

The Legislature of the State over which you preside.

Very respectfully,
Your Excellency's
Obedt. Servt.,
SIMON SNYDER,
His Excellency the Governor
of the State of Maryland.

A Supplement to an act to incorporate a Company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay.

Whereas during the time of war against the United States of America, the completion of the work of the Chesapeake and Delaware canal would be greatly beneficial to the United States, by forming the great link of an inland navigation of six or seven hundred miles, and thereby establish a perfect, safe, easy and rapid transportation of our armies, and the munitions of war, through the interior of the country, and which would ever tend to operate as a cement to the union between the states: And whereas, the prosperity & the agricultural interest of the state of Maryland, the Commonwealth of Pennsylvania, & the Delaware state, are more deeply interested than their sister states in the useful work of opening a communication between the Chesapeake bay and the river Delaware, by means of the said Chesapeake and Delaware canal; Therefore, in order to enable the president and directors of the said canal to prosecute and finish the important work of the said Chesapeake and Delaware canal.

SECTION I. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in the United States shall subscribe seven hundred and fifty shares, the state of Maryland two hundred and fifty shares, the state of Delaware one hundred shares, in the Chesapeake and Delaware canal company, in such case the Governor of this Commonwealth is hereby authorized and directed to subscribe, in behalf of this state, three hundred and seventy-five shares in said company; and the money necessary to be paid in consequence of such subscription, shall be paid by this state; and the Governor of this Commonwealth shall appoint a proper person to vote for president and directors of said company, according to such number of shares; and the treasurer of the Commonwealth shall receive upon the said stock the proportion of the tolls which shall from time to time be due to the state for the shares aforesaid.

SECTION II. And be it further enacted by the authority aforesaid, That the fifth section of an act, entitled, "An act to incorporate a company for the purpose of cutting and making a canal between the river Delaware and the Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna down to the Maryland line, and for other purposes therein mentioned," passed the nineteenth of February one thousand eight hundred and one, shall be valid and become part of this act, as fully and effectually as if the same was hereby enacted at full length.

SECTION III. And be it further enacted by the authority aforesaid, That this act shall not take effect unless the legislature of Maryland shall pass or shall have passed a law declaring, that in consideration of the act of the legislature of Pennsylvania incorporating said canal company, the river Susquehanna from the Maryland line to the bay of Chesapeake, shall forever hereafter be a highway, and that individuals or bodies corporate may at all times remove obstructions therein.

SECTION IV. And be it further enacted by the authority aforesaid, That it shall be the duty of the Governor of this state to send a copy of this act, and of the fifth section of the act incorporating the Delaware and Chesapeake canal company, passed nineteenth of February one thousand eight hundred and one, to the President of the United States, with a request that he lay the same before Congress, and a copy to the Governor of the state of Maryland, and also a copy to the Governor of the state of Delaware, with a request that they lay the same before their respective legislatures.

JOHN TOD,
Speaker of the House of Representatives.
P. C. LANE,
Speaker of the Senate.
Approved the twenty fifth day of March, one thousand eight hundred and thirteen.

SIMON SNYDER,
Extract from an act of the General Assembly of the Commonwealth of Pennsylvania, passed the 19th day of Feb. 1801, entitled, "An act to incorporate a company for the purpose of cutting and making a canal between the river, Dela-

ware and Chesapeake bay, and to authorize the clearing of obstructions in the river Susquehanna down to the Maryland line, and for other purposes therein mentioned.

SECTION V. And be it further enacted by the authority aforesaid, That the river Susquehanna, down to the Maryland line shall be, and the same is hereby declared to be, a public highway, any act or law of this Commonwealth to the contrary notwithstanding, and it shall and may be lawful for the said Chesapeake and Delaware canal company, or any other body corporate, or individuals, to remove all natural or artificial obstructions therefrom.

Pennsylvania, in Office of the Secretary of the Commonwealth.
In testimony that the foregoing copies are correctly taken from, and compared with, the originals now remaining in the said office at Harrisburgh, I have hereunto set my hand and seal, the fourteenth day of April, in the year of our Lord, one thousand eight hundred and thirteen.

