

THE DIVISIONAL LINE BETWEEN ANNE ARUNDEL & CALVERT.

Mr. Pasch delivers the following report: The committee to whom was referred the petitions of sundry inhabitants of Anne Arundel and Calvert counties, praying that a divisional line may be established between said counties, have had the same under consideration, and ask leave to report. That they have examined with much care all the documents referred to them, and after due consideration of the subject, have formed the following opinion, that the county of Calvert has no just claim to any part of Anne Arundel county. There appears to be no legislative act or order in council, now on record, defining any line which is now claimed by either party. The only description of a complete line between the two counties, extending from the Chesapeake Bay to the river Patuxent, is contained in an order of the executive council on the twenty-first of July in the year 1654, so far as the division is described, which is in the following words: "Bounded on the north side with the creek on the western side of Chesapeake bay, called Herring Creek, and thence through the woods to the head of Patuxent river, being the southern bound of Anne Arundel county."

The description is used in an act erecting Calvert into a county, as a period when there were no counties established in the state, except St. Mary's and Anne Arundel. The commissioners were afterwards the first settlement of Maryland, when it is manifest from the order itself, that the country had never been explored, and that the council themselves, for want of a knowledge of the geography of the country, were ignorant of the course which the literal meaning of the description would carry the line; for, according to that description, Calvert would extend from Herring Creek, which is about fifteen miles below the city of Annapolis, up to the head of Patuxent, which your committee understand to be near the line which divides Frederick county from the upper part of Anne Arundel, though some suppose that the words "head of Patuxent" mean the head of tide water in the Patuxent, which would be at or near Queen Anne in Prince George's county. This line never was used as the division, and in four months after the date of the order, in which it is described, an act of assembly was passed establishing a different beginning, about ten miles below a creek, in that act called Marsh's Creek, and which your committee believe to be Fishing Creek, where the present boundary begins, which has been used ever since the settlement of the country.

It is not deemed necessary to take any further notice of this order in council, as Calvert county does not now claim the line described in it as the division line between the two counties, but claims a boundary between the county of Calvert and the county of Anne Arundel, on the south side of it to Patuxent. Now the question occurs, upon which hangs the whole dispute, so far as it depends upon record evidence of a line established by law—and that question it, where is Marsh's Creek? The records in which Marsh's Creek is mentioned as the beginning of the line, are an act of assembly and an order, both passed the same day, that is, on the 24th of October 1751, only four months after the date of the order in council above mentioned.

The act is entitled, "An act erecting Patuxent into a county," in which the boundaries of said Patuxent or Calvert county are thus described: "The bounds thereof to be from the south side of Marsh's Creek, commonly called Oyster Creek, extending down the bay, including all the families and lands on the south side of said creek," &c. The order is for changing the name of Anne Arundel into that of Providence, in which the bounds of said county are described to be Herring Creek, including all the plantations and lands upon the bounds of Patuxent county, that is a creek, called Mr. Marsh's Creek, otherwise called Oyster Creek.

Calvert county contends, that Marsh's Creek is a creek, which falls into Herring Creek near its mouth, and extending westwardly with said creek to one of the heads of Lyon's Creek, and thence with Lyon's Creek to the Patuxent river. The commissioners however, who were appointed by the legislature in 18-3, to examine into the subject, and to take and report the testimony, expressly and unanimously declared, as well those of the commissioners who were citizens of Calvert, as those who belonged to Anne Arundel county, and the fifth commissioner, who belonged to neither, that "no testimony has been obtained to prove that this line is or ever has been the northern bound of Calvert county;" and that the reason for supposing the creek, just described, to be Marsh's Creek, is "the circumstance of Mr. Marsh's having taken up a tract of land on its bank about three years previous" to making the order for changing the name of the county, in which the bounds are immediately mentioned. The patent of Mr. Marsh's land is dated the 27th of October 1751, marked A. A. amongst the accounts reported by the commissioners at the last session, and is for only a small tract of 15 acres. In this patent, moreover, it is expressly mentioned, that this creek is called "Parker's Branch" and is described as a branch of West Creek, which is on the west side of Herring Creek.

