

Was read the third time and passed by yeas and nays as follows :

AFFIRMATIVE.

Messrs. President,
Aydelotte,
Blake,
Brewer,
Brattan,
Crawford,
Claggett,
Davis,
Denson,
Earle,

Fields,
Getty,
Knight,
Longwell,
Lloyd,
McCulloh,
Phelph,
Steiner,
Tuck,
Walsh—20.

NEGATIVE—None.

Said bill was then returned to the House of Delegates.

Mr. Tuck, from the Committee on Judicial Proceedings, to which had been referred the memorial of Wm. P. Maulsby, counsel for J. W. Davis, submitted the following

REPORT :

Of the Senate Committee on the case of Joseph W. Davis.

The Committee on Judicial Proceedings respectfully submit the following report on the memorial of the Hon. Wm. P. Maulsby, asking Legislative action in reference to Joseph W. Davis, now under sentence of death by the judgment of the Circuit Court for Washington county, for murder.

The memorialist, as counsel for Davis, having defended his client with great zeal, earnestness and ability, in every stage of the prosecution, and having, as he says, used all the means known to him in the Courts and before the Governor for the protection of his life, has in the capacity of citizen, invoked the Legislature to inquire into the question of his guilt, with a view to such relief as that department has power to grant. It is conceded to be an extraordinary application; and hence, the first question which suggested itself to our minds was as to the power of the Legislature in the premises. This view of the subject was also taken by the Committee on the part of the House of Delegates, to which the memorial had been referred, and accordingly, at their request, without any pretense of assuming jurisdiction, but recognizing the right of every citizen of the State, to petition the Legislature and have his case considered, the two Committees, jointly, heard arguments on this, as a preliminary point, in behalf of the accused, and on the part of the State, without entering into the facts touching his innocence or guilt for that would be an unnecessary inquiry, if the Legislature has no power to grant relief. Having given to this question the consideration which its importance to the con-