

and devised his whole estate to his grandson Charles Legh Hoskin Master, an infant, in tail, which said devisee came into this state, and complied with the condition annexed to the said devise, whereby the said estate hath become absolute; that the said devisee is now about sixteen years of age; that the whole estate of the said Legh Master was bound and charged with a large debt, due on judgment obtained in the general court by William Buchanan against the said Legh Master, and that the said Legh Master was indebted, at the time of his death, in the whole to the amount of eleven thousand pounds current money; that execution on the judgment obtained by the said Buchanan against the said Legh Master was stayed by injunction from the chancery court for many years, but in the year 1793 the said injunction was dissolved, the said estate executed and sold by Thomas Beatty, late sheriff of Frederick county, and was purchased by, and conveyed to, the said William Buchanan, in fee-simple; that the said Legh Master, notwithstanding the said sale, continued the possession of the said land, and instituted a suit in chancery to set aside the said sale and conveyance, which suit was depending, undetermined, at the time of his death; that the validity of the said sale was a question on which several eminent counsellors were divided in opinion, and the ultimate decision could not have been obtained in the course of legal proceeding during the minority of the devisee, nor in all probability for several years thereafter; that the petitioner hath lately compromised the said suit with the said William Buchanan, and hath actually paid the sum of £.6398, to exonerate his son's estate from the debt and claim of the said Buchanan, and now stands the creditor of his said son for that sum, and holds the assignment of the judgment obtained at law by the said Buchanan against the said Legh Master, deceased; that the petitioner raised the money for the payment of the debt due to the said Buchanan by mortgage of his own estate, and cannot, without great loss and injury to himself, wait for the reimbursement thereof until his son's arrival of age; that the petitioner hath instituted a suit at law to recover the said sum, in the name of the said William Buchanan, on the judgment aforesaid so assigned to him, and from the best information your committee can obtain, the said land, if sold at a cash sale, will not more than satisfy the debts and incumbrances thereof, but if judiciously divided into lots, and sold on a reasonable credit, the same will probably produce a surplus of ten thousand pounds for the infant's benefit, while the product of the said estate, if leased, will not be more than adequate to the education and support of the infant, and the six years tenancy, would absorb the whole by the period of his arrival at age; that the petitioner is also in possession of the title acquired by the said William Buchanan under the sheriff's sale aforesaid, which he is willing to release to any trustee the legislature may appoint for the sale of the said estate; and that the estate of the said Legh Master is inadequate to the payment of his debts. From this statement of facts, your committee beg leave to submit to the consideration of the house, whether there does not exist competent powers in the judiciary department for the redress of all the grievances, and gratify all the demands, the petitioner is entitled to; or whether, from the peculiar circumstances of this case, it would be more proper to interpose the aid of the legislature, and carry into effect the prayer of the petitioner, by passing an act in his favour.

By order,

J. HARWOOD, clk.

Which was read.

Mr. Nicholson, from the committee, brings in and delivers to the speaker a bill, entitled, An act to authorise Richard Tilghman, William Hopper, Thomas Wright, of Thomas, and Thomas J. Seth, of Queen-Anne's county, to raise by lottery a sum of money for the purposes therein mentioned; which was read the first time and ordered to lie on the table.

On motion, the question was put on the following, viz.

RESOLVED, That when there is not a sufficient number of members to proceed on business by ten o'clock, there shall be a special call of the house, and such members as are then absent, or shall afterwards be absent at any other call of the house, shall not be entitled to that day's allowance, and the clerk of this house shall return to the committee of claims a list of such absentees, and the committee are directed not to make any allowance for them on the journal of accounts, unless on motion such absent member be excused by the house.

The yeas and nays being required, appeared as follow:

		A F F I R M A T I V E.			
Mc. Sherwood,	Kerr,	Robins,	Potter,	C. Beall,	Tomlinson.
Martin,	Wallace,	Jarrett,			
		N E G A T I V E.			
Leigh,	Emerson,	S. Frazier,	Duckett,	Corbin,	Kershner,
Greenwell,	Brome,	Pattison,	Calvert,	Warfield,	J. Buchanan,
Page,	Chapman,	Goldborough,	Quynn,	Bruce,	Riley,
Messieurs	Merryman,	Miller,	Nicholson,	Montgomery,	Swailles,
Comegys,	Hyland,	Matthews,	J. Brown,	M'Comas,	Clarke,
Parker,	Jones,	Addison,	C. Frazier,	Bennett,	Rice.
J. C. Thomas,	Polk,				
Hall,					

So it was determined in the negative.

The house adjourns till to-morrow morning 10 o'clock.

T U E S D A Y, December 5, 1797.

THE house met. Present the same members as on yesterday. The proceedings of yesterday were read.

Mr. Key, from the committee, brings in and delivers to the speaker the following report: THE committee appointed to examine the agent's report, have considered the same with attention, and so far as information can be derived from comparing the vouchers laid before the legislature by the agent, treasurer and auditor, they have every reason to believe his report accurate and correct.