On the other hand, Anne Arundel contends that Marsh's creek is what is now called Fishing Creek, eight or ten miles below Parker's branch, for the same reason urged by Calvert, for supposing Parker's branch to be Marsh's Creek, to wit, that Mr. Marsh who took up the small tract of 15 acres of land on Parker's branch, the very next day after, that is, on the 28th day of October 1751, took up a large tract of land containing 100 acres, lying on both sides of the creek now called Fishing Creek, but which at the date of the patent heretofore exhibited, marked B. B. had no established name, and was therefore, in the opinion of your committee, more likely to receive a name from the owner of large tract of land lying on both sides of its mouth, than a creek already designated by the known name of Parker's branch, in a patent for a very small tract of land on one side of it. This opinion is strengthened by the circumstance, that Parker's branch is not a creek, which term, it is believed in the part of the country in question, is understood to imply the flowing of tide within it, and becomes, as your committee think incontrovertible, when coupled as it is with the circumstance, that the patents of land taken up on the north side of Fishing Creek, and the whole of the boundary line claimed by Anne Arundel, in the erection of Calvert into a county, were issued, and have been recorded as for land in Anne Arundel county.

Any other supposition is inconsistent with the words in the before mentioned order, for changing the name of Anne Arundel, in which the bounds are described to be "Herring Creek, including all the plantations and lands upon the bounds of Patuxent county, that is, to a creek called Mr. Marsh's creek, otherwise called Oyster creek." These words necessarily mean, that the bounds of Patuxent, or Calvert county, are below Herring Creek, and that the creek called Marsh's Creek is below Herring Creek, and can be no other than the creek upon both sides of which Mr. Marsh took up the large tract of land above mentioned. This is now known by the name of Fishing Creek, and as the beginning of the division between Calvert and Anne Arundel, and has been so known for 160 years, as reported unanimously by the commissioners at the last session of the general assembly.

Your committee also beg leave to state, that it appears, that the before mentioned commissioners were not, at the time of making their report to the legislature at their last session, in possession of the fact, that Thomas Marsh had taken up land at the mouth of Fishing Creek, the next day after taking up that on Parker's Branch, from which they believe, that said commissioners would have given it their opinion, that Fishing Creek was in fact the creek called, in that act of assembly erecting Calvert into a county, Marsh's Creek, or Oyster Creek.

Besides, the evidence furnished by the patents and deeds for lands on the north side of the line claimed by Anne Arundel, go back to a period as early as 1663. There was exhibited to the commissioners before mentioned, a record from the register of St. James' parish, the lowest in Anne Arundel, dated the 31st day of January 1694, in which the southern limits are described as "bounding on the east with the Bay of Chesapeake, lying down southerly to a creek called Fishing Creek, and then west with the said creek, and the bounds of Anne Arundel and Calvert county to Lyon's Creek, then west with said creek to Patuxent river," &c.

A decision of the house of delegates in 1777, that Mr. Mackall, who lived on the north bank of Fishing Creek, was not entitled to sit in residence in Calvert county, for which he had been returned a delegate, to hold his seat in the house of delegates of the state, was also exhibited to said commissioners, to prove that in 1777, Fishing Creek was the southern boundary of Anne Arundel county. The witnesses examined before the commissioners prove, as is reported by the commissioners, with the exception of a few instances of a contrary evidence, that the line, thus located, meaning the line claimed by Anne Arundel, has always been, as far as their recollection extends, considered as the divisional line, and several of them farther allege, that they never heard of any dispute concerning it until about the year 1809, when peculiar circumstances caused the question of the true boundary to be agitated.

It thus appears to your committee, that at all points of time on which testimony can be made to bear, from the earliest settlement of the country bordering on Calvert and Anne Arundel, down to the present time, that the present line, as claimed by Anne Arundel, has been considered to be the divisional line between the two counties, and used as such. They find no testimony conflicting with this opinion: On the contrary, the acts of assembly which have been cited, the record dated in 1694, respecting the boundary of St. James' parish, the decision of the house of delegates in 1777 on the contested election of Mr. Mackall, and the oral testimony which relates to the whole period of time, since that decision to the present day, confirm and support it.

