

## VOTES AND PROCEEDINGS

mentioned, was read the second and third time by special order, and will pass. Sent to the house of delegates.

The clerk of the house of delegates delivers the following message:

**BY THE HOUSE OF DELEGATES, Dec. 14, 1820.**

*Gentlemen of the Senate,*

A vacancy having occurred in the office of register of wills for Somerset county, during the recess of the legislature, and the duties of the person appointed by the executive having terminated with the meeting of the general assembly, we propose, with the concurrence of your honourable body, to proceed to make the appointment of register of wills for the said county to-morrow at 12 o'clock. James Polk is put in nomination by this house, and we have appointed Messrs. Hayward and Duvall, to join such gentlemen as may be named by you, to count the ballots and report thereon.

By order,

J. BREWER, Clk.

Which was read.

Also a bill, entitled, An act authorising the sheriff of Caroline county to release from his custody and gaol James M. Carty, Junr. and for other purposes; which was read the first time and ordered to lie on the table.

On motion of Mr. Macey, Ordered, That so much of the governor's message as relates to education and public instruction, be referred to a select committee, to consider and report thereon; and that Messrs. Macey, Harper and Gale, be the said committee.

The bill for the benefit of Joseph Richardson, clerk of Caroline county court, was read the second and third time by special order, and will pass; sent to the house of delegates.

The bill authorising the sheriff of Caroline county to release from his custody and gaol James M. Carty Junr. and for other purposes, was read the second and third time by special order, and will pass; sent to the house of delegates.

The following message was sent to the house of delegates:

**BY THE SENATE, December 14, 1820,**

*Gentlemen of the House of Delegates,*

We have received your two messages on the subject of a joint recommendation to the governor of a person to be appointed register of wills for Anne Arundel county. In answer to which we beg leave to inform you, that we are not ready to proceed to the recommendation in question, because we understand that there are other applicants for the office, who are not nominated in either of your messages, concerning whose qualifications we expect to receive full information. Before we determine upon a recommendation of a person to fill an office which you justly describe as very important to the good people of this state, an office whose tenure is during good behaviour or for life, we deem it proper, being of opinion that the senate are competent to decide for themselves the course which duty prescribes, duly to deliberate. Good may result from some delay, and we apprehend that it can be productive of no inconvenience to the public, because, as we construe the provision of the constitution to which your last message refers us, especially when taken in connexion with the last part of the 49th article, it is the duty of the person appointed by the governor, with the advice of the council, in the recess of the general assembly, to continue to act until a person is commissioned by the governor upon the joint recommendation of the senate and house of delegates at their next meeting, and this we understand to have been the general, if not the universal practice. In addition to the above circumstances, we beg leave to state, that at the time fixed in your message of the 12th inst. the senate, at the instance of your honourable body, were engaged in balloting for the executive council, and the moment fixed by your message of the 13th inst. was the one when his excellency the governor elect was waiting the attendance of both branches of the legislature to take the oaths of office agreeably to the constitution and laws of this state. As soon as we are prepared to proceed in this business, according to our sense of the constitution, and of our duty, we shall not fail to give notice thereof to your honourable house.

By order,

J. N. WATKINS, Clk.

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

### FRIDAY, December 15, 1820.

The senate met. Present the same members as on yesterday, except Mr. Carroll. The proceedings of yesterday were read.

Mr. Jackson from the committee reported a bill, entitled, An act to alter and change the mode of appointment of overseers of public roads so far as relates to Somerset county; which was read the first time and ordered to lie on the table.

The clerk of the house of delegates delivers a resolution in favour of Daniel Schmebly, and a resolution in favour of the examiner general; which were read the first time and ordered to lie on the table. Also a bill, entitled, An act authorising John V. Price, late collector of the first collection district in Cecil county, to complete his collection; a bill, entitled, An act authorising Henry E. Coalman to remove a certain negro slave from the state of Louisiana into this state for the use of Peregrine Ward 3rd, of Cecil county; and a bill, entitled, A supplement to the act incorporating the Commercial and Farmers Bank of Baltimore; which were read the first time and ordered to lie on the table.

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

### SATURDAY, December 16, 1820.

The senate met. Present the same members as on yesterday, except Mr. Macey. The proceedings of yesterday were read.

The bill to alter and change the mode of appointment of overseers of public roads so far as relates to Somerset county, was read the second and third time by special order and will pass.

The clerk of the house of delegates delivers a bill, entitled, An act for the benefit of James Scott of Allegany county; a bill, entitled, An act for the relief of Isaac Lyon, of Frederick county; a bill, entitled, An act to authorise William Jordan, late collector of the sixth election district of Baltimore county, to complete his collection; a bill, entitled, An act to authorise James H. Wathen collector of Saint M.