

HOUSE OF DELEGATES.

WEDNESDAY, NOV. 4, 1812.

The house met. Present as on yesterday.

The proceedings of yesterday were read.

Mr. Griffith delivers a petition from John Farcharson, an alien, residing in Dorchester county, praying that a law may pass enabling him to purchase and hold real property in this State.

Mr. Potts a petition from the Moravian Society of Graceham, in Frederick county, praying that a law may pass to confirm their title to certain lands.

Mr. Lewis a petition from John Shaik, of Washington county, praying that a certain road may be opened.

Mr. Sprigg a petition from Thomas McCordle, counter to the petition of John Shaik.

Mr. Randall a petition from Hugh Lynch, of Baltimore county, a revolutionary soldier, praying relief.

Mr. Warner a petition from Charles L. Snyder, of Baltimore county, praying that he may be permitted to bring certain negroes from Virginia into this State.

Mr. F. Hall a petition from Richard Dove, of Prince-George's county, praying that the levy court may be authorized to levy a sum of money for his support.

Mr. Forwood, of Wm. a petition from sundry inhabitants of Harford county, praying that a road therein mentioned may be made public.

Mr. Delaplane a petition from sundry inhabitants of Frederick county to change the location of a road therein mentioned.

Mr. Lecompte a petition from John Burns, of Dorchester county, a revolutionary soldier, praying relief.

Mr. Banning a petition from Henry Banning and Anthony Banning, of Talbot county, praying that a law may pass to confirm their title to certain property devised to them by a certain Elizabeth Peacock.

Severally read and referred.

On motion of Mr. Bowles, Ordered, that the committee of claims procure twelve copies of the votes and proceedings of the two last sessions, and also twelve copies of the laws of the June and November sessions, for the use of the House of Delegates.

Mr. Potts delivers a petition from Mary Crane, of Frederick county, praying a divorce; also, a petition from sundry inhabitants of Frederick county, praying for a public road from New Town (Trap) to Buckey's Town.

Read and referred.

On motion of Mr. Dorsey, Ordered, that the committee of grievances and courts of justice be instructed to inquire and report to this house, whether the usual number of the votes and proceedings of the two last sessions of the general assembly of Maryland have been deposited in the council chamber for distribution in the usual manner, and when, and if not, to what cause the failure is to be attributed.

On motion of Mr. Young, Leave given to bring in a bill, entitled, An act to settle and ascertain the salary of the members of the council for the ensuing year.

Mr. Long delivers a petition from Charles Richardson, of Somerset county, a revolutionary soldier, Read and referred.

Mr. Dorsey from the committee of grievances and courts of justice delivers to the Speaker the following report:

The committee of grievances and courts of justice, to whom the order relating to the votes and proceedings was this morning referred, beg leave to report.—That they had from information derived from the clerk of the council, that Jehu Chandler delivered in his office on the 13th day of last October, eighteen packages of the votes and proceedings, which he on the same day, tendered to Solomon Graves, the then Sheriff of Anne-Arundel county, for distribution, who declined taking the same, unless the printer would pay him the expense of transmitting them, or would make himself responsible to pay the same, in the event of the general assembly refusing to pay his accounts. All which is submitted.

Mr. Dorsey moved the following order:

Ordered, that the committee of claims be instructed to have printed, all papers ordered by this house to be printed during the present session.

Which was read.

On motion of Mr. Dorsey, that this house will on to-morrow proceed to the appointment of an Auditor to the State in the room of Robert Denny, Esquire, deceased.

The Speaker laid before the house a report of the clerk of Kent county, relative to the attendance of Judges. Read and referred.

Mr. Randall from the committee on the petition of Hugh Lynch, delivers to the Speaker a report in favor of the petitioner.—Read.

The Speaker laid before the house a letter from Benjamin Harwood, Trustee, for the State of Maryland, covering an account current of funded stock to the 31st of October, 1812, inclusive; and also an account current of principal and interest received on said stock to the same period. Read and ordered to lie on the table.

Mr. Young, from the committee of claims, delivers to the Speaker a report; which was read and ordered to lie on the table.

Mr. Young from the committee appointed to report the rules to be observed during the session delivers a report. Read.

