

PROCEEDINGS OF THE LEGISLATURE OF MARYLAND HOUSE OF DELEGATES

Public Instruction of Youth.

Mr. Teackle, chairman of the committee therein mentioned, delivered the following report, viz.

The committee on Public Instruction, to whom was referred the returns of the judges of elections under the act of December session 1825, chapter 162, entitled, "An act to provide for the public instruction of youth, in primary schools throughout this state;" the petitions of sundry inhabitants of several counties which gave a majority against the adoption of the said law, praying to be admitted to the benefits of primary schools, and "so much of the executive communication as relates to the subject of education," have had the same under consideration, and beg leave to present the following report—

From the information communicated to the committee, it appears that the act in question has been adopted by the counties of Harford, Baltimore, Anne-Arundel, Calvert, St. Mary's, Charles, Prince-George's, Montgomery, Frederick, Talbot, Queen-Anne's, Kent and Cecil, and rejected by Worcester, Somerset, Dorchester, Caroline, Washington and Allegany—making thirteen counties in favour of, and six against, the said act. But from the numerous petitions since presented, and the strong manifestation of feeling in different parts of the state, upon this important public interest, it appears evidently, that the people of Maryland are duly sensible of the incalculable advantages to be derived from the improvement of this interest, and well disposed to sustain a system susceptible of diffusing its beneficial consequences.

For the improvement and support of public instruction in common schools, the most liberal appropriations have been made, not only in several of the enlightened states of this Union, but in our sister republics of Mexico, Colombia, Guatemala, Peru, and Buenos Ayres; also in the imperial government of Brazil; and to the honour of Portugal, it is declared, in her new constitution, that "public instruction in primary schools, shall be gratuitous to all the people." And when it is established, upon a basis which cannot be shaken, that knowledge will ever govern ignorance, and a people, who mean to be their own governors, must arm themselves with the power which knowledge gives, it can not be doubted, that the patriotic statesmen of this legislature will cordially concur in the generous sentiment of the executive communication before referred to, and be equally animated with an ardent hope, and zealously endeavour, to "perfect a system" which may be "acceptable to the people," and promote the intellectual and moral improvement of the rising generation; and thereby conduce to the strength, energy and durability, of our free institutions.

The committee therefore will prepare bills for the several objects of this improvement, and present the same for the consideration of this honourable house.

All which is respectfully submitted.

Littleton Dennis Teackle, Chairman.

By order, James H. Milbourne, Com. Clk. Bills of the following titles were this day severally reported, viz.

By Mr. Banning, from the joint committee of both houses on the subject, An act establishing a library for the use of the legislature.

By Mr. Turner, chairman of the committee to whom was recommended the bill heretofore reported on the subject, A further supplement to the act, entitled, An act for the recovery of small debts out of court, and to repeal the acts of assembly therein mentioned; and

By Mr. John W. Thomas, An act to authorise the governor and council of Maryland to appoint inspectors of salted pork and beef in this state.

Which said bills were severally read the first time and ordered to lie on the table.

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

By Mr. Peach, An act to confirm certain proceedings of David Crawford, Alexander Mandell, John R. Magruder, junior, and John Hodges, commissioners appointed by an act of the last session of assembly, to appropriate and expend certain monies raised by lottery; and

By Mr. Tyson, A supplement to an act, entitled, An act for incorporating a society to educate and maintain poor orphan, and other destitute female children, by the name of The Orphanal Charity School, and to repeal the act of assembly therein mentioned.

Which said bills were severally twice read, by special order, passed, and sent to the senate for its concurrence.

Bills of the following titles, reported by Mr. Buchanan, chairman of the standing committee on divorces, having been orders of the day for yesterday, and being now unfinished business, were this day severally read the second time, passed, and sent to the senate, for its concurrence, viz.

An act to divorce Rebecca Thrush, and her husband Nicholas Thrush, of the city of Baltimore.

