

ABSTRACT OF PROCEEDINGS

Legislature of Maryland.

HOUSE OF DELEGATES.

THURSDAY, January 11th, 1827.

The bill, entitled, A supplement to the act to provide for a new assessment, and to appoint collectors of the county tax in and for the county and city of Baltimore, which passed this house yesterday; and the resolution authorizing the bridge over the upper part of the Beaver Dam Run, where it crosses the public road in Prince George's county, to be kept in repair at the expense of said county, assented to by this house yesterday, were sent to the senate for its concurrence.

Mr. Buchanan presented a petition from sundry inhabitants of Baltimore county, praying for the passage of a law confirmatory of certain proceedings of the levy court of said county; which was read and referred to Messrs. Buchanan, Turner, Price, Tyson and Stricker.

Mr. Du Val presented a petition from Daniel Bussard, of the District of Columbia, praying to be compensated for losses sustained by him in the removal of his powder manufactory, in Prince George's county, under an injunction of the chancellor; which was read and referred to the standing committee on grievances and courts of justice.

Mr. Crabb presented a petition from William Caton, of the city of Annapolis, praying reimbursement of monies paid by him into the treasury; which was read and referred to Messrs. Crabb, Speed, Barnes, Stevens and Done.

Mr. Chapman asked and obtained leave to introduce a bill to be entitled, An additional supplement to an act for limitation of certain actions, for avoiding suits at law; wherupon Messrs. Chapman, Peach and Stricker were appointed a committee to prepare the same. Mr. Chapman accordingly reported said bill; which was read and laid on the table.

Mr. Tyson, chairman of the standing committee on grievances and courts of justice, delivered the following report: The committee of grievances and courts of justice, to whom was referred the leave to bring in a bill, entitled, An act to repeal an act, entitled, An act to tax certain officers, passed at December session 1823, and the act to explain and amend the same, passed at December session 1824 having reported said bill to the house, beg leave further to report the reasons which have induced them to frame that bill.

On examination of the grounds which induced the passage of the law proposed to be repealed, your committee find, that the tax thereby imposed was created in consequence of the very depressed situation of the finances of the state in 1823. It was necessary at that time to provide for a deficiency in the revenue, as will be seen on reference to the report of the committee of ways and means of that year; which declared that under existing circumstances considering the extraordinary pressure of those times, the committee could not recommend an increase of the direct tax, although they believed a direct tax to be the most just and equitable mode of taxation, but they recommended at that time a tax on the actual receipt of the clerks and registers.

That report, after recommending a tax on certain other articles, declared, that the amount to be derived from the above sources was doubtful, as they were new and untried. The same report also asserts, that it would be unwise to trust to those sources, because an annual permanent revenue sufficient to defray the expenses of government, ought to be provided, without trusting to any doubtful scheme; and if thereafter the state could dispense with any part of the revenue, it would be an easy matter to repeal such of the taxes as were most odious and oppressive. The tax upon certain officers, your committee are satisfied, was imposed in consequence of the report just mentioned. And they would further observe, that the report of the committee of ways and means of the succeeding year, not only proved that the deficit which existed the year before, (and which called forth the passage of this law,) was supplied; and that too from other means than those derived from this tax; but it also proved that there was a considerable sum in the treasury over and above that deficit; and so prosperous were the finances of the state, at the close of the last year, that the legislature curtailed one half of the direct tax.

It is also to be remarked, that the committee of ways and means in 1825 declared, that it is always difficult to make a selection of the most proper objects of taxation; and they thought it to be at all times unwise to lay such taxes as were unproductive, vexatious, &c. And after expressing their belief that the tax on certain officers was of that character, they recommended its repeal.

Your committee have now given a sketch of the origin of this law, and of the reasons which caused its passage, and having shown that those reasons no longer exist, your committee beg leave to add their opinion that the tax ought now to cease. They would moreover, observe that they consider those offices of vital importance to the public; and they were so considered by the framers of our constitution, who threw around them its protecting arms. That the independence of the judiciary is the best and surest guard of the lives, liberties and property of the people, and of the deepest moment to the well being and happiness of the state, is a sentiment which cannot be questioned. The persons filling the offices under consideration, having many judicial functions to perform, have always been considered as a part of the judiciary of this state. The constitution, as well as some of our acts of assembly, put them on the same footing; therefore any thing calculated to destroy those offices, must be considered by your committee, as an attack upon the independence of our judiciary.

