

of the surveyor not having been returned within the time prescribed by the third section of that act. The senate are advised that all the other requisitions of the first act have been complied with, and that the road referred to by the bill under consideration, was opened at considerable expence to the county concerned, and was immediately after partially obstructed by a few individuals only, who supposed the road not to be legally opened, because of the defect of the return of the plots, &c.

If the senate were satisfied that the obstruction could be removed by the levy court of Cecil county, they would not ask of your house a re-consideration of this bill; but they doubt very much whether that court has the power to remove it either under the act of eighteen hundred and twenty one, chapter one hundred and fifty two, or the supplement to that act, passed at the ensuing session, chapter eighteen. Neither of these laws seem to the senate to apply to the case before them. By the first of these laws, the power vested in the levy court, is confined to the opening of an entire new road, or the shutting or altering an old one. By the supplement, this power is extended to opening or continuing open any road formerly or then used (that is to say, before or at the time of the passage of the supplement,) for the purpose of going to mill, market or to church.

It may be contended that the clearing away the obstruction, will not be the opening an entire new road, within the meaning of the first of these laws, and it is obvious that it will not be to open or continue open such roads as are embraced by the latter law, as in fact the road we are considering was not opened at the time of the passage of that law, or at any previous time, and it is to roads of that kind only, that the last law relates. Under these considerations, the senate hope that your house will, upon reconsideration, pass the bill referred to, which is returned to your house.

By order

Wm. Kilty, clk.

Mr. Scott, presented the petition of Ambrose Marreshall Archbishop of Baltimore, and others of the city of Baltimore, on behalf of the charitable institutions of that city, which was read, and referred to Messrs. Scott, Kent and Claude.

The bill relating to insolvent debtors was read a third time, and the question was put, "shall the said bill pass?"

The yeas and nays being required, appeared as follows:

AFFIRMATIVE.

Stewart, Pres't
Bowie
Brownley

Claude
Dickinson
Miller

Orrell
Quinton
Scott—9

NEGATIVE.

Emory

Kent

Tilghman—3

Determined in the affirmative, and it was sent to the house of delegates.