MARYLAND GAZETTE, AND STATE REGISTER.

[VOL. LXXX. ANNAPOLIS, THURSDAY, FEBRUARY 24, 1825. No. 7.]

LEGISLATURE OF MARYLAND.

PROCEEDINGS OF THE HOUSE OF DELEGATES.

WEDNESDAY, Feb. 16, 1825.

Mr. Maxcy presents a petition from Jonathan Neale Laughlin, praying the state of Maryland's right to tract of land may be relinquished; referred to Messrs. Maxcy, Gantt and Estep.

The clerk of the senate returns the bill to authorise the trustees of the poor for Montgomery county to rchase a piece of land adjoining the poor's house in said county, endorsed "will pass with the proposed endment;" which amendment was read.

The house resumed the consideration of the bill regulating the height of fences, and providing for espasses committed by horses, mules, black cattle, sheep and hogs, and for other purposes.

On motion by Mr. Kilgour, the question was put, That the first section be stricken out? Determined the negative.

On motion by Mr Spencer, the words "and of bank fences the 2 lower rails," were inserted after the ord "rails" in the 1st section.

On motion by Mr. Spencer, the words "furnishing said animals with good and sufficient food, at the xpense of the owner or owners," were inserted after the word "enclosure."

Mr. Williams moved to strike out the 5th section, which compels parties whose fences adjoin to keep eir several parts in good repair? Determined in the negative.

Mr. Spencer moved to strike out the words "and also to cause a similar description to be recorded mong the records of such county court, within twenty days from the time of the trespass committed?" Determined in the negative.

Mr. Kilgour moved to insert the following: "that the clerk of the county shall be entitled to six cents r recording every animal, to be paid by the proprietor of said animal?" Determined in the negative.

Mr. Spencer moved to strike out of the 7th clause, "pay double the value of said trespassing creature, i n costs, to the party aggrieved, to be recovered as other debts or damages are recovered in this state," insert "such damages as shall be ascertained by two intelligent and disinterested persons, to be chosen here-fore provided in this act?" Determined in the negative:

On motion by Mr. Wright, the following was added as an additional section:—And be it enacted, That in any of the foregoing cases, any person or persons who may deem themselves aggrieved, they shall be llowed the privilege of appealing to the county court of the county where the party appellee shall reside, he appellant entering into bond, with security, as is prescribed in appealing from magistrate's judgment.

Mr. Kilgour moved to add the following: "And be it enacted, That nothing in this act shall be construed to operate upon Saint Mary's county?" Determined in the negative.

Mr. Kilgour moved to refer the said bill to the 1st June next? Determined in the negative.

Mr. Millard moved to add to the 1st section the following "And all brush fences made upon the surface f the ground, to be at least 4 feet high, and all brush fences made upon embankment, to be at least three eet high, provided the embankment be 18 inches high?" Resolved in the affirmative.

On motion by Mr. M'Clean, the following was added to the 1st section to wit: "And provided that noing in this act contained shall be so construed as to extend to other than outside fence or fences between fferent proprietors.

The question was then put, Shall the said bill pass? The yeas and nays being required appeared as llow:

Affirmative—Messrs. Millard, Harris, M'Clean, Ireland, Hodges, Gantt, Maxcy, Estep, Parran, Dalrymple, J Edelen, Chapman, Rogerson, Garner, Turner, Bennett, Reyner, Dennis, Teackle, Sullivane, Eccleston, Thomas, Henderson, Ewing, Grubb, R C Edelen, Peach, Duvall, Carroll, Williams, Tingle, Parker, Hooper, Howard, Jarrett, Montgomery, Barwick, Howard, Bowles, Willson, Beall, Hoffman, M'Mahon, Lantz, Kipstine—44

Negative—Messrs. Speaker, Hawkins, Gough, Kilgour, Shower, Worthington, Price, Spencer, Lloyd, King, Jones, Steele, Travers, Bayly, Wootton, Nicholson, Wright, Farquhar, Kemp, Norris, Brown, Boon, Fouke, Merrick, Lee—25

Resolved in the affirmative, and the bill sent to the senate

The amendment to the bill to authorise the trustees of the poor for Montgomery county to purchase a piece of land adjoining the poor's house in said county, was read the second time, assented to, and the bill ordered to be engrossed.

On motion by Mr Lee, the question was put, That the memorial from the Agricultural Society be printed? The yeas and nays being required appeared as follow:

Affirmative—Messrs. Harris, Teackle, King, Steele, Peach, Wootton, Duvall, Norris, Merrick, Lee, 10.