That the offices under consideration, are essentially necessary to the administration of justice, and are of solemn importance to every member of the community, no one will deny. And your committee think that those offices deserve the special care of the legislature; and that instead of imposing unnecessary burthens upon them, they should hold forth sufficient inducements to command the services of men of talents, as well as integrity, to fill them; and the people would thereby be greatly benefited.

That there may have been some remission of duty among the great number of those who have been appointed to such offices, is not improbable. But your committee are decidedly of the opinion, that if there be any such remission of duty, or any grace, it is, not to be corrected by this law.

That the whole system, which the experience of half a century has proved to be a good one, should not be opposed and prostrated, and the people thereby seriously injured, merely with a hope that it may possibly compel some officer to a more punctual performance of his duty. But a law passed at the last session of the legislature, (chap-

ter 208,) will prove sufficiently severe to correct any evil which may exist in this respect. The third section of that act declares, that upon a verdict being found against any of the officers aforesaid, for a neglect of duty, it shall be considered a misdemeanor in office, and the court, executive of the state, or legislature, (as the case may be,) shall immediately proceed to appoint a fit and qualified person in his place. And as the attorney general is obliged to prosecute the bond of any officer who does not perform his duty; and as all the officers are compelled to renew their bonds every two years, your committee therefore think that any evil which does, or can exist, will now be most effectually and promptly corrected.

Your committee also believe, the law "to tax certain offices," to be unconstitutional, because the constitution intended to place the persons filling those offices, above the influence of fear, favour, or partiality; and if burthens be imposed on the officers, so as to take away their substance, there would be no use in guarding the shadow.

Your committee also find, that the tax operates only on a certain class in society, who ought not to be singled out as proper objects of extra taxes and extra burthens; and that it is either partial, operating only on a few, or an indirect tax through those few, on the most helpless; that is to say, the suitor in a court of justice, and the widow and orphan. Your committee therefore trust, that this subject will receive the serious consideration of this honourable body, and that they will pass the accompanying bill, reported by your committee.

All which is respectfully submitted.

By order, George A. Farquhar, Com. Clerk. Which was read

FRIDAY, January 12, 1827.

Mr. John W. Thomas reported a bill, entitled, An act to provide a compensation for the Brigade Inspectors of this state.

Mr. Brooke also reported a bill, entitled, An act to authorize the several county courts of this state to enter judgments in favour of defendants whose claims may be of greater amounts than those of plaintiffs, and for other purposes.

And Mr. Winchester also reported a bill, entitled, A further additional supplement to the act, entitled, An act concerning crimes and punishments.

Which bills, were severally read and ordered to lie on the table.

The bill reported by Mr. Edward Hughes, entitled, An act for the relief of Negro Esther, and others her descendants, was read the second time, passed, and sent to the senate for its concurrence.

Mr. Crabb, chairman of the committee, to whom was referred the petition of William Caton, of the city of Annapolis, praying reimbursement of monies paid by him into the treasury, reported the following resolution; which was twice read by a special order, assented to, and sent to the senate for concurrence, viz.

Resolved, That the treasurer of the western shore be and he is hereby authorized, to reimburse to William Caton of the city of Annapolis, one hundred and thirty-one dollars, which was paid by said Caton to this state, on the fourth day of October 1816, for a titling for a proclamation warrant. Provided, the said treasurer, upon an examination into the circumstances of the case, shall be satisfied, that the said William Caton has not been benefited by the warrant for which said sum was paid.

By order, Geo. A. Farquhar, Clk. The clerk of the senate returned the bill, entitled An act to divorce Catharine Will, and her husband George Will, of Frederick county. Also the bill, entitled, An act for the relief of John Wheeler, of Dorchester county; severally endorsed, "will not pass."