Your committee conceive, that it would be a dangerous precedent to take from one county, against its consent, a part of its territory, and give it to another unless its claim be clearly founded in law or equity. There is no precedent of this kind to be found in the legislative history of Maryland, and it one could be found, it would only prove, that the principles of justice and sound legislation had been forgotten amidst a conflict of improper passions, and that the precedent ought to be held up for reprobation.

Your committee moreover believe, that serious evil would hereafter arise from throwing the inhabitants of the lower part of Anne Arundel county into a different county from that in which are recorded the deeds of their land, the wills under which they hold their property, and judicial proceedings, and other acts affecting their rights. Your committee, therefore, alter mature deliberation, are of opinion, that the wish of the county of Calvert cannot be gratified, without violating the just rights of Anne Arundel, and the principles of sound legislation. They therefore recommend the passage of a law to repeal an act, entitled, An act to establish the divisional line between Anne Arundel and Calvert counties.

MONDAY, February 14, 1825.

THE BILL TO ELECT THE SENATE IMMEDIATELY BY THE PEOPLE.

The bill relative to the election of the senate by the people, was read the second time. Mr. Keelson moved to strike out 3 year for the purpose of inserting 10 years, in the clause requiring a person to be a citizen of the United States? Determined in the negative.

On motion by Mr. Worthington, the question was put, That twenty-five be stricken out of the clause "residing the age of which a person must arrive to be a senator, to insert 21 years? Determined in the negative.

Mr. Montgomery moved to strike out "5 years" in the clause making a residence of that time in the state necessary, to be a senator, for the purpose of inserting "two years." Determined in the negative.

Mr. Keelson moved to strike out the following section: "And be it enacted, That in case any new county should hereafter be made in the state, that the representation of the western shore in the senate shall not be in a greater proportion in the representation of the eastern shore in the senate than nine to six, as it now is by the constitution of the state?" Determined in the negative.

Mr. Speed moved to reconsider the first section of the bill for the purpose of giving the city of Annapolis a senator distinctly from the county of Anne Arundel? Determined in the negative.

The question was then put, Shall the said bill pass? The yeas and nays being required appeared as follows: Affirmative—Messrs. Speaker, Harris, Holmes, Parran, Dallynple, Chapman, Rogers, Shover, Worthington, Turner, Bennett, Little, Keelson, Teackle, J. S. Williams, Edleston, Travers, Tingle, Grubb, B. G. Adams, Weston, Speed, Nicholson, Williams, Tingle, Parker, Hooper, Norris, Kilgour, Harris, McClean, Ireland, Hodges, Gough, Parran, Dallynple, Rogers, Carter, Denny, Teackle, King, Jones, R. C. Edleston, Peter, G. Edleston, Dallynple, Carroll, Wright, Cromwell, Kemp, Hope, Montgomery, Boom, Howard, Tyson, Boone, Foster, White, Merrick, Wilson, Seall, McMahon, Lantz—33. Determined in the affirmative.

Mr. Wilson reports a bill, entitled, An act to authorize the trustees of the poor for Montgomery county to purchase a piece of land, situate in the town of Baltimore, for the purpose of erecting a poor house in said county; which was twice read by the committee, and sent to the senate.

Mr. Kilgour moved that the bill to authorize the levy court of Saint Mary's county to levy a tax on said county for purposes therein mentioned, be postponed until Thursday next? Determined in the negative.

Mr. Keelson moved to refer the same to the next general assembly? Determined in the negative. The question was then put, Shall the said bill pass? Resolved in the affirmative, and the bill sent to the senate.

The bill for the relief of Charles Carroll, of Carrollton, was read, the second time, and will not pass. On the second reading of the bill for the benefit of the Salsbury Academy, Mr. Dennis moved to amend the title the words "in Worcester county?" Resolved in the affirmative.

