

Bennett, Martin, Jona. Spencer, Claude, Duvall, Emory, Burgess, Wright, Forwood, (of Wm.) Forwood, (of J'b.) Dallam, Maulsby, Saulsbury, Potter, Culbreth, Willis, Barney, Donaldson, Tilghman, Mason, Kershner, Gabby.—31.

So it was resolved in the affirmative.

The house adjourns until Monday morning 9 o'clock.

MONDAY, December 13, 1813.

THE House met.—Present the same members as on Saturday.—The proceedings of Saturday were read.

Mr. Potter delivers a petition from Rebecca Hopkins, of Caroline county, stating that her husband Nicholas Hopkins hath died intestate, leaving land in which he had but an equitable title, and not leaving sufficient personal property to pay a balance due on the same, and praying relief; which was read and referred to Messrs Potter, Culbreth and Saulsbury.

Mr. Hogg delivers a bill entitled, an act to authorise the sheriff of Cecil county to execute a return or deeds therein mentioned; which was read.

The speaker laid before the house a report of the clerk of Washington county, relative to the attendance of the judges; which was read and referred to the committee of grievances and redress of justice.

Mr. Saulsbury delivers a bill entitled, an act for the relief of Levin Kemmey, of Caroline county; which was read.

Mr. J. H. Thomas delivers a petition from the commissioners of the tax for Frederick county, praying that the time of their setting for the purpose of noting transfers, and hearing appeals, may be changed to the first Monday in February; which was read and referred to Messrs J. H. Thomas, Delaplane and J. Thomas.

On motion by Mr. Potter, the question was put, that the house agree to the following message:

BY THE HOUSE OF DELEGATES, Dec. 13, 1813.

Gentlemen of the Senate,

The constitution and form of government having directed that the governor of this state shall be chosen on the second Monday of December in each and every year, and this being the day prescribed, we propose with the concurrence of your honorable body, to proceed to elect the governor of this state at 12 o'clock today. Levin Winder, Esq. is put in nomination by this house, and we have appointed Messrs J. H. Thomas and Mason to join such gentlemen as may be named to you to count the ballots and report thereon.

The yeas and nays being required, appeared as follow:

AFFIRMATIVE.

Messrs Plater, Millard, Causin, Blackiston, Boyer, Jervis Spencer, Hands, Brown, Dorsey, Harman, Belt, W. Hall, Reynolds, Blake, Taney, Turner, Stonestreet, Ford, Parnham, Roger-Bayly, Cottman, Waller, Long, Stewart, Griffith, Tootel, Lecompte, J. Evans, Lusby, R. Evans, Somervell, Callis, Wil on, Williams, Quinton, Handy, J. Thomas, Delaplane, J. H. Thomas, Potter, Willis, Jones, Kilgore, Crabb, Riggs, Hilleary, Robinett, M'Culloh, Ward.—51.

NEGATIVE.

Messrs Randall, Harryman, Warner, Stansbury, Bennett, Martin, Jona. Spencer, S. Stebbins, Claude, Duvall, Emory, Burgess, Wright, Forwood, (of Wm.) Forwood, (of J'b.) Dallam, Maulsby, Saulsbury, Barney, Donaldson, Tilghman, Mason.—22.

So it was resolved in the affirmative, and the message sent to the senate.

Mr. Potter delivers a bill entitled, an act for the benefit of Rebecca Hopkins, of Caroline county, which was read.

The speaker laid before the house the report of the Examiner General; which was read.

On motion by Mr. Donaldson, the following preamble and resolutions were read:

NASMUCH as it is the fundamental principle of the Constitution of the state of Maryland, that all government is by right vested in and proceeds from the people, from which great principle emanates the several provisions of the constitution, and the laws framed in conformity thereto, in relation to the exercise of the right of suffrage by the people in the choice of delegates to the General Assembly, from the whole tenor and express words of which it is evident, that such delegates shall be elected by the majority of the free white male citizens of the state qualified to vote, who should poll at such election—And as it is most clear and indisputable that the House of Delegates, thus created by the will of the majority, has no power or right, to create members in that body not elected by the majority of legal voters to the exclusion of such as were elected by such majority, as such a doctrine, so far forth as it operates, in effect creates a House of Delegates which does not represent the people. And forasmuch as it is most manifest, that it never was the intention of any provision of the act of 1805, c. 7, that it should depend on the caprice or will of a judge or judges of election, by noting the oath which that act directs in the mode pointed out, whether the people of such district, should be entitled to their votes or not, (a doctrine slavish, tyrannical and subversive of the rights of the free citizens of this state) as such a construction of the law, would destroy the purity of election, at the discretion of one man, extinguish the voice of the majority, and produce all the evils of fraud and mal-practice, against which it was the peculiar object of the act to guard. And as it is not only just and reasonable, but an infallible conclusion of law, that no citizen shall not incur the forfeiture of his vote, for the fault, neglect or omission of those persons whom the law has especially entrusted with the protection of that right, whose duties are enjoined on themselves alone by the law, to which they are responsible for neglect