

24 VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1803.

ORDERED, That the said bill be committed for amendment.

A petition from Richard Chew, a surgeon's mate in the army of the United States, praying an act of insolvency, was preferred, read, and referred to Mr. Carcaud, Mr. Mercer and Mr. Harwood, to consider and report thereon.

The clerk of the senate delivers the bill for opening and establishing a road in Baltimore county therein mentioned, endorsed; "By the senate, November 22, 1803: Read the first time and ordered to lie on the table.

"By order, J. B. DUCKETT, clk.

"By the senate, November 22, 1803: Read the second time and will pass.

"By order, J. B. DUCKETT, clk."

The resolution in favour of Robert Polk, endorsed; "By the senate, November 17, 1803: Read the first time and ordered to lie on the table.

"By order, J. B. DUCKETT, clk.

"By the senate, November 25, 1803: Read the second time and assented to.

"By order, J. B. DUCKETT, clk."

Ordered to be engrossed.

The bill to lay out a road from Crispin Cunningham's to Francis Smith's stone house in Harford county, endorsed; "By the senate, November 16, 1803: Read the first time and ordered to lie on the table.

"By order, J. B. DUCKETT, clk.

"By the senate, November 24, 1803: Read the second time and will pass with the proposed amendments.

"By order, J. B. DUCKETT, clk."

Which amendments were read.

And the following message:

BY THE SENATE, NOVEMBER 25, 1803.

GENTLEMEN,

WE agree to proceed to the appointment of a register of wills for Dorchester county at twelve o'clock, agreeably to your message of yesterday, and have appointed Mr. McCulloch and Mr. Fossitt to join the gentlemen named by you to count the ballots.

The senate, in proceeding to the election, do not mean to abandon the principle laid down by them in their resolution rejected by your house; they cannot join in the recommendation to the governor in favour of any person, unless such person, on the ballot, shall appear to have a majority of the votes of all the attending members of both houses of the legislature.

By order, J. B. DUCKETT clk.

Which was read.

The following question being propounded to the house, viz. That the house proceed immediately to ballot for a register of wills for Dorchester county? The previous question was called for and put, That the said question be now put? The yeas and nays being required, appeared as follow:

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

Messieurs	Angier,	Brown,	Miller,	Van-Horn,	Williams,	Clarke,	Lytle,	Dickson,
	Hatcheson,	Lloyd,	Sheredine,	Sudler,	Hawkins,	Montgomery,	Rich,	Dugan,
	Thomas,	Meloy,	Alexander,	Lowrey,	Shriver,	E. Davis,	Turpin,	Zeller.
	Lemmon,	Rose,	Wood,					

N E G A T I V E.

Messieurs	R. Neale,	Hall,	M'Pherson,	Hyland,	Calvert,	Purnell,	Swearingen,	Bayard,
	W. Neale,	Carcaud,	Ridgely,	Goldsborough,	Shaaff,	Young,	T. Davis,	Tomlinson,
	Hopewell,	Stuart,	Dashiell,	Frazier,	Muir,	Smith,	Veatch,	Cresap,
	Mercer,	Jones,	Carroll,	Keene,	Sturgis,	Yates,	Linthicum,	Simkins.
	Harwood,	Chapman,	Cottman,	Bayly,	Wilson,			

So it was determined in the negative.

The following message being prepared, was read.

BY THE HOUSE OF DELEGATES, NOVEMBER 25, 1803.

GENTLEMEN OF THE SENATE,

WE agree to proceed immediately to the election of the person to be jointly recommended to the governor to be by him commissioned to supply the vacancy occasioned by the death of the register of wills in Dorchester county; but we can never agree to a principle, which, by admitting the right of the senate to negative the person elected by joint ballot of both houses, must necessarily give an equal weight to the senate in all elections directed by the constitution to be made in that manner.

By order, W. HARWOOD, clk.

On the second reading of the said message, the question was put, That the house agree thereto? The yeas and nays being required, appeared as follow:

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

Messieurs	R. Neale,	Hall,	Ridgely,	Hyland,	Shaaff,	Purnell,	Swearingen,	Bayard,
	W. Neale,	Stuart,	Lloyd,	Goldsborough,	Muir,	Rich,	T. Davis,	Tomlinson,
	Hopewell,	Jones,	Dashiell,	Keene,	Sudler,	Turpin,	Veatch,	Cresap,
	Mercer,	Chapman,	Carroll,	Bayly,	Sturgis,	Young,	Linthicum,	Simkins.
	Harwood,	M'Pherson,	Cottman,	Calvert,	Wilson,	Smith,		