JAMES TRIMBLE,
Deputy Secretary,
Executive Office, North-Carolina,
Raleigh, 4th January, 1813.

SIR,
In pursuance of a Resolution of the General Assembly of this State, I have the honour to transmit to you the inclosed proposed Amendment to the Constitution of the United States relative to the Election of Representatives to Congress and the appointment of Electors to vote for President and Vice-President of the United States, and to request you to lay it before the Legislature of the State over which you preside.

I have the Honour to be, very respectfully,
SIR, your obedient Servt.,
WILLIAM HAWKINS,
His Excellency the Governor
of Maryland.

STATE OF NORTH-CAROLINA.
In General Assembly, 5th Dec 1812.
Resolved unanimously, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to endeavour to obtain the following Amendment to the Constitution of the United States, to wit:

THAT for the purpose of choosing Representatives in the Congress of the United States, each State shall by its Legislature be divided into a number of Districts equal to the number of Representatives to which such State may be entitled.

Those Districts shall be formed of contiguous Territory, and contain as nearly as may be an equal number of Inhabitants entitled by the Constitution to be represented: In each District the qualified Voters shall elect one Representative and no more.

That for the purpose of appointing Electors of President and Vice-President of the United States, each State shall, by its Legislature, be divided into a number of Districts, equal to the number of Electors to which such State may be entitled; those Districts shall be composed of contiguous Territory, and contain as nearly as may be an equal number of Inhabitants entitled by the Constitution to representation: In each District the persons qualified to vote for Representatives shall appoint one Elector and no more. The Electors when convened shall have power, in case any one or more of them appointed as above prescribed, shall fail to attend for the purposes of their said appointment on the day prescribed for giving their votes for President and Vice-President of the United States, to appoint another or others to act in the place of him or them so failing to attend.

Neither the Districts for choosing Representatives, nor those for appointing Electors, shall be altered in any State until a Census and apportionment of Representatives under it made subsequent to the division of the State into Districts, shall change the number of Representatives and of Electors to which such State may be entitled. The division of the States in Districts hereby provided for, shall take place immediately after this Amendment shall be adopted and ratified as a part of the Constitution of the United States, and successively afterwards whenever by a Census and apportionment of Representatives under it the number of Representatives and of Electors to which any State may be entitled shall be changed; the division of such State into Districts for the purposes both choosing Representatives and of appointing Electors shall be altered agreeably to the provisions of this Amendment and on no other occasion.

Resolved, That the Governor of the State be requested to forward a

Copy of the preceding Amendment to each of our Senators and Representatives in the Congress of the United States, and also to the Executives of the several States, accompanied with a request that the same may be laid before their respective Legislatures.

GEORGE OUTLAW,
Speaker of the Senate.
WILLIAM MILLER,
Speaker of the House of Commons.

I, PUGASANT HENDERSON, Clerk of the House of Commons, do certify that the foregoing is a true Copy of the original on file in my Office.

P. HENDERSON, C. H. C.
December 24, 1812.

Which were read and ordered to be printed.

Mr. Potter delivers a bill to settle and ascertain the salary of the members of the council. Read.

Mr. Somervell delivers petitions from Sylvester Hunt and Allen Dismar, of P. George's county, severally praying a support. Mr. Maulsbury a petition from James Garrison, of Harford, praying a title to certain lands; also a petition from sundry inhabitants of Harford, praying the repeal of part of a law therein mentioned; also a petition from sundry inhabitants of said county, praying a road therein mentioned. Mr. Quinton a petition from sundry inhabitants of Worcester, praying a law allowing a premium for the destruction of squirrels. Severally read and referred.

Mr. Deplaine delivers a bill authorising a lottery to complete the German Lutheran Church in Taneytown. Twice read and passed.

Mr. Maulsbury delivers a petition from James Rea, of Harford county, praying to be released from goal. Mr. J. H. Thomas a memorial from Beal Howard, George McCulloh, & George Robinnett, of Nathan, counter to the petition of Upton Bruce, Benjamin Tomlinson and Thomas Greenwell. Read and referred.

Mr. Parnham from the committee appointed to report rules to be observed during this session, made a report. Read.

Adjournd.

