

MARYLAND



GAZETTE,

AND STATE REGISTER.

[VOL. LXXX.

ANNAPOLIS, THURSDAY, FEBRUARY 3, 1825.

No. 5.]

LEGISLATURE OF MARYLAND.

PROCEEDINGS OF THE HOUSE OF DELEGATES.

WEDNESDAY, Jan. 26, 1825.

The House met. Present the same members as on yesterday. The proceedings of yesterday were read. The engrossed bills from No 1 to 38, inclusive, were read, assented to, and with the paper bills sent to the Senate. The speaker laid before the house a report from the commissioners of the tax for Harford county. On motion by Mr. Lee, the bill relative to the Potomack canal was postponed until Monday next. Mr. Turner presents a petition from sundry persons in Baltimore county, counter to the petition to allow the place of holding the election in the 9th election district; referred to the committee on the same subject. Mr. Tyson presents a petition from Ann Coward, widow of Captain William Coward; referred to the committee on pensions and revolutionary claims. Mr. Bennett presents a petition from Noah Vinson, praying a deed from William M. Wainer to him may be recorded; referred to Messrs. Bennett, Keyner and Spencer. Mr. Peach reports a bill, entitled, An act for the relief of Sarah Johnson, of Prince-George's county, and her infant children; which was twice read by special order, passed, and sent to the Senate. Mr. Bennett presents a petition from the trustees of the poor in Talbot county, to make sale of the poor's house, and for other purposes, referred to Messrs. Bennett, Keyner and Lynch. Mr. Dennis reports a bill, entitled, An act to enable Thomas Humphreys, the guardian of Elizabeth Leathbury, to sell and convey a lot of ground in the town of Salisbury, in Somerset county. Mr. Farquhar presents a petition from sundry inhabitants of Frederick county, praying the extension of jurisdiction of magistrates; referred to the committee on the same subject. The bill to incorporate the Franklin School Association of Monocacy and Tom's creek, in Frederick county, was read the second time, passed, and sent to the Senate. The supplement to the act, entitled, An act for the encouragement of learning in Cecil county, was read the second time, passed, and returned to the Senate. The report of the committee of claims relative to the state agent for the eastern shore was read the second time. Mr. Estep moved to strike out the words "so as to settle their accounts on the said books, as they have been finally settled with the agent?" Determined in the negative. Mr. Estep moved to strike out of the resolution the words "so as to settle the said accounts on the treasury books?" Determined in the negative. The resolution was then assented to and sent to the Senate. Mr. Barnes reports a bill, entitled, An act to facilitate the administration of justice within this state. Mr. Millard reports a bill, entitled, An act for the relief Sarah Kerr, of the city of Baltimore. The bill to empower the court of chancery to have jurisdiction in a certain case, and the bill supplementing the act, entitled, An act for the relief of Buckler Bond, and others, of Harford county, were read the second time, passed, and sent to the Senate. On motion by Mr. Dennis. Ordered, That the bill for the benefit of Salisbury Academy, have a second reading on Tuesday next. Mr. Tingle reports a bill, entitled, An act to amend an act concerning crimes and punishments. Mr. Shower presents a petition from sundry inhabitants of Baltimore county, praying that the owners of slaves may be liable for goods stolen by their slaves; referred to Messrs. Shower, Tyson, Merrick, Mahon, Worthington and Grubb. The bill relating to the trustees of the poor of Kent county was read the second time. On motion Mr. Wilson, the same was so amended as to extend its operation to the several counties in this state. The bill was then passed and sent to the Senate.

THURSDAY, January, 27, 1825.

