

Amendments proposed. 1. After the word "landing" in the 8th line of the 3d page insert the words "or said Edward Norwood's lot where the public road goes." 2. At the end of the bill add, "And be it enacted, that if any person or persons through whose land the said road or roads shall pass, or his or her guardian or trustee, shall conceive themselves aggrieved by the valuation of said commissioners, it shall and may be lawful for the said commissioners, or any two of them, to issue their warrant to the sheriff of the county, to summons twelve freeholders of the county, not interested in the premises, and qualified to serve as jurors in the county court, to appear on a day by them to be appointed, on the premises, and the said commissioners are hereby authorised to administer an oath to every person so summoned, that he will, without favour, affection, prejudice or partiality, assess the damages sustained by the person at whose request such inquisition may be taken, by reason of opening the said road or roads through his, her or their lands, and the persons so summoned and sworn shall thereupon proceed to assess and value the damages accordingly, of which the said petitioner shall have at least five days previous notice, and such inquisition shall be final between the parties. And be it enacted, that the said commissioners shall not lay out or open the said road or roads through the buildings, gardens or orchards, of any person or persons, without his, her or their consent."

The resolution in favour of Robert Amos was read the second time and assented to.

On motion, the question was put, That the senate adjourn? The yeas and nays being required, appeared as follow:

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

Mr. Harwood, president, Mr. Christie, Mr. Houston, Mr. Johnson, Mr. Ringgold. 5.

N E G A T I V E.

Mr. Brown, Mr. Hollingsworth, Mr. McCulloch, Mr. Worthington. 4.

So it was resolved in the affirmative.

The senate adjourns until to-morrow morning 10 o'clock.

T U E S D A Y, January 4, 1803.

THE senate met. Present the same members as on yesterday. The proceedings of yesterday were read. The bill, entitled, An act to enable the corporation of the city of Annapolis to lay a tax on property within the said city and the precincts thereof, and to repeal the act of assembly therein mentioned, the bill, entitled, An act to open and make public a road from Norwood's ferry, on Patapsco river, to intersect the main road leading from Elk-Ridge landing to the falls of Patapsco, and the resolution in favour of Robert Amos, were sent to the house of delegates by the clerk.

The following message was read, agreed to, and sent to the house of delegates by the clerk, with the bill to appoint John Done, John Dennis and George W. Jackson, of Somerset county, trustees for the sale of certain lands lying in Somerset county, the real estate of doctor Ezekiel Haynie, late of Somerset county, deceased.

BY THE SENATE, JANUARY 4, 1803.

GENTLEMEN,

THE bill from your house, entitled, An act to appoint John Done, John Dennis and George W. Jackson, of Somerset county, trustees for the sale of certain lands lying in Somerset county, the real estate of doctor Ezekiel Haynie, late of Somerset county, deceased, was, on due consideration, negatived by us, from a conviction of the impropriety of interfering with the rights of infants, unless in cases where it is manifest that their interests would be materially promoted by that interference. We did not then, nor do we now, think the case before us such an one as would justify us in making any disposition of the property of these infants, other than that which the law has already made. We admit that a part of the property is "in a situation subject to decay," and regret the circumstance, but as the father of the infants has not thought proper to make any particular provisions on this subject, and as we suppose him to have been the best judge of the situation of his own affairs, we must presume it to have been his intention that the existing laws should regulate the distribution of his property, and therefore think we cannot with propriety undertake to judge for him.

The bill referred to in your message is not, in our opinion, analagous to that before us; in that, a part only of the real estate is directed to be sold, for the purpose of saving that part of the personal estate which will be likely to increase the annual value of the residue of the landed property, and even then we did not pass the bill until the most satisfactory and detailed information had been received, and a material fact ascertained, that the claims of creditors would not only sweep away all the personal estate, but that a part of the real estate must have been sold to satisfy those claims, and being convinced that the arrangements contemplated by the bill would be particularly beneficial to the minors, we sanctioned the measure; but on the bill before us, we have only general assertions of the benefits expected to flow from it, too indefinite, in our opinion, to justify us in exerting a power which ought at all times to be exercised with the utmost caution; we have therefore declined to reconsider the bill.

By order,

J. B. DUCKETT, clk.

The bill, entitled, An act authorising a lottery to raise a sum of money for the purpose of finishing the protestant episcopal church in Elizabeth-town, in Washington county, was read the second time by a special order, passed, and sent to the house of delegates by the clerk.