verse party, whose interest, it is said, will be promoted by allowing the defendant to give such security as will ensure the prompt payment of the money, with the accumulating interest, at the termination of the cause. With regard to the correctness of the decree or order, the committee intentionally avoid any expression of opinion. The high authority of the chancellor, and the opinions of the able and distinguished counsel who conduct the cause of the petitioner, are opposed, and the committee gladly avail themselves of the absence of any necessity to pass between them.

In whatever other respects a difference of opinion is found to exist, it is admitted on all hands, that from an interlocutory order to bring money into court, there is no appeal by the existing laws. Indeed the non-existence of such a right, is the sole ground of the application now before the senate. The question we are called on to determine, is, whether it be advisable to interpose a special legislation to correct an alleged error of the chancellor. It will at once occur, that the affirmative of this question necessarily involves the previous investigation of the case, and the decision that the chancellor has erred. It would seem to be obvious, that if a defendant is not injured by a judicial decision, he can with no propriety claim from the legislature a special enactment for his relief. The committee cannot believe that it will comport with the separate and independent power, which the constitution has cautiously securred to the legislative and judicial departments of the government, that the legislature should erect itself into an appellate tribunal for the revision of a judicial opinion. The organization of the legislature, and its mode of proceeding, are certainly by no means calculated to ensure to parties litigant, a correct or intelligent decision. If in the progress of the judicial return, and the developement of legal principles, and their application to peculiar circumstances, they shall be found productive of results which the people of the state deem to be oppressive or inconvenient, it will at all times be the legitimate province of the legislature, to repeal or modify the law. Some of the most salutary provisions of our code have originated from the inconvenient operation of general principles in their application to particular cases. But in this, as in all other instances, individual injury is to be submitted to, when it can only be avoided by endangering the public weal.

The committee are entirely satisfied, that it will be inconvenient, and may in very many cases be extremely oppressive to defendants in chancery, to be compelled to bring money into court until a final decision upon their claims to it, and still more inconvenience and oppression, they believe might grow out of the principle, that an order to bring money into court can be used by the chancellor as a compulsory process, whereby litigant defendants shall be coerced into an early decision of their rights, and they would suggest the propriety of legislation upon the subject. But they still retain the opinion, that injurious as may be the consequences of this decision to the petitioner, yet the mischief of special legislation to interrupt the regular operation of the course of judicial proceeding, and the assumption of powers which by the constitution have been declared to belong exclusively to an independent department, is of much greater concern to the community. Such a precedent would open the door to the introduction of a class of cases not more to be dreaded by the number, than by the difficulty of distinguishing their various grades. From a state of perfect certainty, through all the intermediate stages of conviction, to a state of perfect doubt, as to the correctness of the judicial decision which shall become the subject of relief, the legislature may expect to find itself called on to execute this portion of its newly assumed power.

The committee, in all the views in which they have been able to consider this subject, find themselves compelled to adopt the conclusion, that the prayer of the petitioner ought not to be granted. They therefore recommend the adoption of the following resolution:

Resolved, That the petitioner have leave to withdraw his petition.

By order, T. W. Loockerman, Com. Clk.

Mr. Claude moved to strike out the report, and the question was put and determined in the negative. The question was then put, Will the senate concur in the report and assent to the resolution? Determined in the affirmative.

Mr. Bowie from the committee delivered an unfavourable report upon the bill giving a right of appeal in a certain case therein mentioned. The said bill was then read a second time. On motion the question was put, Will the senate receive the following as an amendment? "And be it enacted, That the said George Howard, before he shall be entitled to the appeal authorised by this act, shall give bond, with security to be approved by the judges of the county court of Baltimore county, that the property now remaining in his possession, and which is included in the two bills of sale to Richard Ridgely and Thomas Cross, shall be forthcoming at the termination of the said appeal. The value of said property to be ascertained by three disinterested persons to be appointed by the county court of Baltimore county, who shall proceed to appraise, on oath, the said property, within sixty days after the passage of this act, and shall