The House met. Present the same members as on yesterday. The proceedings of yesterday were read. The resolutions in favour of Michael Waltman, Nathan Porter, Thomas Townsend, Spedden Orem, and Lettie Willis, were sent to the Senate. Mr. Davall presents a petition from Eleanor Suit of Prince-George's county, praying relief; referred to the committee on similar petitions. Mr. Gough delivers the following report: The committee to whom was referred the report of the armorer at Annapolis, have had the same under consideration, and being fully impressed with the necessity of adopting some measure for the better preservation of the state's property consisting of arms and the munitions of war, report, That under the present law appointing the armorer at Annapolis, he is only required to keep in order, fit for use, the arms deposited in the armory; and in consequence the rooms allotted for the storing of arms, are in a ruined and derelict state, and many of the articles there deposited in a perishable condition; your committee would therefore recommend the following resolutions: Resolved, That the governor and council be authorized to have repaired, on the best and most economical terms, such portion of the arms now deposited in the state house, as they may deem advisable to be repaired, and to dispose of the residue of unserviceable arms, in such manner as they may think proper, conducive to the interests of the state. Resolved, That the governor and council be, and they are hereby authorized to contract upon the best terms for the repairs, and preservation, and safe deposit of the camp equipage, accoutrements, and munitions of war, belonging to the state. By order, ISAAC HINES, Clk. Which was read. Mr. Teackle delivers the following report: The committee to whom was referred the petition of sundry inhabitants of Somerset county, praying the enactment of a law to regulate the measuring of potatoes in the city of Baltimore, have had the same under consideration, and beg leave to submit the following report:—From the number and respectability of the subscribers to this petition, the committee are well assured that the growing of potatoes is a considerable staple of agriculture, and an important object of traffic, and that in consequence of the grievance complained of, many traders, who had hitherto resorted to the port of Baltimore, have been induced to seek other markets, to the common injury of all parties, and the most eligible mode of vending potatoes, would be by weight, instead of measure, and that this affair may be justly and satisfactorily regulated by the corporate authorities of the city of Baltimore. They therefore recommend that the petitioners have leave to withdraw their petition, and that the same be presented to the mayor and city council of Baltimore. All which is respectfully submitted. By order, J. COCKEY, Jr. Clk. Which was twice read and concurred with. Mr. Wilson presents a petition from Susannah Murphy, of Montgomery county, for support; referred to the committee on the same subject. Mr. Thomas presents a petition from James M. Vey, John Moore, and others, relative to a road which is authorized to be opened by a special act of assembly; referred to Messrs. Thomas Ewing and Henderson. On motion by Mr. Thomas, the following message was read, assented to, and with the bill therein mentioned sent to the Senate. BY THE HOUSE OF DELEGATES, January 27, 1825.

gentlemen of the Senate, We return you the bill, entitled, A supplement to an act, entitled, An act to increase the pay of the judges of the orphans court for the several counties therein mentioned. The house have rejected the amendment proposed by your honourable body, to insert three dollars in place of two dollars, as we cannot conceive any good reason why the judges of the orphans court in Cecil county should be allowed more for their services than they are allowed in other counties, or more than is allowed to the levy court judges of Cecil county. We therefore hope, upon further consideration, you will pass the bill. The bill for the relief of Elizabeth Fish of Cecil county; the bill to authorize the orphans court of Frederick county to open and review the account of the executors of Philip Juda, late of Frederick county, deceased, and to correct any error which may have been made in the settlement of the said account; the bill to exempt the rifle company commanded by Ignatius Brown of the 47th regiment of Maryland militia, from regimental and battalion musters, were severally read the second time, passed, and sent to the Senate. Mr. Farquhar reports a bill, entitled, An act authorizing John Heiner, George Trossell, and John Arbaugh, senior, of Frederick county, to sell and convey the parsonage house and lot in Emmitsburgh. The supplement to the act, entitled, An act for the benefit of Ann Rochester and Præcia Rochester, and the bill for the relief of Robert G. Russell, of Frederick county, were severally read the second time, passed, and sent to the Senate. The amendments to the supplement to an act relating to the trial of causes in Baltimore county court, were read the second time, assented to, and the bill ordered to be engrossed. Mr. Howard presents a petition from Sarah M. Vivian, praying for a special act of insolvency; referred to the committee on that subject. Also a petition from Nicholas Hiltseberger, praying for a divorce; referred to the committee on similar petitions. On the second reading of the bill to provide compensation for damages sustained by the owners of houses or the inspection of tobacco in the city of Baltimore, Mr. Davall offered the following order: Ordered, That Dennis Boyd, inspector of tobacco from the city of Baltimore, be examined as a witness at the bar of this house; which was assented to. Dennis Boyd appeared at the bar of this house, and was sworn and examined. On motion by Mr. Howard, the following was added after the words "in their several warehouses," and also the amount of claims that the said owner or owners may have in consequence of the occupancy of the respective houses by the state during the last year.

