

sional line between Calvert and Anne-Arundel counties, in the place of Mr. Weems, whose indisposition renders him unable to attend

The resolution in favour of John Carter, was read the second time, amended, assented to, and sent to the senate

Mr. Tyson presents a petition from Benjamin H. Mulliken, of the city of Baltimore, counter to the petition of George Howard

Mr. Ty-on moved to reconsider George Howard's petition for the purpose of referring them both to the committee on insolvencies? Determined in the negative. Mr. Mulliken's petition was referred to the committee on George Howard's petition.

Mr. McMahon was excused from serving on said committee.

The bill giving compulsory process after summons to procure the attendance of witnesses in causes, and other proceedings, in the high court of chancery, was read the second time, amended, passed, and sent to the senate.

Mr. Barnes reports a bill entitled, An act to authorise the orphans courts of this state to order the sale of real estates in certain cases.

Also a bill, entitled, An act to authorise the orphans court of Frederick county to open and review the account of the executors of Philip Juda, late of Frederick county, deceased, and to correct any error which may have been made in the settlement of the said account.

Mr. Ireland delivers reports on the petitions of Thomas Wier, and Catharine Plane.

The bill relative to purchasing or building warehouses, for the inspection of tobacco, was postponed until the 2d Tuesday in February

The house adjourns until to morrow morning 9 o'clock.

TUESDAY, January 25, 1825.

The house met Present the same members as on yesterday. The proceedings of yesterday were read.

The bill giving compulsory process after summons to procure the attendance of witnesses in causes, and other proceedings, in the high court of chancery, was sent to the senate.

The speaker appointed Mr. John Edelen, to fill the vacancy on the committee, appointed on the memorial of George Howard, of Bruce, in the place of Mr. McMahon, who was excused by the house.

Mr. Willard presents a petition from Eleanor Foreman, alias Eleanor Gray, of the city of Annapolis; referred to the committee on divorces.

Mr. Cant reports a bill, entitled, An act to establish the jurisdiction of justices of the peace and constables residing in the city of Annapolis, and justices of the peace and constables of Anne-Arundel county, in certain cases therein mentioned.

Mr. Henderson reports a bill, entitled, An act for the division of the real estate of the heirs of Edward Wilson, and of the grants of Lydia, his widow; which was twice read by special order, passed, and sent to the senate.

Mr. Duff presents a petition from James M. Gill and Benjamin Ogle, and others, against the opening of a road in Prince-George's county; referred to Messrs Duvall, Peach and Maxcy.

Mr. Lee delivers the following report:

The committee on roads and canals, to whom was referred the order of the 12th instant, instructing them to inquire and report to this house whether in their opinion the company incorporated by the act of 1824 chapter 33, under the name of the Potomac Company, have complied with the conditions of their charter, and in the latter event, to report the most expedient method of declaring the charter forfeited, together with all other steps that may be necessary or proper to be taken on the part of this state, beg leave to report That after having given to the subject matter of this reference the most attentive consideration, they have found themselves unable to express any conclusive opinion on this subject, or indeed any opinion which must not necessarily be founded upon information partial and scanty, and upon opinions heretofore expressed by the commissioners appointed on the part of this state and the state of Virginia in 1822 Your committee are not prepared to array their opinion in opposition to the explicit and unequivocal opinion expressed by those commissioners, that the Potomac company have not complied with the conditions upon which their charter rested; that they never have executed the work which they proposed to perform in the manner specified in the original act of incorporation is quite clear; but to your committee it is not quite so clear, that some subsequent acts relative to this company, do not contain a recognition of their existence, or have not the effect of resuscitating it.

They have before them no information and no facts which were not in the possession of the commissioners save the act of the last session which may by some be regarded as containing a recognition of the existence of their corporate rights. In the midst of the uncertainty and doubt which hangs over this question, your committee although inclined to believe that the Potomac Company have not complied with the terms of their charter, and that no subsequent act will be found to contain a conclusive and unimpeachable recognition of its existence, have not deemed it proper or expedient to recommend the institution of any proceedings on the part of the state, in order to the resumption of their chartered rights. Still as the imperative terms of the order render it necessary that the committee should express some opinion as to the course which it will be proper for the state to pursue with such an object in view, they must be permitted to say, that in their opinion the state must seek relief against her own contracts in the same tribunals to which her citizens must have recourse, that in their opinion the legislature is restricted to the exercise of legislative power, that it is not proper for, or competent to the state to sit as judge upon her own grants and to place her own interested construction upon them, and that the exercise of any revoking power on the part of the state would seem to be wholly nugatory for the want of a proper authority to enforce its effects or opinions, recourse must ultimately be had to the courts of justice to enforce her acts: And therefore it seems to be not only proper but also expedient to refer this matter to them in the first instance. The state should never mete out to herself any other or greater degree of justice than that which she would mete out to the most inconsiderable citizen of the state: And she

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