

96 VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1802.

“ By the senate, January 3, 1803: Read the second time and will pass with the proposed amendments.
 “ By order, J. B. DUCKETT, clk.

Which amendments were read the first and second time, agreed to, and the bill ordered to be engrossed.
 And the following message :

BY THE SENATE, JANUARY 4, 1803.

GENTLEMEN,

THE bill from your house, entitled, An act to appoint John Done, John Dennis and George W. Jackson, of Somerset county, trustees for the sale of certain lands lying in Somerset county, the real estate of doctor Ezekiel Haynis, late of Somerset county, deceased, was, on due consideration, negatived by us, from a conviction of the impropriety of interfering with the rights of infants, unless in cases where it is manifest that their interests would be materially promoted by that interference. We did not then, nor do we now, think the case before us such an one as would justify us in making any disposition of the property of these infants, other than that which the law has already made. We admit that a part of the property is “ in a situation subject to decay,” and regret the circumstance, but as the father of the infants has not thought proper to make any particular provisions on this subject, and as we suppose him to have been the best judge of the situation of his own affairs, we must presume it to have been his intention that the existing laws should regulate the distribution of his property, and therefore think we cannot with propriety undertake to judge for him.

The bill referred to in your message is not, in our opinion, analogous to that before us; in that, a part only of the real estate is directed to be sold, for the purpose of saving that part of the personal estate which will be likely to increase the annual value of the residue of the landed property, and even then we did not pass the bill until the most satisfactory and detailed information had been received, and a material fact ascertained, that the claims of creditors would not only sweep away all the personal estate, but that a part of the real estate must have been sold to satisfy those claims, and being convinced that the arrangements contemplated by the bill would be particularly beneficial to the minors, we sanctioned the measure; but on the bill before us, we have only general assertions of the benefits expected to flow from it, too indefinite, in our opinion, to justify us in exerting a power which ought at all times to be exercised with the utmost caution; we have therefore declined to reconsider the bill.

By order,

J. B. DUCKETT, clk.

Which was read.

The house adjourns till to-morrow morning 9 o'clock.

W E D N E S D A Y, January 5, 1803.

THE house met. Present the same members as on yesterday. The proceedings of yesterday were read. The bill to establish a place for holding elections in the third election district in Caroline county, and to repeal an act of assembly therein mentioned, the bill relating to runaway servants and slaves, the resolutions relative to the river Susquehanna, and the resolutions in favour of Benjamin Hatcheson, were sent to the senate by the clerk.

On motion, ORDERED, That the committee of claims close the journal of accounts on Saturday next.

The following resolution being propounded to the house, was read.

Whereas it is represented to this general assembly, that negro Simon, the property of Mary Anne Dunn, of Kent county, was indicted and found guilty of committing a rape, at October term, 1797, and was sentenced to death, and afterwards executed pursuant to his said sentence: And whereas the sum of £. 100 current money, the valuation of the aforesaid slave, has been levied on Kent county, for the use of said Mary Anne Dunn, whose property he was at the time of his conviction; therefore RESOLVED, That the treasurer of the western shore pay to the order of the levy court of Kent county the sum of one hundred pounds current money, to be applied towards defraying the charges of said county.

Mr. Young has leave of absence.

On motion, the question was put, That the further consideration of the bill relating to distresses, and the sale of goods taken by distress for rent, and for other purposes, be referred until the first day of April next: The yeas and nays being required, appeared as follow:

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

Messrs	R. Neale,	Somervell,	Moore,	S. Frazier,	Purnell,	Montgomery,	Smith,
	W. Neale,	P. Stuart,	Stansbury,	Steele,	Wilson,	Forwood,	Tilghman,
	Frisby,	Jones,	Dashiell,	Veazey,	Nelson,	Lytte,	Simkins,
	Blake,	Chapman,	Hyland,	Thompson,	Shriver,	Hardcastle,	Tomlinson.
	Grahame,	M'Pherson,	Goldsbrough,	Quimion,	Kemp,		
N E G A T I V E.							
Messrs	Angier,	Hall,	Rose,	Bowie,	Qnynn,	Dickson,	Veatch,
	Hatcheson,	Rourne,	Sheredine,	Wood,	Hawkins,	Swearingen,	Bayard,
	Dorsey,	Love,	Miller,	Van-Horn,	E. Davis,	Selby,	Cressap.
	Merriken,	Lemmon,	Alexander,	Carr,	Purviance,		

So it was resolved in the affirmative.