

stances of this case, the executrix has a sufficient power to convey the lands aforesaid, without an act of assembly for that purpose, as a power to *sell*, of necessity implies a power to *convey*, without which there can be no sale.

Which was read the first and second time and concurred with.

The bill to appoint an intendant of the revenue, was read the second time by especial order and passed. Sent to the senate by Mr. Fraizer.

Mr. Chase, in his place, offers the following paper to the house, and begs leave to have it inserted on the proceedings; which was unanimously agreed to.

1. Mr. Chase considers the expences for his voyage and in England for seven months (from 7th September to 1st April, about £. 500 sterling) to be his loss, as his contract was conditional to receive 4 per cent. if the bank stock was recovered.

2. Mr. Chase considers his expences (except the fees to counsel and solicitors and the charges of the suits) for five months (about £. 250 sterling) to be his loss, within the *letter*, but not within the *spirit*, of his contract.

3. Mr. Chase considers the suits as a matter not in the contemplation of the state or himself, and being involved in them not from *choice* but *necessity*, that therefore the actual expence in the suits ought to be paid by the state. Mr. Chase has no bill of the expences.

4. These things are stated, on the supposition that Mr. Chase's commission is now subsisting and is to be continued; and in that case Mr. Chase wishes a sum of money to be advanced him, to be accounted for, and to be deducted out of his commission, allowing only the fees to counsel and solicitors, and the charges in the suits. Mr. Chase, if required, will give security to account.

5. If Mr. Chase's commission was ended on the 1st of April, or even now, and the business in its present situation (almost ready for decision) is taken out of his hands, he expects all his expences will be paid by the state.

6. If the state will pay only the expences to counsel and costs of suits, and will determine his authority, and take the management of the causes from him, he will lose the chance of receiving the stipulated commission, and sink about £. 750 sterling.

7. If Mr. Chase's commission expired on the 1st of April, or is now finished, and he dismisses his bill, and it cannot be expected he should continue it at his expence, the bank stock will return to the trustees.

Annapolis, 21st December, 1784.

SAMUEL CHASE.

RESOLVED UNANIMOUSLY, That the intendant of the revenue be authorised and directed to pay Samuel Chase, Esq; the sum of five hundred pounds sterling money, to be deducted out of his commission on the bank stock or any part thereof that may be received, after allowing him the actual fees and expences paid (or to be paid) by him to counsel, solicitors, and the officers of the court of chancery, in the suits in the said court respecting the bank stock, and if no part of the said bank stock is received, the agent shall account for the said money advanced to him, after allowing him the expences of the suits as aforesaid; and in such event the legislature will take into consideration the services of the agent, and the loss he will in such case sustain.

George Gale, Esq; from the senate, delivers to Mr. Speaker the bill to regulate auctions in Baltimore-town, with the following message:

BY THE SENATE, JANUARY 15, 1785.

GENTLEMEN,

WE have receded from our amendment proposing a penalty of fifty per cent. per annum on money received by the auctioneer and not paid over as the law requires, and consent to reduce the penalty to twenty per cent. per annum. We are willing that the commission of two and a half per cent. allowed by the bill, shall be taken by the auctioneer, but we cannot consent to prolong the continuance of the act beyond one year.

By order,

J. DORSEY, clk.

The resolution respecting the repairs of the governor's house, endorsed; "By the senate, January 15, 1785: Read and assented to.

"By order,

J. DORSEY, clk."

A petition from Robert Smith, on behalf of the representatives of the late Sir Robert Eden, praying compensation for the property of the said Sir Robert Eden, confiscated by this state, endorsed; "By the senate, January 15, 1785: Read and referred to the consideration of the house of delegates.

"By order,

J. DORSEY, clk."

Which was read and referred to the next session of assembly.

The following message:

BY THE SENATE, JANUARY 15, 1785.

GENTLEMEN,

WE are ready to proceed to the choice of four commissioners from this state to meet the commissioners from Virginia, and have appointed William Perry and George Gale, Esquires, to examine the ballot boxes. Daniel of Saint Thomas Jenifer, Esq; is put in nomination in addition to the gentlemen mentioned in your message.

By order,

J. DORSEY, clk.

The bill to provide a fund for the relief of the widows and children of the clergy of the protestant episcopal church in this state, endorsed; "By the senate, December 30, 1784: Read the first time and ordered to lie on the table.

"By order,

J. DORSEY, clk.

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