

And be it enacted, That nothing in this act contained, shall be deemed to authorise the Treasurer to dispense with any certificate or affidavit required by the act to which this is a supplement, until evidence satisfactory to said Treasurer is furnished, that the Baltimore and Ohio Rail Road Company have constructed, or have commenced, with a view to the completion thereof, the construction of their road or a branch thereof, by way of Boonsborough, to Hagerstown; and it is hereby declared, that nothing in this section contained, shall be construed to dispense with the necessity of said company's constructing the main stem of their road through Cumberland, by the way of and through Hagerstown and Boonsborough.

The question was then put,

"Shall the bill pass?"

The yeas and nays were asked for, and on taking them they appeared as follows:

#### AFFIRMATIVE.

Messrs. Brown, (Pres't. pro tem.) Bowie, Bruce, Cottman, Goldsborough, Hambleton, Jones, Kent, Purnell and Ricaud,—10.

#### NEGATIVE.

Messrs. Beckett, Lee and Tidball,—3.

So it was determined in the affirmative, and the bill returned to the house of delegates.

Mr. Lee from the committee to which was referred the bill entitled, a further supplement to the act entitled, an act to invest the States' share of the surplus revenue of the United States and for other purposes, passed at December session 1836, chapter 220, reported favorably thereon.

It was read the second and by special order the third time, passed and returned to the house of delegates.

Mr. Lee submitted the following message; which was read and adopted,

By the Senate,  
March 29, 1838.

Gentlemen of the House of Delegates,

In consequence of the near approach of the close of the session, and the importance of the bill to preserve the records of Frederick county court, we beg leave respectfully to ask the attention of your honorable body to an action on the bill entitled, "an act giving discretionary power to the levy court of Frederick county, to authorise repairs to the court house."

By order,  
J. H. Nicholson, clk.

On motion of Mr. Ricaud,

The bill entitled, an act for the protection and preservation of the rights and property of married women, was taken up for consideration, and referred to the next General Assembly.

Mr. Hambleton, from the committee to which was referred the bill