

VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1809.

By the HOUSE of DELEGATES, December 12, 1809.

Gentlemen of the Senate,

AT this important crisis of our national affairs, when it is essential the finances of the state should be carefully husbanded, it is our duty to bring the session to as early a close as may be consistent with the interest of the state, and as we have no business but what may be finished by Saturday the 23d instant; we propose, with the concurrence of your house, to adjourn on that day.

J. BREWER, clk.

By order,

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

The bill, entitled, An act to authorise the drawing of a lottery or lotteries in Middle town, in Frederick county, and the bill, entitled, An act to admit persons conscientiously scrupulous of taking an oath to serve as jurors, were severally read the second time, passed, and, with the following message, sent to the house of delegates by the clerk.

By the SENATE, December 13, 1809.

Gentlemen of the House of Delegates,

WE have received your message proposing to close the present session on Saturday, 23d instant. The senate are seriously disposed to join you in that measure, or at an earlier period if practicable.

T. ROGERS, clk.

By order,

The senate proceeded to the second reading of the bill, entitled, An act concerning the amendment of judicial proceedings, and on progression in reading said bill, the question was put, Will the senate receive the following as an amendment thereto? to wit: At the end of the 1st page add "and the court may, on motion, permit and direct any entry to be made, or act to be done, by either party, on the trial of any appeal, or during its pendency, which might or could have been done by such party after verdict in the court from whose judgment such appeal was made, and which in law might have been necessary to give effect and validity to such judgment." Resolved in the affirmative.

On further progression, the question was put, Will the senate receive the following as an amendment? to wit: Strike out from the word "state" in the 2d line of the 2d page to the end of the bill. The yeas and nays being required, appeared as follow:

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

Mr. Thomas, president, Mr. Fenwick, Mr. Glenn, Mr. Lowrey, Mr. McElderry and Mr. Whitely. 6.

N E G A T I V E.

Mr. Gibson, Mr. Partridge, Mr. Purnell and Mr. Shriver. 4.

So it was resolved in the affirmative.

The bill being read throughout, the question was put, Will the senate receive the following as amendments? to wit: At the end of the bill add the following clauses: "And be it enacted, That in all cases where a verdict shall be given in any court of this state, the court before whom such verdict shall be given, shall, and they are hereby authorised, to enter such judgment upon the verdict as will carry an interest on the same until the payment of the damages assessed by the jury giving such verdict, in the same manner as is now used and practised in the cases of a confession of judgment in said courts. And be it enacted, That all justices of the peace of this state shall be compelled, upon entering judgments upon cases within their jurisdiction, to enter the same in such manner as shall carry an interest thereon from the date thereof until the same shall be paid or satisfied." Resolved in the affirmative.

The question was then put, Shall this bill pass with the proposed amendments? Resolved in the affirmative.

The bill, entitled, An act to repeal and abolish the forty-fifth article of the constitution and form of government, was read the second time by especial order and will pass.

The clerk of the house of delegates delivers a bill, entitled, An act authorising George Creager, junior, late sheriff of Frederick county, to complete his collection, and a bill, entitled, An act respecting writs of habeas corpus, severally passed by that house December 13, 1809; which were severally read the first time and ordered to lie on the table.

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

T H U R S D A Y, December 14, 1809.

THE senate met. Present the same members as on yesterday. The proceedings of yesterday were read. The bill, entitled, An act concerning the amendment of judicial proceedings, and the bill, entitled, An act to repeal and abolish the forty-fifth article of the constitution and form of government, were sent to the house of delegates by the clerk.

It appearing to the senate, that at the time of the election of Mr. James Fenwick to a seat in the senate, he held a commission as a held-officer in the militia of this state, and in consequence thereof was ineligible as a senator, the senate having previously qualified, proceeded again to the election of a senator; and the ballot being deposited in the ballot box, on examination thereof it appeared, that Mr. James Fenwick was unanimously elected.

Whereupon it is declared in the senate, that Mr. James Fenwick is unanimously elected a member of the senate.