An act for the benefit of Elizabeth Smith, of Washington county.

An act to divorce Hannah Boudet, and her husband John Peter Boudet, of the city of Baltimore; and

An act to divorce Ann Culverwell, and her husband William Culverwell, of the city of Baltimore.

On the second reading of the bill, reported by the chairman of the committee on divorces, entitled, An act for the relief of Lucretia M. Watkins, of Anne Arundel county; being also amongst the unfinished business of yesterday; the Speaker, at the request of a member of the house, propounded the question, "will the house agree to sit with closed doors, for the purpose of considering said bill?" Resolved in the affirmative. The lobbies and galleries being then cleared of by-standers, and the doors closed, the house continued in secret session for a short time, during which, the said bill was considered and passed. The doors were then opened, and the said bill was sent to the senate for its concurrence.

On the second reading of the bill reported by the chairman of the committee on divorces, entitled, An act to divorce Elizabeth Blakeley, and her husband John Blakeley, of Baltimore county, being also unfinished business of yesterday; Mr. Barnes moved that the same be referred to the consideration of the legislature of the state of Pennsylvania; Determined in the negative. The said bill was then passed.

The bill reported by the chairman of the committee on divorces, entitled, An act for the relief of Mary Davis, of Washington county, being also unfinished business of yesterday, was read the second time and passed.

The clerk of the senate returned the bill, entitled, An act to make valid a deed from John Miles to John Colborn, late of Somerset county, deceased; also the bill, entitled, An act to authorise the levy court of Frederick county, to levy a sum of money for the purpose therein mentioned; severally endorsed, "will pass."

Also the bill, entitled, An act extending the time for Frederick Cross, the collector of Prince George's county, to complete his collection, endorsed, "Amendment reconsidered and amended."

which amendment was twice read, by special order, and assented to as amended.

The said bills were thereupon severally ordered to be engrossed.

The said clerk also delivered a bill, originated in, and passed by, the senate, entitled, A further supplement to the act, entitled, "An act to provide for the administration of justice in the case of crimes and misdemeanors in the city and precincts of Baltimore;" which was read and referred to Messrs. Tyson, Richard Thomas, Tidball, Teackle and Brown.

MONDAY, January 23d, 1827.

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

Mr. Mordecai Smith, who had been absent a few days, appeared and took his seat in the house.

Edward Griffith, Esquire, a delegate returned as duly elected for Dorchester county, to supply the vacancy occasioned by the death of John R. Pitt, Esquire, appeared, and having been duly qualified in the manner and form prescribed by the constitution and laws of this state, before Gideon White, Esquire, a justice of the peace for Anne Arundel county, took his seat as a member of the house of delegates.

On motion by Mr. Norris, the house proceeded to the choice of a chief clerk, to supply the vacancy occasioned by the death of John Brewer, Esquire, when Gideon Pearce was unanimously elected; whereupon Gideon Pearce was declared to be unanimously elected the chief clerk of the house of delegates. He was accordingly duly qualified as such, in the manner and form prescribed by the constitution and laws of this state, before Gideon White, Esquire, a justice of the peace for Anne Arundel county, and entered on the duties of his office.

On motion by Mr. Barnes, it was Ordered, That the votes of a majority of all the attending members shall be necessary to constitute an election to the office of the assistant clerk of the house of delegates, now become vacant by the election of Gideon Pearce as the chief clerk.

On motion by Mr. Goldsborough, the house then proceeded to the election of an assistant clerk, to supply the vacancy caused by the election of Gideon Pearce, to the office of chief clerk; when George G. Brewer, Joseph Mayo, and Louis Gasaway, were nominated.

