We would say to every father who has such a son, be he rich or poor,—rather drive him to "cut his cord of wood a day," than suffer him to spend his time in idleness. "An idle head is the devil's workshop." That youth, therefore, who has nothing to do, is very apt to become a *tattler* a *slanderer* and a *liar*, or something worse, and make himself the pest of the community in which he may reside.—*Frederick Times and Dem. Adv.*

SPEECH OF THE HON. R. H. MENIFEE,

OF KENTUCKY.

In reply to Mr. Thomas, of Md. on the late Defalcations in the Executive Department.

Delivered in the House of Rep. U. S. January 19.

Mr. MENIFEE said that he had intended to say not a word in this debate. He had very decided, and he trusted, well considered opinions upon these defalcations, but he had preferred to reserve the expression of them for a future occasion. It was true that scarcely any occasion could be more important than the present, but *time also*, was now become highly important, and he was averse to consume any portion of it by any thing he could say. The proposed investigation was very comprehensive in its range the session would shortly expire, and with it, the present Congress. The House, if it meant to act at all, should act at once.

Sir, (said he,) my sole object in rising was to make an observation or two upon what has just fallen, with such oracular solemnity, from a distinguished gentleman from Maryland, [Mr. Thomas.]—That gentleman occupies, Mr. Speaker, by your favor and otherwise, a high and conspicuous position in the House; having the benefit of the *presumption* of being the ablest jurist in the House.* That position itself is calculated to impart much weight and authority to whatever he may here say or do. Yet, sir, not content with the employment of his talents, (the respectability of which I do not contest) from the commanding ground on which he stands, the gentleman invariably sees fit, in every debate on all occasions, without discrimination, to invoke to his aid instruments of influence and authority of quite a different description, and of more irresistible potency. He has a standing exordium for all subjects, from a question of peace or war to a motion to adjourn. Never does he open lips in the House, without upturned eyes, and hands on breast demurely crossed, to protest, in the sight of high heaven, that, though the demons of party and faction and violence hold their horrid revels in the breast of others *he is the pink of ingeniousness and the predestinated elect of disinterested patriotism, utterly exempt from every mortal infirmity!*—sanctimoniously devout *"that he is not as other men!"*

* My education and principles, sir, inspire me with an habitual and sincere reverence for the sacred character. I am, therefore, *overawed* by the gentleman from Maryland, when he presents himself bedecked with all its dread attributes, to display in debate all its high functions. It is, in some sense, *an abridgement of the freedom of speech*, thus to force us who are in "the flesh" to concur in opinion with all that is said, and implicitly co-operate in all that is done, by the gentleman from Maryland, under the awful peril of confronting, if we do not, the self-arrogated ambassador of Heaven? The intensity of the gentleman's perfections is, therefore, actually *unconstitutional*. My only expedient then, is to act the infidel in regard to the *superhumanity* of the gentleman from Maryland; and, judging by rules applicable to mortals, to pronounce, as I do, the opinion that his whole career as a politician, in every part of it, furnishes irresistible proof that the gentleman *is under a total mistake with respect to the quality which most distinctly characterise him* Of these qualities I do not speak; but, sir, I will say that the gentleman from Maryland, notwithstanding the angelic habilments in which he has chosen to array himself, is most eminently——*human*. Thus ranking him, I proceed to examine his SPEECH—not his REVELATION, sir.

In doing this, sir, I shall abstain as far as possible from a discussion of topics of a more general nature which have been, introduced by gentlemen on both sides; and, particularly, by the gentleman from Maryland My business shall be with the question immedtately before the House; which is, "Shall THE SPEAKER be permitted to appoint the proposed committee, or shall *the House* itself appoint it?"

This question involves the essence of the whole proceedings; for every thing depends on the complexion of the committee. THE EXECUTIVE, through its organs, claims a preponderance in the committee, with a view to control and direct its operations; and, therefore, distrustful of the House, insists on an appointment by the Speaker. This is resisted, and all Executive interference denounced.

