

The house proceeded to the second reading of the bill for the amendment of the law. On motion by Mr. Wilson, the question was put, That the following clause be stricken out, to wit:

“That in all actions of trespass, *quare clausum frigit*, all actions on the case for slanderous words; all actions of assault and battery; all actions for imprisonment, and all actions for malicious prosecutions hereafter prosecuted within this state, wherein the court, at the trial, shall not be of opinion, and so enter upon the record, that the freehold or title to the land mentioned in the declaration was chiefly in question, or that the trespass was wilful and malicious. The plaintiff, in case the jury shall find the damages to be under five dollars current money, shall not recover more costs than damages, any law, usage or custom to the contrary notwithstanding. Determined in the negative.

On motion by Mr. Wilson the question was put, That the following be added to the said clause, to wit:

“*Provided always*, That the defendant, to prohibit himself from the payment of costs as heretofore directed by law, shall prove to the jury at the trial, that he had tendered to the plaintiff before the institution of his or her suit, five dollars, or a sum to the amount of the damages which the jury may give in the cause.

The yeas and nays being required, appeared as follow:

AFFIRMATIVE.

<i>Messrs.</i>	Stonestrect	Emalls	F. N. Williams	A. Jones
Ireland	Tenant	Griffith	Wilson	Owens
Emerson	Dooris	T. Williams	Quit ton	Evans
Rogerson	Jackson	Callis	H. Hall	Cresap
Parnham	A. E. Jones	L. Duvall	Tillotson	Tomlinson—24.

NEGATIVE.

<i>Messrs.</i>	Z. Duvall	Moffit	Shriver	Donaldson
R. Neale	Randall	Herbert	Sanders	Bowles
H. Neale	Brown	Samervell	Fowood	T. B. Hall
Plater	Stevens	Claude	Street	D. wney
Barber	Wainwright	Mers	Willis	Boerstler
Frisby	Long	Little	Bayard	Riggs
Boyer	Smoot	Swearingen	Jump	Bair
Spencer	Veazey	T. Jones	Pechin	Howard—41.
Marriott	Groome			

So it was determined in the negative.

The bill being read throughout, the question was put, Shall the said bill pass? Resolved in the affirmative.

Mr. Herbert delivers a bill entitled, An act authorising the levy court of Prince George's county to open a road in said county.

Mr. Groome delivers a bill entitled, A supplement to an act entitled, An act to establish a bank and incorporate a company under the name of the Elkton Bank of Maryland.

Mr. Brown delivers a bill entitled, An act authorising a lottery to raise a sum of money for the purpose of building a school-house in Baltimore county; and Mr. Belt delivers a bill entitled, An act for the benefit of Rachel Mewshaw, of Anne-Arundel county; which were severally read.