The ballot box being prepared, the members deposited their ballots therein. And Messrs. Crabb and Tyson, who were appointed tellers to examine and count the ballots and report the result, having retired to the committee room, after the lapse of a short time returned and reported, that seventy-three ballot appeared to have been taken; of which number George G. Brewer had obtained thirty-five votes, Joseph Mayo had obtained nineteen votes, and Louis Gasaway had obtained nineteen votes, and that neither of the gentlemen nominated having obtained the votes of a majority of the attending members, no election had been made.

On motion by Mr. Crabb, the name of Louis Gasaway was then permitted to be withdrawn from the nomination; whereupon another balloting occurred, and the tellers having retired to the committee room, for the purpose of examining and counting the ballots, after the lapse of a short time again returned and reported that seventy-six ballots appeared to have been taken, and of that number, that George G. Brewer had obtained forty-seven votes, and that Joseph Mayo had obtained twenty-nine votes; whereupon it was declared that George G. Brewer was duly elected the assistant clerk of the house of delegates. And he was accordingly duly qualified as such, in the manner and form prescribed by the constitution and laws of this state, before Gideon White, Esquire, a justice of the peace for Anne Arundel county, and entered on the duties of his office.

On motion by Mr. Barnes, it was Ordered, That the committee of claims place on the journal of accounts the amount of expenses of the funeral of John Brewer, esq. late chief clerk of this house.

On motion by Mr. Hall, the following message was twice read, agreed to, and sent to the senate, viz.

By the House of Delegates, Jan. 23d, 1827. Gentlemen of the Senate,

We have the pleasure to acknowledge the receipt of your message of the 20th, in answer to ours of the 15th instant, proposing a joint committee on the subject of the bill reported by Gideon Pearce, esq. and in reply thereto beg leave to remark, that the importance of the subject induced us to propose that the said committee should sit during the hours of business, and that we contemplated authorising the committee on the part of this house to send for "persons and papers," to save the trouble of a special application for that purpose, should it become necessary. However, with a view to expedite the completion of a satisfactory bill, we waive such parts of our message as are objectionable to your honourable body, and concur with your message. Messrs. Chapman, Brooke, Stevens, Hall and Bennett, compose the committee appointed on the part of this house.

Petitions and memorials were presented, viz.

By Mr. Ridgely, A petition from Mary Ann Kershner, of Allegany county, the widow of a soldier of the revolution, praying for relief.

By Mr. Shaw, A petition from the children of Nathaniel B. Magruder, late of Allegany county, deceased, who was a soldier of the revolution, praying that the pension formerly allowed their father may be continued and accorded to them.

By Mr. Stricker, A petition from Mary S. Edwards and Elizabeth Middleton, of the city of Baltimore, the only daughters of Gilbert Middleton, deceased, who was a soldier of the revolution; praying that a pension which was heretofore granted their father, may be continued to them so long as they shall remain unmarried. Which said petitions were severally read and referred to the standing committee on pensions and revolutionary claims.

By Mr. Campbell, A petition from James Kelly, of Kent county, praying a special act of insolvency; referred to the standing committee on that subject.

By Mr. Millard, A memorial from sundry pilots in and for the Chesapeake Bay, praying for a new and improved pilot law; referred to the committee which prepared and reported a bill on that subject.

By Mr. Norris, A petition from sundry inhabitants of Harford county, praying the passage of a law to compensate jurors in cases of forcible entry and detainer; referred to the standing committee on grievances and courts of justice; and

By Mr. Sutton, A petition from sundry inhabitants of Harford county, praying the passage of a law for the destruction of crows; referred to the committee already appointed to prepare and report a bill on that subject.

Leaves were this day asked and obtained to introduce bills of the following titles, viz.

By Mr. Stricker, An act to regulate the amount of capital on which the annual tax shall be paid by the banks therein mentioned; on which Messrs. Stricker, Tyson and Sappington, were appointed a committee to prepare the same.

By Mr. Milberry, An act to settle and ascertain the salary of the members of the council for the ensuing year; on which Messrs. Milberry, Richard Thomas and Nicholson, were appointed a committee to prepare the same.

