

MARYLAND GAZETTE.

WEDNESDAY, NOVEMBER 21, 1810.

[No. 3332]

LXVIIIth YEAR.]

Private Sale.

By virtue of a decree of the honourable the chancery court of the State of Maryland, the subscriber having been appointed trustee for the sale of part of the real estate of ARCHIBALD CHISHOLM, late of Anne-Arundel county, deceased, for the purpose of paying the just debts of said deceased, offers at Private Sale the following properties, belonging to said estate, viz. TRACT of land in Allegany county, called SHAWNEE WAR, containing 25 miles to the westward of Cumberland, and is of the best quality having been located at an early period, and persons taking up lands in that neighborhood had their choice. Also lots No. 80, 3127, 4034, 4094, in the same neighborhood, of 50 acres each, called Soldiers Lots. The subscriber is also authorized to sell 20 acres of good patented land in Green county, state of Virginia. Persons interested to purchase any of the above mentioned property, may know the terms, (which will be low and accommodating,) by applying to George Mackubin, Esq. attorney at law, in the city of Annapolis, Mr. A. Coyle, at the general post-office, City of Washington, or the subscriber on Rhode river, about eight miles from Annapolis.

On the 21st of the sale by the subscriber, and on the payment of the purchase money, the land will be duly conveyed to the purchaser, and the purchase money will be paid to the subscriber in full, by
WILSON WATERS, Trustee.

Fifty Dollars Reward.

AN away from the subscriber's farm, on Severn river, in Anne-Arundel county, Saturday, the 29th Sept. EZEKIEL, a stout man, upwards of six feet high, (he is a near malatto under his cloaths,) his face somewhat sun burnt and pitted with the small pox, high and large cheek bones, hair curly and black, and I believe liberally short. This fellow cannot go unnoticed as he is a sensible smart fellow, being complaisant when sober, he is rather fond of liquor, which was the cause of his absconding, when his impertinence when so. Had on when he went away an olfnabrig shirt and trousers, a pair of shoes nearly new & nailed, a coarse straw hat, short drab coat, and probably a short over jacket of the same colour, large leather aporn, tho' it is likely he will change them. Ezekiel is an ingenious fellow, a very good rough carpenter & cooper, & can do a little of Smith's work; he is lively, brisk & lively considering his age which is about 50, he is a little ruptured, but cannot be discovered when he has his cloaths on. Fifteen Dollars will be paid for apprehending and securing him, if found within fifteen miles of my house, if thirty miles, thirty dollars, and if out of the state the above reward, and all reasonable charges paid if brought home.

BASIL BROWN.

N. B. Masters of vessels, and others, are hereby forbid from harbouring or carrying him away at their peril.

B. B.

Maus and Black's

IMPROVEMENT IN THE

Construction of Mills, &c.

BY means of this new invention, of all others yet discovered the most simple and least expensive, families, consisting of twenty or thirty persons, may be suited with a mill adequate to a supply of flour, at an expense less than the value of the toll paid for two years at watermills, exclusive of the trouble of sending to the water or windmill. This invention may be used by hand, by horse power, by wind or water, according to the purposes for which the mill is to be used. A model may be seen at Pinkney and Munroe's store, in Annapolis, where patent rights may be had, to make and use the same under the authority of the subscriber, sole proprietor for Anne-Arundel county:

JOHN GIBSON.

N. B. The subscriber will give information as to the mode of applying the power to this machine according to the experience already obtained.

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J. G.

To be Rented, or Sold.

The subscriber will rent or sell, the well known tavern where Mr. Richard Foggett now lives, with the land thereto belonging, known by the name of Rawlings's tavern; any person inclined to rent, or purchase, will apply to the subscriber, on or before the 1st of Nov. next, or it will be let up to the highest bidder.

RICHARD HARWOOD.

A. A. county, Aug. 10, 1810.

MARYLAND GAZETTE.

ANNAPOLIS, WEDNESDAY, NOV. 21, 1810.

Legislature of Maryland.

HOUSE OF DELEGATES.

TUESDAY, NOV. 13, 1810.

THE house met. Present the same members as on yesterday. The proceedings of yesterday were read. Mr. Joseph Ireland, a delegate for Calvert county, appeared, qualified, and took his seat.

Mr. A. Browne delivers a bill, entitled, An act for the relief of Elizabeth Flung, of Allegany county; which was read.

Mr. Groome delivers a petition from Oliver R. Howell, of the state of Delaware, praying that his title to lot No. 33 in Elkton may be confirmed. Mr. Archer delivers a petition from sundry inhabitants of Harford county, praying that justices of the peace may be restrained from meeting at places where spirituous liquors are sold for the purpose of administering justice, and Mr. Bland delivers petitions from the president and directors of the Franklin Bank of Baltimore, the president, directors and company, of the Marine Bank of Baltimore, the president & directors of the Commercial and Farmers Bank of Baltimore, and the president & directors of the Farmers and Mechanics Bank of Baltimore, severally praying for a charter; which were read and referred.

