

Friday, February 14.
The resolution respecting the removal of certain records, was read the second time, assented to, and sent to the Senate.

Mr. Kilgour reports a bill, entitled, An act for the relief of Thomas W. Burdett, of Montgomery county; which was read.

On motion by Mr. A. Lee, the following was ordered to be placed on the journal:
Report from the committee appointed on the subject of the Potomac river.

The committee to whom was referred the report of the joint commissioners of the states of Virginia and Maryland, and the letter of the speaker of the house of delegates of the latter state, upon the subject of the navigation of the Potomac river, have had the same under their consideration, and have come to the following resolutions thereupon.

Resolved, That it is expedient to provide by law, in conjunction with the state of Maryland, for the further improvement of the navigation of the Potomac river, by an entire canal navigation.

Resolved, That the speaker of the house of delegates of this state, be requested to address a letter to the speaker of the house of delegates of the state of Maryland, in reply to his letter of the twenty-fourth ultimo, and to assure him, and the house over which he presides, of the readiness of the house of delegates of Virginia, to cooperate with the legislature of Maryland in the adoption of any measures calculated to effect the important object of the improvement of the navigation of the Potomac river, by an entire canal, to unite as far as practicable the waters of the Ohio with the Potomac, and thereby to intervene more closely all the reciprocal interests and affections that are necessary to consolidate and perpetuate the vital principles of union; and that a committee of the house of delegates of this state has been appointed, who are ardently engaged in maturing measures of the accomplishment of that desired object.

February 8th, 1823.—Agreed to by the House of Delegates.

WM. MUNFORD, C. H. D.
Mr. Pratt reports a bill, entitled, An act to regulate executions.

Mr. Allen reports a bill, entitled, An act to regulate the fees of sheriffs in this state.

Mr. Stansbury reports a bill, entitled, An act relating to the receiving and paying over to the levy court of Baltimore county the public fund therein mentioned.

Saturday, February 15.
The bill for the benefit of George Creager, of Frederick county; and the message relative to printing the laws and votes and proceedings, were sent to the senate.

The bill to incorporate the Naval Fraternal Association for the relief of the families of deceased officers, was read the second time, passed, and sent to the senate.

On motion by Mr. Massey, the following resolution was read, assented to, and sent to the senate.

Whereas the sum of five hundred dollars has been appropriated by law, for distributing the laws and votes and proceedings of each session of the legislature, the whole of which sum, it appears, has heretofore been appropriated for that purpose: And whereas, it is believed that they can be distributed for about half that sum.

Therefore, Resolved, That the executive be directed to receive proposals for distributing the laws and votes and proceedings of each session, on the western and eastern shore respectively, and that they contract with such person or persons as may offer to do it on the lowest terms.

On motion by Mr. Norris, Ordered, That the bill relative to the inspection of salted fish, have a second reading on Tuesday next.

Mr. Stone reports a bill, entitled, An additional supplement to the act, entitled, An act granting a loan of money to the trustees of Charlotte Hall School; which was twice read by special order, passed, and sent to the senate.

The supplement to an act, entitled, An act authorizing Henry Vernon Somerville to remove certain negroes into the state of Maryland, was read the second time, passed, and sent to the senate.

On motion by Mr. Dennis, Leave given to bring in a bill, entitled, An act to provide for completing the business which may remain unfinished in the clerks offices in the

several counties of this state, upon any resignation, disqualification, or removal, from said offices.

Mr. John P. Kennedy, reports a bill, entitled, An act to provide for the opening of Wolf stage in the city of Baltimore which was read.

The house, according to the order of the day, proceeded to the second reading of the bill to incorporate the Potomac Canal Company.

On motion by Mr. Purviance, the question was put, That the same be referred to the next general assembly?

Determined in the negative.
Mr. John P. Kennedy moved to strike out the 13th section, which provides for the payment of six per cent to the former company, out of any surplus, after paying to the new company 15 per cent.

When Mr. Orrick moved to refer the bill to the first day of June next? Determined in the negative.

The question was then put on striking out the 13th section? Resolved in the affirmative.

On motion the question was put, That the house adjourn? Resolved in the affirmative.

Monday, Feb. 17.
Mr. Stansbury presents a petition from sundry inhabitants of Baltimore county, praying for the revival of trustees for the protection of certain free school land in said county; read and referred.

Mr. Purviance reports a bill, entitled, An act for the benefit of Lewis Rodriguez.

Mr. Allen reports a bill, entitled, An act to regulate the fees of county clerks in the several counties of this state.

