(XLVth YEAR.) THE (No. 2239.)

MARYLAND GAZETTE.

THURSDAY, DECEMBER 10, 1789.

A bill, entitled, An ACT to facilitate the draining of land.

WHEREAS considerable bodies of land, in different parts of this ſtate, lie unimproved, becauſe the owners have not a power to cut ditches thro' neighbouring interfering lands, into natural drains and ſinks, and as the improvement of ſuch lands would not only render them more uſeful to the proprietors, but would operate as a public benefit;

Be it enacted, by the General Aſſembly of Maryland, That any perſon or perſons ſeized or poſſeſſed of land which is overflowed, or is liable to be overflowed, with water, having given two months notice, by advertiſement ſet up at the court-houſe door of the county wherein the land lies, and to the owners of, or perſons reſiding on, the lands through which he wiſhes to cut a ditch for the purpoſe of draining his or her lands, of his or her intention to apply to the county court of the ſaid county for a commiſſion to have a way laid out for that purpoſe, may apply, by petition in writing, to ſuch court for a commiſſion, and upon proof being made, to the ſatisfaction of the court, that notice was given as aforeſaid, or upon the other perſons intereſted appearing and waving the notice as aforeſaid, the court may iſſue a commiſſion to any five perſons, agreed on by all the parties, empowering them, or a majority of them, to lay out a way for a ditch to run through the lands mentioned in ſuch commiſſion, according to the directions of this act; but if the perſons intereſted, ſhall not agree on the perſons for commiſſioners, then ſhall the court appoint five diſcreet perſons, not intereſted in the lands, nor related to either of the parties, to whom a commiſſion ſhall iſſue in manner aforeſaid.

And be it enacted, That the ſaid commiſſioners, or a majority of them, ſhall give notice by advertiſement ſet up at the court-houſe door of their county, and ſuch other places as they may judge moſt effectual, of the time of their meeting, thirty days at leaſt before their meeting, and ſhall meet on the land to proceed in the execution of their commiſſion, agreeably to the notice given by them as aforeſaid; but before any commiſſioner ſhall proceed in the execution of any commiſſion, otherwiſe than by giving notice as aforeſaid, he ſhall take an oath, or affirmation, before ſome juſtice of the peace, or ſome other of the commiſſioners, that he will, without favour or partiality, lay out a way for a ditch, which, according the beſt of his judgment, will beſt anſwer for draining off the water from the land mentioned in ſuch commiſſion, regarding the intereſts of all the parties, and truly aſcertain the damages, and a true return thereof make to the court.

And be it enacted, That the ſaid commiſſioners, or any one or more of them, may adjourn from time to time as he or they may think neceſſary, and they, or a majority of them, or the major part of ſuch majority met, may and ſhall cauſe a way for a ditch to be cut, to be laid out by the ſurveyor of the county, or by ſuch other perſon as they may think fit to appoint, of ſuch width, not exceeding twenty feet, and of ſuch length as they may judge neceſſary for draining off the water, regarding the intereſts of all the perſons through whoſe lands the water may run, until it ſhall be loſt or emptied in ſome branch, creek or other ſufficient vent, to diſcharge the ſame, and may cauſe trees to be marked, or marks to be ſet up to perpetuate the location of the ſame.

And be it enacted, That the ſaid commiſſioners, or a majority of them, or the major part of ſuch majority met, ſhall determine the compenſation to be made to the owners of the lands through which ſuch ditch ſhall paſs, which compenſation, together with all the expences attending the commiſſion, ſhall be paid by the perſon or perſons applying for ſuch commiſſion; and the ditch, when cut, ſhall be kept open and repaired at the expence of the perſon or perſons who may apply for the ſame.

And be it enacted, That after any way for a ditch ſhall be laid out agreeably to this act, the court ſhall direct the application for ſuch way for a ditch, and the return thereof, to be recorded at the expence of the party applying for the ſame, and thereupon and thereafter the privilege of venting and running off water through the ſame ſhall be veſted in the perſon or perſons applying for and paying for the ſame, and to their heirs for ever.

And be it enacted, That it ſhall not be lawful for any perſon or perſons to ſtop up or change, or in any manner to impede the flowing of the water in any ditch cut under this act, under the penalty of five pounds for every ſuch offence, to the party injured, to be recovered before a ſingle magiſtrate: *Provided always*, That the owner or owners of any lands through which a ditch laid out as aforeſaid may run, ſhall not be debarred the privilege of croſſing the ſaid ditch with convenient bridges, and the neceſſary fences for incloſing and dividing his lands.