And the bill, entitled, An act to repeal an act, entitled, An act to exempt the servants of overseers of the county roads in Dorchester county, from doing duty on said roads, passed at December session one thousand eight hundred and twenty-three, and for other purposes; endorsed "will pass;" which said bill was thereupon ordered to be engrossed.

Together with the resolution relative to the payment of postage on all letters and papers received by members of the legislature, during the present session, endorsed, "dis assented from."

SATURDAY, January 13, 1827.

The house met. Were present the same members as on yesterday. The proceedings of yesterday were read.

The speaker communicated to the house reports and returns, which he had received, of the number of votes taken in favour of and against primary schools, at the election held on first Monday in October last, in the third, fourth and sixth election districts, respectively, of Prince-George's county; which were referred to the standing committee on public instruction.

And also a report which he had received from the clerk of Charles county court, relative to the attendance of the judges of that court; which was referred to the committee on grievances and courts of justice.

Mr. Tyson presented a petition from George Miller, of the city of Baltimore, praying a pension for revolutionary services; referred to the standing committee on that subject.

Mr. Keene also presented a petition from Luke Andrew, of Caroline county, an old revolutionary soldier, praying for relief; referred to the standing committee on that subject.

Mr. Barnes also presented a petition from James F. Houston, of Frederick county, praying that Frederick County Court may be authorized to extend to him the benefit of the act for the relief of sundry insolvent debtors, and its several supplements, on the conditions therein mentioned; referred to the standing committee on that subject.

Mr. Barnes also presented a petition from James Stultz, of Frederick county, praying the passage of an act to make valid a certain deed therein mentioned; referred to Messrs. Barnes, Sappington and Farquhar.

Mr. Teackle also presented a petition of sundry citizens of Somerset county, praying to be admitted to the benefits of primary schools; referred to the standing committee on that subject.

Mr. Tidball also presented a petition from Martin Myers, of Washington county, praying for the confirmation of certain deeds; referred to Messrs. Tidball, Hall and Newcomer.

Mr. Hope also presented a petition from the president and managers of the Baltimore and Havre-de-Grace Turnpike Company, praying the passage of a law authorizing the making of a road from Bush Town to Port Deposit Bridge, in Harford county; read and referred to Messrs. Hope, Sotton and Norris.

Mr. Banning asked and obtained leave to introduce a bill, to be entitled, An act relative to the duties of the trustees of the poor for the several counties therein mentioned; wherupon Messrs. Banning, Stevens, Sappington, Hall and Done, were appointed a committee to prepare said bill.

The report of the standing committee on divorces, unfavorable to the application of John Adam Finger, of Frederick county, made on the fourth instant, was read a second time and concurred in.

MONDAY, January 15, 1827.

The house met. Were present the same members as on Saturday. The proceedings of Saturday were read.

On motion by Mr. Rogers, leave of absence was granted to Mr. John Hughes.

The Speaker laid before the house the following Report, in relation to the papers and records in the office of the register of wills for Baltimore county, which had been communicated to him for that purpose, viz.

State of Maryland. Baltimore County, Orphans Court, January 9, 1826. Present, Alexander M'Kim, Beale Randall, Esquires. Stephen H. Moore, Esquire.

Among others, were the following proceedings, viz. In obedience to the act of assembly in such case made and provided, the judges of the orphans court for Baltimore county, do hereby declare, that after a careful examination of the papers and records in the office of the register of wills for Baltimore county, it appears that all of the papers which have been filed in the said office, from the time of its organization to the first day of January 1826, have been regularly and duly recorded, in substantial and well bound books kept for that purpose, and are as follows, viz.

13 Volumes of books, containing Wills, from the beginning to the 1st January 1826.

35 Volumes of books, containing Inventories, from the beginning to the 1st January 1826.

24 Volumes of books, containing Administration Accounts, from the beginning to the 1st January 1826.

7 Volumes of books, containing Guardian Accounts, from the beginning to the 1st January 1826.

9 Volumes of books, containing Accounts of Sales from the beginning to the 1st January 1826.

12 Volumes of books, containing Administration Bonds, from the beginning to the 1st January 1826.

5 Volumes of books, containing Guardian Bonds, from the beginning to the 1st January 1826.

4 Volumes of books, containing Releases and Receipts, from the beginning to the 1st January 1826.

12 Volumes of books, containing Indentures, from the beginning to the 1st January 1826.

15 Volumes of books, containing Proceedings and Minutes of Court, in which are recorded all transcripts and appeals at length and at large, from the beginning to the 1st January 1826.