Friday, December 10.
The house met. Present as on yesterday. The proceedings of yesterday were read.

Mr. Cottman delivers a petition from sundry inhabitants of Somerset county, praying the establishment of a Bank at Princess-Anne in said county. Mr. Harryman a petition from sundry inhabitants of the eastern precincts of Baltimore, praying for a supplement to the act passed at Nov. session, 1812, for opening and extending Aisquith-street. Severally read and referred.

Mr. Wilson from the committee of elections and privileges delivers the following report:

The Committee of Elections and Privileges, beg leave specially to report on the case of the contested election of Alleghany County.

It appears to the Committee, that Alleghany County is divided into Six Election Districts, and that six attending Judges, at the close of the election in said districts, assembled at the usual place of the sitting of the County Court of the said county for the purpose of making their return as prescribed by law.

That four of the said Judges, thus assembled, being a majority of the whole number, have made their return, (marked No. 1) declaring that William Hilleary, George Robinnett, of Nathan, George McCulloh, and Beal Howard, had the greatest number of legal votes, and are therefore duly elected delegates for Alleghany county to the General Assembly of Maryland.

That two of the said six Judges, assembled as aforesaid, differing in opinion from the four Judges aforesaid, refused to sign the return thus made; and that the said two Judges have made a return, (marked No. 2) declaring that Upton Bruce, Benjamin Tomlinson, William Hilleary and Thomas Greenwell, had the greatest number of legal votes, and are duly elected delegates for Alleghany county to the General Assembly of Maryland.

The Committee consider, that the return signed by the majority of the Judges is a valid return, under the circumstances apparent on the face of both returns, because it does appear, that all the attending Judges at the close of the polls in the several districts of the said county were assembled together, in the manner prescribed by law, and there is evident cause to explain why the said return does not bear the signatures of the whole of the said six Judges; for that two of them, attending as before stated, did refuse to concur in the aforesaid return, which is

signed by the other four Judges, and regularly certified. The committee, in accordance with the opinion already expressed by a resolution of the house, do therefore consider, that the sitting members are all of them, prima facie, entitled to their seats, until it should be shewn that the return made by the four Judges, in favour of the sitting members is unconstitutional or illegal.

In the memorial presented to the house by Upton Bruce, Benjamin Tomlinson and Thomas Greenwell, Esquires, it is urged, that the return under which the sitting members hold their seats is illegal, because they allege, that it gives the votes only of a portion of the people of Alleghany county; and it is insisted, on the part of the petitioners, that they had a clear majority of the legal votes. In support of this allegation, the petitioners have adduced a certificate from the clerk of Alleghany county, accompanying their memorial, to which the committee beg leave to refer.

In a counter-memorial presented to the house by Beal Howard, George McCulloh, and George Robinnett, of Nathan, Esquires, being the three sitting members, whose election is contested, it is represented, that the allegations contained in the said petition are unfounded; that the said petitioners had not a clear majority of the legal votes in Alleghany county—that it appears by the return made by four of the presiding Judges, out of six, that the sitting members are all duly elected—and that the said return is constitutional, and in conformity with the express directions of the law regulating elections in this state. From the statements and certificates by both parties, it appears to the committee, that on an aggregate of the whole number of votes as taken in the six several election districts of Alleghany county, including the votes taken in district No. 4, that Upton Bruce, Benjamin Tomlinson, William Hilleary and Thomas Greenwell, (three of whom are the petitioners aforesaid) had the greatest number of said votes.

The committee also find, that exclusive of the votes taken in district No. 4, William Hilleary, George Robinnett, of Nathan, George McCulloh, and Beal Howard, had the greatest number of legal votes.

The committee refer the house, for more particular information, to the certificates of the clerk of the county, which are exhibited with the petition and the counter memorial, in order to shew the whole amount of votes taken in the several election districts of said county, and the number of votes taken in the said district No. 4. It is ascertained by a certified copy (marked A) of the return of the polls of district No. 4, that the election in the said district was held by three persons acting as Judges of the election of that district; that two of the said persons were qualified as Judges agreeably to law; but that the presiding Judge of said district did not qualify as the law requires, and that he took the oath before one of the other Judges, not being a justice of the peace, and not being authorised by law to administer such oath.