On motion of Mr. Bland, Leave given to bring in a bill concerning libel and contempt of court.

Mr. Bowles delivers a bill, entitled, An act to open a road in Washington county; which was read.

Mr. Downey delivers a petition from sundry inhabitants of Washington and Frederick counties, praying that commissioners may be appointed to ascertain the divisional line between the said counties; which was read & referred.

On motion of Mr. Archer, the following resolutions were read:

Resolved, by the General Assembly of Maryland, That the faithful discharge of the duties of a judge is all important to the security of the lives, liberty and property, of the citizens of this state, and that it is the imperious duty of the general assembly, acting as the guardians of the people, to watch, with a vigilant eye, not only every transgression, but every omission of duty, by all officers within their control, that their constituents, who are immediately interested, may be benefited by the enactment of those laws by which such offices are created, and of which such others, as have been, or may hereafter be, confided to their administration.

Resolved, That it is contrary to the genius and spirit of a republic to tolerate a sinecure, and that therefore no citizen of this state should retain a judicial office, who does not give a faithful and due attendance on the courts of which he may be constituted a member, however distinguished his talents, or however brilliant his services may have been.

Resolved, That Zebulon Hollingsworth & Thomas Jones, Esquires; associate judges of the sixth judicial district, have not, since their appointment, given that attendance on the courts within their district, which this general assembly conceives to be indispensably necessary; therefore,

Resolved, That an address be presented to the Governor, two thirds of both houses concurring, requesting him to remove Zebulon Hollingsworth and Thomas Jones, Esquires, associate judges of the sixth judicial district, from office.

Resolved, That the foregoing resolutions be referred to the committee of grievances and courts of justice, and that they have power to send for any testimony which they may consider necessary relative to the said resolutions.

Referred to the committee of grievances and courts of justice.

Mr. Bland delivers a bill, entitled, An act to prevent fraud; which was read.

On motion of Mr. Watfield, Leave given to bring in a bill respecting securities in replevin bonds.

Mr. C. Hall, delivers a bill, entitled, An act for the benefit of the people in Kent county called Quakers; which was read. The house adjourns till to-morrow morning.

WEDNESDAY, NOVEMBER 14, 1810.

THE house met. Present as on yesterday. The proceedings of yesterday were read. Mr. Roger Perry, a delegate for Allegany county, appeared, qualified, and took his seat.

The speaker laid before the house a letter from the clerk of Frederick county court, relative to the attendance of the judges, and containing a list of suits brought, dismissed, or disposed of, by said court, for three years prior to Sept. 1, 1810; which was read and referred.

Mr. Streett delivers a bill, entitled, A further supplement to an act, entitled, An act to confirm and make public a certain road therein mentioned, Mr. Groome delivers a bill, entitled, An act to authorize Hannah A. Hayes, guardian of the heirs at law of Stephen Hayes, deceased, to convey certain lands therein mentioned, lying in Cecil county. Mr. Bland delivers a bill, entitled, An act annulling the marriage of Ezekiel Walker & Anne Margaret Walker, of the city of Baltimore, and a bill, entitled, An act concerning libel and contempt of court; which were read.

Mr. Swearingen delivers a petition from John Kraver, of Frederick county, praying a law may pass for the recording of a certain deed; which was read and referred.

Mr. Randall delivers a bill, entitled, An act to preserve the breed of fish in Baltimore county; which was read.

On motion of Mr. Brooke, Leave given to bring in a bill to authorize the drawing of a lottery in Frederick-town for the purpose of paving Market-street in said town.

Mr. Archer delivers a bill, entitled, A further additional supplement to an act, entitled, An act to direct descents; which was read.

Mr. Stevens delivers a petition from William Horney, an old revolutionary soldier, praying for a pension; which was read and referred.

Mr. Bland delivers a bill, entitled, An act to regulate judicial proceedings in civil cases; which was read.

Mr. Byle delivers a petition from Michael Connaway, of the city of Annapolis, praying that a sum of money be levied on Anne-Arundel county for the support of his wife and two very infirm young children; which was read and referred.

On motion of Mr. Bland. Ordered, That the bill respecting the registering of marriages, births and deaths, have a second reading on to-morrow.

On motion of Mr. Brooke, Leave given to bring in a bill to give further time to the stockholders in the Baltimore and Frederick-town turnpike company for extending the turnpike road from Frederick-town to Harper's ferry.

The house adjourns till to-morrow morning.

THURSDAY, NOV. 15, 1810.