Mr. Young, from the committee, delivers to the Speaker a bill, entitled, An act to settle and ascertain the salary of members of the council for the ensuing year.

Mr. Griffith, from the committee, delivers to the Speaker a bill, entitled, An act for the relief of John Farcharson, of Dorchester county. Read.

Mr. Wilton, from the committee of elections and privileges, delivers to the Speaker a report. Read, and ordered to a second reading on Friday next.

Adjourned until to-morrow.

THURSDAY, NOV. 5.

The house met. Present as on yesterday.

The proceedings of yesterday were read.

Mr. Marriott delivers a petition from Keziah Hughes of Anne-Arundel county, praying to be supported by said county. Referred.

On motion by Mr. Bowles, Leave given to bring in a bill, entitled, A supplement to an act, entitled, An act to authorize the levy court of Washington county to appoint commissioners to alter, straighten, open and amend, a road therein mentioned.

On motion by Mr. Causin, Leave given to bring in a bill, entitled, An additional supplement to a supplement to the act, entitled, An act to regulate and discipline the militia this State.

On motion by Mr. Porter, Leave given to bring in a bill, entitled, An act to repeal a supplement to an act, entitled, An act to ascertain the allowance of the members of the general assembly, electors of the senate, and electors of president and vice-president of the United States, passed at November session, 1811.

On motion by Mr. Dorsey, the house proceeded to ballot for an auditor to the State, in the room of Robert Denny, Esq. deceased.

Upon examination of the ballots it appeared that Thomas Harrison, Esq. was unanimously elected.

Mr. Plater delivers a report and memorial of the trustees of Charlotte Hall School. Read and referred.

On motion by Mr. Bayly, Leave given to bring in a bill, entitled, An act to provide for the election of the justices of the levy courts in the several counties of this State, by the people.

Mr. Lecompte moved the following order:

Ordered, That the committee of claims furnish to each member of the legislature, during this session, such one of the papers published in this city as the members may respectively direct.

On motion by Mr. Emerson, that the order be amended so as to read as follows: Ordered, That the committee of claims furnish to each member of the legislature, during this session, the two papers published in this city; The question was put, That the house agree to the amendment? Resolved in the affirmative.

The question was then put, That the house assent to the order as amended? Resolved in the affirmative.

On motion by Mr. Dorsey, Ordered, That the committee to whom the leave was given to bring in a bill, entitled, An additional supplement to the act, entitled, An act respecting the equity jurisdiction of the county courts, be instructed to inquire into, and report to this house, the condition of the records in the office of the court of chancery, and whether the papers required by law to be recorded therein have been so recorded.

On motion by Mr. Dorsey, the house proceeded to the second reading of the order relative to the printing of such papers as this house may order to be printed during the present session.

On motion by Mr. L. Duvall, the question was put, That the following words be added to the order, viz. "And that they be and are hereby instructed and directed to employ Jehu Chandler, the now printer to the State? Determined in the negative.

The question was then put, That the said order be adopted? Resolved in the affirmative, yeas 48, nays 20.

Mr. Potter delivers a bill, entitled, An act to repeal a supplement to an act, entitled, An act to ascertain the allowance of members of the general assembly, electors of the senate, and electors of president and vice-president of the United States.

On motion of Mr. Bowles, Ordered, That the said bill be made the order of the day for Wednesday week.

On motion by Mr. Potts, Leave given to bring in a further additional supplement to an act, entitled, An act for amending and reducing into system, the laws and regulations concerning last wills and testaments, the duties of executors, administrators and guardians, and the rights of orphans, and other representatives of deceased persons.

Mr. Bowles delivers a supplement to the act, entitled, An act to authorize the levy court of Washington county, to appoint commissioners to alter, straighten, open and amend, a road therein mentioned; and Mr. Potts a bill, entitled, An act to open a road from New-town to Buckey's-town, and thence into the turnpike road at New-Market. Severally twice read and passed.

The clerk of the senate delivers the following communication from the clerk of the council.

Council Chamber, Nov. 5, 1812.

Gentlemen,

The enclosed resolutions of the legislature of Virginia would have accompanied the communication of the executive, but by some accident was mislaid on Monday last. I now have the honour to transmit it to you, for the purpose of being disposed of in such way as to you may seem best.

