

ferent principle—it gave to a particular tribunal the power of diverting the stream—of intercepting its flow to deserving objects—of drawing religious, political, or other distinctions—of reporting, in a word, to another tribunal what persons are proper objects of this bounty. Can it be doubted that this power might, and in times of great excitement, would be abused—that political prejudice or religious bigotry would at times be gratified at the expense of justice, and against the intention of the state? Again, when this selection had been made as if to screen (which was undoubtedly not intended,) those immediately concerned in the distribution of the fund from any censure for unjust partiality in the selection—or from the murmurs of those, whose children, although selected in the first instance, must yet be rejected, because the fund might be insufficient for the education of all, the commissioners were authorised to cast lots, and thus determine the matter. Was this right—was it politic, thus to shield officers from responsibility to public opinion for errors of practice or of intention? The senate think it was not. Other objections existed to the bill, but it is deemed unnecessary at present to suggest them.

The senate in conclusion will only observe, in answer to a remark of your honourable body, that whilst the senate feel all proper respect for the house, it has yet high duties to the people of Maryland to perform, and cannot consent to act on this, or any other occasion, merely for the purpose of registering your acts.

On motion of Mr. Heath, the said message was read a second time, and the question was put, Will the senate assent to the message? The yeas and nays being required appeared as follows:

## AFFIRMATIVE.

Messrs. Harrison  
Heath  
Kennedy  
Rees

Sewell  
Smith  
Whiteley—7

## NEGATIVE

Messrs. Marriott Pret.  
Dennis  
Forrest

Herbert  
Thomas—5

Determined in the affirmative. So the message was assented to, and with the bill sent to the house of delegates.

On motion of Mr. Dennis, the bill, entitled, An act to repeal an act of assembly entitled, An act to limit the time for taking appeals from magistrates judgments, passed at December session 1829, chapter 236, and for other purposes, was