The question was then put, Shall the said bill pass? The yeas and nays being required appeared as follows: Affirmative—Mr. Turner, Bennett, Spencer, Keyser, Travers, Thomas, Ewing, Grubb, Nicholson, Williams, Tingle, Parker, Hooper, Norris, Jarrett, Barwick, Lansdale, Hoffman—18.

Negative—Mr. Speaker, Hawkins, Gough, Kilgour, Harris, McClean, Ireland, Hodges, Gough, Parran, Dallynple, Rogers, Carter, Denny, Teackle, King, Jones, R. C. Edleston, Peter, G. Edleston, Dallynple, Carroll, Wright, Cromwell, Kemp, Hope, Montgomery, Boom, Howard, Tyson, Boone, Foster, White, Merrick, Wilson, Seall, McMahon, Lantz—33. Determined in the negative.

The bill for the relief of the heirs of Lawrence O'Neal, was read the second time, passed, and sent to the senate.

Mr. Nicholson reports a bill, entitled, An act for the relief of Dr. Robert Wright, of Queen Anne's county.

Mr. Ireland reports a bill, entitled, An act supplementary to an act passed at Nov. session 1797, for an act to establish and regulate a market at Bridge-town in Kent county, and for other purposes therein mentioned.

Mr. Kilgour presents a petition from Jeremiah Long, praying for support; referred to Messrs. Keelson, Gough and Hawkins.

The bill to make sale of the poor's house and public lands thereto belonging in Talbot county, was read the second time, passed, and sent to the senate.

The house adjourns until to-morrow morning 9 o'clock.

TUESDAY, February 15, 1825.

The house met. Present the same as yesterday. The proceedings of yesterday were read to the relative to pilots, and the supplement to the militia law relative to the city of Baltimore, were sent to the senate.

Mr. Lysen presents a memorial from many citizens of Baltimore, praying for a law authorizing the establishment of a public system of education in said city, referred to the committee on the same subject.

Mr. Speed presents a petition from the Agricultural Society of Maryland; referred to Messrs. J. S. Williams, Gantt, Norris and Dallynple.

Mr. Tyson obtained leave to bring in a bill, entitled, An act to provide for the printing and publication of the laws of this state. Ordered, That Messrs. Tyson, Howard and Barnes, report the same. Mr. Tyson reports said bill.

Mr. Beall presents a petition from Francis Preston, of Montgomery county, praying for support; referred to Messrs. Beall, Wilson and Lee.

Mr. Carroll presents a petition from Ann Lusk, praying for support; referred to the committee on similar subjects.

Mr. Maxcy obtained leave to bring in a bill, entitled, A further supplement to the act, entitled, An act to amend the act laying duties on licenses to retailers of dry goods, and for other purposes. Ordered, That Messrs. Maxcy, Carroll and Worthington, report the same.

Mr. Tyson presents a petition from sundry citizens of Baltimore city, praying the passage of a law, authorizing the building a bridge over Sweetwater's cry on the Patapsco, referred to the committee on the same subject.

On motion by Mr. Lee, the following message was read, assented to, and sent to the senate. BY THE HOUSE OF DELEGATES, Feb. 15, 1825.

Gentlemen of the Senate, Much inconvenience having resulted from the delay that usually attends the publication of the laws of this state, we propose, with your concurrence, that the committee of claims be instructed forthwith to contract for the printing of the laws of a public or general nature, as passed, and delivered as soon as practicable, to the clerks of the several counties of this state. By order, J. BREWER, CLK.

The house resolved it into a committee of the whole, on the bill relative to the instruction of youth, and promotion of agriculture, Mr. Worthington in the chair. After some time spent in considering the same, the committee rose, and the chairman reported the bill with an amendment.

The house resumed the consideration of the said bill.

On motion by Mr. Carroll the following order was read: Ordered, That the bill to provide for the public instruction of youth throughout this state, and to promote the interests of agriculture, be referred to the next general assembly, and that upon the meeting of the next general assembly, the governor be requested to have the same printed as soon as the session commences, and laid upon the desk of each member.

