

The question was then put on the 2d section proposed by Mr. Barnes. Determined in the negative.

Mr. Kennedy moved the following as an additional clause:

'And be it enacted, That the governor and council are hereby authorised and directed, to have the said warehouse or warehouses, insured against losses by fire, on the best terms they can.'

Mr. Howard moved to insert 'and the contents thereof,' after the word 'warehouses.' Determined in the negative.

The amendment proposed by Mr. Kennedy was adopted.

Mr. Merrick moved to reconsider the 3d and 4th sections, for the purpose of striking them out. Determined in the negative.

The question was then put, Shall the said bill pass?

The yeas and nays being required appeared as follow:

AFFIRMATIVE.

Messrs. Speaker
Kilgour
Millard
Hawkins
Gough
Boon
Wickes
Harris
Gantt
Maxcy
Linthicum
Beckett
Chapman
Edelen
Worthington

Shower
Turner
M'Culloh
Goldsborough
Banning
Teackle
B. I. Jones
Gilpin
Beall
Duvall
Barrette
Speed
Hopper
Stevens
Sudler

Hoopet
Parker
Potter
Saulsbury
Hughlett
Howard
Tyson
Kennedy
Lansdale
Lee
Hughes
Willson
Perry
Armstrong—44

NEGATIVE.

Messrs. Welch
Spencer
Millis
A. E. Jones
Ennalls
Brohawn
Douglas
Eccleston

Thomas
Grubb
Harlan
Ridgaway
S R. Smith
Cockey
Barnes
Sappington

Farquhar
Montgomery
Williams
Hall
Merrick
Kershner
Jacques—23

Resolved in the affirmative.

Mr. Kennedy delivers the following report:

The committee to whom was referred the petition of sundry citizens of Washington county, praying that the gate erected on the turnpike road, near Funk's town, may be removed; and the memorial from the president, managers and company, of the Boonsborough turnpike road, counter to the said petition, ask leave to report—

That the committee have given to the petition and memorial that serious consideration which their importance merits. On the one hand the petitioners complain of a public grievance, and consider that the erection of a toll-gate, within less than a quarter of a mile of Funk's town, is "illegal and unjust." And the memorialists, say on the other hand, "that they stand upon their rights, in regard to the matter in question, and ask that protection from the general assembly representing the sovereignty of the state, which they have a right to demand." And although the committee would by no means recommend an infringement of contracts solemnly entered into, and to which the faith of the state stands pledged, yet if it can be shewn, as they verily believe in this instance is the case, that the petitioners have equity and justice on their side, the legislature ought not to be slow in granting relief.