It thus appears to the committee, that the election was held in the 4th district of Alleghany county by three persons as Judges of the election, one of whom was not lawfully qualified to act in that capacity; and the committee are therefore of opinion, that the poll in said district was illegally held, and was null and void. The 6th section of the act of 1805, chapter 97, directs the appointment of three persons for each election district, who, or a majority, or any one of whom, in case of the non attendance of the other two, shall be the judges or Judge of the election for such district. But this was not a case of non attendance; for all the persons who had been appointed as Judges did attend at the said poll, and one of them acted as the presiding Judge of the election, and exercised all the powers of a Judge in common with the other two, and was concerned throughout in conducting the said election, without being qualified in the manner which the act of assembly regulating elections has specially, and positively enjoined. The 11th section of the act referred to, directs the form of the oath to be taken by every Judge of election, before he proceeds to take or receive any vote, by whom it shall be administered; and moreover that a certificate of every such oath, signed by the person administering the same, shall be annexed to the polls. It further provides, that if no justice of the peace be present to administer the same, it shall be administered by a clerk of the said election, after such clerk

shall have qualified as aforesaid. In this case then, there was not, and there could not truly be, a proper certificate annexed to the polls of the necessary qualification of the said presiding Judge; because it is well known, that an oath administered by a person not competent or authorized by law to administer such oath, is in effect no qualification whatever. Nor can it be reasonably contended, that the want of the requisite qualification in the person thus acting as presiding Judge, could possibly operate, as in the case of actual non attendance, to vest in the other two persons a complete and exclusive authority to conduct the election, and thus legitimate the said proceeding. They did not act in any right and separate capacity, but in conjunction with a person who had no legal authority or power to act with them. In the execution of the important trust committed to them as Judges of the election, there was an equal participation exerted by an individual, who had not bound himself by taking the prescribed legal oath before the justice or clerk authorised to administer it; and who could not, therefore, be held accountable for any breach of that sacred obligation of office, which the law meant to impose, and with which it was intended to guard the fairness and purity of elections.

Under these circumstances, the committee do not conceive it necessary that the house should comply with the desire expressed on the part of the sitting members, by entering into a general scrutiny of the polls. In their counter memorial, it is stated by Messrs. Howard, McCulloh and Robinnett, who are sitting members, that unconnected with the circumstance of there being no election legally held in the district No. 4, they are elected by a majority of the legal voters of the county; that fifty, or upwards, of voters were received in favour of the petitioners in the county aforesaid who were not entitled to vote in said county; that various fraudulent means were successfully practised to impose upon the judges the votes of persons of foreign birth, who were not naturalized citizens of the United States, or were not bona fide inhabitants of the said county; or were otherwise not entitled, according to law, to vote at said election.—They offer to go into proof to substantiate these facts, if a full scrutiny can be obtained.

But the committee do not conceive that the scrutiny, thus proposed, however desirable such an investigation might be, can be now properly instituted; because the committee are decidedly of opinion, that the return itself, as made by the four Judges of Election of Alleghany County, is available and sufficient, according to the foregoing premises, to entitle all the sitting members from said county to retain the seats which they now hold under the decision already given by the house.

The Committee of Elections and Privileges therefore submit the following resolution for the consideration of the House of Delegates—

Resolved, That Messieurs William Hilleary, George Robinnett, of Nathan, George McCulloh, and Beal Howard, delegates returned from Alleghany county, are duly entitled to retain their seats as members of this house.

By order L. GASSAWAY, CLK.
Read.

On motion by Mr. J. H. Thomas, Ordered, That the special report of the committee of elections and privileges in relation to the contested election of Alleghany county, be made the order of the day for tomorrow.

Adjournd.

Saturday, December 11.
The house met, Present the same members as yesterday. The proceedings of yesterday were read.

John H. Riggs, Esquire, a delegate from Montgomery county, appeared, qualified, and took his seat.

Mr. Tilghman delivers a memorial from Philip Key, H. Turner, Robert M. Key, James Thomas, and Henry Ashton, of St. Mary's county, praying that the seats of the delegates from that county, may be vacated. Read and referred.