And whereas, the natural drains, ſinks and branches, are frequently choked up by the falling down of trees, or other obſtructions, ſo as to occaſion the adjacent land to be overflowed with water, *Be it enacted*, That the perſon or perſons whoſe lands ſhall be overflowed with water, in conſequence of impediments from the falling of trees, or the floating of timber, or other obſtructions, acroſs any natural drain, ſink or branch, may give notice to the owner of the land on which ſuch impediment may be, and if he ſhall refuſe or neglect to remove the ſame after two days notice, then it ſhall be lawful for the perſon or perſons, whoſe lands may be overflowed as aforeſaid, to cauſe the ſaid impediment to be removed.

Provided always, and be it enacted, That nothing in this act ſhall be conſtrued to affect the rights of the owners of water mills, nor ſhall any commiſſioner under this act have power to lay out a ditch to draw off the water from any water mill.

And be it enacted, That each commiſſioner ſhall be entitled to ſeven ſhillings and ſix-pence for every day he ſhall attend in the execution of ſuch commiſſion; that any perſon, acting as ſurveyor, ſhall receive ſuch per diem allowance as ſhall be adjudged by the commiſſioners, not exceeding fifteen ſhillings for every day he ſhall neceſſarily be employed; that each chain carrier ſhall be entitled to receive five ſhillings; to be paid by the perſon or perſons at whoſe requeſt the ſervice ſhall be performed, and if neceſſary, attachment ſhall be iſſued by the county court to compel ſuch payment.

By the HOUSE of DELEGATES, November 30, 1789: Read the firſt time and ordered to lie on the table.

By order,

W. HARWOOD, Clk.

By the HOUSE of DELEGATES, December 7, 1789: Read the ſecond time, and referred to the conſideration of the next ſeſſion of aſſembly, and ordered to be publiſhed for the conſideration of the people.

By order,

W. HARWOOD, Clk.

PARIS, *October* 8.

THE arrival of the king has occaſioned univerſal joy at Paris; and it is to be the ſubject of the deliberation of the diſtricts this day, to requeſt the members of the national aſſembly to adjourn their meeting to the capital, where the obnoxious part of the ariſtocratic party will probably not chuſe to attend their duty.

FUNERAL OBSEQUIES.

On the evening of the 6th, the bodies of thoſe who had been killed the day before, in the fatal conteſt between the Pariſians and the military, were buried in the church of our Lady, at Verſailles.

Theſe victims were 17 in number, of which ſeven had belonged to the life guards, ſix to the Verſailles militia, one woman and four other perſons not belonging to any military corps.

Melancholy as was the funeral proceſſion, and ſhocking as were the reflections which it occaſioned in every mind alive to humanity or patriotiſm, ſtill there was a circumſtance which afforded ſo meconſolation, inaſmuch as it had prevented the number of victims from being infinitely greater.

The circumſtance was thus—

A body of women, whom the voice of reaſon could not reſtrain, ruſhed in between the militia and the life guards, not with the ſame laudable motive which prompted the Sabine women, whom the Romans had forcibly married, to throw themſelves between the Sabine and Roman armies, to prevent the diffuſion of kindred blood, but for the purpoſe of falling, with their own hands, on the life guards.

This fury of the women was the preſervation of the life guards, againſt whom it was directed.

For juſt at that moment, the Pariſian militia had drawn up their artillery, loaded with grape ſhot, and pointed it againſt their enemies.

And juſt as they were preparing to fire, the women ruſhed between, ſo that the militia could not fire without killing them.

This ſaved the life guards, for had the fire with grape once begun, it would have been almoſt morally impoſſible that any one of theſe gallant fellows ſhould eſcape death.

Oct. 12. The king has appointed the marquis de la Fayette commander in chief of all the troops within a circle of fifteen leagues of the capital. Orders are given for uſing the utmoſt ſeverity againſt the diſtributers of ſeditious papers. The heralds have proclaimed publicly in Paris a prohibition againſt mobs, and have authoriſed the military to diſperſe them.

LONDON, *September* 21.

Extract of a letter from Maeſtricht, September 5.