Negative—Messrs Speaker, Hawkins, Kilgour, Millard, M'Clean, Ireland, Gantt, Estep, Parran, Dalrymple, John Edelen, Chapman, Rogerson, Garner, Shower, Worthington, Price, Turner, Bennett, Spencer, Dennis, Jones, Travers, Thomas, Ewing, Grubb; Nicholson, Wright, Williams, Tingle, Parker, Hooper, Barnes, Cromwell, Farquhar, Kemp, Hope, Brown, Boon, Howard, Tyson, Bowles, Fouke, Willson, Hoffman, Lantz, Klipstine, 47. Determined in the negative.

The clerk of the senate returns the bill for the relief of the heirs at law of Lawrence O'Neale, late of Montgomery county; the further additional supplement to the act, entitled, An act to alter and change the name of Elizabeth Town, in Washington county, to Hager's-Town, and to incorporate the same; and the bill to establish the jurisdiction of justices of the peace and constables, residing in the city of Annapolis, and justices of the peace and constables of Anne-Arundel county, in certain cases therein mentioned, severally endorsed "will not pass." Also the following message:

BY THE SENATE, Feb. 16, 1825.

Gentlemen of the House of Delegates,

In accordance with the desire expressed in your message of the 31st ultimo, the senate have reconsidered the bill, entitled, "An act to establish the jurisdiction of justices of the peace and constables residing within the city of Annapolis, and justices of the peace and constables of Anne-Arundel county in certain cases therein mentioned," and feel themselves compelled, by a due regard to the rights and interest of all the parties to be affected by it, again to reject the bill.

By order, WM. KILTY, Clk.

And the supplement to the act, entitled, An additional supplement to the act, entitled, An act to regulate public ferries, endorsed "will pass." Ordered to be engrossed.

The house adjourns until 6 o'clock P. M.

SIX O'CLOCK P. M. The house met.

On motion by Mr. Maxcy, the following resolution was read.

The committee to whom was referred the memorial of William Gleason, on behalf of the family of the late Ninian Pinkney, have pondered the same and examined documents presented to them in support thereof, and beg leave to report, That the said Ninian Pinkney, while clerk of the executive council, rendered important services during four years, which he was not bound as clerk of the council to perform; that those extra services principally related to the collection and arrangement of vouchers in support of the claims of the state upon the United States for a reimbursement of more than three hundred thousand dollars; that the aid thus rendered by the said Ninian Pinkney, in all probability enabled the agent appointed by the state successfully to assert those claims and to recover a much larger sum than he would have been able to substantiate without such aid. The committee are therefore of opinion, that the said Ninian Pinkney had an equitable claim for remuneration, and therefore recommend the following resolution; Resolved by the general assembly of Maryland, That the treasurer of the western shore be and he is hereby authorised, to pay to the executor or administrator, as the case may be, of the said Ninian Pinkney, the sum of fifteen hundred dollars.

Which was read.

Mr. Maxcy reports a bill, entitled, An act for the benefit of Jonathan Neale Laughlin and his heirs.

Ordered, That the resolution in favour of Judge Chase have a second reading on to morrow.

Mr. Howard reports a bill, entitled, An act to authorise the building of a bridge over the river Patapsco at the place called Hammond's ferry.

Mr. Boon reports a bill, entitled, An act to provide for the prompt settlement and final close of the concerns of the Bank of Caroline.

Mr. Peach reports a bill, entitled, An act to enable Thomas Bowie and Humphrey B. Bowie, administrators of Thomas Bowie, late of Prince-George's county, deceased, to make sale of certain lots therein mentioned; which was twice read by special order and passed

The bill to change the name of Louisa Decoutres to that of Louisa Jacob, and enable her to inherit the estate of the said Jacob, was read the second time, amended, and passed.

The supplement to the act, entitled, An act to repeal an act passed at November session 1812, relating to the suppression of a public road in Prince-George's county, was read the second time and passed.

Mr. M'Mahon obtained leave to bring in a bill, entitled, An act for the relief of the collector of the direct tax, in Allegany county. Ordered, That Messrs. M'Mahon, Lantz and Klipstine report the same.

The bill to record and make valid the deed therein mentioned, was read the second time and passed.

On motion by Mr Dennis, the following resolution was read and assented to;

Resolved by the general assembly of Maryland, That the time allowed to Elizabeth Handy, executrix of George Handy, late register of wills for Somerset county, deceased, to record certain papers remaining unrecorded by the said George Handy, while acting as register for said county, be extended to the first day Jan. 1826, and that she or her agent or agents may have free access to, use and possession of all such papers as she or they may deem necessary to enable her or them to comply with the requisites of the law passed at December session 1823, relative thereto.

