

Amendments proposed. In the 3d line from the top of the 1st page, strike out "Gavin Hamilton Smith." In the 8th line from the top of the same page, insert "William Worthington." In the 2d line from the bottom of same page, strike out "Sarah Beall." In the 2d line of the 5th page, between the words "breach" and "from," insert the words "shall be discharged." In the last line of the 4th page, strike out the words "or growing due." In the 4th line of the 5th page, after the word "by," insert "gift." At the end of the bill insert as follows: "And be it enacted, That none of the said debtors, who do not make application as aforesaid on or before the first day of March next, shall have any benefit of this act."

The clerk of the house of delegates delivers the engrossed bills No. 42, 44, 45, 47, 48, 50, 51 and 52, with the paper bills thereof, which engrossed bills were severally thus endorsed; "By the house of delegates, December 21, 1792: Read and assented to.

"By order,

W. HARWOOD, clk."

And the following resolutions:

BY THE HOUSE OF DELEGATES, DECEMBER 21, 1792.

RESOLVED, That the trustee of the state transfer to Nicholas and Jacob Vanstaphorst the sum of £. 61,525 deferred stock, and in case there should not be a sufficiency of deferred stock in the trustee's hands to pay the said sum of £. 61,525, that then the trustee transfer to the said Jacob and Nicholas Vanstaphorst as much of the three per cent. stock as will make up the deficiency, in full discharge of the loan made to this state the 31st of August, 1782, on a notarial certificate being produced to him, that the original bond of Matthew Ridley, agent of this state, has been cancelled.

RESOLVED, That the treasurer of the western shore pay to Samuel Sterett, agent of Messieurs Vanstaphorst, the sum of £. 150, on the order of Charles Carroll, of Carrollton, Esquire, one of the commissioners of the state, which is to be in full discharge of all claims and demands for interest on the aforesaid loan.

By order,

W. HARWOOD, clk.

Which were read the first time and ordered to lie on the table.

And also the bill, entitled, A Further supplement to an act respecting the settlers on the reserved lands to the westward of Fort Cumberland, with the following message:

BY THE HOUSE OF DELEGATES, DECEMBER 21, 1792.

MAY IT PLEASE YOUR HONOURS,

WE have again sent to you the further supplement to the act respecting the settlers on the reserved lands to the westward of Fort Cumberland, under an apprehension, that on reconsideration your honours will pass the same, or such part thereof as to you may appear reasonable.

By order,

W. HARWOOD, clk.

The bill, entitled, An act to lay out and open roads from Denton, the seat of justice in Caroline county, to different parts of said county, and the same, when opened and laid out, to be the public roads of said county, was sent to the house of delegates by the clerk of the senate.

The following message being prepared, was read and agreed to, and sent to the house of delegates, with the bill, entitled, An act to declare the law in certain cases therein mentioned, by the clerk of the senate.

BY THE SENATE, DECEMBER 21, 1792.

GENTLEMEN,

THE importance of quieting the landholders of this state in their ancient possessions, induces us to submit the bill for declaring the law in certain cases therein mentioned, to your reconsideration. A majority of the judges of the general court have declared their opinion, that the issue in tail are not barred of their action of ejectment by the statute of limitations, passed in the twenty-first year of the reign of James the first; but this opinion has never passed into a judgment, either in the general court or any other court of this state. It is not necessary to enter into arguments on the true construction of that statute, but we think we may venture to assert, that the general opinion has been that the issue in tail were barred; on the confidence of this opinion, estates have been acquired and transferred from family to family. The introduction, therefore, of new principles at this time, must shake the foundations of the titles to real property. We are well aware, that legislative interpositions to declare the law in doubtful cases, may produce pernicious consequences, unless exercised with the greatest caution; but the experience of this, and every other country, has evinced, that such interpositions are sometimes necessary. The legislature of Maryland has often gone so far as to control the course of law, in order to prevent a considerable public inconvenience. Acts of assembly have been frequent to revive and give continuance to suits which had been discontinued by the neglect of judges to hold courts at the times appointed by law. By the act of November session, 1773, chapter 3, defective acknowledgments of many conveyances taken before Thomas Prather, chief justice of Frederick county, who acted under a misconception of the law, were remedied. By the act of November session, 1766, chapter 21, defective common recoveries, suffered by tenants in tail for the purpose of barring their issue, were made valid. The act of November session, 1785, chapter 9, confirmed illegal acknowledgments of conveyances taken under former acts of assembly. By the act of November session, 1779, chapter 10, it was declared, that the acts of assembly by which deeds of bargain and sale were directed to be recorded within six months from their date, should be understood to mean calendar months, although it was the opinion of the courts that the legal construction was to compute the time by lunar months. We think it needless to mention many other instances, which the wisdom of your house will immediately recollect, tending to confirm this position, that, a deviation from the ordinary rules of legislation is justifiable, to secure a number of ancient possessions held on the faith of long received opinions.

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