This question, I think, sir, admits of easy solution, by recurring to *the nature of the proceeding* in which the House is engaged. What is it? Stupendous abuses of the Government have occurred. The House of Representatives, possessing the high prerogative of supervising, in some degree, the whole machinery of Government, and animadverting upon its irregularities, proposes to exert that prerogative in reference to these abuses.—It is emphatically, a proceeding *by the House*, in its cognizance over maladministration. The attitude of the House towards the Executive, in a measure of this nature, though perhaps not exactly hostile, is certainly not the opposite—This measure assumes that there is enormous wrong SOMEWHERE in the Government, into which it is one of the highest duties of the House to look. Its extraordinary authority, then, being thus awakened, is it not natural that this House should darken with a patriotic frown? And when, by the acknowledgment of the President, that wrong exists in the Executive Department, is it not natural that this frown should be turned upon the Executive? and that it should not relax, if at all, until thorough examination should be made by the House itself, the PRESUMPTION, at least, being against the Administration?

Indeed, sir, the gentleman from Maryland distinctly confesses that THE ADMINISTRATION IS RESPONSIBLE for the defalcation; and founds, as will be seen, his whole argument on that confession.

[Mr. Thomas. here intimated that he meant to say that the Opposition held the Administration responsible for the defalcations.]

Sir, I have but one mode of reaching the meaning of gentlemen in debate: which is, through their language. Of OCCULT MEANING I know nothing.—The gentleman did SAY, and twice repeat, that THE ADMINISTRATION WAS RESPONSIBLE; and argued from thence that it was but just to the Administration that it should be allowed the choice of ITS OWN modes and instruments of proceeding; treating the action which the House proposed taking on this subject as simple a means to enable the Executive to ascertain whither those vast sums of money had gone, and if practicable, to recover them; coupling with his argument a pointed insinuation, if not a positive charge, against the merchants of New York, and certain banking institutions in that quarter of criminal participation in the defalcations.

[Mr. Thomas again insisted that he did not MEAN to say that the Administration was responsible, or that the committee was desired to aid it, &c.; that when speaking he was PRESSED FOR TIME, &c.]

Sir, I repeat, that with covert meanings I do not and cannot deal. I correctly state the gentleman's language, which harmonizes most completely with his argument as I have given it. Over and over again did he declare and exclaim against the unfairness of refusing to the Administration an opportunity of *'defending,'* and *'excusing,'* and *'vindicating'* itself. I am not unconcious that the gentleman spoke under a *pressure*, as he says; but he altogether mistakes in supposing that it was a pressure *for want of time.*

It was a pressure of quite a different kind. It was a pressure which, overcoming for an instant the self-possession of the gentleman, revealed the truth unbidden. In a political sense, and with respect to these defalcations in particular, the gentleman was *in extremis*; that was the pressure. And the explicit acknowledgment of Executive responsibility escaped from the *gentleman's heart* (an organ not always employed when the *tongue* is) as a *dying declaration*. Such spontaneous ebullitions of truth are the more to be valued and respected when proceeding from the gentleman from Maryland, because so seldom occurring; nor the less so because sought to be strangled by their parent so soon after their birth.

But, sir, it required no admission from the gentleman from Maryland to establish the responsibility of the Administration for these abuses. We have the admission of one whose authority is supreme, the late President of the United States. In his triumphant career of conquest over the Constitution and laws of his country, he reached, in the vicisitudes of the warfare, a point where it was, in his opinion, necessary to forego a small portion of power, or to assume unqualified *presidential responsibility* for the acts of every officer in the Executive Department. This exigency arose in the campaign of 1834. But it scarcely produced a momentary pause in the advance of the Executive. By his celebrated protest of the 15th of April, of that year, he not only ACKNOWLEDGES, but studiously CLAIMS 'responsibility for the entire action of the Executive Department.' As his ambition would tolerate no divided power, so his magnanimity would tolerate no divided responsibility. As his strong arm ruled all, he interposed his broad shoulders to bear all. He seems in some instances to have seized even barren power, simply for the sweets which its responsibilities afforded. Sir, that chief always associated the idea of power with that of responsibility. To his successor he has transmitted power; let that successor take with it those responsibilities which in his hands attended it. He stands bound by solemn instruments, under his hand, to 'FOLLOW.' Let him not hesitate or falter. 'Here is the bond:' the President is responsible 'FOR THE ENTIRE ACTION OF THE EXECUTIVE DEPARTMENT.' The collector at New York belonged to 'the Executive Department,' and by his 'action' has plundered the Treasury of nearly a million and a half of dollars! Let the valliant successor CLAIM, as the predrcessor did, the responsibility attaching to this huge abuse. Presidential responsibility was the chosen weapon, but of late, in the good work of demolishing co-ordinate departments, and exalting the Executive on their ruins: let not this President so suddenly cast it ingloriously away.

