

son to the public gaol, there to remain till he be discharged by due course of law. Under this part of the 10th article, your committee conceive they were appointed to inquire into offences against the state, as a grand jury, and to commit to prison offenders against public justice, there to remain until their crimes could be inquired into by a jury of their country; and that neither the spirit nor the letter of the constitution give to the house of delegates (nor of consequence to your committee) the power of compelling debtors, either public or private, to a payment of their debts. If this article could possibly receive any other construction, it would be in direct contradiction to that article of the bill of rights which declares, that the legislative, judicial and executive departments, should be for ever separate and distinct.

The courts of justice are open to, and fully competent to decide upon, the grievance complained of in this representation, and any interference of the legislature, your committee conceive, would be unconstitutional and improper.

All which is submitted to the house.

By order,

A. GOLDBER, clk.

Which was read.

Mr. Clarke, from the committee, brings in and delivers to the speaker a bill, entitled, A supplement to an act, entitled, An additional supplementary act to the act, entitled, An act for quieting possessions, enrolling conveyances, and securing the estates of purchasers; which was read the first time and ordered to lie on the table.

A petition from Samuel P. Wallace, of Cecil county, praying the treasurer may be directed to reimburse him the caution money paid by him on certain land called Minor's Lot, was preferred, read, and referred to Mr. Robins, Mr. Matthews and Mr. Goldborough, to consider and report thereon.

The bill for the benefit of Sarah Hickley, Mary Anne Hickley, Robert Hickley, Thomas Hickley and Samuel Hickley, was read the second time, passed, and sent to the senate by the clerk.

The bill to establish the road leading from Ninian Cochran's store at Genning's run on the Turkey foot road, up Will's creek by John Tomlinson's mill in Allegany county to the Pennsylvania line, was read the second time, passed, and sent to the senate by the clerk.

The following message being prepared, was sent to the senate, with the resolution in favour of Conrod Whiteman, by the clerk.

BY THE HOUSE OF DELEGATES, NOVEMBER 28, 1797.

GENTLEMEN OF THE SENATE,

WE take the liberty to return you the resolution in favour of Conrod Whiteman, of Queen-Anne's county, and hope that upon reconsideration it will meet with your approbation. The grounds of your objection, we presume, are, that the petitioner did not make his application within the time limited by several acts of assembly for exhibiting claims against the state, and that a concurrence with this resolution might introduce more applications of a similar nature. The propriety of passing acts of limitation to exclude the creditors of the state from exhibiting their claims, is a question perhaps that ought to have the serious attention of the legislature, as it is well known that the courts of justice have always decided, when the point has been contested, that no limitation of time could operate in any case where the state had a claim against any of its citizens; and we conceive that the state should not avail itself of its power to take advantages of its citizens, when similar advantages are not allowed them. The reason why limitation should ever be permitted to bar any claim whatever, flows from a presumption, that a debtor may have discharged the debt, and through a great lapse of time his receipt, or other evidence of the payment, may be lost. But this reason cannot apply in cases like the present, for the payment by the state becomes a matter of record, and may easily be resorted to. But without contesting the propriety of having passed those acts of assembly, it may well become a question, how far the honour and the justice of the state of Maryland may be implicated in refusing to discharge the fair and honest claims of its citizens, who, by their exertions in the field during an arduous and distressing war, have contributed to the establishment of our independence, and finally secured to us the happiness and prosperity which we now enjoy under a government of our own choice. Can it be consistent with the equity which an independent state should always make its strict rule of conduct, that when our treasury is rich, and our annual revenue far exceeds any demands which can probably be made on it, we should refuse to reward the services of a brave and meritorious soldiery, look with an eye of indifference on their sufferings, and, by rejecting their claims, reduce them to all the extremities of poverty and wretchedness? We flatter ourselves you will think with us upon the present occasion, and give concurrence to the resolution.

By order,

W. HARWOOD, clk.

A petition from the justices of the levy court and sundry inhabitants of Cecil county, praying the said county may be divided into districts, and that a collector be appointed in each district, was preferred, read, and referred to Mr. Wallace, Mr. Miller and Mr. Harwood, to consider and report thereon.

On motion, Leave given to bring in a bill for destroying wolves and crows in the counties therein mentioned. ORDERED, That Mr. Matthews, Mr. Jarrett and Mr. M'Comas, be a committee to prepare and bring in the same.

On motion, Leave given to bring in a bill to authorise lotteries in certain cases. ORDERED, That Mr. Robins, Mr. Key, Mr. Hyland, Mr. Hall and Mr. Thomas, of Frederick, be a committee to prepare and bring in the same.

Mr. Emory has leave of absence.

The report on the petition of Margaret Davis was read the second time, concurred with, and leave given to bring in a bill pursuant thereto. ORDERED, That Mr. Plowden, Mr. Greenwell and Mr. Leigh, be a committee to prepare and bring in the same.

The report on the petition of Elizabeth Thompson was read the second time, concurred with, and leave given to bring in a bill pursuant thereto. ORDERED, That Mr. Plowden, Mr. Leigh and Mr. Greenwell, be a committee to prepare and bring in the same.