

parties concerned, and the return of the said commissioners shall be confirmed by the court or chancellor, the persons entitled to elect to take the said estate at the valuation made by the said commissioners, shall proceed to make their elections, and if all the parties entitled to elect shall refuse, then the estate shall be sold by the said commissioners agreeably to the terms prescribed to them, disencumbered by any tenancy by the courtesy; and the chancellor, or the county court, to which the return is made, shall proceed to award to such tenant or tenants such sum or sums of money as the chancellor or county court shall think just and equitable, in lieu of such tenancy or tenancies by the courtesy; and in decreeing such value to the said tenant or tenants, the chancellor or county court, (as the case may be,) shall be directed by the age, health and condition, of such tenant or tenants; and such award of value shall be sufficient to bar such tenant or tenants from all and every right or title by courtesy, which such tenant or tenants may claim to the estate of such intestate; and the person making the election to take the estate at the valuation of the commissioners, or the purchaser or purchasers of the estate (as the case may be) shall hold the estate disencumbered by any tenancy by the courtesy? Determined in the negative.

On motion by Mr. Forrest, the following section was inserted at the end of the 25th section, viz And be it enacted, that if the estate consist of things indivisible in their nature, then the commissioners appointed as aforesaid shall proceed to appraise and value the said estate, and make return thereof to the court as herein before directed, and if the judgment of the commissioners shall be confirmed by the court, then the person or persons entitled under this act to elect to take other estate at the valuation of the commissioners, shall have the same election as it respects the estate last provided for; and if all refuse, then the estate shall be sold under the direction of the aforesaid commissioners, or a majority of them, upon such terms, and the proceeds divided in such manner as is herein before directed.

On motion by Mr. Forrest, the following section was inserted at the end of the 30th section: And be it enacted, That before any commissioner shall proceed to execute any of the duties assigned him under this act, he shall make oath, or affirmation, before a justice of the peace in and for the county wherein he shall reside, that he will well and faithfully perform the duties required of him by the commission, and all duties assigned to him under this act, and that he will proceed in the execution and completion of the said commission without favour, partiality or prejudice, and according to the best of his judgment and understanding.

On motion by Mr. Eccleston, the 36th, 37th, 38th and 39th sections of the bill were stricken out.

On motion by Mr. Harrison, the word "eight" in the 42d section was stricken out and the word "seventh" inserted.

On motion by Mr. Lecompte, the words "and which said bond shall be and remain a lien on the said real estate until the money intended to be secured thereby shall be wholly paid," were inserted after the word "Maryland" in the last section of the bill.

On motion by Mr. Bradford, the question was put, That the house reconsider the 5th section of the bill for the purpose of inserting after the word "destroyed" the following words: "but where any real estate shall hereafter be devised by last will and testament, such devise shall be considered to vest in the devisee or devisees a fee simple estate, unless otherwise expressly declared or limited by the said last will and testament?" Determined in the negative.

On motion by Mr. Forrest, the question was put, That the further consideration of the said bill be referred to the next general assembly? Resolved in the affirmative.

The clerk of the senate delivers the bill extending the time for taking the bond of the sheriff of Baltimore county, endorsed, will pass: Ordered to be engrossed. A bill, entitled, A further supplement to the act, entitled, An act to prevent trespasses in Allegany county, endorsed, passed by the senate January 24th, 1818. A bill, entitled, An act authorising the sale of the real estate of Samuel Wilson, late of Somerset county, deceased, endorsed, passed by the senate January 26th, 1818. A bill, entitled, An act to incorporate the Havre-de-Grace Ferry Company, endorsed, passed by the senate January 26th, 1818. And a bill, entitled, An act to alter and change such parts of the constitution and form of government as provide for the election of the council, and the manner and time of electing the governor, endorsed, passed by the senate January 26th, 1818; which were severally read.

On motion by Mr. Washington, Ordered, That the bill from the senate, entitled, An act to alter and change such parts of the constitution and form of government as provide for the election of the council, and the manner and time of electing the governor, be made the order of the day for Friday next.

The house proceeded to the second reading of the bill, entitled, An act to alter the time of the meeting of the general assembly of this state, and for other purposes.

On motion by Mr. Murray, the question was put, That the blank in the 1st section of the bill relative to the time of meeting of the general assembly be filled up with the first Monday in January? Determined the negative.

On motion by Mr. Lecompte, the question was then put, That the said blank be filled up with "the first Monday of November?" The yeas and nays being required appeared as follow:

AFFIRMATIVE.

Mr Speaker	Eccleston	Nabb	Lecompte	Keene	Holbrook
Jones	Martin	Tenant	Griffith	Beard	Saulsbury
Causin	Stevens	Carroll	Pitt	Hawkins	Whiteley
Blakistone					

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NEGATIVE.

Hynson	Price	Tyson	Tingle	Davis	Gaither
Estep	Showers	Thomas	Downey	Whitby	Washington
C Stewart	Snowden	Claggett	Buckey	Woodyear	Forrest
T H Dorsey	Johnson	Harrison	Bradford	Sweitzer	Linthicum
R Dorsey	Murray	W. R. Stewart	Sewell	Schnebly	Tomlinson
Turner	Havnie	Wilson	Steel	Kennedy	Tidball
Garner	Pearce				

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So it was determined in the negative.

On motion by Mr. Harrison, the question was put, That the further consideration of said bill be referred to the next general assembly? Resolved in the affirmative.

Mr. Lecompte delivers a petition from Thomas Ennalls, of Dorchester county, praying for the sale of one of the Choptank Indian lots, which was heretofore sold by the state to Joseph Ennalls, of Joseph; which was read and referred to Messrs. Lecompte, Griffith and Pitt.