

MARYLAND GAZETTE.

WEDNESDAY, JUNE 14, 1809.

[No. 3257.]

[LXVth Year.]

MARYLAND GAZETTE.

ANNAPOLIS, WEDNESDAY, June 14.

Legislature of Maryland.

JUNE SESSION, 1809.

Being the second Session of this Assembly.

WEDNESDAY, JUNE 7, 1809.

THE house met. Present the same members as on yesterday. The proceedings yesterday were read.

The bill for the relief of David C. Stewart, and the bill for the relief of Dennis Connell, were sent to the senate.

Mr. Bland delivers a bill, entitled, An act to repeal an act, entitled, A further supplement to the act, entitled, An act for regulating the mode of staying executions, and relating to the acts of assembly therein mentioned, for other purposes; which was read.

Mr. R. Stewart delivers a bill, entitled, A further supplement to an act, entitled, An act to extend Centre-street in the northern precincts of the city of Baltimore, and to build a bridge therein across Jones falls; which was twice read, passed, and sent to the senate.

And a bill, entitled, An act to authorize and empower William Stansbury, and Ellen Kent Stansbury his wife, to demise and lease the piece of ground therein mentioned; which was read.

A petition from Charles Eversfield, and one from Prince-George's county, praying that Edward Eversfield, guardian to Edward, may be authorized to convey the right of the said ward in certain lands to his sisters, was preferred, read and referred.

The following message was read: By the House of Delegates, June 7, 1809. Gentlemen of the Senate,

We propose to go into the appointment of a senator to represent this state in the senate of the United States during the constitutional period. As there is no mode pointed out in the constitution, or no legislative provision on the subject, by which the appointment is to be conducted, we propose, with the concurrence of your house, a conference, by joint committee of the two houses. — are named to meet such gentlemen as may be named by you, to confer on the subject, and report the result of such conference to their respective houses.

And, on motion, the question was put, That the words "as there is no mode pointed out in the constitution, or no legislative provision on the subject, by which the appointment is to be conducted," be stricken out? Terminated in the negative.

On motion, the question was put, That the further consideration thereof be postponed? Terminated in the negative.

The house proceeded to ballot for the committee mentioned in said message, and on examining the ballots it appeared, that Messrs. Hammondson, J. Thomas, Hilleary, Young and Herbert, were elected.

The message being read throughout, the question was put, That the house assent to the same? Resolved in the affirmative, yeas 35, and sent to the senate.

A memorial from the president, managers and company, of the Baltimore and Reisterstown turnpike road, praying a law may pass to confirm their proceedings, was preferred, read and referred.

The clerk of the senate delivers the following message: By the Senate, June 6, 1809. Gentlemen of the House of Delegates,

We have received your message of this morning, proposing to go immediately into the appointment of a register of wills for Montgomery county. We agree to go into this election immediately, and have appointed Mr. — and Mr. Lloyd Dorsey, to join the gentlemen named by you to count the ballots. — one is put in nomination in addition to the person named by you.

By order, T. ROGERS, clk. Which was read.

And the bill for the relief of Dennis Connell, endorsed, "will pass." Ordered to be engrossed.

The house proceeded to ballot for said register, and upon examination of the ballots it appeared, that Solomon Holland was elected. Thereupon Resolved, That Solomon Holland be and he is hereby recommended to the governor, to be commissioned as register of wills for Montgomery county.

Mr. Bland delivers a bill, entitled, An act annulling the marriage of Charles Farrow, and one his wife; which was read.

Mr. R. Stewart delivers a bill, entitled, An act to authorize the governor and directors of the Susquehanna canal company to raise a sum of money, by lottery, for the purpose therein mentioned; which was read.

The following resolution was read:

Resolved, That the treasurer of the western shore be and he is hereby authorized and directed to pay unto the commissioners appointed to superintend the erection of a penitentiary the sum of — dollars out of any unappropriated money in the treasury.

The bill to authorize and empower William Stansbury, and Ellen Kent Stansbury his wife, to demise and lease the piece of ground therein mentioned, was read the second time, passed, and sent to the senate.