On motion by Mr. Roberts, Leave given to bring in a bill, entitled, A supplement to an act, entitled, An act authorizing a lottery for raising a sum of money for the purposes therein mentioned, passed at November session, 1809.

The bill relative to trespasses square clausem freigt, was read the second time, and the question put, Shall the said bill pass? Resolved in the affirmative, and the bill sent to the senate.

The clerk of the senate delivers the bill for the benefit of Elizabeth A. Lowndes, of Prince-George's county, endorsed "will pass." Ordered to be engrossed.

The additional supplement to the act to raise a sum of money to purchase a lot of ground in Cox's Town, in Baltimore county, and to erect a building thereon to be used as a school house and meeting house.

The bill for the benefit of the First Independent Church of Baltimore.

The bill authorizing a lottery for the benefit of the Rockville and Barne's-town Roman Catholic congregations, in Montgomery county.

And the additional supplement to the act, entitled, An act authorizing a lottery to raise a sum of money for completing an Episcopal church in Baltimore county, endorsed "will not pass."

The bill, entitled, A supplement to an act, entitled, An act to provide for a new assessment, and to appoint collectors of the tax in and for the city and county of Baltimore, endorsed "will pass." Ordered to be engrossed.

The supplement to the act to authorize the abutment of a bridge on the Maryland of shore the Potomac. The supplement to the act to establish a board of agriculture for the counties therein mentioned; the bill for the benefit of George Creager, of Frederick county; the supplement to the act, entitled, An additional supplement to the act, entitled, An act to regulate public ferries; the additional supplement to an act, entitled, An act for making certain roads in Baltimore and Harford counties, endorsed "will not pass."

And the resolution in favour of state debtors, endorsed "dissented from."

Mr. Johnson reports a bill, entitled, A supplement to an act, entitled, An act for the relief of the securities of Thomas Bailey, former collector of the tax for Baltimore county; which was twice read, passed, and sent to the senate.

Mr. John P. Kennedy delivers the following report:

The select committee appointed to enquire into the manner in which justice is administered in the courts of law and equity throughout this state, respectfully beg leave to report.

That feeling they had assumed a difficult task, and one which, to be properly performed, required very minute information upon the subject to which it referred, they deemed it advisable, early in the session, to

require from the clerks of the several counties, exhibits in detail of the quantity of business in their respective courts, and of the time necessarily employed in the discharge of it; with this view, your committee directed circular letters to the clerks demanding of them information as to their respective dockets, and calling upon them to furnish statements of the number of suits both on the law and equity sides of their courts, which have been originated and disposed of in the last three years—

more especially directing their attention to the state of their trial dockets in that time, in order that their returns might shew what number of causes have been marked for trial at each term, and how many of these have been decided. These returns, with the exception of Kent county, (where on account of the death of the clerk a return could not be had,) have all been made, though most of them have arrived so late as to render it impossible to act upon them at the present session.

The reports have been most satisfactory, and by them the legislature has been put in possession of a mass of valuable information, which serves, in the most ample degree, to elucidate the true character of our judiciary. These statements point out in a very striking manner the defects in the organization of that branch of the government, and will be essentially useful in suggesting the remedy.

From the evidence thus furnished, your committee do not hesitate to say, that the administration of justice in this state is characterised by the most expensive delays, which in some of the larger districts amount almost to a denial of justice. From what causes this evil springs, your committee would not undertake to say. It may in part be accounted

for, by the disposition of the terms in some of the circuits leaving too small an allowance of time to the first court; and partly, perhaps, by the limited salaries of the judges not enabling them to incur the travelling expenses which would be necessary in holding adjourned courts. Both of these defects are within the reach of a legislative remedy, and your committee would respectfully recommend them to consideration.

Without saying more in reference to the merits of this subject, your committee would beg leave to suggest the propriety of referring this whole matter to the judges of the Court of Appeals at their next session, with instructions to them to examine the returns of the clerks accompanying this report, and to confer together upon the propriety of making such alterations in the judiciary system as the wants of the people might require, and for the prevention of delay in the courts; that they be instructed to prepare a bill, which should make provision for two sessions of the Court of Appeals in the year, for the hearing of arguments; also for the speedy rendering up of judgments in the county courts, either at the first or second term, in cases where there is no dispute, requiring affidavits of merits to be filed at the appearance or imparlance term; giving the parties power also, at the first or second term, to take out commissions for the examination of witnesses. That a provision be likewise inserted to regulate the stay of execution upon judgments confessed at the first or second term, for a period not exceeding twelve months, and that the said judges insert such other provisions in the bill, as will in their judgment facilitate the trial of causes in their courts, and render more rigid the observance of the rules of practice.

