

By the S E N A T E, November 23, 1810.

*Gentlemen of the House of Delegates,*

WE have received your message of this day, and have appointed Mr. Fenwick, Mr. Glenn, Mr. Lowrey, Mr. Shriver and Mr. Wilkinson, a committee on the part of this house, to join the gentlemen named by you, to compare and examine the engrossed bills.

By order,

T. ROGERS, clk.

Which was read.

On motion by Mr. Herbert, Leave given to bring in a bill, entitled, An act to provide arms for the use of the militia of this state. ORDERED, That Mr. Herbert, Mr. Wilson, Mr. Perry, Mr. Bowles and Mr. Groome, be a committee to prepare and bring in the same.

The bill relating to servants and slaves, was sent to the senate.

The bill to open a road in Washington county, was read the second time, passed, and sent to the senate.

The bill to alter and change the place of holding the election in the third election district in Cæcil county, and for other purposes, the bill to confirm an act passed at November session, one thousand eight hundred and nine, entitled, An act to alter such parts of the constitution and form of government of this state, as relate to voters and qualification of voters, were read the second time, passed, and sent to the senate.

The bill to repeal an act, entitled, An act for the more effectual preservation of the breed of wild deer in Dorchester county, was read the second time and passed.

Mr. Perry delivers a report of the visitors of Allegany county school, and praying a further donation; which was read and referred to the committee appointed to bring in a bill for establishing schools.

The clerk of the senate delivers the bill to make valid a deed from Arthur Woolford to James Laird, of Somerset county, and the further supplement to an act, entitled, An act to confirm and make public a certain road therein mentioned, severally endorsed, "will pass." Ordered to be engrossed.

On motion by Mr. Archer, ORDERED, That the order directing summonses to issue to the clerks of Baltimore and Harford counties be withdrawn.

On motion by Mr. T. B. Hall, the following orders were read and agreed to.

ORDERED, That the speaker, upon application, issue subpoenas for any witnesses which Zebulon Hollingsworth or Thomas Jones, Esquires, may consider necessary for their defence, and that such subpoenas be made returnable on the tenth day of December next.

ORDERED, That the clerks of Baltimore and Harford county courts be required immediately to forward to this house such extracts from their minutes of said courts, under seal, as will shew how many days in each term Zebulon Hollingsworth and Thomas Jones, Esquires, have sat in said courts since their appointment to office, and also the duration of each term since that period; and that the clerk of Harford county be also required to forward immediately, copies under seal, of any presentments or indictments which may have been found in Harford county court against said judges.

The further supplement to the act, entitled, An act for amending, and reducing into system, the laws and regulations concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans and other representatives of deceased persons, was read the second time, and, on motion by Mr. Archer, the question was put, That the following clause be added to the said bill? "And be it enacted, That every executor or administrator, from and after the first day of January, eighteen hundred and twelve, shall be compelled to take notice of the day and year in which he shall receive any money due the testator or intestate, and also the day and year when he shall pay away to the creditors of such testator or intestate any money; and it shall be the duty of every executor or administrator, to exhibit the dates thereof to the court; and in making out any testamentary administration account it shall be the duty of the register of wills in every county of this state, to note in every testamentary or administration account, the day and year in which monies have been paid away or received by such executor or administrator." Determined in the negative.

On motion by Mr. Archer, the question was put, That the following be added to the said bill? to wit: "And be it enacted, That it shall be in the power of the several orphans courts in this state, whenever a distribution of specific articles is to be made, to appoint two disinterested persons, not in any way related to the parties concerned, to make such distribution among the persons entitled as to them shall seem meet and proper, or if, in their opinion, upon a view of such specific articles, no distribution among the persons entitled could be by them made which should operate equally, but that a sale thereof would be more advantageous to the parties concerned, they shall return to the orphans court their opinion, in writing, and the court shall thereupon order a sale of such articles upon reasonable notice, and cause the proceeds of such sale to be equally distributed among the parties entitled." Resolved in the affirmative.

On motion by Mr. Wilson, the question was put, That the following be added to the said bill? "And be it enacted, That in all cases where the validity of a will is or shall be contested, letters of administration, pending such contest, may, at the discretion of the orphans court, be granted to the person named executor, or to the person to whom the largest portion of the personal estate may be bequeathed in such contested will, or to the person who would be entitled to letters of administration by law, as in cases of intestacy; provided always, that upon a decision had on such contested will, the same proceedings shall be had, and the same rules apply, as