Mr. Randall delivers a bill, entitled An act to confirm the location of the turnpike roads therein mentioned; which was twice read, passed, and sent to the senate.

On motion, Leave given to bring in a bill, entitled, An act to prescribe the time which jurors shall serve in Baltimore county.

Mr. Wilson delivers a bill, entitled, An act confirming the sale made by commissioners of the real estate of Charles Bishop, of Worcester county; which was twice read, and passed.

Mr. Young delivers a bill, entitled, An act authorizing John Mitchell, late sheriff and collector of Caroline county, to complete his collection; which was read.

Mr. Bland delivers a bill, entitled, An act to prescribe the time which jurors shall serve in Baltimore county; which was twice read and passed.

Mr. Randall delivers an unfavourable report on the petition of sundry inhabitants of Baltimore county; which was twice read and concurred with.

Mr. Mitchell delivers a bill, entitled, An act for the preservation and distribution of the vaccine matter for the use of the citizens of this state; which was read.

The clerk of the senate delivers the following message: By the Senate, June 7, 1809. Gentlemen of the House of Delegates,

Conceiving that the mode of electing senators to represent this state in the senate of the United States has been fully established, by the uniform practice heretofore invariably adopted by the general assembly, which mode is not only sanctioned by reason, convenience, and a strict regard to the rights of the people, delegated to their immediate representatives, but is also suggested and established by the adoption of the same principle in every clause of our constitution, or act of assembly, where an election is to be made by both branches of the legislature. The senate have declined acceding to your proposition for the appointment of a committee of conference, until the house of delegates shall have agreed, or disagreed, to the mode of election already proposed to them by the senate. As yet the senate know of no disagreement on the subject between the two branches of the legislature on which a committee of conference should be called upon to act.

By order, T. ROGERS, clk. Which was read.

Also the bill to confirm the location of the turnpike roads therein mentioned, and the further supplement to the act to extend Centre-street in the northern precincts of the city of Baltimore, and to build a bridge therein across Jones Falls, endorsed, "will pass." Ordered to be engrossed. And the bill to authorize and empower William Stansbury, and Ellen Kent Stansbury his wife, to demise and lease the piece of ground therein mentioned, endorsed, "will pass with the proposed amendment;" which amendment was read, agreed to, and the bill ordered to be engrossed.

Ordered, That Messrs. Dorsey, Spencer, Chapman, Stansbury and Herbert, be a committee to report to this house the state of the public property at the government-house, and if any and what repairs are requisite to the same, and in what manner the sum of two thousand dollars, authorized by a resolution of eighteen hundred and six to be appropriated under the direction of the late governor towards the furnishing and repairing the same, has been expended.

The house proceeded to the second reading of the resolution appointing a senator for this state in the senate of the United States, and, on motion, the question was put, That the blank therein be filled up with the words "John Eager Howard?" Resolved in the affirmative, yeas 39, nays 35.

The question was then put, That the whole of the said resolution from the words "Resolved," be stricken out, for the purpose of inserting the following words, to wit: "That Thursday, the 8th instant, be appointed to choose, by joint ballot of both houses, one senator to represent this state in the senate of the United States, to be a resident of the western shore, and that the person on the said shore having a majority of votes of all the attending members of both houses, be declared duly elected to represent this state in the senate of the United States until the fourth day of March, 1815; and that a commission issue to

the said senator, appointed as aforesaid, signed by the governor for the time being, or in his absence, by the presiding member of the council, in the following words, to wit: The Legislature of Maryland, reposing especial confidence and trust in your integrity and abilities, hath appointed you a senator to represent this state in the senate of the United States till the fourth day of March, 1815. Given under my hand, and seal of this state, Annoque Domini —?" Determined in the negative, yeas 36, nays 40.

The question was then put, That the house assent to the same? Resolved in the affirmative, yeas 41, nays 35.

The Speaker laid before the house a letter from Edward Lloyd, Esquire, the governor elect, accepting of the appointment; which was read and referred to the consideration of the senate.

The house adjourns till to-morrow morning.

