

7th. After the word "act," in the 13th line of the 14th page, insert "Provided always that it shall not be lawful for said bank to issue notes of a less denomination than five dollars.

8th. Strike out from the word "of" in the last line of the 15th page to the word "and" in the 4th line of the 16th page, and insert "twenty thousand dollars, it shall be entitled to appoint two of the directors, one to be chosen by the senate and the other by the house of delegates." The yeas and nays being required, appeared as follow :

AFFIRMATIVE.

Messrs Fenwick, Frazier, Hebb, W. Hollingsworth, Stephen and N. Williams.—6.

NEGATIVE.

Messrs. Davis, (President,) Hawkins and J. Williams.—3.

So it was resolved in the affirmative.

The senate adjourns until Monday morning 9 o'clock.

MONDAY, January 3, 1814.

THE Senate met.—Present the same members as on Saturday.—The proceedings of Saturday were read.

Mr. Brown appeared in the senate.

The bill entitled, a supplement to the act entitled, an act to incorporate the Chesapeake Insurance Company ; the bill entitled, an act to authorise the sale of certain property of John Ridgely, a minor ; the bill entitled, an act to authorise and empower the levy court of Montgomery county, to assess and levy a sum of money for the support and maintenance of John Daily, and a bill entitled, an act to establish a bank and incorporate a company under the title of the bank of Somerset, were sent to the house of delegates by the clerk.

Mr. W. Hollingsworth presented a petition from Robert Gorsuch, collector of Baltimore county, praying further time to complete his collections ; which was read and referred to Messrs W. Hollingsworth, N. Williams and Frazier, to consider and report thereon.

The bill entitled, an act to lay out and open a road in Worcester Hundred, in Worcester county, was read the second time, passed and sent to the house of delegates by the clerk.

On motion of Mr. Hebb, leave given to bring in a bill entitled, an act relating to the supervisors and overseers of the public roads in the several counties of this state. Ordered, that Messrs Hebb, Fenwick and N. Williams, be a committee to prepare and bring in the same.

The clerk of the house of delegates delivers a bill entitled, an act for altering the time of the meeting of the commissioners of the tax in Frederick county, passed by that house, Jan. 1, 1814 ; a bill entitled, an act for the benefit of Richard Newman, of Kent county ; a bill entitled, an act to change the mode of repairing the public roads in Caroline county, and a bill entitled, an act to incorporate the Patapsco Insurance Company, severally passed by that house, Jan. 3, 1814, which were severally read the first time and ordered to lie on the table.

Mr. W. Hollingsworth from the committee to whom was committed the bill entitled, an act to give validity and operation to a deed of conveyance therein mentioned, delivers the following report :

The committee to whom was referred the bill entitled, an act to give validity and operation to a deed of conveyance therein mentioned, has had the same under consideration, and beg leave to report, that the bill which is grounded on the petition of Elisha Harris, provides, that a deed, executed by a certain Samuel Temple, and intended to convey a tract of land in Cecil county, to said Harris, and which has not been recorded within the time prescribed by law, shall have the same validity and operation as if the deed aforesaid had been duly recorded. It is alleged by the petitioner, that he was ignorant of the necessity of having the deed recorded within a limited time, and that this omission did not proceed from fraud or design. Admitting his statement to be true, and this committee has no reason to question its accuracy, it furnishes a case proper for the interposition of the court of chancery ; and one in which that court is in the frequent practice of affording relief. By an act of assembly, passed in seventeen hundred and eighty five, chapter seventy two, section eleven, the chancellor has full power and authority given to him to decree that a deed shall be recorded, under circumstances similar to those of the petitioner, upon summoning the party making such deed, and saving the rights of creditors and others previously required. And by an act passed in seventeen hundred and ninety two, chapter forty one, section three, still greater facilities are afforded to purchasers who neglect to have their deeds recorded in due time ; upon notice given to the grantors and saving the rights of others. So that ample provision is made, by the existing laws of the land, for remedying such grievances as the petitioner suffers under, by a resort to a judicial tribunal, established under the constitution, and fully competent to extend that relief which the nature of the case requires ; and is conformable with justice and equity, without compromising the rights of any person affected by the application of such remedy.

The modes of proceeding in the courts of justice, are, in the opinion of this committee better adapted to obtain a full investigation into the nature and merits of individual controversies, than those which prevail in legislative bodies. The latter can rarely ever bestow the requisite time and attention for ample inquiry, and are obliged in most instances, to decide upon *ex parte* representations. It is the peculiar province of the legislature to enact general laws, which it is the proper office of the judiciary to apply to cases and controversies as they arise between parties. There is, in addition to these obligations, a constitutional prohibition to the passage of laws of this character, expressed in the sixth article of the declaration of rights, "that the legislative, executive and judicial powers of government, ought to be for ever separate and distinct from each other.

This committee is therefore of opinion that the bill entitled, an act to give validity and operation to a deed of conveyance therein mentioned, ought not to pass. All which is submitted.

By order.

HENRY WILLIAMSON, Clk.