The report on the petition of sundry citizens of Allegany county, relative to the location of a road was read the second time and concurred with.

Mr. Lantz reports a bill, entitled, An act to repeal so much of an act, for the valuation of real and personal property in the several counties of this state, as relate to the appointment of commissioners of the tax for Allegany county.

Mr. M'Mahon reports a bill, entitled, An act to repeal an act, entitled, An act, to provide for the appointment of commissioners for the regulation and improvement of the town of Cumberland, in Allegany county, and to incorporate the same, together with the supplements thereto, and for other purposes, which was twice read by especial order and passed.

The report relative to changing the August term of Charles county court, was read the second time and concurred with.

The bill to repeal the act for the destruction of crows, in Saint Mary's county, was read the second time and passed.

Mr. Spencer obtained leave to bring in a bill, entitled, An act to repeal an act, entitled, An act to encourage the destruction of crows so far as it relates to Talbot county Ordered, That Messrs Spencer, Lloyd and Bennett, report the same. The house adjourns until to-morrow morning 9 o'clock.

THURSDAY, February 17, 1825.

The house met. Present the same members as on yesterday. The proceedings of yesterday were read. The bill to repeal an act to encourage the destruction of crows in St. Mary's county, was sent for the senate.

The bill to repeal an act to provide for the appointment of commissioners for the regulation and improvement of the town of Cumberland in Allegany county, and to incorporate the same, together with the supplement thereto, and for other purposes, was reconsidered, amended, passed, and sent to the senate.

The bill to enable Thomas Bowie and Humphrey B. Bowie, to make sale of certain lots therein mentioned; the bill to record and make valid a deed therein mentioned; the supplement to the act to repeal an act relating to the suppression of a public road in Prince-George's county; and the resolution in favour of Elizabeth Handy, were sent to the senate.

Mr Lantz reports a bill, entitled, An act for the revaluation of real and personal property in Allegany county.

Mr Millard presents a petition from James Merritt, of Baltimore county, counter to the petition of his wife Julianna for a divorce; referred to the committee on divorces.

On motion by Mr. Lee, the memorial from the Agricultural Society, was withdrawn.

On motion by Mr. Carroll, the following order was read:

Ordered, That the committee on Public Schools be instructed to cause the report and bill on public instruction, to be printed, in a pamphlet form, and distributed for the consideration of the people, as follows to wit: To each member of the legislature, to his excellency the governor, and to each member of the executive council, 25 copies, and one copy, with each of the votes and proceedings.

On motion by Mr Gantt, the words "on public schools" were stricken out and "the committee of claims" inserted. The order was then dissented from.

On motion by Mr. Duvall, the following order was read: Ordered, That the rule for a call of this house be suspended during the remainder of this session.

Mr. [illegible] moved to strike out the words "a call of this house," to insert a call for "the yeas and nays?" Determined in the negative.

Mr. Peach offered the following as a substitute: Ordered, That hereafter no call for the yeas and nays shall be received, or the yeas and nays taken, unless demanded by one fifth of the members present

Mr. Carroll moved the following as a substitute for the substitute: Ordered, That a call of the house shall not be made unless required by five members. Ordered, That the yeas and nays shall not be taken unless required by ten members. Ordered, That the members voting in the minority upon any subject, if the yeas and nays be not called for by ten members, shall have the privilege of recording their names as dissentient to the vote of the house.

Mr. Williams moved to refer the whole to the 1st March? Resolved in the affirmative.

The resolution relative to balances in the treasury, not claimed by those to whom they appear due on the journals of accounts, was read the second time, assented to, and sent to the senate.

On the second reading of the bill to provide for the prompt settlement of public accounts and collection of the public revenue,

Mr Thomas moved to refer the same to the 1st June? Determined in the negative.

