

which six commissioners so appointed for each respective road, shall, within ten days after their appointment, meet, and proceed to choose from out of the nearest adjoining county to that respective road, three other persons, such as they may deem suitable, which nine persons, after being duly qualified before some justice of the peace, truly and impartially to value the improvements then existing and made on said road, shall compose a commission, neither of whom shall be interested in the stock of the said road which they may be appointed to value, and shall proceed to value and determine the then value of the said road, with all the present rights and appertences belonging thereto, and deliver a copy of their said award, within twenty days from the time of their appointment, under their hands and seals, or in case of disagreement, a majority of the said commissioners shall sign and seal the same, and deliver one copy of such award to the levy court of Baltimore county, and one other copy to the president and managers of the company for the road for which they shall have been appointed to value, under the penalty of five hundred dollars, for the use of the said company, to be recovered as other fines and forfeitures are for the use of the said respective companies under this act; and the said road shall thereupon become the property of the said company, they first paying each commissioner so chosen to determine the value of each respective road, the sum of five dollars for each day by him employed in viewing said road, and in making such valuation, under the following restrictions, to wit: the county of Baltimore shall have all the privileges and advantages of any individual in all profits and dividends arising from the said roads, in proportion to the amount of as many shares of stock in the said road as the valuation may amount to, and have all the privileges of voting at any election for officers of the said company, in such manner and form as shall be directed by the levy court, as any individual entitled to a like number of shares of the said stock would have; and if it shall so happen that any of the said commissioners shall die, resign, or refuse to act, the justices of the levy court, or such person as may be appointed by them for that purpose, and the said respective managers and company, shall, in ten days thereafter, or sooner if they think it necessary, proceed to fill up such vacancy in like manner as the original ones were first appointed; provided, that no person who shall have refused to accept of any such appointment, or after acceptance thereof shall have been prevented from performing the duties of such appointment, by sickness or other unavoidable accident, shall be subject to the penalty herein before mentioned." The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Mr. Houston, Mr. Mackall, Mr. Nelson. 3.

N E G A T I V E.

Mr. Harwood, president, Mr. Brown, Mr. Christie, Mr. Duckett, Mr. Johnson, Mr. M'Culloch, Mr. Partridge, Mr. Ringgold. 8.

So it was determined in the negative.

The question was then put, That the following be received as an amendment thereto? to wit: At the end of the 12th section add, "And, whereas by the act, entitled, An act respecting the punishment of criminals, the justices of the several county courts within this state were authorised to commute the punishment of certain offenders therein mentioned, and in pursuance thereof have, from time to time, condemned offenders to work and labour on the public roads of Baltimore county, and considerable expence to their several counties hath accrued in causing convicts to be transported thither, and it is reasonable and proper that such expences should be reimbursed; therefore, Be it enacted, that the justices of the levy courts of the several counties in this state shall and they are hereby directed, to cause to be made out, and transmitted to the governor and council, on or before the first day of January next, an account of the expences incurred by their respective counties in causing convicts to be transported to Baltimore under the act aforesaid, since the operation thereof, and when the said accounts shall be transmitted as aforesaid, and notice thereof given in writing by the clerks of the several levy courts in this state to the clerk of the levy court in Baltimore, the said respective accounts shall, within twelve months thereafter, be paid by the levy court of Baltimore to the respective orders of the several levy courts aforesaid, to be by them expended in the county charges of their several counties. And be it enacted, That if the several accounts as aforesaid shall not be paid by the levy court within the time herein before limited for that purpose, all the right and interest of the said county in the said several companies shall be forfeited to the state." The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Mr. Duckett, Mr. Houston, Mr. Mackall, Mr. Nelson. 4.

N E G A T I V E.

Mr. Harwood, president, Mr. Brown, Mr. Christie, Mr. Johnson, Mr. M'Culloch, Mr. Partridge, Mr. Ringgold. 7.

So it was determined in the negative.

On further progression in reading, the question was put, That the following words be stricken out of said bill? to wit: "Provided, that it shall not be lawful for the president, managers and company, first in this act mentioned, to erect any gate across the turnpike road in Anne-Arundel county, between the intersection of the road leading from Montgomery court-house to the city of Baltimore and Ellicott's lower mills on Patapsco falls." The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.

Mr. Brown, Mr. Houston, Mr. Nelson. 3.