Mr. Howard moved to fill the blank limiting the amount of damages, with "40,000 dollars," when Mr. Grant moved to refer the bill to the 1st June next? Resolved in the affirmative. Mr. Tyson presents a petition from William Jenkins, John Hillen, and others, praying for a law authorizing the widening of Water-street in the city of Baltimore; referred to Messrs. Tyson, Howard and Merrick. On motion by Mr. Tyson, leave was given to Mrs. Ann Coward, to withdraw her petition. Mr. Turner presents petitions from sundry inhabitants of Baltimore county, praying owners of slaves may be held accountable for all thefts or misdemeanors committed by their slaves; referred to the committee on similar petitions. Mr. Turner presents a petition from sundry inhabitants of Baltimore county, praying the Great Falls of Gunpowder to be made a public highway, and the mill dams on said streams to be shetted; referred to the committee on similar petitions. Mr. Farquhar reports a bill, entitled, An act for the relief of the Hebrews in Maryland. Ordered, That the same have a second reading on the first Tuesday in February. Mr. Worthington reports a bill, entitled, An act relating to the administration of justice in this state. Mr. Hoffman reports a bill, entitled, An act authorizing a lottery or lotteries to raise a sum of money for the purposes therein mentioned in Allegany county. Mr. Millard reports a bill for the relief of John Clarke, of Caroline county. Mr. Teackle delivers the following report: The committee appointed to inquire into the expediency of amending the civil practice as relating to the confinement of our fellow citizens in the common jails of this state, beg leave to submit the following report:—That after having devoted to the subject matter of this reference their most serious consideration, and debated and weighed the various reasons for and against the proposition committed to them, and endeavored to construct such provisions as should equally protect the just rights of all parties, the committee concluded to direct its views, 1. To the abolition, in certain cases, of the compulsory writ of capias ad satisfaciendum. 2. To the amendment of the civil practice of justices of the peace, with regard to the power of authorising arrest and confinement in civil cases. 3. To the amendment of the civil practice of courts in relation to the mesne process, and to the preparation of separate and distinct bills for these purposes. All which is respectfully submitted. By order, TRUEMAN CROSS, Clk.

And a bill, entitled, An act to amend in certain cases the compulsory writ of capias ad satisfaciendum. Also a bill, entitled, An act to amend the jurisdiction of justices of the peace, as relating to the power of authorising arrests and commitment in certain civil cases. And a bill, entitled, An act to amend the civil practice of courts in relation to mesne process. Mr. Maxcy delivers the following resolutions: By the House of Delegates, Jan. 26, 1825.

Resolved, That the agent for the western shore, be and he is hereby authorized, to secure to the state, in such manner as he may deem expedient, a tract of land, reported by him as belonging to the estate of the late Gustavus Scott, and thereafter to sell the same and pay over the proceeds to the treasurer of the western shore. By the House of Delegates, Jan. 26, 1825. Whereas the state agent for the western shore has reported, that he purchased certain lands in Allegany county from the estate of Gustavus Scott, no authority having been granted by this state to purchase or sell lands, therefore, Resolved, That the state of Maryland disclaim all title and interest under the said purchase of in and to the said lands. By order, TRUEMAN CROSS, Clk. Mr. Maxcy delivers the following report; which was read. The committee of ways and means, having taken into consideration the reports of the agent of the western shore, beg leave to report,— That it appears from said agent's statements that the list of balances due from sheriffs on the western shore, prior to the year 1822, which are considered valid, amounted on the 1st December 1824, to \$12,208 42

Table with 2 columns: Description of debts and amounts. Includes items like 'That the balances due from county clerks and sheriffs for the years 1822, 1823, and 1824, amounted on the 1st December 1824, to 17,180 92'.