Mr Maxcy moved to add the following after the 6th section: "Sec 7. And be it enacted, That it shall be the duty of the sheriff of each county in this state, on or before the first day of May, annually, to make out a complete list of all ordinary keepers, retailers of spirituous liquors, retailers of dry goods, foreign wares and merchandize, wholesale merchants, lottery office keepers and keepers of billiard tables, within their respective counties, and to deliver one certified copy of the said list to the clerk of the county in which such sheriff resides, and one other certified copy of the same to the state agent, when required; and for their trouble in taking and making out said lists each sheriff shall receive at the rate of ten cents for every person returned on the said lists, to be allowed by the agent or treasurer in the settlement of their accounts; and any sheriff or sheriffs failing or neglecting to take the said lists and deliver them as aforesaid, shall forfeit all commissions to which he or they may be entitled on all public monies by him or them collected for the six months preceding. And the state agent or agents shall make out an abstract of the lists received, and return the same to the treasurer of the western or eastern shore as the case may be" Resolved in the affirmative

On motion by Mr. Maxcy that the following be added, to wit: "Sec. 8. And be it enacted, That whenever the state agent or agents shall discover that any ordinary keeper, retailer of spirituous liquors, retailer of dry goods, wholesale merchant, lottery office keeper, or keeper of a billiard table, who is, or may be returned on the lists as aforesaid, has neglected to take out a license as required by law, it shall be the duty of the said agent or agents to require the attorney general for the state or the district attorney, to commence a prosecution against such person or persons for the recovery of the same and the fine or forfeiture imposed by law."

On motion by Mr. Wootton, the words "state agent or agents" were stricken out, and the words "attorney general for the state, or the district attorney" inserted.

The question was then put, That the house assent to the said section? Determined in the negative.

Mr Barnes moved to strike out all that part of the 8th section which proposes a salary for the agents? The yeas and nays being required appeared as follow:

Affirmative—Messrs. Kilgour, Parran, Shower, Price, Turner, Bennett, Jones, Steele, Sullivane, Travers, Thomas, Ewing, Grubb, Wootton, Williams, Barnes, Cromwell, Kemp, Hope, Norris, Jarrett, Montgomery, Barwick, Bowles, Fouke, White, Merrick, Hoffman. 28.

Negative—Messrs. Speaker, Hawkins, Millard, Harris, M'Clean, Ireland, Maxcy, Beckett, Dalrymple, John Edelen, Chapman, Rogerson, Garner, Worthington, Spencer, Reyner, Dennis, Teackle, King, Eccleston, Henderson, R. C. Edelen, Peach, Duvall, Carroll, Nicholson, Wright, Tingle, Parker, Hooper, Farquhar, Hardcastle, Boon, Howard, Tyson, Willson, Beall, Lee, Lansdale, M'Mahon; Klipstine, 41. Determined in the negative

Mr Wootton moved to refer the whole to the 1st June? Determined in the negative.

Mr Maxcy moved to fill the blank for the agent of the western shore with $900? Determined in the negative

Mr Farquhar moved $800? Determined in the negative.

Mr Gantt moved 750 dollars? Determined in the negative.

The question was put on $650? Determined in the negative.

The question was then put on $600? The yeas and nays being required appeared as follow

Affirmative—Messrs Speaker, Hawkins, Gough, Kilgour, Millard, Harris, M'Clean, Hodges, Gantt, Maxcy, Beckett, Dalrymple, J Edelen, Chapman, Rogerson, Garner, Worthington, Dennis, Teackle, King, Steele, Eccleston, Travers, Henderson, R. C. Edelen, Peach, Duvall, Carroll, Nicholson, Wright, Tingle, Hooper, Farquhar, Hardcastle, Barwick, Brown, Boon, Howard, Tyson, Willson, Beall, Lee, Lansdale, M'Mahon, Lantz—45

Negative,—Messrs Ireland, Parran, Shower, Price, Turner, Bennett, Reyner, Jones, Thomas, Ewing, Grubb, Wootton, Williams, Parker, Barnes, Cromwell, Kemp, Hope, Norris, Jarrett, Montgomery, Bowles, Fouke, Merrick, Hoffman, Klipstine—26. Resolved in the affirmative.

Mr Maxcy moved to fill up the blank for the agent for the eastern shore with $400? Determined in the negative.

Mr. Boon moved $350? Resolved in the affirmative.

Mr. Jarrett moved that the words "and further whenever it shall become necessary for them to proceed against defaulters, they shall in such case be entitled to receive the amount of commission which such defaulters may have forfeited, to be paid when the money is received into the treasury," be stricken out of the 8th clause? Determined in the negative.

The question was then put, Shall the said bill pass? The yeas and nays being required appeared as follow:

Affirmative—Messrs. Speaker, Hawkins, Gough, Millard, Harris, M'Clean, Hodges, Gantt, Maxcy, Beckett, Dalrymple, John Edelen, Chapman, Rogerson, Garner, Spencer, Dennis, Teackle, King, Jones, Sullivane, Eccleston, R. C. Edelen, Peach, Duvall, Nicholson, Wright, Tingle, Hooper, Farquhar, Boon, Howard, Tyson, Willson, Beall, Lee, Lansdale, M'Mahon, Lantz, Klipstine, 40.

