

county, the books and papers belonging to said commissioners under a penalty of five hundred dollars for refusal so to do, which penalty shall be recovered by indictment for the use of the county."

Which amendment was read and assented to.

The said bill was then passed with the proposed amendment, and returned to the house of delegates.

Mr. Forrest, offered the following message: which was read.

By the Senate,

Jan. 28, 1831.

Gentlemen of the House of Delegates;

We concur with you in the propriety of proceeding to the election of a senator to represent this state in the senate of the United States, for six years from the 4th of March next, and will proceed to make an election this day at 12 o'clock. No person is put in nomination by the senate in addition to the person named in your first message on this subject.

The said message having been read a second time, Mr. Heath, offered the following as a substitute viz:

By the Senate,

Jan. 28, 1831.

Gentlemen of the House of Delegates,

The senate acknowledges the receipt of your message proposing to go into the election to day of a senator in the congress of the United States.

The reasons that existed when your former message on that subject was answered, still exist, and the senate respectfully declines acceding to the proposition.

Which having been read.

The question was put, "Will the senate receive the substitute" On this question.

The yeas and nays being asked for were taken and appeared as follows:

AFFIRMATIVE.

Messrs. Marriott Prest  
Harrison  
Heath  
Herbert  
Kennedy

Rees  
Sewell  
Smith  
Whiteley—9.