

The question was then put, that the house assent to the thirteenth amendment? The yeas and nays being required appeared as follow :

**AFFIRMATIVE.**—Mr. Speaker, Messrs. Millard, Neale, Causin, Hood, Worthington, Hopkins, Gray, Blake, Turner, Jenkins, Randall, Warner, Stansbury, Harryman, Beall, Waring, Van Horn, Claude, Duvall, Burgess, Wright, Forwood, of Jb. Dallam, Barney, Kell, Tilghman, Schnebly, Gabby, Mason, Crabb, Riggs, M'Mahon.—33

**NEGATIVE.**—Messrs. Blackstone, Boyer, B. Hands, Spencer, Browne, Stonestreet, Caldwell, Hambleton, Seth, A. Hands, Bayly, Waller, Cottman, Long, Griffith, Beard, Mitchell, Hogg, Evans, Emory, Stevens, Handy, Williams, Quinton, J. Thomas, Howard, J. H. Thomas, M'Donald, Jones, Kilgour, Lantz, Hilleary.—32

So it was resolved in the affirmative.

On motion by My. Crabb, the question was put, that the house agree to the following message, viz.

BY THE HOUSE OF DELEGATES, January 28, 1815.

*Gentlemen of the senate,*

We have agreed to all the amendments proposed by you to the bill entitled, an act to provide for the better defence of the state, and prevent the frequent calls of the militia, except the first, third, twelfth and sixteenth.

And we have returned you the bill under the expectation that you will upon re-consideration recede from the amendments, disagreed to by this house. The yeas and nays being required appeared as follow :

**AFFIRMATIVE.**—Messrs. Speaker, Millard, Causin, Hood, Worthington, Hopkins, Gray, Blake, Turner, Stonestreet, Jenkins, Randall, Warner, Stansbury, Harryman, A. Hands, Beall, Waring, Van Horn, Claude, Duvall, Emory, Burgess, Wright, Stevens, Forwood, of Jb. Dallam, Barney, Kell, Tilghman, Schnebly, Gabby, Mason, Crabb, Riggs, Lantz, M'Mahon.—37

**NEGATIVE.**—Messrs. Blackstone, Boyer, B. Hands, Spencer, Browne, Caldwell, Hambleton, Seth, Bayly, Waller, Cottman, Long, Griffith, Beard, Mitchell, Hogg, Evans, Handy, Williams, Quinton, J. Thomas, Howard, J. H. Thomas, M'Donald, Jones, Kilgour.—26

So it was resolved in the affirmative, and together with the bill to which it relates, sent to the senate.

Mr. Kell delivers a bill entitled, an act annulling the marriage of James W. James, alias James Weeks, late of the City of Baltimore, and Mary Ann James. And a bill entitled, a further supplement to an act entitled, an act for amending and reducing into system the laws and regulations concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans, and other representatives of deceased persons. And Mr. Van Horn a bill entitled, an act vesting in the orphans courts in the several counties of this state, certain powers relative to real property. Which were severally read.

On motion by Mr. Mason the following resolutions were read :

Whereas by the 33d section of the constitution of Maryland, it is provided, "that the governor by and with the advice of the council may embody the militia, and when so embodied shall alone have the direction thereof, and shall also have the direction of the regular land and sea forces under the laws of this state; but shall not command in person unless advised thereto by the council, and then only so long as they shall approve thereof."

And whereas Levin Winder, Esquire, was chosen governor of this state, in November 1812, for one year, and did accept the appointment, and qualify according to the constitution and laws. And whereas by the record of the proceedings of the council, it appears that on the 20th April, 1813, an entry was therein made in the words following: "the council advise the governor to take the command of the militia in person." And by the same record of the proceedings it appears that on the 1st April, 1813, the governor appeared in the council, and took his seat at the board, and continued to do so every day until the 18th September then next following, with an exception as to Sundays, and also as to five business days, which last mentioned five days were not an immediate succession, but were interspersed between the 20th April and 18th September, aforesaid. It further appears from the votes and proceedings of the house of Delegates, that on the 3d of January, 1814, certain resolutions were submitted to the house for their consideration in the words following: "Resolved that the governor of Maryland as commander in chief of the militia, when in actual service is entitled to the pay and rations, of a major general of the militia."

Resolved, That the council be, and are hereby authorised to liquidate the accounts of his excellency the governor, for services that have been or shall be rendered as commander in chief of the militia of this state while in actual service, and that the treasurer of the Western Shore be, and he hereby is directed to pay the amount when so ascertained by the council, out of any unappropriated money in the treasury; which resolutions were on the 15th of the same month by order of the house of Delegates, referred to a committee. That on the 20th of the same month the committee to whom these resolutions were referred, reported in the words following: "the committee to whom was referred the resolutions relative to the pay and rations of the governor while in actual service, as commander in chief of the militia of this state, beg leave to report, that the existing laws of the state having provided a mode for the settlement of all claims against the state, arising from the employment of the militia, they are of opinion that it would be unnecessary to adopt the said resolutions." Which report was afterwards on the 26th of the same month read a second time, and concurred in by the house. And whereas by the record of the proceedings of the council, it appears that on the 1st of February 1814, the council made an order in the words following: "Ordered, that the treasurer of the Western Shore pay to major Levin Winder, one thousand six hundred and forty three dollars and sixty-three cents, for his services as commander in chief of the militia."