

It may be necessary to remark, that the repealing clause of this act, notwithstanding its expiration, is still in force. There is an evident and material distinction between a temporary act containing a repealing clause, which act is suffered to expire, and an act made for the purpose of repealing another act, which is afterwards itself repealed. In the first case, the legislature declares its intention, that an act be done away and rendered void, and there is no proceeding of the legislature afterwards to restore life to the act repealed. In the second case, the legislature expresses the same intention, but afterwards by doing away and rendering void the repealing act, its intention cannot be construed otherwise than to give new life to the act repealed.

C H A P.
XXXIII.

C H A P. XXXIV.

An ACT to confirm a lease made by Thomas Harrison of Baltimore county, for part of a lot of land therein mentioned, lying in Baltimore-town, in said county, to the commissioners of the said town, and their successors, and to establish a market in the said town, and for the regulation of the said market.

This act was likewise temporary, being made for only seven years, &c. it established and regulated a market in Baltimore-town. It expired at the end of the term, when another act was passed for the same purpose. This act likewise confirms a lease from Thomas Harrison to William Lyon, Nicholas Ruxton Gay, John Moale, and Andrew Buchanan, by the name of a majority of the commissioners of Baltimore-town, bearing date the 4th of June, 1763, for part of a lot, distinguished in the plat by the number Seventy-one, for 99 years, rendering £. 8 sterl. rent, with a covenant for renewal. And the act further ordains, that the commissioners of Baltimore-town, and their successors, are to enjoy the said lease, as if they were a legal body corporate. This clause surely has a perpetual operation, or it has no meaning at all.

C H A P. XXXV.

An ACT for destroying of Crows and Squirrels in particular counties, and of red Foxes in Kent and Queen-Anne's counties.

This act contains provisions agreeable to its title. It also repeals the act of 1728, ch. 7, so far as relates to the killing of crows and squirrels in St. Mary's, Somerset, Charles, Anne-Arundel, Cæcil, Calvert, Worcester, Talbot, Prince-George's, Frederick, and Dorchester counties. It was to continue three years, &c. and it expired at the end of that term. But at the session of 1769, the legislature, by ch. 16, again repealed the act of 1728, ch. 7, with respect to the above named counties, and likewise with respect to the county of Kent.

C H A P. XXXVI.

An ACT for the speedy and effectual publication of the laws of this province, and for the encouragement of Jonas Green, of the city of Annapolis, printer.

C H A P. XXXVII.

An ACT for laying out a-new, and settling and ascertaining the future bounds and limits of St. Luke's, Christ-church, and St. John's parishes, in Queen-Anne's county, and of St. Paul's parish, lying partly in Queen-Anne's and partly in Talbot county.

This act constitutes 13 commissioners, the majority of whom is empowered to meet at Queen's-town, on the first day of March next, and there to appoint a clerk, who is to qualify by taking an oath of office. They are empowered to adjourn, at their discretion, with respect to time and place; and the surveyor is commanded to attend them and obey their directions, whilst they are ascertaining, by natural and artificial bounds and lines, the future limits of the said parishes. This business they are required to do by the 20th day of May next, in such manner, as to leave the yearly income of St. Luke's parish as near 45,000lb. of tobacco, and the yearly income of St. Paul's as near 40,000lb. as conveniently may be. The surveyor is then to make out fair certificates, to be signed by a majority of the commissioners, as well as by himself. Where any of the said parishes lie wholly in one county, there are to be two certificates, one for the county court and the other for the vestry; but where any of the parishes shall lie partly in one county and partly in the other, there must be three certificates, one for each of the county courts, and the third for the vestry. These certificates are to be respectively enrolled among the land records, and entered in the vestry registers; and the book of entries is to be returned to Queen-Anne's county court, to be carefully preserved by the clerk. And the county courts (if necessary) are to lay out a-new the hundreds contained in the said parishes, so that no one hundred shall be in two parishes.

Each of the commissioners, with their clerk, is to be allowed 64lb. of tobacco for every day he shall attend; the surveyor is to be allowed 80lb. for each day's attendance; the clerks are to be allowed their legal fees for enrollment; and all these allowances are to be assessed in the levy of Queen-Anne's county.

The two county courts are to assess on the taxable inhabitants of St. Paul's parish, by three equal assessments, beginning in November next, the net quantity of 30,000lb. of tobacco, to be paid to the vestry and wardens, and by them applied to the making an addition and galleries to Wye chapel; 80,000lb. of tobacco, are likewise to be assessed at the same time, and paid to the same persons, for building a new parish church at the place where the old one stands. And, that the county courts may justly apportion these assessments, the two clerks are, by the third day of each November court, to exchange certificates of the number of taxables in the respective parts of the said parish.

C H A P. XXXVIII.

An ACT for limiting the time for sinking the paper bills of credit now current in this province, and other purposes therein mentioned.

Each of the treasurers is directed, by the 1st of February next, to pay to the commissioners of bills of credit, at their office, all public monies in his hands, except the sum of £. 500, which each is to retain.

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