A division was called for, and put on the reference. Resolved in the affirmative.

Mr. Norris moved to strike out the residue.

Mr. Teackle moved to insert, and that the report and bill be printed on the votes and proceedings for the consideration of the people, when on motion by Mr. Wilson, the further consideration of the latter part of said order was referred to the first June next.

On motion by Mr. Maxcy, the following resolution was read: BY THE HOUSE OF DELEGATES, Feb. 15, 1825.

Whereas, William Marbury, state agent for the year 1796, purchased a tract of land in Harford county called "Common Garden Corrected," which was sold under a fiat to satisfy a debt due to the county of Maryland, by James Osborn, security of Samuel G. Osborn, collector of the tax for Harford county, and which the said agent sold on the 16th of July 1796 to Thomas Hall, of Harford county, for the thousand dollars, and took his bond for the payment of the same, and agreed, on behalf of the state, the neither principal nor interest was to be paid until legal possession of the said tract of land was given to the said Thomas Hall, or his heirs, or assigns, and which never has been done, therefore,

Resolved, That the state agent for the western shore, shall take such steps as to him may seem most advisable, in order to bring the said case to a final settlement by a suit at law, in equity, arbitration, or otherwise, and the said agent is also authorized and empowered to cause the bond of the aforesaid Thomas Hall, whenever the heirs, executors or administrators of the said Thomas Hall, shall relinquish the state's right, title, interest, and claim, in and to the said tract of land, and on this being done, the said agent is authorized and empowered to dispose of the state's right in and to said tract of land, in public or private sale, for cash or credit as to him may seem most advisable, and the bonds or cash when received to deposit with the treasurer of the western shore.

Mr. J. Edelen delivers the following report: The committee to whom were referred the petitions of sundry citizens of Charles county, praying to have the August term of their court changed, and the several memorials counter thereto, have had the subject under their serious consideration, and beg leave to report, That from the evidence afforded your committee by means of the petitions and counter memorials upon this subject, relative to the wishes, convenience and interests of the great mass of the suitors, witnesses and jurors of the county, upon the subject of the change of the court as prayed for, appears to your committee to be in opposition to such a change.

Indeed, when your committee reflect that the court for nearly thirty years has been held in the month of August, with the exception of only one year (1820), when it was changed to November, and the next year brought back to August at the request of the people of the county, upon the ground of the convenience of the farmers, and the convenience of the interests and convenience of the people of the county, require that the court should be held at the period it now is. Upon the subject of the expediency of the month of August, which appears to be the strong ground of the petitioners asking a change of its time of holding the court, your committee have only to remark, that the autumnal diseases, rarely commence before the month of September, during which and the month of October the country is most healthy, and to hold the court on the first of November, when the weather is cold and variable, persons convalescing and just recovered from disease, weak and enfeebled, would be exposing them to cold and relapse—more pernicious to health and the constitution than the heat of the month of August can possibly be. There are two other reasons against the change as asked for, which your committee think are entitled to weight: The first is that the burthens of the county would be considerably increased; for in November the days are short, the weather cold, and not half as much business would be transacted by the court in a day as in the month of August, consequently the court would be compelled to sit double the number of days to discharge the same business. And secondly, it would deprive the present sheriff the benefit of one term of the court, which he is now entitled to by the existing laws, and which would be attended with serious loss and injury to him. Your committee for the reasons here assigned, and under a full conviction that a large majority of the people of the county interested in the court as suitors, witnesses and jurors, are opposed to the changes prayed for, are of opinion that such a change ought not to be placed as prayed for by the petitioners, they therefore recommend that the petitioners have leave to withdraw their petitions. All which is submitted.

Which was read.

The clerk of the senate returns the bill for the relief of Sophia Pitt, and the bill relating to the turnpike roads with in the city of Baltimore, severally endorsed "will pass." Ordered to be engrossed. Also the bill for the relief Mary Snowden; the bill for the relief of Amelia Hamilton of Washington county; the bill for the relief of Ann Williams of the city of Baltimore; the bill for the relief of Ann Letty and the supplement to an act, entitled, An act to incorporate the village of Port Deposit, in Cecil county, severally endorsed "will pass with the proposed amendments," which amendments were read. And delivers the bill, entitled, An act to restrain the practice of habitual drunkenness, endorsed "will pass," which was read. And the following message: BY THE SENATE, February 16, 1825.

