

# VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1802.

A petition from Talbot Jones and John M'Intire, of the city of Baltimore, counter to the petition of Patrick Kelly, was preferred, read, and referred to the committee appointed on the petition to which it is counter.

A petition from sundry inhabitants of Washington county, praying an act may pass authorising the vestry of Saint's parish, in the county aforesaid, to raise by lottery the sum of six hundred dollars for the purpose of finishing the protestant episcopal church in Elizabeth-town, was preferred, read, and referred to Mr. Tilghman, Mr. Kershner and Mr. Smith, to consider and report thereon.

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.

Whereas at a special court held in Somerset county on the third day of July, in the year one thousand seven hundred and ninety-seven, negro Michael, the property of Sarah Jones of said county, was convicted of the murder of a certain Joshua Knight, and which said negro was sentenced to death by the said court, but whose punishment was commuted into fifty years labour on the roads: And whereas the court aforesaid did value the said negro Michael to the sum of eighty pounds current money, but by a resolution of November session, seventeen hundred and ninety-seven, the treasurer was ordered to pay to the said Sarah Jones the sum of seventy-five pounds only; therefore **RESOLVED**, That the treasurer of the western shore pay to the said Sarah Jones, or her order, the sum of five pounds current money of Maryland.

The clerk of the senate delivers the bill for the valuation of real and personal property within this state, with the following message:

BY THE SENATE, DECEMBER 28, 1802.

GENTLEMEN,

YOUR message of the 23d instant, relative to our amendments to the bill for the valuation of real and personal property within this state, has been received. At your request we went into a reconsideration of those amendments which met with your non-concurrence.

When those amendments first met with the approbation of this house, they appeared necessary, and well calculated to improve the subject then under consideration. They have again been reviewed and adhered to, except the second, from which we agree to recede. As your message suggests no reasons why the amendments proposed were rejected, or why we should recede from them, perhaps all that is required on our part is to communicate our determination not to recede, except as before mentioned, for although a bill ought to pass on the subject, "that a very large property in the state now exempted from taxation may bear its proportion of public burthens," this house surely ought to participate in establishing those regulations that an assessment law requires.

The second amendment proposed the striking out two clauses of the bill, the first appearing unnecessary, if not improper. There can be no necessity for legislative restrictions on legislative appointments, nor could such restrictions, if the appointments were found to clash with them, avail any thing. If the prohibition or exclusion of the enumerated characters were intended to apply to the filling up of vacancies, it ought to have come in a different part of the bill; but the exclusions appear too numerous, and we know not on what principles they were founded. Those characters that appear to the senate proper to be excluded are enumerated in our sixth amendment.

One hundred commissioners of the tax are inserted in the bill as it passed your house, sixty-seven of these were retained. When appointments are about to be made by law, the senate claims, and ought to exercise, its due weight in the selection. There may be particular instances in which the senate have erred, and from which they would depart; they, as well as your house, may have been mistaken, and may have left out those who ought to be retained, and may have inserted others they ought not, but to relinquish the whole of their nominations and adopt the whole of your's, can never be acceded to by this house, it would be a relinquishment of the right they possess, and an abandonment of duty wisely committed to their body by the constitution of the state.

There were other amendments, calculated on the one hand to protect those who from ignorance or inadvertence should omit to deliver in all their property from heavy fines, and at the same time to guard against intentional concealments. Compare our eleventh amendment carefully with the bill as it passed your house, and we are inclined to believe you will give it the preference.

If the only object of the law is to ascertain and assess improvements, as well as any loss or destruction that may have taken place on land before assessed by the destruction of buildings, and assess other improvements, surely these can be accomplished without a new assessment law, by adding an additional oath of office to the collector, and making it his duty to use due diligence to ascertain and value the same, and authorising the commissioners of the tax to add to, or deduct from, the assessment, as the case might require, would accomplish all the objects of the bill as passed your house.

We have to request that our amendments may again be considered, or, if the passage of an assessment law this session is of so much importance, that a committee of conference be appointed. We will adopt any measures consistent with our ideas of propriety, to obtain a law on this subject.

By order,

J. B. DUCKETT, clk.

Which was read, and referred to Mr. Montgomery, Mr. Goldsborough, Mr. Nelson, Mr. Stansbury and Mr. Miller, to prepare and report an answer thereto.

The further supplement to the act, entitled, An act to regulate elections, with the following message: