE cannot agree to recede from our amendments to the bill, entitled, An act to continue and amend the act for the more effectual punishment of criminals. The senate are unanimously of opinion that the bill in question is not a money bill, either under the expressions or the spirit of the constitution. At this late period of the session we cannot enter at large into arguments to prove the propriety of this opinion, but beg leave to refer you to a message sent by the senate to the house of delegates on the 9th of March, seventeen hundred and eighty-six, on a difference of sentiments