I am with much respect,

Your most obedient servant,

NINIAN PINKNEY, Clk.

of the Council.

Read and referred.

Adjourned till to-morrow.

FRIDAY, NOV. 6, 1812.

The house met. Present as on yesterday.

The proceedings of yesterday were read.

William Graves, Esq. a delegate from Kent county, appeared, qualified, and took his seat.

Mr. Causin delivers a petition from Jesse Thompson, of St. Mary's county, a revolutionary soldier, praying relief. Read and referred.

Mr. Warner delivers a bill authorizing Charles L. Snyder to remove his negroes from the State of Virginia into this State. Read.

The speaker laid before the house a report of the clerk of Frederick county, relative to the attendance of the judges. Read and referred.

Mr. Sanders delivers a petition from sundry inhabitants of Harford county, praying that the levy court may be authorized to levy a sum of money for the purpose of building an addition to the gaol. Read and referred.

The bill for opening a road from New-town to Buckey's-town and thence to New-Market; and the bill supplementary to the act authorizing the levy court of Washington county to open and amend a road therein mentioned, were sent to the senate.

The house according to the order of the day, proceeded to the second reading of the report of the committee of elections and privileges.

Mr. Wilton moved the following order.

Ordered, That the speaker upon application, issue subpoenas with a duces tecum for any witnesses which David Kerr or John Seth, Esqrs. may consider necessary in the case of the contested election of Talbot county, and that such subpoenas be made returnable on the day of —.

After some debate Mr. Wilton withdrew his motion.

On motion by Mr. Bayly, the question was put, That the report of the committee of elections and privileges have a second reading? Resolved in the affirmative.

The question was then put, That the house concur in the first part of the report? Resolved in the affirmative.

On reading the said report, Mr. Young moved the following order:

Ordered, That the question on the report of the committee of elections and privileges, so far as appertains to the contested election of Talbot county, be postponed until the 16th inst. and that the speaker issue subpoenas with a duces tecum, directed to the sheriff of Talbot county, for any witnesses which David Kerr or John Seth, Esqrs. may consider necessary in the case of the contested election of Talbot county, and that such subpoenas be made returnable on the said 16th inst.

The question was put upon the adoption of the said order, and determined in the negative, yeas 21, nays 47.

The question was then put, That the house concur in the remainder of the report of the committee of elections and privileges and assent to the resolution therein contained. The yeas and nays being required appeared as follows:

AFFIRMATIVE.

Messrs. Millard, Plater, Blackstone, Causin, Graves, Boyer, Reynolds, Taney, Lurner, Emerson, Stonebrett, Dorsey, Parnham, Ford, Hambleton, Banning, Bayly, Long, Arnold E. Jones, Waller, Juno, Stewart, Lecompte, Tootell, Griffith, Evans, Lufby, F. Hall, Hogg, Somervell, Callis, T. N. Williams, Wilton, Handy, Quinton, Grahame, Davis, Potts, Delaplane, Potter, Bowles, W. B. Williams, Sprigg, Abram, Jones, Riggs, McCullouch, Robinett, Crespap. 47.

NEGATIVE.

Messrs. W. Stuart, C. Hall, Marriott, Belt, William Hall, Warner, Randall, Claude, L. Duvall, Wright, Stevens, Sanders, Forwood, of Wm. Forwood of Jac. Bond, Young, Houghlett, McDonald, Barney, Lewis. 20.

So it was resolved in the affirmative.

Whereupon David Kerr, Esq. retired from the house, and John Seth, Esq. appeared, qualified, and took his seat.

Mr. Lecompte delivers a bill, entitled, An act, entitled, A supplement to the act of 1785, and the supplementary acts thereto, which provide for the poor of Dorchester county, and to repeal the act of assembly therein mentioned. Twice read and passed.

The bill to settle and ascertain the salary of the members of the council, was read the second time and passed.

Adjourned till to-morrow.

SATURDAY, NOV. 7.

The house met. Present as on yesterday.

The proceedings of yesterday were read.

Samuel Burgess, Esquire, a delegate from Queen-Anne's county, appeared, qualified, and took his seat.

