

"By the house of delegates, November 28, 1797: Read the second time and will pass.  
 "By order, W. HARWOOD, clk."

Which was read the first time and ordered to lie on the table.  
 The clerk of the house of delegates delivers to the clerk of the senate the following message:

BY THE HOUSE OF DELEGATES, NOVEMBER 28, 1797.

GENTLEMEN OF THE SENATE,

WE propose on the first day of December next (if agreeable to your house) to go into a joint ballot for the election of a senator to represent this state in the senate of the United States, in the place of John Henry, Esquire, who has resigned.

By order, W. HARWOOD, clk.

And also the following resolution:

BY THE HOUSE OF DELEGATES, NOVEMBER 28, 1797.

RESOLVED, That the first day of December next be appointed to choose one senator to represent this state in the senate of the United States, to be a resident of the eastern shore, and the person having a majority of votes of all the attending members of both houses, be declared to be duly elected to represent this state in the senate of the United States for the remainder of the term for which John Henry, Esquire, was elected, agreeably to the constitution 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: To ———. The legislature of Maryland reposing especial confidence in your integrity and abilities, hath appointed you senator to represent this state in the senate of the United States for the remainder of the term for which John Henry, Esquire, was elected, agreeably to the constitution of the United States. Given under my hand, and the seal of this state, anno domini ———.

By order, W. HARWOOD, clk.

Which were read the first time, and the resolution ordered to lie on the table.

The clerk of the house of delegates delivers to the clerk of the senate a bill, entitled, An act to establish the road leading from Ninian Cockran's store at Genhing's run on the Turkey foot road, up Will's creek by John Tomlinson's mill in Allegany county to the Pennsylvania line, thus endorsed;  
 "By the house of delegates, November 25, 1797: Read the first time and ordered to lie on the table.

"By order, W. HARWOOD, clk.

"By the house of delegates, November 28, 1797: Read the second time and will pass.

"By order, W. HARWOOD, clk."

And a bill, entitled, An act for the benefit of Sarah Hickley, Mary Anne Hickley, Robert Hickley, Thomas Hickley and Samuel Hickley, thus endorsed: "By the house of delegates, November 24, 1797: Read the first time and ordered to lie on the table.

"By order, W. HARWOOD, clk.

"By the house of delegates, November 28, 1797: Read the second time and will pass.

"By order, W. HARWOOD, clk."

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

The resolution for the appointment of a senator to the senate of the United States, was read the second time by especial order and assented to with the proposed amendment.

Amendment proposed. In the first line, after the word "the" strike out "first" and insert "eighth."

Which said resolution and amendment, with the following message, which had been read and agreed to, were sent to the house of delegates by the clerk:

BY THE SENATE, NOVEMBER 28, 1797.

GENTLEMEN,

WE have proposed an amendment to your resolution for the appointment of a senator to the United States in the place of John Henry, Esquire, and will assent to the resolution if you agree to the amendment. We think there is good ground to believe the senate may be better attended at a more distant day, and it being in our judgment an appointment of the utmost importance, we are desirous that every member of both houses may have an opportunity of giving his suffrage.

By order, A. VAN-HORN, clk.

The clerk of the house of delegates delivers to the clerk of the senate the following message, and the resolution therein mentioned.

BY THE HOUSE OF DELEGATES, NOVEMBER 28, 1797.

GENTLEMEN OF THE SENATE,

WE take the liberty to return you the resolution in favour of Conrod Whiteman, of Queen-Anne's county, and hope that upon reconsideration it will meet with your approbation. The grounds of your objection, we presume, are, that the petitioner did not make his application within the time limited by several acts of assembly for exhibiting claims against the state, and that a concurrence with this resolution might introduce more applications of a similar nature: The propriety of passing acts of limitation to exclude the creditors of the state from exhibiting their claims, is a question perhaps that ought to have the serious attention of the legislature; as it is well known that the courts of justice have always decided, when the point has been contested, that no limitation of time could operate in any case where the state had a claim against any of its citizens; and we conceive that the state should not avail itself of its power to take advantages of its citizens, when similar advantages are not allowed them. The reason why limitation should ever be permitted to bar any claim whatever, flows from a presumption, that a debtor may have discharged the debt, and through a great lapse of time his receipt, or other evidence of the payment, may be lost: But this reason cannot apply in cases like the present, for the payment by the state becomes a matter of record, and may easily be resorted to. But without contesting the propriety of having passed those acts of assembly, it may well become a question, how far the honour and the justice of the state of Maryland may be implicated in refusing to discharge the fair and honest claims