"We learn from Leige, that the prince biſhop returned there on the evening of the 3d inſtant.

"On the 27th of Auguſt there was a commotion at Cologne, where the twenty-two tribes are aſſembled to reform the conſtitution, tax the clergy, oblige them to renounce their privileges, &c.

"There have alſo been ſome patriotic commotions at Treves and Nuremburgh.

"The inſurrection at Aix-la-Chapelle, is not confirmed."

Sept. 22. The laſt advices from the Sound ſtate, that a report had reached Elſineur of the king of Sweden having been driven from before Frederickſham; but that, in his retreat, he cut off a detachment of the enemy.

Another account ſtated, that the retreat was a feint, and that the Swediſh monarch was ſo well fortified in his lines, that no impreſſion could be made on his troops. But that his ſtandard acquires new ſtrength every day, is eſtabliſhed in every opinion at Copenhagen; and in his camp are a great number of priſoners.

Among the few curioſities hitherto imported from Botany Bay is ſaid to be a leaf of very uncommon properties; the moſt extraordinary is, that when dried, even without being pulveriſed, it goes off on the application of a match, with an exploſion ſomewhat in the manner of gunpowder; the air is afterwards greatly perfumed. Experiments are now making to try what force it may poſſeſs, compared with other materials of exploſion.

They write from Anhalt Zerbſt, that a great fermentation reigns in that principality, and that the prince has ſent to the king of Pruſſia to aſſiſt him with a military force; but it is ſaid his majeſty has only ſent commiſſioners to inquire into the complaints of his ſubjects.

Extract of a letter from Berlin, Auguſt 25.

"For ſome days paſt it has been in contemplation to make ſome changes in the laws reſpecting the Jews in this country; and the alteration is now ready to take place; they will enjoy much more liberty, and be relieved from the heavy taxes they have hitherto been obliged to pay. The Jews are to enjoy the ſame privileges as Chriſtians, that is, they may marry and ſettle in life without any reſtrictions, purchaſe houſes when and where they pleaſe; learn all ſorts of trades, and carry on any profeſſion; but in conſideration of thoſe privileges, they are to contribute to the military ſervice as other ſubjects."

NORMANDY.

The Normans are ſo diſguſted with the politics of Paris, that the leaſt addreſs in our miniſtry would once more attach, if not unite, that province to England; and probably Bretagne, a territory actually ripe for revolt, would follow—where then would be the league of the Bourbons?

On the other hand, provided Normandy acquires thoſe rights that ſhe is in purſuit of, from the crown of France, they are more than poſſible grounds to infer, that we ſhall loſe the iſles of Jerſey, Guernſey, Alderney and Sark.

Such authentic intelligence has of late been received of the deſcendants of the emigrators, who are reported to inhabit the banks of the Miſſiſippi, that a Welſh gentleman, now in London, is actually engaged in an expedition to the New World, in order fully to aſcertain the truth of that ancient tradition.

This undertaking, if proſecuted, will be much to the benefit of ſcience, and the gratification of antiquarian curioſity.

Oct. 12. An expreſs arrived yeſterday morning, at five o'clock, from Paris, which brings word, that a regular attack had been made between the national troops and the king's troops, in which the former had 800 killed. Compte d'Eſtaing is beheaded, and four of his party, for aſſiſting the king in endeavouring to make his eſcape. Compte de Guichen, duke de Chatalet, and compte Luſignan are alſo ſaid to have been ſeized on and put to death. A body of women fought like furies, and dragged forth and murdered three of the guarde de corps. Several field pieces were fired at the palace, and the left wing was ſet on fire, and nearly deſtroyed, when the expreſs came away.

Though 800 of the national troops fell in the conteſt, the ſlaughter was greater on the ſide of the king's party; the whole Flemiſh regiment is ſaid to have been cut in pieces.

The king is in the Louvre, at Paris.

The queen has eſcaped for the preſent——ſearch is making after her.

Extract of a letter from Turin, September 26.

"I was much diſappointed at not being able to write again to you from Paris; but the ſhort ſtay I made there, and the general confuſion that prevailed, prevented my being able to mention any thing of conſequence.

"On my way to Lyons, I was obliged to change my route, as the populace had juſt hung the mayor of Troyes!

"The vintage, all through Burgundy, is ſo miſerably poor, that the farmers are in great dread of a famine, as the means of buying bread will be, by that means, debarred them.