

respecting the holding of offices by members of the general assembly; a bill, entitled, An act to explain and amend the constitution and form of government as to the election of electors of the senate; a bill, entitled, An act to alter and amend the constitution and form of government as to the filling up vacancies in the senate; and to allow the senate to amend money bills; a bill, entitled, An act to alter and amend the constitution and form of government as to the election of members to the house of delegates; a bill, entitled, An act to alter the constitution and form of government as to the election of governor; a bill, entitled, An act to alter and amend the constitution and form of government as to the council; a bill, entitled, An act directing the mode of appointing the officers therein mentioned; a bill, entitled, An act to repeal the forty-second section of the constitution and form of government; a bill, entitled, An act concerning sheriffs; a bill, entitled, An act to secure the trial by jury in civil cases; a bill, entitled, An act to repeal such parts of the constitution and form of government as require the qualification of property for the governor, and others; and a bill, entitled, An act to prohibit the calling of conventions to alter the constitution and form of government, unless with the consent of the legislature; which were severally read the first time and ordered to lie on the table.

The bill to prohibit members of congress, or persons in office under the United States, from being eligible as members of the legislature or council, or holding offices in this state, was read the second time by especial order, passed, and sent to the senate by the clerk.

On motion, ORDERED, That the several bills proposed by the committee appointed to consider what alterations of the constitution and form of government are necessary, be referred to the consideration of the next session of assembly, and that the same be published in the Maryland Gazette, Baltimore Journal, Frederick and George-town papers, and the Maryland Herald, for the consideration of the people.

ORDERED, That a committee be appointed to abstract the said bills and report the constitution as proposed to be amended, and that the same be published in the several news-papers aforesaid, and that three thousand copies thereof be struck and distributed in the several counties of this state.

ORDERED, That the said abstract be prepared by the committee appointed to bring in the alterations.

The letter of recommendation to John Henry and Charles Carroll, Esquires, was read the second time and assented to.

On motion, the question was put, That the governor and council be and they are hereby authorized and directed to provide for the necessary repairs being made to the stadt-house for the accommodation of the judiciary, and other departments of government, provided that the expence thereof shall not exceed the sum of two thousand pounds? The yeas and nays being called for by Mr. Oncale; appeared as follow:

A F F I R M A T I V E:

Messieurs	J. Worthington,	T. Harwood,	Tilghman,	Hollingsworth,	Quynn,	Key,
	Mercer,	Craik,	Waggaman,	Oldham,	Davall,	P. Smith,
	N. Worthington,	Hawkins,	Eccleston,	Bowie,	Seney,	Douglas,
	Wilkinson,	Kerr,	Miller,	T. Marshall,	J. P. Marshall,	M. Mecham,
	T. Gantt, jun.					

N E G A T I V E.

Messieurs	Carroll,	Ridgely,	R. Bond,	Beatty,	Wilson,	Oncale,
	Thomas,	Cockey,	Barnes,	Burkhart,	Loockerman,	Beall,
	Hopewell,	Loves,	Dennis,	Prall,	Ott,	Cresap,
	T. Bond,	Frazier,	Holland,	Love,	Swearingen,	Tomlinson,
	M'Pherson,					

The house being equally divided, it was decided in the affirmative by the honourable the speaker, and sent to the senate by the clerk.

Mr. Scott has leave of absence.

The clerk of the senate delivers the bill respecting the equity jurisdiction of the county courts, endorsed; "By the senate, December 15, 1791: Read the first time and ordered to lie on the table.

"By order, H. RIDGELY, clk.

"By the senate, December 24, 1791: Read the second time and will pass with the proposed amendments.

"By order, H. RIDGELY, clk.

Amendments proposed. First page, 3d line from the top, strike out "two" and insert "one." First page, 4th line from the top, strike out "twenty" and insert "ten." At the end of the bill add as follows: "And be it enacted, That this act shall not be construed so as to give any county court an original equity jurisdiction for the purpose of compelling a specific performance of any agreement; and in all cases where a suit at common law is commenced in any county court, and either plaintiff or defendant prays a decision on principles of equity, the common law suit may be proceeded on to judgment, nor shall execution on the said judgment be stayed, unless the party praying an equitable decision shall verify the facts stated in his petition by his oath, or affirmation, as the case may require, and give bond to the adverse party, in such sum, and with such security, as the court shall approve, conditioned for the payment of such sum as shall appear to be due to the said adverse party on the determination of the said suit by the said court on principles of equity as aforesaid, together with all legal costs, both on the common law and equity proceedings.

"This act to continue in force until the first day of January, in the year of our Lord one thousand and ninety-four."

Which were read.