Negative—Messrs. Kilgour, Ireland, Parran, Shower, Worthington, Price, Turner, Bennett, Reyner, Steele, Travers, Thomas, Henderson, Grubb, Wootton, Carroll, Williams, Parker, Barnes, Cromwell, Kemp, Hope, Norris, Jarrett, Montgomery, Hardcastle, Barwick, Brown, Bowles, Fouke, White, Merrick, Hoffman, 33 Resolved in the affirmative.

The clerk of the senate returns the bill to make sale of the poor's house and public lands thereto belonging in Talbot county; and the bill for the benefit of Joseph Philips, of Cecil county, endorsed "will pass." Ordered to be engrossed.

The bill for the more speedy administration of justice in the first judicial district, and the bill respecting the transaction of business on the equity side of Montgomery county court, severally endorsed "will not pass." Also the bill authorising the recording of a deed from Robert Denoh to Edward Higgin, endorsed "will pass with the proposed amendment;" which amendment was read And the following message.

BY THE SENATE, Feb. 17, 1825.

Gentlemen of the House of Delegates,

We have received your message stating that "much inconvenience had resulted to the state from delay in publishing the laws," and proposing that "the committee of claims of your house be instructed forthwith to contract for the printing of the laws of a public or private nature," and cannot assent thereto.

We are willing to unite with your committee of claims, a committee of the senate to make the proposed contract, and when notified of your assent to this proposition, will appoint a committee

By order, WM. KILTY, Clk.

Which was read

On motion by Mr. Millard, the committee on divorces, were relieved from the consideration of the petition of Barbara Bost, praying she may be allowed to draw certain rents, without the assent of her husband.

On motion by Mr. Lee, the following message was read and assented to.

BY THE HOUSE OF DELEGATES, Feb. 17, 1825.

Gentlemen of the Senate—We have received your message suggesting that a committee of the senate be appointed to unite with the committee of claims on the part of this house, to contract forthwith for the printing of the laws of a public or private nature as they are passed, and we concur in your proposals

By order, J. BREWER, Clk.

On motion by Mr. Lantz, that leave be given to bring in a bill to repeal an act, entitled, A further supplement to an act, entitled, An act to incorporate a school in Allegany county by the name of Allegany School.

A motion was made to adjourn, while Mr. M'Mahon had the floor. The speaker declared the same out of order. Mr Nicholson called for an appeal from the decision of the chair, and the question was put, That the house sustain the opinion of the chair? Resolved in the affirmative.

The house adjourns until 6 o'clock P. M.

State of Maryland, sc.

Anne-Arundel county, Orphans Court January 11th, 1825.

On application by petition of Richard G. Stockett & Henry Wayman executors of Larkin Shipley, late of A. A. 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.

Thomas H. Hall, Reg. of Wills A. A. County.

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 thereof, to the subscribers, at or before the 13th day of July next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this 11th day of January, 1825

Richard G. Stockett, Henry Wayman. } Exrs.

NOTICE.

By virtue of an order of the orphans court of Anne-Arundel county, will be sold at public sale, on Tuesday the 25th day of February next, if fair if not the next fair day thereafter, Sunday excepted, at the late residence of the deceased on Rock Point, part of the personal property of Levin Weedon, late of said county, deceased, consisting of Horses, Cattle, Hogs, Sheep, Corn Tops, Fodder and Blades, Household and Kitchen Furniture, Farming Utensils, and Batteau, and Canoe, with a variety of articles too tedious to mention.—Terms of sale, for all sums of ten dollars and under, cash must be paid on delivery of the goods, for all sums upwards of ten dollars, a credit of six months will be given, the purchaser or purchasers giving bond or note, with approved security, bearing interest from the day of sale. Sale to commence at 10 o'clock. Robert Welch, Adm'r

Jan. 27.

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.

W. Smith, Reg Wills for Calvert county.

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 thereof, to the subscriber, on or before the first day of June next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 1st day of November, in the year 1824.

Priscilla G. Freeland.

Jan. 13, 1825. 6w*

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 Reverdy Johnson, Esquire, 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 1805. It is proposed to publish the Decisions in a Series of Numbers, 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 bulky volumes. It ensures the earlier publication of the Reports, and as not more than four numbers will be published in a year, the expense will not be so sensibly felt.

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Clean Linen and Cotton Rags, will be purchased at the Store of the subscriber. G. SHAW.