

oners who acted under the original act, and which are thought to be invalid, in consequence of the plots and certificates of the surveyor not having been returned within the time prescribed by the third section of that act. The senate are advised, that all the other requisitions of the first act have been complied with, and that the road referred to, by the bill under consideration, was opened at considerable expense to the county concerned, and was immediately after partially obstructed by a few individuals only, who supposed the road not to be legally opened, because of the defect of the return of the plot, &c.

If the senate were satisfied that this obstruction would be removed by the levy court of Cecil county, they would not ask of your house a reconsideration of this bill, but they doubt very much whether that court has the power to remove it, either under the act of 1821, chap. 152, or the supplement to that act passed at the ensuing session, chap. 18; neither of these laws seem to apply to the case before them. By the first of these laws, the power vested in the levy court is confined to the opening of an entire new road, or the shutting or altering an old one. By the supplement, this power is extended to opening or continuing open any road formerly, or then used, (that is to say, before or at the time of the passage of the supplement,) for the purpose of going to mill, market, or to church.

It may be contended, that the clearing away the obstruction will not be the opening an entire new road, within the meaning of the first of these laws; and it is obvious that it will not be to open or continue open such roads as are embraced by the latter law, as in fact, the road we are considering, was not open at the time of the passage of that law, or at any previous time, and it is to roads of that kind only that this last law relates. Under these considerations the senate hope that your house will, upon reconsideration, pass the bill referred to, which is now returned to your house.

By order,

Wm. Kilty, Clk.

Also the resolution in favour of the representatives of Ninian Pinkney, endorsed 'assented to.'

The bill for the relief of the sheriff of Queen-Anne's county, was read the second time.

Mr. Williams moved to insert the words "which said commission shall be paid by the officers for whose account the said fees shall be collected." Resolved in the affirmative.

Mr. Beckett moved to strike out "12½ per cent." Resolved in the affirmative. Mr. Williams moved to fill it up with "11 per cent." Determined in the negative. On motion by Mr. Beckett, "10 per cent was inserted." Mr. Douglass moved to insert "Dorchester county." Mr. Beckett moved to insert "Calvert." Mr. Hughlett moved to insert "Caroline county." Resolved in the affirmative.

On motion by Mr. Thomas the title was amended by making it read "An act for the relief of the sheriffs of the several counties therein mentioned."

The question was then put, Shall the said bill pass? The yeas and nays being required appeared as follow:

Messrs. Welch
Wickes
Beckett
Millis

AFFIRMATIVE.

Douglas
Thomas
Gilpin
Harlan

Parker
S. R. Smith
Mitchell
Montgomery