We have received your message proposing to close the session on Friday the 25th instant and concur therein. By order, W. KILTY, CLK.

The amendments to the bills for the relief of Ann Letty, Ann Williams, Amelia Hamilton, and Mary Snowden, were read the second time, assented to, and the bills ordered to be engrossed.

ANNAPOLIS: THURSDAY, FEB. 17, 1825.

Married—On Thursday evening last, by the Rev. Mr. Watkins, of this city, Mr. Robert Mossing, Miss Ruth E. Weedon, daughter of Mr. John Weedon, of Broad Neck, A. A. county.

The two branches of our legislature have agreed to close the present session on Friday the 25th instant.

The bill to abolish such parts of the constitution of this state as relate to the time and manner of electing the senate, and providing that the senate be elected immediately by the people, passed the house of delegates on Monday. By turning to the legislative proceedings in the preceding page, the various propositions to amend the bill, and the yeas and nays taken on its passage, will be found.

FIRE COMPANIES.

By a reference to a by-law published, it will be seen, that a corporation have repealed all the by-laws regulating fire companies, and have requested the citizens to form voluntary associations, make their own regulations, and appoint their own officers. For this purpose a meeting is called at the BALL ROOM, on Saturday evening next, at 7 o'clock, which we hope will be generally attended.

The National Journal has published the names of the members of the House of Representatives, present at election of President, and the name of the person voted for by each. From this publication it appears that the Representatives of this state voted as follows:

- William Hayward, jr. for Crawford. Joseph Kent, Adams. John Lee, Jackson. Peter Little, J. George McKim, J. George E. Mitchell, A. Raphael Neale, A. John S. Spence, A. Henry R. Warfield, A.

The leading subject of conversation in the circles of Washington, since the election of a President has terminated, is, as to who are to compose the Cabinet of the President elect. Conjecture is completely at fault, but not the less busily employed on the subject, it being very evident that the composition of the Cabinet is materially connected with the character which the next administration is to sustain. By the election of Mr. Adams and Mr. Calhoun to the higher trusts, the offices of Secretary of State and Secretary of War become vacant, and it is understood that Mr. Crawford has declined the earnest requests of Mr. Adams, which was made to him immediately on his election, to remain, in the station which he has filled for the last eight years. There are, therefore, three great Departments to be filled, immediately after the inauguration of the new President, which, all our readers know, is to take place on the 4th day of March next. Nat. Intel.

OUR RELATIONS WITH SPAIN.

The Washington Journal of Saturday says:—We have reason to believe there is no truth in the report received at New York from England, of the intention of the King of Spain to demand of the United States a recall of their recognition of the independence of several of the South American states, under pain, in case of refusal, of retreating the cession of the Floridas.

A paragraph in the Philadelphia Gazette says that:—The knowing-ones had certain intelligence, by half past eight o'clock on Thursday evening, of the result of the Presidential Election, and that, by keeping it to themselves they turned it to excellent account. One man is said to have lost twenty two thousand dollars by betting.

Newport, R. I., Feb. 3.

A CENTENARIAN!—Captain Ebenezer Church, of Little Compton, in this state, is this day one hundred years old!—He is now in good health, has never been confined to his house by sickness but one week, and that in childhood has moved on his farm 85 years in succession, and is now able to mount his horse from the ground. In his 99th year he caught a mass of bass, 4 miles from his house; and in the last year, he went out in his boat and caught a mass of fish. He has a number of children, nearly 100 grand, and some great grand children; is a descendant of Col. Benjamin Church, the great Indian Warrior, and is the second person of that name, who has lived to this great age. Captain Church has sustained through life the character of temperance, regularity, and unimpeached integrity. He has a brother now living, Col. Nathaniel Church, who is in his 98th year.