

VOTES AND PROCEEDINGS, November, 1796. 91

The following message being moved, was read the first and second time, and the question put, That the house agree to the same?

By THE HOUSE OF DELEGATES, DECEMBER 23, 1796.

GENTLEMEN OF THE SENATE,

THE resolution respecting the rebuilding the academy in Baltimore-town you have dissented from; so far you have acted within the strict limits of your constitutional powers; but as to the form of the resolution sent by you for us to originate, we must peremptorily withhold our compliance with your wishes. We conceive that this, in the senate, is indirectly assuming a power which the constitution has in express terms declared they should not exercise. We shall therefore consider your dissent from our resolution as absolute and decisive.

By order,

W. HARWOOD, clk.

The yeas and nays being required, appeared as follow:

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

Messieurs	W. Thomas, Hopewell, Neale, Brogden, Hall, Brome,	Sprigg, Emerson, Bourne, Digges, Sherwood, Jones,	Hyland, Campbell, Duckett, Baker, Brown,	Butcher, Robins, Wilson, Brother, Quynn, jun.	Young, Cellar, Douglas, Reintzel, Swearingen,	Oncle, J. C. Beatty, Clarke, Beall, Tomlinson. 34.
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N E G A T I V E.

Messieurs	Spencer, Barroll, Buchanan, Ridout, J. C. Thomas,	Parnham, Merryman, Worthington, Ridgely, Carroll,	Johnson, Hollingsworth, Miller, Wallace, Savin,	Calvert, Quynn, Key, Nicholson,	C. Frazier, Jarrett, Prall, Montgomery,	M'Comas, Bennett, Driver, Winchester. 27.
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So it was resolved in the affirmative.

Sent to the senate by the clerk.

The following resolution was propounded to the house and read.

RESOLVED, That the treasurer of the western shore be and he is hereby authorized and directed to advance on loan to Jesse Hollingsworth, Phillip Rogers and Emanuel Kent, the sum of eight thousand dollars, to be applied to rebuilding and completing the academy in Baltimore-town lately consumed by fire, to be repaid at the expiration of five years, to commence from the receipt of the money, on the trustees of the said academy producing to the governor and council a good and complete title to, and executing a mortgage of, the said property to the state, for securing the repayment of the said advance at the time aforesaid, and giving security, to be approved by the treasurer, for the application of said money to the improvement and rebuilding of said academy.

On the second reading the said resolution, the question was put, That the words "with interest from the time of the advance made," be inserted in the said resolution? The yeas and nays being required, appeared as follow:

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

Messieurs	W. Thomas, Hopewell, Neale, Brome,	Emerson, Bourne, Digges, Jones,	Hyland, Campbell, Duckett, Butcher,	Robins, Wilson, Quynn, jun. Young,	Cellar, M'Clain, Douglas, Reintzel,	Swearingen, Oncle, Clarke, Tomlinson. 24.
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N E G A T I V E.

Messieurs	Spencer, Barroll, Buchanan, Ridout, J. C. Thomas, Brogden,	Hall, Sprigg, Merryman, Worthington, Ridgely, Carroll,	Sherwood, Johnson, Hollingsworth, Miller, Wallace, Savin,	Calvert, Baker, Quynn, Key, Nicholson, Brown,	C. Frazier, Brother, Jarrett, Prall, Montgomery, M'Comas,	Bennett, Driver, Winchester, J. C. Beatty, Beall. 35.
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So it was determined in the negative.

The question was then put, That the house assent to the said resolution? Resolved in the affirmative, and sent to the senate by the clerk.

The report on the petition of Benjamin Hatcheson was read the second time, and the resolution therein contained assented to, and sent to the senate by the clerk.

The bill to repeal the thirty-seventh section of the constitution and form of government of this state, so far as the same relates to any senator or delegate of assembly, was read the second time, agreeably to the order of the day, and the question put, That the said bill do pass? Determined in the negative.

The clerk of the senate delivers the following message:

By THE SENATE, DECEMBER 23, 1796.

GENTLEMEN,

WE cannot reconsider your resolution in favour of John Smith Brookes. The same reasons which appear to operate with you in this case, may probably be urged with equal force in all cases where individuals may be indebted to the state. We are pleased with the situation of our finances, but they cannot long continue respectable if the state does not receive payment of the debts due from its citizens.

By order,

A. VAN-HORN, clk.

Which was read.