

VOTES AND PROCEEDINGS, NOVEMBER, 1779. 51

not to adopt your amendment to that clause, and if you are equally clear in not departing, the other clauses of the bill may be enacted into a law, leaving that, with other things, to the consideration of a future day. Should you depart from your amendment, the clause as it stood in our bill may remain part of the law.

By order,

J. DUCKETT, cl. ho. del.

Being prepared, was sent to the senate by Mr. J. Hall and Mr. Key.

A bill, entitled, An act to empower Thomas Harrison to lay out anew and amend the streets, lanes, and alleys, of that part of Baltimore-town commonly called the Marshy-ground, was read the first and second time by especial order, passed, and sent to the senate by Mr. M'Maclean and Mr. Alexander.

The bill for the relief of Joseph Cowman, of Anne-Arundel county, was read the second time by especial order, passed, and sent to the senate by Mr. Worthington and Mr. Maccubbin.

On motion leave given to bring in a bill to regulate the toll taken by millers. ORDERED, That Mr. Jordan, Mr. J. Hall, Mr. Craufurd, and Mr. Job, do prepare and bring in the same. The house adjourns till to morrow morning 9 o'clock.

SATURDAY, December 18, 1779.

The house met. Present as on yesterday, except Mr. J. Hall. The proceedings of yesterday were read. Mr. Freeland with leave of absence till Monday next. The house adjourns till 2 o'clock.

POST MERIDIE M.

The house met.

Mr. Smith brings in and delivers to Mr. Speaker the following report:

THE committee appointed to enquire into the state of a cask of medicine, in the continental store, reports they have examined the same, and find the following articles therein contained, all which are of good quality, and are very useful and necessary in common practice.

Ipecacuanha, 1 bag, supposed to contain 100 lb. Sugar of lead, 1 box, ditto 24 lb. Opium, 2 bags, ditto 50 lb. Rhubarb, 3 ditto, ditto 75 lb. Aloes, 1 ditto, ditto 50 lb. Cremor tartar. 1 ditto, ditto 100 lb. Camphor, 7 ditto, ditto 80 lb. Sena, 1 ditto, ditto 50 lb.

Signed per order,

GEORGE RANKEN, cl. com.

Which was read the first and second time by especial order, and referred to the next session of assembly.

A petition of Phebe Caulk, on behalf of her husband Oliver Caulk, a nonjuror, was preferred and read the first and second time by especial order and granted. ORDERED, That the said Oliver be relieved from the treble tax, without taking the oath of fidelity, being insane.

Richard Barnes, Esq; from the senate, delivers to Mr. Speaker the following message:

BY THE SENATE, DECEMBER 18, 1779.

GENTLEMEN,

WE cannot dissent from the amendments we made to the clause empowering the orphans courts, or the chancellor, to give relief to widows and orphan minors, in the cases particularised, because we think the clause, as amended, the most essential in the bill, and without the amendment proposed extremely exceptionable; for were the amendments to be departed from, and the clause retained, a power would be thereby given to the justices of the orphans court, or to the chancellor, of altering the last wills of deceased persons in many instances; a power, as we conceive, too extensive and dangerous to be lodged in any man, or body of men. We cannot suggest the reasons which occasioned the unanimity of your house in rejecting the amendments in question; they were no doubt forcible, and therefore we are not a little surpris'd that they have been withheld from us; for an appeal on this occasion to our understandings had been full as proper as to our feelings; not that we are less susceptible of pity and compassion than yourselves, or less desirous of drying up the true source of the tears of the fatherless and of widows; the proposed amendments affording equal relief, and doing stricter justice, than the clause as it stood in the bill, evince the truth of these assertions. The reflection, therefore, obliquely cast upon us in your message of yesterday, of being regardless of the cries of widows and orphans, is not only injurious and impolite, but has a tendency to destroy that temper and mutual respect, which are so necessary to be preserved by public bodies, for the judicious and dispassionate transaction of the public business.

It gives us some concern that you should adopt the other amendments, without being convinced of their propriety. Your opinion, is erring in the other extreme, and carrying your complaisance too far. Some of those amendments we esteem important, and none of them immaterial. The powers given by one of the clauses of the bill to the orphans court, commensurate and coequal in all instances with those of the court of chancery, we thought too extensive and important