

VOTES AND PROCEEDINGS

MONDAY, February 15, 1819.

The senate met. Present the same members as on Saturday. The proceedings of Saturday were read. The bill, entitled, An act for the benefit of Thomas B. Tilden and Ann Maria Brice, of Kent county, was read the second, and by special order the third time, and will pass.

The bill, entitled, An act for the relief of Samuel Stevens, and Eliza his wife, of Talbot county, was read the second, and by special order the third time, and postponed for further consideration.

The senate resumed the further consideration of said bill; and on further consideration will pass. Sent to the house of delegates by the clerk.

The bill, entitled, An act to authorise the building of a bridge over the river Patapsco at the lower ferry on said river, was read the second time.

The bill, entitled, An act for the better regulation of appeals from the several orphans courts in this state, passed by the senate, and sent to the house of delegates, and returned to the senate with sundry amendments, which were read, and dissented from, and the bill returned to the house of delegates by the clerk, with the following message:

BY THE SENATE, Feb. 15, 1819.

Gentlemen of the House of Delegates,

We return to you a bill, entitled, An act for the better regulation of appeals from the several orphans courts of this state. The object of this bill is to give to each party upon an appeal, the benefit of a decision in the highest tribunal of the state, and at the same time to provide, that by the consent of each party the appeal should be carried to the county court. The object of the senate in this provision was to provide for small cases that might not be worth the expense of an appeal to the court of appeals. By the amendments to the bill the object of a final determination in the court of appeals is preserved, but by an immediate appeal to the chancellor, we apprehend unnecessary litigation and expense are incurred. We therefore respectfully suggest to your honourable house the propriety of receding from your amendments.

By order,

R. HARWOOD, Clk.

The clerk of the house of delegates delivers the engrossed bills from No. 148, to No. 170, inclusive which were assented to and returned to the house of delegates.

The bill, entitled, An act to facilitate the recovery of debts due from the several banks in this state and to compel the said banks to pay specie for their notes, or forfeit their charters, was read the third time when Mr. Gale moved to strike out the 1st section? Determined in the negative.

Mr. Gale then moved to insert, after the words "banking house" in the 2d section, "during the usual banking hours." Determined in the affirmative.

Mr. Taney then moved, the following amendment: "and upon the court being fully satisfied that such bank does refuse to pay specie for its notes?" Determined in the affirmative.

Mr. Gale then moved the following amendment: "and in any suit or suits brought on said bonds, where an authenticated copy of the same made or offered in evidence, the plea of non est factum shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants touching the same?" Determined in the affirmative. Mr. Parnham then moved to strike out from the word "next" in 15th section, to the end of the section? Determined in the negative.

The bill being read throughout, the question was put, Shall the bill pass with the amendments? The yeas and nays being required, appeared as follows:

AFFIRMATIVE.

Mr. President, Messrs. Carmichael, Emerson, Jackson, Taney, West.—6.

NEGATIVE.

Messrs. Gale, Hughlett, Magruder, Maxcy, Parnham.—5.

So it was determined in the affirmative, and the bill sent to the house of delegates by the clerk with the proposed amendments.

Amendments proposed. 1. In the 3d line 1st section after the word "recover" insert "judgment for." 2. After the word "banking-house" 3d line 2d section insert, "during the usual banking hours." 3. After the word "notes" 3d line 4th section, insert "and upon the court being fully satisfied that such bank does refuse to pay specie for its notes." 4. In the 8th line 7th section strike out the words "in the case." 5. At the end of the same section add, "and in any suit or suits brought on said bonds, wherein an authenticated copy of the same shall be offered in evidence, the plea of *non est factum* shall not be received to any such action, unless the same is verified by the affidavit of the defendant or defendants tendering the same." 6. Strike out the 8th and 9th sections. 7. Strike out the word "two" 1st line 13th section and insert "five." 8. Strike out from the word "which" 2d line 14th section to the end of the section and insert, "regularly paid specie for its notes from the first day of May last to the first day of October last." 9. At the end of the bill add the following section: And be it enacted, That in payment of any debt due to, or judgment obtained by, a bank or banks in this state or by the commissioners which may be appointed under the provisions of this act, the note or notes of the bank to whom the debt is due, or by or for whom the judgment has been obtained, shall be received as payment at the full value contained in the promise made by said note or notes."

The clerk of the house of delegates delivers the following bill: A bill, entitled, An act to declare and enlarge the powers of the court of chancery, and the county courts as courts of equity; and a resolution in favour of Jehu Chandler; which were severally read the first time and ordered to lie on the table.

The bill, entitled, A supplement to the act, entitled, An act for incorporating a company for erecting a bridge over Nanticoke river, at or near Vienna in Dorchester county, was read the third time, and the question being put, Shall the bill pass? The yeas and nays being required, appeared as follows:

AFFIRMATIVE.

Mr. President, Messrs. Carmichael, Gale, Hughlett, Jackson, Magruder, Maxcy.—7.

NEGATIVE.

Messrs. Emerson, Parnham, Taney, West.—4.

So it was determined in the affirmative, and sent to the house of delegates by the clerk.