THURSDAY, JUNE 8, 1809.

THE house met. Present as on yesterday. The proceedings of yesterday were read.

The bill to prescribe the time which jurors shall serve in Baltimore county, the bill confirming the sale made by commissioners of the real estate of Charles Bishop, the resolution relative to the appointment of a senator, and the letter from the governor elect, were sent to the senate.

Mr. Beall delivers a bill, entitled, An act for the benefit of Edward Eversfield, of Prince-George's county; which was twice read, passed, and sent to the senate.

The clerk of the senate delivers the bill to lay out a road therein mentioned, endorsed, "will pass." Ordered to be engrossed. The bill for the relief of David C. Stewart, and others, endorsed, "will pass with the proposed amendments;" which amendments were agreed to, and the bill ordered to be engrossed. And the resolution relative to printing the militia law, endorsed, "dissented from."

A petition from John Groome, and others, praying for a turnpike road from Frenchtown, in Cecil county, to the state line on the route to New-Castle, was preferred, read, and referred.

Mr. Cottman delivers a bill, entitled, An act authorizing and directing the levy court for Somerset county to levy a sum of money for the support and maintenance of Levin Miles, a lunatic; which was twice read, passed, and sent to the senate.

The bill for the preservation and distribution of the vaccine matter for the use of the citizens of this state, was read the second time, the blank fixing the salary to doctor Smith filled with one thousand dollars, and the question put, Shall the said bill pass? Resolved in the affirmative, yeas 53, nays 11, and sent to the senate.

A petition from sundry inhabitants of Havre-de-Grace, and its vicinity, praying a company may be incorporated to build a bridge over Susquehanna river, was preferred, read, and referred.

Mr. R. Stewart delivers a bill, entitled, An act for the relief of Jacob Gettig, an insolvent debtor; which was twice read, passed, and sent to the senate.

Mr. Harryman delivers an unfavourable report on the petition of sundry inhabitants of Baltimore county; which was twice read and concurred with.

Mr. Welch delivers a bill, entitled, An act for the benefit of Elizabeth Thomas, of Kent county; which was twice read, passed, and sent to the senate.

The clerk of the senate delivers the bill confirming the sale made by commissioners of the real estate of Charles Bishop, endorsed, "will not pass." The bill to prescribe the time which jurors shall serve in Baltimore county, endorsed, "will pass." Ordered to be engrossed. And the resolution appointing the senator, endorsed, "dissented from."

And the following message: By the Senate, June 8, 1809. Gentlemen of the House of Delegates,

We have dissented from your resolution for the appointment of John Eager Howard as a senator of the state of Maryland in the congress of the United States for the constitutional period. Believing that the mode of appointing senators by a joint ballot of both branches of the legislature, which has been the invariable practice in this state ever since the adoption of the federal government, is the only proper and correct one, and strictly compatible with the principles engrafted in our constitution by the patriots and heroes of seventy-six, the framers thereof, we cannot consent to a departure from that practice, and we sincerely hope that the house of delegates will, upon a reconsideration of this subject, concur with our message of Tuesday last, and agree to go into the appointment of a senator in the usual mode.

By order, T. ROGERS, clk. Which was read.

And the bill for the relief of Jacob Gettig, an insolvent debtor, which was twice read, passed, and sent to the senate.

Mr. Harryman delivers an unfavourable report on the petition of sundry inhabitants of Baltimore county; which was twice read and concurred with.

Mr. Welch delivers a bill, entitled, An act for the benefit of Elizabeth Thomas, of Kent county; which was twice read, passed, and sent to the senate.

The clerk of the senate delivers the bill confirming the sale made by commissioners of the real estate of Charles Bishop, endorsed, "will not pass." The bill to prescribe the time which jurors shall serve in Baltimore county, endorsed, "will pass." Ordered to be engrossed. And the resolution appointing the senator, endorsed, "dissented from."

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By order, T. ROGERS, clk. Which was read.

And the bill for the relief of Jacob Gettig, an insolvent debtor, which was twice read, passed, and sent to the senate.