Do not understand me, sir, as admitting either the powers or the responsibilities claimed by the late President. It is not necessary that I should admit or reject them. Had these defalcations occurred under any other administration, it might be proper to ascertain the true constitutional responsibility of the President and his associates in the Administration. It is enough to apply to this Administration that measure of responsibility which is claimed BY ITSELF. In passing judgment upon these defalcations, it is just and proper to subject the Administration to the operation of its OWN PRINCIPLES; which, if true in 1834, when POWER was sought are not less so in 1839, when DELINQUENCY is to be answered for. The Administration stands ESTOPPED from contesting its responsibility for these misdeeds.

There are other considerations which should require this Administration to stand responsible for these defalcations. It has already passed into history that this Administration (for I do not distinguish it from the preceding) was constructed on THE OVERTHROW of that which was terminated on the 4th of March, 1829. That Administration thus overthrown, is NOW, I believe, universally admitted to have been wise, pure, and patriotic, yet it was overthrown. In the war waged against it, the ADMINISTRATION was held responsible for every evil of Government. There was at that day no complaint of insufficient laws.—The whole poison was represented to lurk in THE ADMINISTRATION of the laws. The Administration was regarded as the box of Pandora, from which sprang all the distempers of the State. It was execrated as the tree which bore the fruit.

"Whose mortal taste brought death in the world.
And all our wo"

Every shaft was winged at the Administration; every blow was levelled at it. Throughout the whole assault it was every where proclaimed that a change of Administration was the potent medicine for all these disorders; that the stagnation and obstruction which had engendered the alleged ills would give place to free and vigorous action; that, like the revolution of 1688, a change of Administration would infuse fresh blood into the Governme it, regenerate it, and quicken it into the most animated beneficence But, sir, it is needless to enumerate the promises which were made, and the consequent expectations entertained from a change of Administration, for, as all imaginable evils were ascribed to the Administration, so all imaginable blessings were to result from its overthrow.

If, therefore, the recorded principles of Executive responsibility which I have mentioned should not be employed against this Administration, with respect to these defalcations, can any thing be more just than to apply to the principles upon which it acted, throughout, against the preceding Administration.

But the gentleman from Maryland, without contesting the general responsibility of the Administration, imagines he discovers a peculiarity in the defalcations at New York by which the Administration is wholly exonerated; a peculiarity resulting from the circumstances attending the appointment of the officer. To this exonerating peculiarity I ask the especial attention of the House and (if one so inconsiderable as myself could hope to secure the nation. This peculiarity, as stated by the gentleman himself, affords another instance, so extraordinary with him, of previous confession involuntarily escaping.

What does this exoneration consist in? In this, simply: THE PRESIDENT OF THE UNITED STATES, according to the gentleman from Maryland, WAS HIGHLY SUSPICIOUS, IF NOT ACTUALLY APPRISED, OF THE UNFAITHFULNESS AND CORRUPTION OF THE OFFICER WHEN HE NOMINATED HIM TO THE SENATE! And he triumphantly exclaims, the Senate was notified that causes of suspicion existed against the nominee, and yet did not reject him! That it was a WHIG Senate! and, ERGO, forsooth that the President is innocent and the Opposition guilty of all the mischief resulting from the appointment!

It gives me profound pain, sir, to be obliged to lay my sacrilegious hands on so divine a structure of logic as this. Not presumiug, then, to advance upon so impregnable a conclusion, trusting to the prowess of a feeble mortal arm, I approach it under cover of the great Moloch before whom the gentleman himself, for a series of years, has been accustomed to prostrate himself in worship. By him the constitutional revelation has been made, in the celebrated paper adverted to, that the 'SELECTION OF OFFICERS IS MADE BY THE PRESIDENT; and the NEGATIVE GIVEN TO THE SENATE, WITHOUT DIMINISHING HIS RESPONSIBILITY, furnishes an additional guaranty' Has the gentleman forgotten this revelation? or, addicted himself to dabbling a little in political divinity, and consequently a judge of spurious articles in that line, does he now publicly repudiate the gospels of that day!

If, then, sir, presidential responsibility was not allowed (as a matter of prerogative) to be, in the least degree, diminished by the constitutional association of the Senate, how utterly futile and unworthy of reply is the effort of gentlemen, not only to diminish but to destroy that responsibility by asserting that the appointment by the officer was recommended by a number of private citizens, said to be opposed to the administration!

