

him, by the act to sue the trustees, to obtain a transfer of the bank stock. If then the agent had no authority to sue, a naked power only was imparted to him, to call on the trustees to surrender up their trust, and transfer to him the bank stock; this he repeatedly required one of the trustees to perform, and his request was as often evaded, or denied by that trustee.

No power of compromising, or of suing, having been entrusted to the agent, it should seem, that when a transfer of the bank stock had been refused, except upon conditions, which he was not authorized to accept, the object of his commission was at an end. It may indeed, and has been contended, that the agent might return again to London, and make another application for a transfer of the bank stock, and on payment give a discharge, and that therefore the act, under which he was appointed, is still in force. Every construction given to an act of the legislature ought to be reasonable; is the construction contended for, to prove the act to be in force, a reasonable one? Would the agent act rationally in returning to London to apply again for a transfer of the stock, without competent powers to enforce the application? Could the general assembly reasonably require him to undertake a second voyage on so fruitless an errand?

The agent having exceeded his power in filing a bill in the English court of chancery against the trustees, and other claimants of the stock, to obtain a partial transfer of it, and being disappointed in the expectation, that a partial transfer, at least, would be decreed by the chancellor to be made to him, considered his agency as closed, and has pointedly delivered this sentiment in his letter from London to the governor of the 14th of August last, in these words: "Enclosed is a copy of my letter to Mr. Pitt, and of my instructions to my solicitors, respecting their management of my suit against the trustees, and other claimants of the stock, until they receive the directions of the general assembly. Having thus concluded my agency, I shall leave this city on Monday next for Deal, where I shall immediately embark for Annapolis."

If the law in question hath expired, and to recover the bank stock, it should be necessary to appoint, by a new law, another agent, or re-appoint the same person, with more ample powers, the quantum of the commission to be allowed such agent, would of course come under the consideration of the legislature, and the senate might then exercise its judgment in fixing the rate of such commission, which it will be precluded from doing, as matters are now conducted. Admitting the agent's commission still to be in force, the advance of money is improper; the agent having voluntarily undertaken the agency, knowing that the governor and the council were empowered to allow a commission, not exceeding four per cent. on the net sum to be received by him, in full satisfaction for his trouble, and that no expences were to be defrayed by the state, in case the bank stock could not be obtained, and being apprised that the governor and the council gave him the full commission in consideration of the risk, and the expences he might be subjected to in the execution of his trust.

CH. CARROLL OF CARROLLTON.
DAN. CARROLL.
EDW. LLOYD.

Mr. Swingle, from the house of delegates, delivers to the president the engrossed bill No. 67, with the paper bill thereof, which engrossed bill was thus endorsed; "By the house of delegates, January 17, 1785: Read and assented to.

"By order,

W. HARWOOD, clk."

The following message was prepared, agreed to, and, with the bill, entitled, An act for straightening and repairing the road from Baltimore-town to the lower ferry on the river Susquehanna, sent to the house of delegates by William Hindman, Esq;

BY THE SENATE, JANUARY 17, 1785.

GENTLEMEN,

COMMISSIONERS appointed by the general assembly reported to the last session, that the post road leading from Baltimore-town to the river Susquehanna was in many places almost impassable, that the distance would be greatly shortened, and many hills avoided, by straightening the same, and encouragement given towards building good bridges over the creeks by private subscription. Public notice has been given of the intended application to the legislature, and no opposition having appeared, we are of opinion that no great damage to individuals can be apprehended, but on the contrary, that great benefit will accrue to the public by straightening and amending the same; and as the road is now much worse than when the commissioners made their report, we are apprehensive that, without some aid from the general assembly, it will soon be impossible for carriages to pass; from these considerations we have returned the bill for straightening and amending the said road, and hope you on reconsideration will give it your assent.

By order,

J. DORSEY, clk.

Mr. Graves, from the house of delegates, delivers to the president a bill, entitled, A Supplement to the act, entitled, An act concerning the stock of the bank of England belonging to this state, endorsed; "By the house of delegates, January 17, 1785: Read the first time and ordered to lie on the table.

"By order,

W. HARWOOD, clk.

"By the house of delegates, January 17, 1785: Read the second time by especial order and will pass.

"By order,

W. HARWOOD, clk."

Mr. Cellars, from the house of delegates, delivers to the president the following resolutions: