

tion to unite with the gentlemen named by your house to invite his excellency the governor to sign such bills as may be prepared for his signature. By order, WM KILTY, Clk.

On motion of Mr. Price, Leave was given to bring in a bill entitled, An act concerning the school fund in Washington county, and it was ordered that Messrs. Price, Miller and Brownley, be a committee to bring in the same.

The engrossed bills from No. 75 to No. 78, inclusive, were read, assented to, and sent to the house of delegates.

Mr. Johnson from the committee submitted the following report:

The committee to whom was referred the resolution in favor of R. W. West, beg leave to report that they have had the same under consideration and are of opinion that it ought to pass. Your committee have ascertained from the treasurer that Stephen West the father of the memorialist deposited in the treasury on account of several British creditors and by virtue of the act of October session 1780, chapter 5, the sum of £28,900 in continental money, upon which at the rate of exchange of 40 for 1 were issued under the emissions of June 1780, certificates to the amount of £722 10

After the treaty of peace it was decided by the supreme court of the United States and that decision was universally concurred in, that the creditors were not bound by these payments. The consequence was, all the creditors who sued recovered the full amount of their debts; the money of course paid by the debtors in the treasury under the act of 1780 ought in justice to be refunded to them, and has always been refunded when the certificates (which were the evidence of the payment) have been produced. In this case £350 were paid to Hannah West the executrix of Stephen.

The state in no event could have had (as it appears to your committee) any interest in this money. She held the money subject either to the demand of the British creditor or of the American debtor; when it was decided that the former was not bound by the payment, it followed as a necessary consequence that the money ought to be restored to the latter. But for the loss of the certificates therefor in this instance, the memorialist, as the present legal representative of his father, could have obtained the amount given him by the resolution referred to your committee without the aid of that resolution. The certificates however being lost and the terms of the resolution securing the state against their production at any time hereafter, your committee think it but just and right that the resolution submitted to them should pass; which was read; the resolution was then read and laid on the table.

The senate resumed the consideration of the bill relating to the penitentiary of Maryland, being the order of the day, and it being read a third time, the question was put, Shall the bill pass? Determined in the affirmative.

The clerk of house of delegates returned the engrossed bills No. 75 to No. 78 inclusive.

On motion of Mr. Brownley Leave was given to bring in a bill to be entitled, An act appointing commissioners to settle the division line between Harford and Cecil counties, and it was ordered that Messrs. Brownley, Miller and Chambers be a committee to bring in the same.

Mr. Brownley from the committee reported a bill entitled, An act appointing commissioners to settle the division line between Harford and Cecil counties; which was read the first time and laid on the table.

Mr. Chambers submitted the following report:

The committee to whom was referred the following bills to wit: An act to give validity and operation to the deed of conveyance therein mentioned; a bill entitled, An act for the relief of Henry Korn of Allegany county; a bill entitled, An act to authorize the recording of a deed from Jacob Charles of Caroline county, to Thomas Payne of said county, and others of a similar nature, beg leave to report that they have had the subjects referred to them under serious consideration. The committee do not commit themselves, nor would they recommend that the senate should stand committed by an assertion that in no considerable case will it be proper for the legislature to interpose its authority to increase the facilities already provided for the completion of rights which existing provisions of our code possesses the means of perfecting.

The committee cannot enter into the field of conjecture, and have therefore confined themselves to instances which have been presented to their consideration, and with a reference to such instances they wish to be understood as suggesting a course of conduct and principles of legislation as consonant to the theory of our constitution and laws as they are believed to be uniform in the establishment of the general purposes of justice and equity. The committee are of opinion that any effect to interrupt the ordinary and regular operation of the established systems of jurisprudence by which the necessary requisites to secure titles to real estates have been declared to the community, or even to attempt an irregular and partial facility to arrive at the same results which those general systems are designed to produce by legislating on the peculiar features of individual cases, must be attended with consequences entirely at variance with the best interests of the community.

Such individual cases present themselves to the notice of the legislature without the means of that accurate and minute investigation which alone secure to any tribunal the necessary certainty and justice of its decisions. They are generally sustained by ex parte representations completely beyond the influence of those checks and guards which protect and defend the judicial tribunal from error and imposition.

These considerations the committee believe would render legislative interposition improper in all cases in which the applicants could disclose such an interest as the provisions of existing laws would embrace; and it is believed by the committee that they will embrace every case in which an equitable title to real estate can be established.

If they are not sufficiently extensive it is in the opinion of the committee a proper subject for legislation of a different and general character.