

road from Barnsville, in Montgomery county, to Taunchill's mill in Frederick county, and by the second section of the said act, it was provided that the expense of opening said road should be borne by said counties in proportion to the distance which said road should pass through each county; that the said William Trail contracted with said commissioners to open said road for the entire length thereof, for the sum of six hundred and seventy dollars, and did in good faith perform the stipulations of his said contract on his part; that said commissioners apportioned said expense between said counties, and fixed the sum to be paid by Frederick county at the sum of four hundred and forty-six dollars and sixty-six and two-third cents, and the sum to be paid by Montgomery county, at two hundred and twenty-three dollars, thirty-three and one-third cents; that before any part thereof was paid to the said William Trail, the General Assembly repealed the said second section of the act of eighteen hundred and thirty-one, chapter thirty-nine, and by act of eighteen hundred and thirty-three, chapter six, enacted that each of said counties should pay for opening said road according to the actual cost thereof in each county; that the said commissioners, in obedience to the requirements of said last act, apportioned the said actual cost of opening said road, and fixed the sum to be paid by Frederick county at six hundred and ten dollars, and the sum to be paid by Montgomery county at fifty dollars; that the levy court of Frederick county have paid to the said petitioner the said sum of four hundred and forty-six dollars and sixty-six and two-third cents, but refuse to pay the balance of the said last apportionment, amounting to one-hundred and seventy-three dollars and thirty-three and one-third cents, they contending that the Legislature had no constitutional right to pass the act of eighteen hundred and thirty-three, chapter six, and that the said levy court, are not bound by any of its provisions, and the said Samuel S. Hays, feeling himself thereby aggrieved, hath petitioned this General Assembly for redress, and his prayer appearing to be reasonable,—Therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That it shall be lawful for the said Samuel S. Hays, upon giving notice in writing of the amount On notice