Mr. Plater moved for leave to withdraw himself from the committee of elections and privileges, which was granted, and Mr. Kilgour was chosen to fill the vacancy.

According to the order of the day, the house proceeded to the second reading of the report of the committee of elections, &c. in relation to the contested election in Alleghany county; and after some debate the house adjourned until 5 o'clock this evening.

6 o'clock, P. M.
The house met.
The special report of the committee of elections, on the subject of the contested election of Alleghany county, was resumed, after further debate, the question was put, That the house concur in the report, and assent to the resolution therein contained? The yeas and nays being required appeared as follows:

AFFIRMATIVE.
Messrs. Plater, Millard, Caus, Blackiston, Boyer, Jervis Spenc, Hands, Brown, Reynolds, Tann, Turner, Stonestreet, Ford, P. T. Rogerson, Bayly, Cottman, Waller, Long, Stewart, Griffin, Tootel, Le Compte, J. R. Evans, Luby, Hogg, Robert Evans, F. Hall, Somervell, Callis, Williams, Quinton, Handy, J. T. Jones, Kilgour, Crabb, Riggs.

NEGATIVE.
Messrs. Dorsey, Sellman, B. William Hall, Blake, Randall, Bennet, Warner, Stansbury, Bennett, Martin, Jona. Spencer, Claude, I. Emory, Burgess, Wright, Forwood, of Wm. Forwood, of J. Dillam, Maulsbury, Saulsbury, P. Culbreth, Willis, Barney, D. Tilghman, Mason, Kershner, 31.

So it was resolved in the affirmative.
Adjourned.

Monday, Dec 13.
The House met, Present as Saturday. The proceedings of Saturday were read.

Mr. Hogg delivers a bill to authorize the sheriff of Cecil county to execute a deed or deeds therein mentioned. Read.

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

Mr. Saulsbury delivers a bill for the relief of Levin Kemney of Milne county. Read.

On motion by Mr. Potter, a question was put, That the House agree to the following message: Gentlemen of the Senate, The constitution and form of government having directed that the Governor of this State shall be chosen on the second Monday of December each and every year, and this day prescribed, we propose with the concurrence of your honorable body, to proceed to elect Governor of this State at 12 o'clock to day. Levin Winder, Esquire, in nomination by this House, we have appointed Messrs. John Thomas and Mason to join such gentlemen as may be named by you to count the ballots and report thereon.

The yeas and nays being required appeared as follows.

AFFIRMATIVE.
Messrs. Plater, Millard, Caus, Blackiston, Boyer, Jervis Spenc, Hands, Brown, Dorsey, Sellman, Edt, Wm. Hall, Reynolds, Bennett, Turner, Stonestreet, F. Parnham, Rogerson, Bayly, Cottman, Waller, Long, Stewart, Griffin, Tootel, Le Compte, Jno. Evans, Luby, Hogg, Robt. Evans, Somervell, Callis, Wilson, Williams, Quinton, Handy, J. Thomas, Delaplaine, J. H. Thomas, Potter, Willis, Jones, Kilgour, Crabb, Riggs, Hilleary, Robinnett, McCulloh, Howard.

NEGATIVE.
Messrs. Randall, Harryman, Warner, Stansbury, Bennett, Martin, Jona. Spencer, Samuel Stevens, Claude, Duvall, Emory, Burgess, Wright, Forwood of Wm. Forwood, of J. Dillam, Maulsbury, Saulsbury, Barney, Donaldson, Tilghman, 22.

So it was resolved in the affirmative and the message sent to the Senate.

Mr. Potter delivers a bill for the relief of Rebecca Hopkins, of Alleghany county. Read.

The Speaker laid before the house a report of the Examiner General.

Mr. Culbreth stated to the house that the Senate had adjourned at 6 o'clock this evening, and that the house adjourned at the same hour; and the question was put, That the house adjourn until this evening at 6 o'clock.

POST MERIDIEM 4 O'CLOCK
The House met.
Mr. Cottman delivers a bill to establish a Bank, and incorporate a company, under the title of the Somerset Bank, for the benefit of James Galbraith of Cecil county; and Mr. Han-