with accumulating interest, at the termination of the cause. With regard to the correctness of the decree or order, the committee intentionally avoid any expression of opinion. The high authority of the Chancellor, and the opinions of the able and distinguished counsel who conducted the cause of the petitioner, are opposed, and the committee gladly avail themselves of the absence of any necessity to pass between them.

"In whatever other respects a difference of opinion is found to exist, it is admitted on all hands, that from an interlocutory order to bring money into Court, there is no appeal by the existing laws. Indeed, the non-existence of such a right, is the sole ground of the application now before the Senate. The question we are called on to determine, is, whether it be advisable to interpose a special legislation to correct an alleged error of the Chancellor. It will at once occur, that the affirmative of this question necessarily involves the previous investigation of the case, and the decision that the Chancellor has erred. It would seem to be obvious, that if a defendant is not injured by a judicial decision, he can with no propriety claim from the Legislature a special enactment for his relief.

* "The committee cannot believe that it will comport with
170 the separate and independent power, which the Constitution has cautiously secured to the legislative and judicial departments of the Government, that the Legislature should erect itself into an appellate tribunal for the revision of a judicial opinion. The organization of the Legislature, and its mode of proceeding, are certainly by no means calculated to ensure to parties litigant, a correct or intelligent decision. If in the progress of the judicial return, and the development of legal principles, and their application to peculiar circumstances, they shall be found productive of results which the people of the State deem to be oppressive or inconvenient, it will at all times be the legitimate province of the Legislature, to repeal or modify the law. Some of the most salutary provisions of our Code have originated from the inconvenient operation of general principles in their application to particular cases. But in this, as in all other instances, individual injury is to be submitted to, when it can only be avoided by endangering the public weal.

"The committee are entirely satisfied, that it will be inconvenient, and may in very many cases be extremely oppressive to defendants in Chancery, to be compelled to bring money into Court until a final decision upon their claims to it; and still more inconvenience and oppression, they believe, might grow out of the principle, that an order to bring money into Court can be used by the Chancellor as a compulsory process, whereby litigant defendants shall be coerced into an early decision of their rights; and they would suggest the propriety of legislation upon the subject.