

VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1801.

Petitions from John Bruff, of Somerset county, Joshua Willis, of Caroline county, John Houlton and William Finn, of the city of Baltimore, praying acts of insolvency, were preferred, read, and referred to the committee appointed on petitions of a similar nature.

The following resolution being propounded to the house, was read the first and second time, assented to, and sent to the senate by the clerk.

RESOLVED, That the treasurer of the western shore be and he is hereby authorized and required to receive from the late treasurer of the eastern shore, all monies which were deposited in the eastern shore treasury in discharge of debts due to foreigners, under the act of October session, 1780, and pass a receipt to the said late treasurer for the same.

Mr. Martin has leave of absence. Mr. Lowes appeared in the house.

The bill to incorporate the members of the Taney-town library company, in Frederick county, was read the second time, passed, and sent to the senate by the clerk.

The report on the petition of James B. Sulivane was read the second time, the resolutions therein contained assented to, and sent to the senate by the clerk.

The amendment to the resolution in favour of William Ashmore was read the second time and agreed to.

Mr. A. Stuart, from the committee, delivers to the speaker the following report:

THE committee to whom was referred the petition of John Reed, of Kent county, report, that they have considered the same, and find by an act passed January the third, eighteen hundred, that the trustees of the poor are fully authorized and empowered to keep a certain number of out-pensioners, and to grant a certain sum for their support; they are therefore of opinion that no legislative interference is necessary in his case.

By order,

L. GASSAWAY, clk.

Which was read the first and second time and concurred with.

The amendment to the bill relating to the public roads in the several counties therein mentioned was read the second time and rejected.

Mr. P. Stuart and Mr. Barber are excused for absenting themselves without leave.

The following message being prepared, was read, agreed to, and sent to the senate, with the bill relating to the public roads in the several counties therein mentioned, by the clerk.

BY THE HOUSE OF DELEGATES, DECEMBER 14, 1801.

GENTLEMEN OF THE SENATE,

WE have not agreed to the amendment proposed by you to the bill, entitled, An act relating to the public roads in the several counties therein mentioned, and send the same back for your reconsideration, in expectation that you will recede from the same. We consider the retention of the provision which appears objectionable to your body, to be extremely essential to effectuate one of the great objects contemplated in the bill, namely, the convenience of the citizens who are to experience the operation of it. However important it may be to the community to secure their safety in travelling, we hold the protection of their other rights equally so, which we conceive might be marred by suffering a subordinate tribunal in our administration to appoint to such offices some of the most dignified characters, both in civil and religious life. We agree that liberty and equality are characteristics of a republican government, in which we delight, but that an improper use of those valuable principles may and will often detract from the dignity of station necessary to be preserved, in order to insure all possible blessings from the uninterrupted administration of justice. Although the clergyman, the legislator, the justice of the peace, and other characters exempted from serving as overseers of the road, are equally interested with their fellow-citizens in safe travelling, still their more important concerns in the security of the public weal, ought certainly to be attended to in such manner as will insure the most perfect and valuable discharge of their respective functions; no new expression of the public will, however sovereign, has as yet manifested the necessity of compelling those in holy orders to do the drudgery of executive office of any description, or called for like services from the legislators of our state, or others mentioned in the excepting clause of the bill, which ideas we apprehend are justified in rejecting the said provision. The practising physician and attorney are also, in their professional pursuits, charged with their respective duties to society, the faithful execution of which may certainly be prevented by their liability to serve as overseers of the roads, at the whim and caprice, or even in the exercise of the judgment, of a levy court, while persons whom the appointment would better suit, and to whom the reward given for the services would be an object, and who at the same time would be better judges of the labour necessary to be performed on the roads, would be precluded from the employment. We are also of opinion it would be hard and oppressive to oblige any person to serve as overseer oftener than is provided for in the bill.

By order,

W. HARWOOD, clk.

The supplement to an act, entitled, An act for regulating the mode of staying execution, and repealing the acts of assembly therein mentioned, and for other purposes, was read the second time, and the question put, That the said bill do pass? The yeas and nays being required, appeared as follow:

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

Hebb,	Holland,	Rose,	Carr,	Forwood,	Tillotson,	Veatch,
Hanson,	Carcaud,	Martin,	Van-Horn,	E. Davis,	Douglass,	Cresap,
Thomas,	Moore,	Miller,	Thompson,	Lytle,	Scott,	Sinkins,
A. Stuart,	Lemmon,	Mosfit,	Lowrey,	Orrell,	Smith,	R. Tomlinson,
L. Dorsey,	Love,	Wood,	Montgomery,	Mason,		

NEGATIVE.