

Mr. M'Meehan, from the committee, brings in and delivers to Mr. Speaker a bill, entitled, An act providing a remedy for the creditors of persons dying seized of land without known heirs; which was read the first time and ordered to lie on the table.

The report on the petition of John Sanders, was read the second time, and committed for amendment.

Mr. Duvall, from the committee, brings in and delivers to Mr. Speaker the following report:

THE committee to whom was referred the memorial of Samuel Chase, chief judge of the general court, report, that they have had the same under consideration, and they are of opinion that our constitution and form of government intended to provide for the independency of the chancellor and the judges of this state, by declaring that they ought to hold their commissions during good behaviour, and that salaries ought to be secured to them during their continuance in office: That it is evident from the said declaration, that the constitution did not contemplate a permanency in office alone as sufficient of itself to secure that independency, which was considered essential to the impartial administration of justice, and a great security to the rights and liberties of the people; that the declaration of rights provides, that salaries liberal, but not profuse, should be secured to the chancellor and the judges during the continuance of their commissions, but no permanent funds are provided by law for the payment of these salaries; that a competent knowledge to fill these important offices can only be acquired by long and laborious study, and at a heavy expence.

The committee further find, that the senate, in their message of the nineteenth of January, seventeen hundred and eighty-six, expressed their sentiments respecting the providing liberal salaries for the chancellor and the judges as follows: "Upon reading your bills to establish permanent salaries for the governor, chancellor and the judges, we are of opinion the provision proposed to be made for them is not a sufficient compensation for their services, nor will it enable them to support with dignity the rank to which their superior trusts entitled them. The greatest security which a people can enjoy under any government, results from a strict and impartial administration of justice. The independence of the magistrate invested with this important trust, has been the first care of the legislator who wished the government to be permanent, and the people happy. By a liberal provision being made to the chancellor and the judges, they can dedicate their whole time and abilities to the service of the public; gentlemen of merit and knowledge will be thereby induced to engage in this most important trust, and their personal characters and abilities will give weight to their decisions, and security to government. We are very sensible that the state of our finances requires œconomy, but flatter ourselves you will, upon reconsideration, think with us, that the salaries of the officers referred to in this message may be enlarged without incurring a censure for profusion. As there are no funds particularly provided for the payment of those salaries, it would be very agreeable to us to mortgage all the unappropriated revenues of the state for the payment of them. We have sent you the bills for reconsideration, in hopes that you will consent to an enlargement. The following salaries would meet our perfect approbation—To the judges of the general court, each, £. 850, &c." In answer to which the house of delegates replied, "We are very desirous of making a liberal provision for the governor, the chancellor and the judges, and with the circumstances of our people would justify this house in acceding to the salaries proposed by the senate. If time will permit, we shall attempt to provide particular funds to secure the payment of the salaries established by our bill. It will always be in the power, as it will certainly be the inclination, of the legislature, to make such alterations in the present salaries as the ability of government will permit."

The committee further report, that a committee of the house of delegates, at November session, 1791, expressed their sense on the subject of salaries to the judiciary in the manner stated by the memorialist. This committee are fully impressed with a sense of the propriety and necessity of establishing permanent funds for the payment of the salaries to the chancellor and the judges; it is enjoined by the declaration of rights, and the committee are of opinion that the present salaries of the judges of the general court are not adequate to the duties of the important trust, and that they ought to be increased.

All which is submitted to the consideration of the honourable house.

By order,

C. WAYMAN, clk.

Which was read, and the question put, That the said report be referred to the next session of assembly? The yeas and nays being called for by Mr. Bayard, appeared as follow:

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

Messieurs	W. Thomas,	Ridgely, of Wm. Kerr,	Hollingsworth,	Houston,	Oneale,
	Kilgour,	Ridgely,	Denwood,	R. Bond,	Beatty,
	Freeland,	T. Worthington,	Frazier,	Ward,	Douglafs,
	J. Thomas,	Howard,	Daffin,	Ewing,	Swearingen,
	Digges,	Cox,	Gordon,	O'Bryon,	Van Lear,

N E G A T I V E.

Messieurs	Tilghman,	Ridout,	Sprigg,	Barnes,	Jarrett,	Driver,
	Harwood,	Goldsbrough,	Quynn,	Whittington,	Prall,	M'Meehan,
	J. Worthington,	Bowie,	Duvall,	Dennis,	Montgomery,	R. Wootton.
	Brogden,	T. Wootton,				

So it was resolved in the affirmative.

Mr. Threlkeld appeared in the house.

The bill providing a remedy for the creditors of persons dying seized of land without known heirs, was read the second time by especial order, passed, and sent to the senate by the clerk.