The gentleman from New York, too, [Mr. Cambreleng,] whose unpremeditated confessions, are also of high authority, in his effort to establish this exonerating peculiarity, informs the House, with the most innocent simplicity, 'that he perfectly understood the character of the collector at New York, and knew him to be faithless, and incompetent; represented the fact to the President, and protested against his nomination: and actually predicted the defalcations which ensued!' 'Angels and ministers of grace!' *what a defence!* Tearing from the President the only foundation upon which a rational defence could be predicated—the charitable presumption that he was ignorant of the character of the officer, and fixing upon him, by the infatuated officiousness of his own friends, 'an actual personal knowledge that he was appointing to a post more demanding fidelity than any other relating to the revenue, an individual of deeply suspicious if not positively corrupt character' I hand over the administration on this point to the tender mercies of its own friends.

The consideration of the subject now before the House furnishes a proper occasion to examine the doctrine, now universally received by the administration and its adherents, that upon the legislative department, upon Congress lies the responsibility of these defalcations, because of the imperfect state of the law, to the entire exoneration of the Executive.

Without demonstrating the utter inconsistency of this doctrine with that of presidential responsibility for all executive action, as asserted by the late President, or its intrinsic fallacy, I must be indulged to present a curious, and, I think, highly important, historical reminiscence, intimately connected with the doctrine in question, and, I am sure, peculiarly edifying to the friends of the administration. It is an event of 1828, when the elements were conglomerating into the mass of which the party now in power consists.

It is within the memory of every one that nearly all the alleged abuses of that day were pronounced (as I before stated) to be administrative, and therefore remediable by a change of administration. But there were a few points in which the laws were impunged, and proposed to be reformed. Amongst others, the laws organizing the Treasury Department (in which the late defalcations have chiefly occurred) attracted the observation and censure of the party; and at that time, as now, alterations of the laws in that Department were strenuously urged.—Accordingly the wand of REFORM was waved over it, and a committee of this House raised in 1828, of which the gentleman from New York [Mr. Cambreleng] was a member, specially instructed, amongst other things, to inquire "whether an effective system of accountability, and for the collection of the public dues," was established in the Treasury Department—an inquiry identical, as will be perceived, with that which is now applicable. That committee, the famous Retrenchment committee of 1828, in obedience to their instructions, entered vigorously upon the consideration of these complaints against the LAWS regulating the Treasury Department: and, in answer to the question with which the House had charged them as above stated, report: "Why, for any purpose of public security, an account should make such complicated, various, and reiterated transits, your committee are at a loss to perceive; the direct effect, however, is to increase the labor, and consequently, the number of public officers."

"In the present age, greater simplicity and economy have been introduced in the management of both public and private affairs. If these forms were simplified, your committee believe" that that the most favorable results would ensue.

From that proceeding then, when analyzed, it appears that the grievance with the party then was, that the laws of the Treasury were too rigid, too complicated; that they implied too great a distrust of the integrity of not only public officers but of mankind in general: that no "purpose of public security" demanded such intricacy of checks and guards; that economy was not duly consulted in this multiplication of labors and officers: the proposed remedy for all which was, to 'simplify the forms" of that Department. The evil was not a want of security, but that there was an unnecessary degree of it! Not that the action of the Department was too loose, but too rigorous!

Now, now, sir after the lapse of ten years of absolute ascendency, (no alteration such as proposed having been made or attempted in the laws of the Treasury,) the party again lift up the voices in complaint against the laws of the same Department. But how altered the complaint! It is now thundered forth, from the President of the United States down to the clerks of the custom houses, that the laws are too weak; that officers are too few; that the existing guards and checks are insufficient; that all is too simple; that the public treasure is being sunk by millions into hopeless defalcations; and that the Executive despairs, without legislative aid, of any longer conducting the Treasury with safety to the public! The proposed remedy for which now is, not relaxation of the laws, as in 1828, but checks and guards, bars and bolts, dungeons and infamy, arrayed like "Gorgons dire," in terror over the executive officers at every step! All confidence in official fidelity utterly lost! The whole human race regarded as gangs of undetected felons!

The laws, then, being the same in 1838 that they were in 1828, with respect to the means of public security, whence, I demand, this calamitous, difference in their effects. Whence this frightful degradation of official morals? The answer is plain. The laws are differently administered! But, sir, I forebear to enlarge on this part of the subject. It conveys a deep and impressive moral, which the nation will draw for itself.

In ascertaining, therefore, the true nature of the contemplated proceeding of the House, it may, I think, be assumed, with the utmost confidence, that subjecting this administration to its own principles, or to the precedent and authority of its own practices in like cases against others, it is exclusively responsible for all these defalcations—from the thousands in the West to the millions in the East—regarding them as administrative abuses.