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

Mr. Bland delivers a bill, entitled, A further supplement to the act, entitled, An act for amending, and reducing into system, the laws and regulations concerning last wills & testaments, the duties of executors, administrators and guardians, and the rights of orphans and other representatives of deceased persons, and Mr. Groome delivers a bill, entitled, An act for the relief of Oliver R. Howell, of the state of Delaware; which were read.

Mr. Schley delivers a petition from Daniel Arthur, of Frederick county, praying a divorce; which was read and referred.

The bill for the relief of Elizabeth Flung, of Allegany county, was read the second time and passed.

Mr. Bland delivers a petition from Sarah Barnhart, of Baltimore county, praying a divorce, and Mr. Bayly delivers a petition from John Laird, of Somerset county, praying that a certain deed may be made valid; which were read and referred.

The bill for the benefit of Elizabeth Coale, was read the second time and passed.

According to order, the house proceeded to the second reading of the bill respecting the registering of marriages, births & deaths, and after amending, and reading the bill throughout, the question was put, Shall the said bill pass? Resolved in the affirmative.

Mr. Boyle delivers a petition from Elizabeth Gwinn and Thomas Harris, junior, of the city of Annapolis, praying a law may pass authorizing a sale of the real estate of John Gwinn, deceased; which was read and referred.

Mr. Crofs delivers the following report:

The committee to whom was referred the leave to bring in a bill, entitled, An act to provide for the election of the levy court in the several counties of this state by the people, beg leave to report, that they have examined into the same, and are of opinion that a change in the present mode of ap-

pointing the levy court, can not be effected without an alteration of the constitution. The committee are decidedly favourable to the principle of placing this election in the hands of the people, but they cannot consent to do it in any other way than by a regular and constitutional procedure.

The 48th act of the constitution, to which the committee beg leave to call the attention of the house, appears to be clear and explicit in regard to this subject. After specifically enumerating certain officers to be appointed by the governor, by and with the advice and consent of the council, (among whom "are all judges, justices, &c.") it emphatically adds, that all other civil officers of government, (assessors, constables and overseers of the roads, only excepted) are to be appointed by the same authority.

In this broad and comprehensive language of the constitution, your committee are of opinion that a full and competent power is invested in the executive department to appoint the judges of the levy court, for a single moment, (what your committee have no idea of conceding,) that the levy court is not a judicial branch of the government, yet, it surely cannot be contended, that the judges of the levy court are not as much civil officers of government as assessors, constables and overseers of the roads, who, as such, are expressly recognized by the constitution. But your committee are clearly of opinion that the levy court possesses peculiarly a judicial character; their province is to judge of the amount necessary to defray the current expenses of the several counties, which amount, when so ascertained, they are enjoined by an act of assembly to levy by taxation, and when collected by the sheriffs or collectors, it is to be disposed of as directed by a legislative act; so that the levy court may be said to possess entirely judicial powers, and of course that they come within the meaning of the words "all judges and justices, &c." contained in the 48th act of the constitution before alluded to. Your committee are therefore constrained to report unfavourably, because they conceive that the powers of a single legislature do not embrace the object contemplated by the leave.

Which was read:
Mr. Streett delivers a petition from Aquila Jones, of Harford county, praying that money paid by him for improvements on land may be refunded; which was read and referred.

On motion of Mr. Herbert, the following order was read:

Ordered, That the honourable executive council be requested to lay before this house a journal of their proceedings for the last year.

Mr. Perry Spencer, a delegate for Talbot county, appeared, qualified, and took his seat.

The speaker laid before the house a letter from the clerk of the court of appeals, relative to the attendance of the judges; which was read and referred.

The further supplement to the act for the speedy recovery of small debts out of court, and to repeal the acts of assembly therein mentioned, was read the second time, and the question put, Shall the said bill pass? Determined in the negative, yeas 3, nays 60.

Mr. T. N. Williams delivers a bill, entitled, An act for the support of William Clarke and his helpless family, of Worcester county; which was read.

The bill to give validity to a deed from Robert Gilla Hampton to William Gilbert, was read the second time and passed.

The report on the petition of William Dawson, was read the second time, and the resolution therein assented to.

Mr. Archer delivers a bill, entitled, An act concerning liens; which was read.

The bill to lay out and make public a road in Anne-Arundel county, and the bill authorizing Rezin Gale, of Kent county, late sheriff and collector, to complete his collection, were read the second time and passed.

On motion of Mr. Bland, Ordered, That the bill concerning partitions, joint rights & obligations, have a second reading on the 22d inst. and that the bill to subject lands to the payment of debts, have a second reading on the 23d instant.

The bill authorizing Isaac S. White, late sheriff and collector of Washington county, to complete his collection, was read the second time and passed.

The house adjourns till to-morrow morning.

FRIDAY, NOVEMBER 16, 1810.

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

On motion of Mr. Mackubin, Leave given to bring in a bill to authorize a lottery to raise a sum of money for repairing the Protestant Episcopal church, in the city of An-