Mr. Belt delivers a petition from Rezin Simpson, a revolutionary soldier, praying relief.

Mr. Davis a petition from sundry inhabitants of Frederick county, counter to the petition for a road from Peter's tavern to intersect the great road leading to Baltimore.

Mr. Millard a petition from John B. Branford, a revolutionary soldier, praying relief. Referred.

The bill relative to the poor of Dorchester county, and the bill to settle and ascertain the salary of the members of the council, were sent to the senate.

The report of the committee appointed to prepare rules to be observed by the house was read the second time and assented to.

Mr. Thos. N. Williams delivers a petition from sundry inhabitants of Worcester county, praying a law may pass to confirm a certain road; also a petition from John Pointer, praying the levy court of Worcester county may be authorized to levy money for his support. Referred.

On motion by Mr. Stonebrett, Leave given to bring in a bill, entitled, An act to repeal all such parts of the acts of assembly of this State as require payment of twenty-five shillings for a marriage licence.

The clerk of the senate delivers a bill to confirm an act passed at November session 1811, entitled, An act to alter the time of the meeting of the General Assembly, and for other purposes. Read.

The bill for the relief of John Farcharson, was passed and sent to the senate.

The resolution in favor of John Lynch was assented to and sent to the senate.

Mr. Marriott delivers a bill to authorize and empower the levy court of A. A. county to levy a sum of money for the support of Keziah Hughes. Mr. Lewis a bill authorizing the levy court of Washington county to open a road. Mr. Randall a bill to correct a mistake in a deed therein mentioned. Read.

On motion by Mr. Wilton, Ordered, That the honorable the Executive council be requested to lay before this house a journal of their proceedings to this date.

Mr. Quinton delivers a petition from Moses Green and John Forsette, revolutionary soldiers, praying relief. Referred.

On motion by Mr. Blackstone, Leave given to bring in a bill making an uniform provision for the surviving officers and soldiers of the late Maryland line in the revolutionary war.

On motion by Mr. Parnham, Ordered, That John Brewer, late chief clerk of the house of delegates of this State, be requested to lay before this house a statement of the number of copies of chancellor Kilty's compilation of English and British Statutes sold by him in virtue of a resolution of the Legislature of this State, passed at their November session, 1811, and of the prices for which they were sold; and also to inform this house whether or not he has sold the copy right of the said compilation and for what sum.

Mr. Handy delivers a petition from sundry inhabitants of Snow Hill, praying for an act of incorporation. Referred.

Adjourned till Monday.

MONDAY, NOV. 9, 1812.

The house met. Present as on Saturday.

The proceedings of Saturday were read.

George Harryman, Esq. a delegate from Baltimore county, appeared, qualified and took his seat.

The bill to authorize the levy court of Washington county, to open a road in said county, was read the second time, passed and sent to the senate.

Roger Perry, Esq. a delegate from Allegany county, appeared, qualified and took his seat.

Mr. T. N. Williams delivers a bill for the benefit of John Pointer, of Worcester county. Read.

Mr. Belt delivers a favourable report on the petition of Rezin Simpson. Read.

On motion of Mr. Bayly, the following message was read, agreed to, and sent to the senate.

Gentlemen of the Senate,

This being the day prescribed by the constitution for the choice of a governor, we propose, with the concurrence of your house, to proceed to that appointment at 1 o'clock.

We have appointed Mr. Bayly and Mr. Bowles to join such gentlemen as may be chosen by your house to examine the ballots.

General Levin Winder and Robert Bowie, Esquire, are nominated by this house.

Mr. Randall delivers a bill for the valuation of real and personal property within this State; and Mr. Stonebrett a bill to repeal all such parts of the acts of assembly of this State as require the payment of 25 shillings for a marriage licence. Read.

The clerk of the senate delivers the following message:

Gentlemen of the House of Delegates,

The senate are prepared to proceed at the time mentioned in your message, to ballot for a governor for the ensuing year. No person is put in nomination by the senate in addition to those mentioned in your message.

We have appointed Messrs. Brown and Holbrook, to join the gentlemen of your house to examine the ballot boxes.

Which was read.