20 Volumes of books, containing Docket Entries made up to the 1st January 1826.

1 Volume, containing Certificates of Negroes, from the beginning to the 1st January 1826.

The court would also remark, that all the papers in this office are put up in separate bundles of months and years, according to day and date, well labelled, &c. and placed away in separate cases kept for that special purpose, having doors, upon which are inscribed the papers therein contained, and are in a state of perfect order and security; and that the records, besides being substantial and well bound, are well covered with linen, and marked with type on the back, and are in a state of perfect preservation, and placed in cases with doors kept for that particular purpose.

The justices of the orphans court direct the register to spread the above upon the minutes of this court.

(Signed,) A. M'Kim, Beale Randall, S. H. Moore.

The said report was read and referred to the committee on grievances and courts of justice.

The Speaker also laid before the house a report from the clerk of Montgomery county court, relative to the attendance of the judges of that court; which was also referred to the committee on grievances and courts of justice.

TUESDAY, January 16.

The clerk of the senate delivered a bill, entitled, A further supplement to an act, entitled, An act for enlarging the power of the high court of chancery; which originated in, and being passed by that branch of the legislature, was read and referred to Messrs. Speed, Tidball and Campbell; also a bill, entitled, An act to provide for the preservation of the records belonging to the office of the clerk of Somerset County Court; which also originated in, and being likewise passed by the Senate, was read and referred to Messrs. Done, Dennis and Gibbons.

Also, a letter from the honourable Samuel Smith, addressed to the President of the Senate and Speaker of the House of Delegates, received by the Senate, and communicated to this house; which was read, viz.

Washington, 15th January, 1827.

Gentlemen. I have had the honour of receiving your official letter of the 10th instant, informing me that the honourable the general assembly have appointed me a senator in the senate of the United States, to serve for six years from the 3d day of March next.

For this fourth and renewed proof of their favourable opinion, I pray you to communicate to the several bodies over which you preside, my cordial acknowledgments. Having in civil and military stations devoted my time to the service of my country for more than forty years, it is a source of consolation, now, to find, that I have the happiness, yet, to retain the confidence of my fellow citizens.

I entreat you, gentlemen, to accept, for yourselves, my grateful thanks for the manner in which you have been pleased to convey to me this information, and an assurance of the high personal respect with which I have the honour to be,

Your most obedient servant, S. Smith.

Hon'ble Edward Lloyd, Pres. of Senate, and Hon'ble James W. McCalloh, Speaker House of Delegates.

And the said clerk returned the bill, entitled, A supplement to the act, entitled, An act to authorize the governor and council of Maryland to appoint the inspectors of flour for this state; also the bill, entitled, A supplement to an act, entitled, An act authorizing the commissioners to lay out a road in Montgomery and Anne Arundel counties; severally endorsed, "will pass;" wherupon the said bills were ordered to be engrossed.

And the resolution in favour of Benjamin Tomlinson, a member of the late electoral college, reimbursing him for extraordinary expenses incurred, in consequence of sickness, whilst engaged in the discharge of his duties as such; endorsed, "assented to;" wherupon the said resolution was ordered to be engrossed.

Bills of the following titles were this day severally reported, viz.

By Mr. Hope, An act to alter and amend so much of the constitution and form of government as relates to clerks of the county courts and registers of wills.

By Mr. Ridgely, An act to alter, repeal and amend, all such parts of the constitution and form of government of this state, as provides for filling vacancies in the houses of delegates.

COM. PORTER OFF HAVANA

Judging from the last advice of Havana, it is probable we shall hear of an action between Porter and Com. Laborde. Porter had sent notice into Havana that he was on the coast, and a Spanish vessel who left that port on the 26th brings information to New York that there had been an embargo of 4 days at Havana to enable Com. La B. to proceed to sea with part of his squadron. On the sailing of Laborde, an embargo was raised. Porter had a Spanish ship with his valuable cargo, quicksilver, &c. His squadron consisted of a frigate 2 brig and a schooner.