That the amount of valid debts due on the 1st December 1824, will appear to be 79,540 94. It also appears, that there were debts due for confiscated property, considered in part doubtful with interest, amounted to 55,000 00. That there were debts due on bonds for confiscated property, from 1751 to 1756, which, with interest, amounted to 75,000 00. That the debts due for paper issued in 1769 and 1773, and other invalid debts, amounted with interest, to 320,000 00. That the invalid debts due from sheriffs from 1772 to 1806, amounted with interest, to 48,000 00.

Making the total sum of invalid debts amount to 498,000 00. The agent is of opinion, that the amount of invalid debts would be considerably diminished, if a just settlement and adjustment of them could take place. But this is probably impracticable, from the length of time the debts have been due, the death of debtors, and various other circumstances. The amount, however, which is justly due, and which has been irretrievably lost, is beyond doubt very large, and would in all probability, if it had been punctually collected, have now composed a capital from which the state might derive an annual revenue of more than twenty thousand dollars. The lesson taught by these losses, and the annual accumulations of debt, now deemed valid, but which from delay may soon become otherwise, will be valuable, if it should induce the legislature to adopt an efficient system of collection. The agent, whose fidelity and indefatigable zeal in the public service, are abundantly manifest from the reports, which your committee have examined, is well qualified by experience to point out the defects in our collection system, and the necessary remedies. He has communicated to them much valuable information, of which they have availed themselves in framing a bill, which in a late report on the state of the finances, they have recommended to the adoption of the House. Your committee are of opinion, with the agent, that the revenue arising from licenses to retailers of spirituous liquors, hawkers and peddlers licenses, and licenses to retail at horse races, would be much more punctually, and with less trouble, collected by the county clerks than by the sheriffs, and in conformity to his suggestion herewith report a bill for making that change. When the present agent for the western shore was first appointed in February 1822, the total amount of valid debts, then due the state from county clerks and sheriffs, was about \$30,000; of these he has collected and paid into the treasury \$21,099 61, of which sum he collected during the last year \$658 35. Since his second appointment as agent in May 1823, he has received only \$275 93, a sum less than his actual expenses, while engaged in the execution of his duties, having in that period made two complete tours through the counties of the western shore, and made no charge for travelling expenses, stationary, postage, or any other incidental expenses. Besides the above mentioned sums, he collected and paid into the treasury the sum of \$6201 77 of revenue, which accrued after his appointment, and upon which he had received no commission. He also adjusted the accounts of clerks and sheriffs in all counties where they were prepared for settlement, for debts which became due in 1822, for which he received no compensation. The general assembly by resolution No. 13, passed in 1822, relieved the securities of Gustavus Scott from the payment of \$1596 66. This debt might have been recovered, and the agent opposed the release, being a member of the house of delegates at the time, having previously commenced a suit, and he has since, by purchasing some lands belonging to the estate of said Gustavus Scott, which were sold for taxes in Allegany county, secured the greater part of the debt. For this also, he has received no compensation; your committee, however, think him justly entitled to it. The agent also obtained judgment against Caleb Merryman for \$4397 47, which the legislature, by an act in 1822, chapter 63, released. As this was a hard case, the agent also voluntarily gave up his commission. The legislature has, by various resolutions, indulged debtors to the amount of about \$7000; in part of these cases suits had been commenced. Your committee recommend, that the agent be authorized to secure to the state either by purchase, or such other manner as he may think best, six hundred other acres, which he has reported as belonging to Gustavus Scott, and thereafter sell the same; and for this purpose they recommend the adoption of a resolution annexed to this report. Your committee beg leave to remark, that the average amount received for services by the agents who were appointed previous to the present agent, was \$2500 per annum. Had the present agent received commissions upon all the sums mentioned in this report, upon which he has received no compensation, in addition to those which he has since, his compensation would amount to little more than one half of the annual compensation received by all other agents. In view to the present agent to state, that he has not made any claim for commissions on debts which the legislature may have released, or for extra services; but they deem it but justice to state, that he appears to have labored uncommon pains, and to have manifested great assiduity and ability, in the execution of his office, and to promote the public interest, to have been ever ready to exceed rather than fall short of his prescribed duties. They therefore feel it to be justly due to him to recommend the adoption of the following resolution.