Your committee believe also, it would have a good effect to lay a tax upon every continuance of a cause after the trial term, to be paid by the party asking the continuance; and also that the parties to a suit, where the cause is contested by a due observance of the rules of court, should be allowed to bring their causes to trial at the second term, giving in such cases a stay of execution for six months; these provisions your committee would therefore recommend to be engraffed upon the bill above mentioned.

Your committee refrain from saying any thing upon the subject of the equity jurisdiction of the courts, as that subject has been already before the house in a very lucid and satisfactory exposition accompanying the resolutions from the senate referring the preparation of a bill upon this subject to the chancellor.

Your committee, in conformity with the views expressed in this report, would respectfully advise the passage of the following resolutions:

Resolved, That the report of the select committee upon the administration of justice, and the returns of the several county clerks to the legislature, in pursuance of the call of that committee, be referred to the judges of the court of appeals at their next session, and that their attention be invited to the subject of the said report, with a request that they take the same, with the documents accompanying, into their consideration, and make a report thereon to the next general assembly, including in their report a bill setting forth the principles suggested in the said report, with such other amendments, alterations or additions, as in their judgment shall be most conducive to facilitate the administration of justice throughout this state.

Further Resolved, That the report and resolutions, with the documents accompanying, be deposited in the council chamber, with directions to the clerk of the council to deliver the same to the judges of the court of appeals at their next meeting.

All which is respectfully submitted. Which was read.

The house resumed the consideration of the bill relative to the Potomac Canal Company.

On motion by Mr. Edelen, the question was put, That the bill be withdrawn from the house? Resolved in the affirmative.

Tuesday, February 18.
The resolution relative to locating a route for a canal from Baltimore to Potomack, was read the second time. On motion by Mr. John P. Kennedy, the following was offered as an amendment.

Resolved, That the said commissioners be instructed in like manner to examine, into the practicability of connecting the head waters of the Potomac river with the waters emptying into the Ohio, and that for this purpose the states of Virginia and Pennsylvania be requested to cooperate.

Further Resolved, That the governor be requested to forward copies of this resolution to the executives of Virginia and Pennsylvania; and in case of the adoption of similar resolutions by both, or either of these states, that the commissioners be appointed in virtue of these resolutions, be directed to concur in such measures as they may deem necessary for the speedy accomplishment of the design hereof.

And the question put, That the house assent to the same? Determined in the negative.

The question was then put, That the house assent to the first resolution submitted by Mr. John P. Kennedy? Resolved in the affirmative, and the resolution sent to the senate.

The resolution relative to locating a route for a canal from Baltimore to the River Susquehanna, was read the second time.

which resolutions your committee beg leave to recommend to the adoption of the house.

Resolved, That the report of the select committee upon the administration of justice, and the returns of the several county clerks to the legislature, in pursuance of the call of that committee, be referred to the judges of the court of appeals at their next session, and that their attention be invited to the subject of the said report, with a request that they take the same, with the documents accompanying, into their consideration, and make a report thereon to the next general assembly, including in their report a bill setting forth the principles suggested in the said report, with such other amendments, alterations or additions, as in their judgment shall be most conducive to facilitate the administration of justice throughout this state.

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And the question put, That the house assent to the same? Determined in the negative.

The question was then put, That the house assent to the first resolution submitted by Mr. John P. Kennedy? Resolved in the affirmative, and the resolution sent to the senate.

The resolution relative to locating a route for a canal from Baltimore to the River Susquehanna, was read the second time.

The question was then put, That the house assent to the resolution? Resolved in the affirmative—yeas 33, nays 27, and the resolution sent to the senate.

The clerk of the senate delivers the supplement to an act, entitled, An act for the relief of the securities of Thomas Bailey, former collector of the tax for Baltimore county, endorsed "will pass." Ordered to be engrossed.

And the bill to incorporate the Jefferson Association of Baltimore, endorsed "will pass with the proposed amendment;" which amendment was read, assented to, and the bill ordered to be engrossed.

On motion by Mr. Thomas Kennedy, the following resolutions were read:

Resolved, That the treasurer of the western shore be and he is hereby authorized and directed, to advertise, immediately, in all the newspapers printed in the state of Maryland, in the National Intelligencer, in two of the newspapers printed in Philadelphia, New York and Boston, for three weeks, that he will until the first day of May next receive sealed proposals for the purchase of the United States three per cent stocks now held by the state.