Under this view of the question, could any thing be more monstrous than the demand of the Executive, thro' his responsible friends here, to be allowed to control and direct such proceedings as the House may institute in regard to his own maladministration? The only contest now is, who shall control and direct these proceedings—the Executive or the House? All depends on the composition of the proposed committee of investigation. The struggle is, 'Shall the House elect, or the Speaker appoint, that committee?' The Executive demands the appointment by the Speaker; on the other side, the action and authority of the House itself are invoked.

Sir, this, I repeat, is plainly a proceeding by the House, on behalf of the people. The Executive has nothing to do with it. It is beyond his functions. It is founded on a power supervisory over the whole Government. It involves a display of prerogative, such as that occasionally exhibited by the House of Commons, whilst English liberty was in process of consolidation. To the House itself, therefore, ought to belong, and must belong, the exclusive direction of this operation, in its extent, objects and instruments. The will of the House ought to govern in all that concerns it, especially in the instruments employed to execute that will. In the selection of those instruments, the Speaker might or might not express the will of the House; while a selection by the House itself necessarily would express it. The Executive dreads (and it has cause to dread) the uninfluenced action of this House upon these abuses. Hence the paroxysm of eagerness to secure the appointment of the committee by the Speaker of the House instead of the House itself!

Sir, as I have too much respect for my character as a Representative to make, irresponsibly, an unwarrantable assault upon the presiding officer of this House, so I regard too highly my character as a man, to affect for him a respect which I do not entertain. His friends, in their anxiety for his services in this delicate proceeding, have chosen to bring his official character under review; and thus, in some sense, extort from members opinions respecting that functionary which, however profoundly entertained, they might have anxiously forborne to express. For myself, however, I feel no embarrassment. I am here in the capacity of a Representative of the people, with high duties to perform. No considerations of respect for any public functionary, much less of unfelt respect, can be allowed to interfere with the stern and full performance of those duties. Of the Speaker of the House, then, I form my opinion upon his official acts. I judge of the future by the past; and, thus judging, I make free to pronounce that in his past action he furnishes to the Executive the amplest guarantee that no exigency in the affairs of the administration can possibly arise, to which his devotion will not be found completely adequate. He knows full well the qualities which recommend him for the distinguished post he now fills, and that, as a party was to be served, inflexible political integrity was not a desideratum: And, sir, he has been true to those who elevated him, and true to the qualities for which he was elevated. Look at his acts, public, recorded. Has he not striven to win the character and wear the laurels of an unscrupulous instrument of executive will without having allowed one opportunity to pass unimproved? Nor has he been unsuccessful.

But, sir, if the Speaker were above all exception: if his public acts could be effaced and future independence inferred from past subserviency: if, sir, you could (as the gentleman from Maryland invariably affects to do) harness up patriotism, like another Pegassus, and soar aloft high above the influence of power, or party, or mortal dross, and ACT (as the gentleman from Maryland invariably affects to speak) as the spotless instrument of Heaven in works of tenderest mercy to man, still in an emergency like this, I could not and would not, in view of the dignity and prerogatives of the House of Representatives, intrust to you this power, which executive influence is so urgently striving to secure to you.—After what has transpired, in debate and otherwise, on this question of "Who shall direct this investigation?" it is in my opinion that but one course, honorable to the House, remains; and that I have already indicated.

Allow me, sir, in conclusion, to say that there is not the smallest hope of effective investigation into these alarming abuses, if you trust any thing to the Speaker of this House; because it is now manifest that such an investigation must deeply affect the administration: and his paramount allegiance is to the head of that administration, the President. It is vain to hope to strike the administration through him. Fabricate your thunderbolts and hurl them as you may at the administration, for these deep delinquencies, they fall harmless if aimed THROUGH HIM. He is, sir, a NON CONDUCTOR between public justice and this administration. The House must aim OVER him, by exercising for itself its own just authority.

MARYLAND LEGISLATURE.

HOUSE OF DELEGATES.

MONDAY, January 28, 1838.