The committee on the District of Columbia, who were a few weeks since directed by the House of Representatives to inquire whether any law existed in that District authorizing the imprisonment of any freemen of colour & his sale, as an unclaimed slave, for fuel fees and other charges, have made their report.

The report says—"In this District, as in all the slave-holding states in the union, the legal presumption is, that persons of colour going at large without evidence of their freedom, are absconding slaves, and prima facie liable to all the legal provisions applicable to that class of persons."

The committee have frankly signified their approbation of this presumption, and declined recommending its abolition from the law of Maryland now prevailing in the county of Washington in the District of Columbia. They however recommend that the law be so altered as to make the fuel fees and other charges incidental on a free coloured person's committal to prison as a runaway in the District of Columbia, in every case where it shall on examination appear that such person is entitled to his or her freedom, chargeable by the county, and not to the person so committed. To effectuate this alteration, and prevent the sale of any free person of colour as a slave, the committee have reported a bill to abrogate, so far as the same operates in the District of Columbia, part of the 21st section of the act of this state, passed in 1773, entitled, An act relating to servants and slaves.

The committee assign various reasons for the course they have pursued, and amongst them the following, which we think sufficient to convince every unprejudiced mind of the correctness of their decision—"The District of Columbia, is surrounded on all sides by the states of Maryland and Virginia, slave holding states, to a great extent, and is situated in the heart of a large slave population. To establish by law the principle here, that all persons of colour, when found wandering at large, strangers and unknown within the District, are to be presumed and received as free until the contrary is shown, would make it the favourite resort—in fact, would make it the receptacle of fugitive slaves, to the great loss and constant vexation of slave owners throughout the southern states, and to the insupportable annoyance of the inhabitants of the District."

The fire continued to increase with redoubled fury, ascending through the common hall to the roof, and from thence extending a long to each wing, the whole building was soon wrapped in one sheet of vivid flame. We never witnessed a more awful and sublime sight, little more than two hours the whole building was destroyed.

The corner stone of this edifice was laid we believe about the year '67 or '68 by that great apostle of freedom whose name it bore.

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Maryland Gazette

ANNAPOLIS THURSDAY, JAN. 18, 1827.

Free Blacks in the District of Columbia.

The committee on the District of Columbia, who were a few weeks since directed by the House of Representatives to inquire whether any law existed in that District authorizing the imprisonment of any freemen of colour & his sale, as an unclaimed slave, for fuel fees and other charges, have made their report.

The report says—"In this District, as in all the slave-holding states in the union, the legal presumption is, that persons of colour going at large without evidence of their freedom, are absconding slaves, and prima facie liable to all the legal provisions applicable to that class of persons."

The committee have frankly signified their approbation of this presumption, and declined recommending its abolition from the law of Maryland now prevailing in the county of Washington in the District of Columbia. They however recommend that the law be so altered as to make the fuel fees and other charges incidental on a free coloured person's committal to prison as a runaway in the District of Columbia, in every case where it shall on examination appear that such person is entitled to his or her freedom, chargeable by the county, and not to the person so committed. To effectuate this alteration, and prevent the sale of any free person of colour as a slave, the committee have reported a bill to abrogate, so far as the same operates in the District of Columbia, part of the 21st section of the act of this state, passed in 1773, entitled, An act relating to servants and slaves.

The committee assign various reasons for the course they have pursued, and amongst them the following, which we think sufficient to convince every unprejudiced mind of the correctness of their decision—"The District of Columbia, is surrounded on all sides by the states of Maryland and Virginia, slave holding states, to a great extent, and is situated in the heart of a large slave population. To establish by law the principle here, that all persons of colour, when found wandering at large, strangers and unknown within the District, are to be presumed and received as free until the contrary is shown, would make it the favourite resort—in fact, would make it the receptacle of fugitive slaves, to the great loss and constant vexation of slave owners throughout the southern states, and to the insupportable annoyance of the inhabitants of the District."

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