Resolved, That the said proposals shall be opened by the treasurer, in the presence of the governor and council, on the first Monday in May next, or at the first meeting thereafter of the governor and council, and if they approve of any of the proposals offered, they shall direct the treasurer of the western shore to conclude a sale, and transfer the said stocks, or such part of them, they may think it advisable to sell,

and the proceeds of the same shall be immediately subscribed in the stock of the bank of Baltimore, in which stock the state of Maryland have a right reserved to subscribe a number of shares.

The house resumed the consideration of the supplement to 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.

On motion by Mr. Parker, the question was put, That the word "Delaware," be stricken out of the first section; for the purpose of inserting "Pennsylvania?" Resolved in the affirmative.

On motion by Mr. Parker, the words "one hundred shares" was stricken out, and the words, "five hundred and fifty thousand dollars" was inserted after the word "Pennsylvania."

On motion by Mr. Parker, the proviso, declaring that the said act is not to be construed so as to repeal or impair the act so far as it relates to the commonwealth of Pennsylvania, and the following inserted in lieu thereof:

Resolved always, That the treasurer of this state shall not be authorized to subscribe as above directed, until subscriptions to the amount of \$225,000, in addition to the amount authorized to be subscribed for by the state of Delaware? Resolved in the affirmative.

The question was then put, Shall the said bill pass? Resolved in the affirmative, yeas 47, nays 18, and the bill sent to the senate.

The clerk of the senate delivers a bill, entitled, An act to authorize the establishment of an additional warehouse in the city of Baltimore for the inspection of tobacco, endorsed "will pass." Resolved in the affirmative.

The bill to authorize John Spear Smith, of the city of Baltimore, to import certain slaves into this state, endorsed "will pass." Ordered to be engrossed.

And the bill for the relief of George W. Bailey, of the city of Baltimore, endorsed "will pass with the proposed amendment;" which was assented to, and the bill ordered to be engrossed.

The house, according to the order of the day, proceeded to the second reading of the bill to alter and amend the constitution so that members of the senate may be hereafter elected immediately by the people.

On motion by Mr. Duvall, the question was put, That the same be referred to the first of June next? Resolved in the affirmative.

The house, according to the order of the day, proceeded to the second reading of the bill to alter and amend the constitution of this state, so that the governor may be elected by the people.

On motion by Mr. Thomas Kennedy, the further consideration of the same be postponed till to-morrow.

In Chancery,
7th February, 1823.

Thomas Contee Worthington, Executor of Thomas Contee, against

Ephraim Burgess, Edward Burgess, Junr, Ninian Claget, and Mary his wife, Ann Burgess, Susan Burgess, Eliza Burgess, Edward Burgess, Daughters of Edward Anne Burgess, Burgess, Senior, deceased, Jane Burgess, Thomas Burgess, Daniel Hook, and Sally, his wife, John Shickles, and Mary, his wife.

The object of the bill in this case is to obtain a decree for the sale of certain lands therein particularly mentioned, lying in Frederick and Montgomery counties, which were sold by Thomas Contee in his lifetime to Edward Burgess, Senr, deceased, and to have the amount of purchase money due by the heirs of said Edward Burgess, Senr, deceased, to the executor of said Thomas Contee, deceased, for the said land.

The bill states, that on the 10th of September 1806, Thomas Contee, then of Prince-George's county, since deceased, sold several tracts of land lying in Montgomery and Frederick counties, to Edward Burgess, Senr, then of Montgomery county, also since deceased, for the sum of two thousand pounds, current money, to be paid in annual instalments of \$250, with interest thereon from the day of sale. That Edward Burgess has since died, having paid no part of the purchase money, and leaving among other heirs, Ephraim Burgess, Thomas Burgess, Daniel Hook and Sally his wife, and John Shickles and Mary his wife, six of the defendants, who do not reside in Maryland. It is thereupon adjudged and ordered, that the complainant, by causing a copy of this order to be inserted three successive weeks in some public newspaper, before the seventh of April next, give notice of this application, and of the substance and object of the bill, that the absent defendants may appear in person, or by a solicitor of this court, before the 7th day of June next, and their cause, if any they have, wherefore a decree should not pass as prayed.

True copy—Test
THOMAS WATERS, Reg. C. C.

Maryland Gazette.
Annapolis, Thursday, Feb. 20, 1823

IMPRISONMENT FOR DEBT.