Also the bill to settle and ascertain the salary of the members of the council, endorsed, "will pass;" and the bill to open a road from New-town to Buckey's-town & thence to New-Market, endorsed, "will pass with the proposed amendment;" which amendment was read, agreed to, and the bills ordered to be engrossed.

A letter from John Brewer late clerk of the house of delegates relative to the sale of the copy right of the British Statutes; which with the account enclosed therein was read.

On motion by Mr. Plater, Leave given to bring in a bill to regulate the fees of the register of the court of Chancery.

Mr. T. N. Williams delivers a petition from Levin Carey, of Worcester county, praying a law may pass to correct a mistake in a law passed in his favour at the last session. Read and referred.

Mr. Long delivers a report in favour of Charles Richardson. Read.

The house having qualified, proceeded to the choice of a governor, upon examination of the ballots it appeared that Levin Winder, Esq. was elected. Whereupon,

Resolved, That Levin Winder, Esquire, be and he is hereby declared to be governor of the State of Maryland.

On motion by Mr. Donaldson, Leave given to bring in a bill concerning insolvent debtors.

The clerk of the senate delivers the bill authorizing the levy court of Washington county, to appoint commissioners to open and amend a road therein mentioned, endorsed, "will pass." Ordered to be engrossed. And the following message:

Gentlemen of the House of Delegates,

Levin Winder, Esq. having been elected Governor of this State, we propose that a joint letter be written by the president of the senate and speaker of the house of delegates, and immediately forwarded by express, to notify him of his election, and request his attendance in order to qualify, according to the constitution and laws of this State.

On motion by Mr. Lecompte the following message was read and agreed to.

Gentlemen of the Senate,

We assent to the proposal that a joint letter signed by the president of the senate and speaker of the house of delegates, should be immediately forwarded by express to inform Levin Winder, Esq. that he is elected governor, and so request his attendance to be qualified according to the constitution and laws of this State.

Mr. Delaplane delivers a bill, entitled, A supplement to an act to lay out and open a road in Frederick county, passed at November session, 1809; and Mr. Blackstone a bill making an uniform provision for the surviving officers and soldiers of the late Maryland line, in the revolutionary war. Read.

Adjourned till to-morrow.

TUESDAY, NOV. 10, 1812.

The house met. Present as on yesterday.

The proceedings of yesterday were read.

Mr. L. Duvall delivers a petition from Thomas King, praying that the pension directed by the last assembly to be paid to Mary King, may be made payable to him; Mr. Donaldson petitions from John Hagerty, Walter Simpson, Henry and Walter Simpson, jun. of the city of Baltimore, praying special acts of insolvency. Severally read and referred.

Mr. Donaldson delivers a bill authorizing William Merryman late sheriff and collector of Baltimore county to complete his collection and for other purposes. Mr. Dorsey a bill, entitled, An additional supplement to the act, entitled, An act respecting the equity jurisdiction of the county courts. Read.

Mr. Plater delivers a petition from John Williams, of St. Mary's county, a revolutionary soldier; Mr. Sanders a petition from sundry inhabitants of the town of Havre-de-Grace, in Harford county. Read and referred.

Mr. Donaldson delivers a bill for the relief of Henry Cross, of the city of Baltimore. Read.

On motion by Mr. Dorsey, the following message was read, agreed to, and sent to the senate.

Gentlemen of the Senate,

This house is now ready, in conformity to the constitution of the State, to proceed to the appointment, by joint ballot of both houses of five persons as a council to the governor for the ensuing year. Messrs. Benjamin Stoddert, Alexander C. Magruder, William H. Ward, William Bond Martin, Walter Dorsey, John Stephen, General James Lloyd Thomas W. Hall, James Butcher, Reverend Ghiselin and James Nabb; are put in nomination by this house; and Messrs. Dorsey a Sprigg are appointed a committee on the part of this house to join such gentlemen as they be nominated by the honourable the senate to count the ballot.

Mr. Plater delivers a petition from John Alvey, of St. Mary's county, a revolutionary soldier. Read and referred.

The bill authorizing Charles L. Snyder to remove certain slaves into this State, was read the second time and passed.

On motion by Mr. Lecompte the following preamble and order were read.

Whereas the laws faithfully executed, ought to be equal to the production of every man