

The bill for the benefit of Charles Thomas Clarke and William Hall, devisees of Benjamin Hall, late of Prince-George's county, deceased, was read the second time, passed, and, with the bill to prevent free negroes from selling any corn, wheat, tobacco, or other articles, without having a licence for that purpose from a justice of the peace, sent to the senate by the clerk.

The bill for the relief of John R. Caldwell, an insolvent debtor, of the city of Baltimore, was read the second time, and the question put, Shall the said bill pass? Determined in the negative.

The supplement to the act, entitled, An act to streighten part of the road in Harford county which leads from Underhill's mill to the city of Baltimore, was read the second time, passed, and sent to the senate by the clerk.

A petition from John Miller, of the city of Baltimore, praying an act of insolvency, was preferred, read, and referred to the committee appointed on petitions of a similar nature.

A petition from sundry inhabitants of Frederick, Montgomery and Baltimore counties, praying a public road may be opened from Gaither's store, on Patuxent, to the Newland's ferry road, where it intersects the road leading from the mouth of Monocacy to Frederick-town, was preferred, read, and referred to Mr. Waters, Mr. Hawkins and Mr. Kuhn, to consider and report thereon.

ORDERED, That the petition of John R. Caldwell, for an act of insolvency, be referred to the general committee.

Mr. Jackson, from the committee, delivers to the speaker a bill, entitled, An act relating to hawkers and peddlers; which was read the first time and ordered to lie on the table.

The bill to change the place of holding elections in the fourth election-district of Montgomery county, was read the second time and passed.

The clerk of the senate delivers the following message:

BY THE SENATE, January 10, 1806.

GENTLEMEN OF THE HOUSE OF DELEGATES,

WE return you the bill, entitled, An act for the establishment of permanent salaries for the judges of the several judicial districts of this state, with our negative. The bill has been rejected by the senate, because the salaries proposed by it are, in their opinion, inadequate, and they entertain a strong hope, that upon reconsideration you will enlarge them. It is the unquestionable duty of the general assembly, to omit nothing which may be necessary to enable the executive department to commit the administration of the new judiciary system to able judges. They who approved of the system, and they who opposed it, are equally bound to make just and competent provision for a fair trial of its worth. The alteration has been engrafted into the constitution by the will of the people, and the legislature, after full deliberation; and it is all important that the system should not, in the first stages of the experiment about to be made of its practical effect upon the public happiness, be impaired, by intrusting its execution to unskilful hands—Whatever may be its real merits, however wise and excellent its theory, it must, like all other judicial institutions, depend, in a great degree, for the results expected from it, upon the manner in which it shall be administered, and of course upon the degree and extent of talents and knowledge, as well as of the integrity, with which its high duties may be discharged.

The senate are persuaded, that the best abilities of the state ought to be placed upon the bench of justice on this occasion; and they are further persuaded, that the salaries proposed by the house of delegates will not procure a sufficient number of men of adequate talents, information and character, or if they could be procured, the compensation is not such as it becomes the public to grant.

The new system requires eighteen professional men for judges, six of whom are to constitute the high court of appeals. To obtain this number, many must be invited from a lucrative practice, or from other profitable situations, and it is not to be hoped, and ought not to be desired, that they should accept of arduous and responsible stations, in which their actual income will be greatly diminished, while their labours are the same, or increased. There may undoubtedly be some men whose private fortunes enable them to devote themselves to the public service for small salaries, but these are few, and if there were many of that description, can it be the policy of the general assembly, it certainly would not be justice, to fill our judicial offices only with the rich, to the exclusion of men of more moderate fortunes, but equally meritorious, under an expectation of receiving the labour and services of the former for less than they are worth?

We ought not to be misled by the salaries heretofore established. The judges of the late court of appeals went into office with salaries confessedly inadequate, yet they were such as the circumstances of the times could only admit. Those judges were first appointed in the early part of the war with Great-Britain, when the business of that court was inconsiderable, and when the practice of the law was not profitable, nor likely to become so.

It would be sufficient to say of the late county courts, that they required only five judges who were professional men, but it is besides obvious to remark, that the present county courts stand upon an entirely different footing; under the new system, they are the only courts of original common law jurisdiction, and on that account, necessarily will have more business, and that of far greater weight, importance and intricacy, requiring a greater proportion of ability, knowledge and attention, for the proper transaction of it, and that this business will rather grow in magnitude and extent with the growth of our country, its agriculture and its commerce, than diminish.