Extract from the Speech of the Governor of Louisiana on 10th January subject:—

"At the last session of the legislature, I proposed for its consideration the propriety of abolishing imprisonment for debt; or in other words, of rescuing the individuals of society from the mean and all slavery and the most insupportable of all punishments, that of being confined in a jail by a creditor. It is the boast of the institutions of America to have secured the liberty of man against public oppression; whilst they have left it to the victim of individual tyranny. The state, the United States, cannot conduct even criminals to prison, without a public trial before learned judges and impartial juries, whilst a creditor, by means of an oath in the first instance, and subsequently by the fiat of a single obscure justice of the peace, may lodge by the side of a convict, in the same mansion of vice and misery, an individual who has never been tried, and who is erected between the creditor and his debtor, and the doors of the dungeon stand open wide for the reception of the debtor. But it would seem that the injustice and inhumanity of the practice are objectionable not sufficiently strong to produce its abolition; will it be yielded up if it be shown to be contrary to the constitution? Is it not a violation of contract? Does it not add an engagement to that agreed on by the parties? The promise is to pay money simply—the law adds or renders the body to prison. It may be, as it has been said, that the laws are known, that they are in the contemplation of the parties, that their provisions form a part of the agreement, but this to the extent of the proposition as stated, is a fallacy; the parties contract with a view to a sale but constitutional laws—laws violating a contract are unconstitutional, and any change whatever of the expressed agreement between the parties, is a violation of the instrument and consequently void. What would be the effect of an agreement on the part of an individual to undergo imprisonment for a certain time in discharge of a debt? Would the courts enforce it? If enforced, they could not—because the right of liberty is inalienable—because the person is secured against unreasonable seizure, because cruel punishment cannot be inflicted. But if imprisonment be not found in the contract, or if found be nugatory can it be superseded by the laws, and considered binding on the parties?—Is it not a violation of the contract?—Is it not a violation of the contract?"

Those are the sentiments of enlightened reason; and do honour to their author. That shackles should be seen hining our temple of liberty is a libel on our freedom. It is time they were taken down. Maryland is in motion on this subject. A bill to abolish imprisonment for debt is now before the Legislature of that state. We should be happy to hear that it had become a law. This act alone would give to Maryland a distinction of which the nation might well be proud—and when this should be superadded to her resolutions approving the policy of the general government, at a time when it was attempted to degrade, and cripple its movements, we think she might well be pronounced distinguished.

Wash. Rep.

CHEESAPEAKE AND DELAWARE CANAL.
From the American Centinel.
Extract of a letter dated Harrisburg, Feb. 12, 1823.

The House of Representatives were engaged yesterday and the day before in the discussion of the 1st and 2d sections of the bill appropriating 60,000 dollars towards the improvement of the Susquehanna river, and authorising a subscription to the stock of the Delaware and Chesapeake Canal of 150,000 included in the 1st section, passed by a very large majority. The subscription of 100,000 embraced by the 2d section, no vote has yet been taken upon, and the bill may get through committee of whole, I am inclined to believe, it will not pass a law at this session, if the 2d section shall be negatived all the friends of that section, and indeed, all the friends of Philadelphia, in the house, will vote decidedly against the 1st section.

It is a most singular fact, that the western and southern districts of this state, should through their representatives, show a predilection in favour of the metropolitan of another state, in preference to that of their own.

IMPROVEMENT OF THE SUSQUEHANNA.
HARRISBURG.

The bill to effect this object has been the subject of wide debate in the House of Representatives, the present week.

The second section of this bill, (relating to the Chesapeake and Delaware canal) was negatived yesterday evening, at 7 o'clock—42 to 41.

INDIAN MARRIAGES.
Buffalo, Feb. 4.

At the mission house in the Seneca village, near this place, on the 8th ult. the Rev. Mr. Hays, resident missionary, married 9 couple of the natives, 8 of whom had previously been married according to the Indian ceremony. Their objects appear to have been to give their public attestation in favour of Christian institutions; and to recommend the same by their example to the practice of their brethren.

THE MERMAID.
Every fresh view tends to expose the manufacture of the "mermaid;" still the whole figure, as a work of art, is well worth exhibition, and the Japanese are famous for such experiments of human credulity.

There is here a singular instance in which a man who has not, in the shape of bird, had insects, had experiments of this kind made upon his science and curiosity on the same ingenious man. This mermaid has the appearance of being made at a remote period; but is said by those who have seen the manner in which this singular people prepare their objects of curiosity, that when the skin is worked down by them and wetted in a particular manner, it will soon shrivel and dry when exposed to the sun, become rapidly more eaten, and simply the appearance of decay of time. So much for the mermaid.

LONDON PAPER.