Mr. Harryman delivers an unfavourable report on the petition of sundry inhabitants of Baltimore county; which was twice read and concurred with.

The bill authorizing John Mitchell, late sheriff and collector of Caroline county, to complete his collection, was read the second time and passed.

A petition from Samuel Brown, of Dorchester county, praying that proclamation money paid by him may be refunded, was preferred, read and referred.

The house adjourns till 4 o'clock.

FOUR O'CLOCK, P. M.

THE house met. The bill authorizing John Mitchell, late sheriff and collector of Caroline county, to complete his collection, and the resolutions relative to repairing the armories at Fredericktown and Easton, were sent to the senate.

Which was read, and referred to a committee of five.

Leave given to bring in an additional supplement to an act, entitled, An act authorizing a lottery to raise a sum of money for the repairs of Shrewsbury church, in Kent county.

On the second reading of the bill to alter such parts of the declaration of rights, the constitution and form of government, as prevent persons conscientiously scrupulous from taking an oath from serving as jurors, a question was put, That the same be referred to the consideration of the next general assembly? Resolved in the affirmative, yeas 38, nays 28.

The bill to authorize the governor and directors of the Susquehanna canal company to raise a sum of money, by lottery, for the purpose therein mentioned, and the bill annulling the marriage of Charles Farrow, and Anne his wife, were severally read the second time, passed, and sent to the senate.

Leave given to bring in a supplement to the act to provide for the erection of a new court-house for Baltimore county.

The following resolution was read: Resolved, That — be and they are hereby authorized, under the direction of the governor and council, to cause to be repaired or rebuilt, the whole or such parts of the armory at Easton, in Talbot county, as may be necessary for the reception and safe keeping of the public arms and military stores, and that the expense thereof be paid out of any unappropriated money in the treasury.

A petition from Frederick Green, printed to the state, praying an advance of six hundred dollars on account of the salary to be allowed him for the ensuing year, to enable him to purchase paper and other material for the work of the next fall session, was preferred, read and referred.

Mr. R. Stewart delivers an unfavourable report on the memorial of the justices of the levy court of Baltimore county; which was twice read and concurred with.

The clerk of the senate delivers the bill for the preservation and distribution of the vaccine matter for the use of the citizens of this state, endorsed, "will not pass." The bill for the relief of Jacob Gettig, the bill for the benefit of Elizabeth Thomas, the bill authorizing and directing the levy court for Somerset county to levy a sum of money for the support and maintenance of Levin Miles, a lunatic, and the bill for the benefit of Edward Eversfield, and others, severally endorsed, "will pass." Ordered to be engrossed.

A petition from Benjamin Galloway, praying some mode may be adopted by which he may obtain the testimony of the register of the land-office without his attendance at Washington county court, was preferred, read and referred.

Mr. Stansbury delivers a bill, entitled, A supplement to an act, entitled, An act to provide for the erection of a new court-house for Baltimore county; which was twice read, passed, and sent to the senate.

Mr. Moffitt delivers a bill, entitled, An additional supplement to an act, entitled, An act authorizing a lottery to raise a sum of money for the repairs of Shrewsbury church, in Kent county; which was twice read, passed, and sent to the senate.

The resolutions respecting the repairing of the armories at Fredericktown and Easton, were severally read the second time and assented to.

The following message was read: By the House of Delegates, June 8, 1809. Gentlemen of the Senate,

The hon. Edward Lloyd, Esquire, having been elected governor of the state of Maryland, we have appointed Mr. — and Mr. —, jointly with such gentlemen as shall be named by your house, to wait upon the governor elect, and request his attendance in the senate room to qualify according to the constitution and form of government.

Mr. Davis delivers an unfavourable report on the petition of sundry inhabitants of Harford county; which was twice read and concurred with.

The bill authorizing John Mitchell, late sheriff and collector of Caroline county, to complete his collection, was read the second time and passed.

A petition from Samuel Brown, of Dorchester county, praying that proclamation money paid by him may be refunded, was preferred, read and referred.

The house adjourns till 4 o'clock.

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