Resolved, That the treasurer of the western shore be directed to pay to Thomas Kennedy or order, the sum of \$2500 as additional compensation for services rendered in his office as agent for the western shore of Maryland, since his appointment in May 1823. By order, TRUEMAN CROSS, Clk. Mr. Cromwell presents a petition from Jacob Poe, of Frederick county, praying to be permitted to lease and exchange certain property therein mentioned; referred to Messrs. Cromwell, Barnes and Kemp. The house, according to the order of the day, proceeded to the second reading of the bill to alter and change all such parts of the constitution and form of government as relates to the election of delegates to the general assembly of this state. On motion by Mr. Carroll, the question was put, That the same be referred to the 1st June next? After some time spent in discussing the merits of the bill, The house adjourns until to-morrow morning 9 o'clock.

State of Maryland, sc. Anne Arundel county, Orphans Court, January 11th, 1825. On application by petition of Richard G. Blockett & Henry Wayman executors of Larkin Shipley, late of Anne Arundel county, deceased, it is ordered that they give the notice required by law for creditors to exhibit their claims against the said deceased, and that the same be published once in each week, for the space of six successive weeks in the Maryland Gazette.

NOTICE IS HEREBY GIVEN That the subscribers of Anne Arundel county, hath obtained from the Orphans Court of Anne Arundel county in Maryland, letters testamentary on the personal estate of Larkin Shipley, late of Anne Arundel county deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same with the vouchers therefor, to the subscribers, at or before the 13th day of July next, they may otherwise be excluded from all benefit of the said estate. Given under our hands this 11th day of January, 1825.

Drifted Ashore On the subscribers farm, lying on Deep Creek near Herring Bay, on the 18th December last, one Oak Log, about 45 feet in length, 2 1/2 inches square in the butt—Two Pine Logs, one measuring 60 feet in length, two feet at the butt, and other 58 feet in length, two feet at the butt. The owner is required to come forward, prove property, pay charges, and take them away. Robert Franklin, near Herring Bay, Jan. 13, 1825.

Notice is hereby given, That the subscriber has obtained from the orphans court of Anne Arundel county, letters testamentary on the personal estate of Margaret Hopkins, late of said county, deceased. All persons having claims against said estate are requested to produce them, legally authenticated, and those indebted to make immediate payment. Richard P. Snowden, Exr. Jan. 13, 1825.

State of Maryland, Sc. Calvert county Orphans court, Oct. 12th, 1824. On application of Priscilla Freeland, administratrix of Robert Freeland, late of Calvert county, deceased, it is ordered, that she give the notice required by law for creditors to exhibit their claims against the said deceased, and that the same be published once in each week, for the space of six successive weeks, in the Maryland Gazette of Annapolis.

This is to give Notice, That the subscriber of Calvert county, hath obtained from the orphans court of Calvert county, in Maryland, letters of administration on the personal estate of Robert Freeland, late of Calvert county deceased—All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers therefor, to the subscriber, on or before the first day of June next, they may otherwise be excluded from all benefit of said estate. Given under my hand this 1st day of November, in the year 1824. Priscilla Freeland, Adm. Jan. 13, 1825.

DECISIONS OF THE COURT OF APPEALS OF MARYLAND PUBLISHED By Subscription.

THE DECISIONS OF THE COURT OF APPEALS OF MARYLAND, To be Reported by Thomas Harris Esquire, Clerk of the Court of Appeals, and Attorney at Law. These Decisions will form a Continuation of the first volume of Reports already published by Messrs. Harris and Johnson which closes with the year 1803. It is proposed to publish the Decisions in 12 volumes, each to contain not less than one hundred and twenty-five pages and four numbers to constitute a volume. The last number of each volume will contain a full and complete Index. This mode of publication, it is conceived, possesses advantages which give it a decided preference to that of publishing the Reports in annual volumes. It ensures the earliest publication of the Reports, and as not more than four numbers will be published in any year, the expense will not be so considerable. The price of each number of the Reports will be \$1.25, payable on delivery. Subscriptions to the above Reports may be made at G. B. BROWN'S Store, in Maryland, General Office, and the respective Offices of the County Clerks of the State.

RAGE. Clean Linen and Cotton Rags, to be purchased at the Store of G. B. BROWN.