Mr. Foard presented a petition of sundry citizens of Cecil county, praying that a law may be passed for the protection of the growers of morus multicaulis;

Mr. Colston presented a petition of the Rev. Joseph Spencer and 87 othere citizens of Talbot county, praying the passage of a law incorporating the St. Michael's Classical and Mathematical Academy;

Mr. Wilmer presented a petition of sundry citizens of Queen Anne's county, praying the aid of the State in the cultivation of silk;

On motion of Mr. Mason,

Ordered, that the committee on grievances and courts of justice be instructed to inquire into the expediency of abolishing the magistrates' courts in the several counties of this State; and also to inquire into the expediency of extending the jurisdiction of single magistrates.

Mr. Nichols obtained leave into being a bill to be entitled, an act to introduce the mulberry culture and the raising of silk at the Alms house of Dorchester county;

Mr. Williams, of Harford, chairman of the select committee, delivered a report in relation to abolishing Imprisonment for Debt in the State of Maryland,

On motion of Mr. Page.

The house took up for consideration the bill reported by him, entitled an act relating to the records in the Registers of Wills office, for Dorchester county;

On motion of Mr. Nicols,

Said bill was amended by adding at the end thereof the following:

And provided also, That before the Register of Wills of Dorchester county shall proceed to execute the provisions of this act, it shall be the duty of the judges of the orphans' court of said county, (or a majority of them,) to ascertain and determine; whether the work herein required to be executed is necessary and requisite for the public interest, and if they shall so determine, it shall be the duty of the Register of Wills, under the direction of said court, with all convenient despatch, to carry into effect the provisions of this act.

The said bill was then read a second time as amended and passed.

TUESDAY, Jan. 29, 1839.

Mr. Steuart moved that the house suspend the rule, for the purpose of offering an order:

Resolved in the affirmative.

Mr. Steuart then submitted the following order:

Ordered, that it be noted on the journal that, on the ballot for the election of United States' Senator, held on Saturday, the 26th inst, Mr. Steuart of Montgomery, asked to be excused, and was excused from voting, for the following reasons:

Because he considered the proceeding inexpedient, impolitic and unjust.

Inexpedient. Because suddenly brought upon the General Assembly without one hour's notice, interrupting public business, arresting & postponing an important debate, and uncalled for by any public necessity or to attain any public good.

Impolitic. Because inexpedient and unnecessary; denying, without notice, to those members who have sworn in, as attending members but who are accidentally or temporarily absent, an opportunity of voting, and to those gentlemen who are present and claiming seats, the right to participate in a question so important and dear to freemen, when a few days delay, without detriment to the public interest, might afford the opportunity and give the right to all who are entitled to participate in the election of a United States Senator.

Unjust. Because, being inexpedient, unnecessary and impolitic, suddenly forced upon this General Assembly, as it is, it not only denies to the qualified, sworn and attending members, who are accidentally and temporarily absent, an opportunity of voting, but infringes the liberties and franchises of the people of Kent, Frederick and Annapolis, by virtually depriving them of an equal participation in a most sacred and important right.

And, therefore, for the foregoing reasons, the election of a United States Senator at this time, and in the manner now proceeding, is protested against as an act inexpedient, impolitic and unjust; wrong in principle, dangerous in practice and which inflicting injustice on a portion of the people of this State, deeply affects and concerns every freeman of Maryland.

Which was read.

Mr. Turner moved to lay said order on the table;

Determined in the negative.

Mr. Fitzhugh moved to amend said order by striking out the words "and was excused;"

Mr. Handy moved to amend said amendment by inserting in lieu of the words to be stricken out, these words, and was excused from voting by the courtesy of this house and not,'

Resolved in the affirmative.

The question was then put, will the house adopt the amendment as amended,

Resolved in the affirmative.

Mr. Bowie moved that said order be rejected;

Resolved in the affirmative;

On motion of Mr. Spencer,

The yeas and nays were ordered and appeared as follows:

Yeas 29, nays 28.

So the order was rejected.

Mr. Wilmer presented a report of the commissioners of the school fund for Queen Anne's county.

On motion of Mr. Wharton, he was excused by the house from serving on the select committee, raised in relation to the Eastern Shore Rail Road, and Mr. Thomas was substituted in his place.

WEDNESDAY, Jan. 30th, 1839,

The Speaker laid before the House a communication from Henry Maughan & Co., M. D. of Portland, Maine, stating that he has discovered an effectual remedy against the wheat worm or Hessian-fly.

Mr. Roberts presented a petition of William Downs, Samuel Wales, Aquilla Starr, and others, citizens of Queen Anne's county, praying the passage of an act authorising the conveyance of certain property to the Methodist Episcopal Church at the Beaverdam Causeway in said county, and to make valid the same;

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