

*unnecessary* to adopt the said resolutions. This report, if it meant to be honestly understood, certainly could not be supposed to mean any thing else than that the governor, as commander in chief, acting in person, was already entitled to the pay and rations of a major general, and therefore that it was *unnecessary* to legislate further upon the subject.

But it has been attempted to obviate this inference, by declaring in the resolutions last referred to, that the Legislature itself is not competent, much less is one branch of the Legislature competent to expound the laws. Their province, it is said, is to make laws, and not to expound them; and the executive council, we are now told, are men capable of expounding the laws for themselves, and must be held responsible to the state for a just exposition of them.

Now admitting or not denying all this *ober doctrine*, the committee must remark, that although it may not be the province of this house to expound laws, yet when they have thus manifested their sense of a construction of a law, and the executive council entertaining the same impression, have had reason to be confirmed in it by what has been so manifested by the immediate representatives of the people, the grand inquest of the state, the special guardians of the public treasury, it would seem to come with a very ill grace from this house to adopt any proceeding either upon motion in their own body, or at the instance of the Senate condemning the very course which had been thus previously approved of, or at least assented to. And it is not a little curious, that this attempt of censure and condemnation should be brought forward in this house, in resolutions which declare, that the last house of Delegates had no right to expound the laws so as to express an opinion that the payment to the governor was authorised, while these same resolutions do themselves now undertake so to expound the law, as to declare that the said payment was not authorised.

But your committee are not at all surprised at the solicitude now evinced to explain away, or weaken the effect of the opinion expressed in the report adopted by the last house of delegates on this subject, which they confidently aver was agreed to by every member of the committee appointed upon it, and which it will appear, by the votes and proceedings, was adopted with the general concurrence of the house, or rather without a dissenting voice; while the member himself appears to have been present who has been the mover of this investigation. Addressing themselves to the house, in relation to its character as a collective body, your committee can not therefore refrain from remarking, that they can scarcely conceive of any legislative proceeding, which would be more insidious and unworthy than that of first sanctioning, or strongly appearing to sanction a particular act at one session of the assembly, and then, at the next session, to make that very act the foundation of a vote of reproach and crimination against those who may have been confirmed in their judgment of the propriety of that act by the faith of your own implied authority. The committee do not understand, nor do they wish to understand that sort of casuistry by which such proceeding can be reconciled to the principles of justice, decency or honor.

Under these views, it is respectfully recommended to the house, by the following order, to reject the aforesaid resolutions.

Ordered, That the resolutions from the senate, relative to the payment made to the governor as acting commander in chief for the time therein specified, and also the resolutions introduced in this house, of a similar nature, be, and they are hereby rejected.

By order,

LOUIS GASSAWAY, Clk.

Which was read.

The bill entitled, an act for the preservation of deer in Baltimore county, was read the second time, passed and sent to the senate.

The bill entitled, an act to continue in force the acts of Assembly which would expire with the present session, was read the second time and the question put, shall the said bill pass? Resolved in the affirmative.

The bill from the senate entitled, an act to alter the sixtieth section of the constitution and form of government, was read the second time, and the question put, shall the said bill pass? Determined in the negative.

The 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, was read the second time and the question put, shall the said bill pass? Determined in the negative.

The bill from the senate supplementary to the act for making a turnpike from the Lancaster turnpike to Baltimore, was read the second time and the question put, shall the said bill pass? Determined in the negative, and the bill sent to the senate.

The resolution directing the resolutions of the general assembly to be recorded with the laws, was read the second time, assented to and returned to the senate.

On motion by Mr. Hood, the following message was read, agreed to and sent to the senate:

BY THE HOUSE OF DELEGATES, February 1, 1815.

Gentlemen of the senate,

Believing that the business of the session cannot be finished before to-morrow we propose with your concurrence to close the session on that day.

By order,

UPTON S. REID, Clk.

The clerk of the senate delivers the engrossed bills, Nos. 109 to 112 inclusive, endorsed, "read and assented to." Which were read, assented to and returned to the senate.

Also the bill entitled, an act vesting in the orphans' courts in the several counties of this state, certain powers relative to real property. The bill entitled, an act authorising the Levy court of Frederick county to provide for laying out, widening, straightening and amending the road