By Mr. Barnes, An act to provide for the making of the several turnpike roads, and for the extension of the charters of the several banks therein mentioned; on which Messrs. Barnes, Farquhar and Milberry, were appointed a committee to prepare the same.

By Mr. Montgomery, An additional supplement to the act, entitled, An act to regulate the inspection of lumber; on which Messrs. Montgomery, John W. Thomas and Tyson, were appointed a committee to prepare the same.

By Mr. Done, A supplement to the act to provide for the preservation of the records belonging to the office of the clerk of Somerset county court; on which Messrs. Done, Gibbons and Dennis, were appointed a committee to prepare the same.

By Mr. Samuel R. Smith, An act to extend the time for James Derickson, late collector of Worcester county, to complete his collection; on which Messrs. Samuel R. Smith, Slemaker and Bishop, were appointed a committee to prepare the same.

The State's Claim.

Mr. TEACKLE, from the committee on ways and means, delivered the following report; which was twice read by special order, concurred in, and the preamble and resolutions therein contained, were assented to, and sent to the senate for concurrence, viz.

The committee on ways and means, to whom was referred so much of the executive communication as relates to the state's claims on the government of the United States for expenditures in the last war with Great Britain, have had the several matters of this reference under consideration, and beg leave to present the following report:

Deferring, for the moment, a special notice of the claim for principal, of which a considerable balance yet remains due, for the want of vouchers, the committee proceeded to the consideration of interest on the capital admitted, or which may hereafter be admitted, under the authority of existing law.

It appears that in the liquidation of the claim referred to in the resolution No. 38 of the last session, a "wide difference of construction was put upon the act of congress by the treasurer of the western shore, who furnished a statement, in behalf of the state, and by the third auditor of the treasury department of the United States, on whom the adjustment of the claim devolved; the auditor made his objections by way of remarks upon the several items of the treasurer's statement, which were replied to by an elaborate and able argument by the treasurer, in support of his statement, and the principles upon which it was founded, as well with reference to the act of congress, as to their intrinsic propriety and justice. The auditor, it seems, could not be convinced that the act of congress authorised him to allow the claim, as stated by the treasurer, and therefore, without contesting its merits, adhered to his objections, and liquidated the claim upon the principles which he believed to be prescribed by the act. Whether a liberal construction of the act of congress would have authorised the auditor to settle the claim upon the principles contended for by the treasurer, we will not undertake to determine—but it appears to us most manifest, whether the fault lie in the law, or in construing it, that the state has not obtained, by a considerable sum, the amount of her just and fair claim."

The committee have examined the correspondence, statements and remarks, in due order, from No. 1 to 25, in reference to the claim in question; and whilst they lament the variance which has arisen upon the construction of the act of congress, they are constrained to concur with the conclusion drawn by the state's treasurer of the western shore, and to accord entirely with the opinion expressed in the executive communication before referred to, in the full assurance that "the state has not received, by a considerable sum, the amount of her just and fair claim."

The committee, therefore, submit the following preamble and resolutions:

Whereas by a resolution of the general assembly of Maryland, passed at December session 1825, the senators of this state, in the congress of the United States, were requested to bring before the general government the claim for interest on loans contracted by the state for the prosecution of the late war; and their representatives were also requested to assist in prosecuting the said claim to a successful termination; And whereas the amount which might be received from the government of the United States for interest upon the said loans, was specifically assigned and appropriated towards the support of common schools. And whereas an act was passed by the congress of the United States, to authorise the payment of the said interest. And whereas the provisions of the said act have not been deemed sufficient to warrant an adjustment upon the principles of established usage and common justice;

Therefore, Resolved by the general assembly of Maryland, That the senators and representatives of this state in the congress of the United States, be and they hereby are requested to exercise their best exertions to obtain an act to authorise the settlement of the state's claim for interest on monies expended for the United States in the prosecution of the late war with Great Britain, according to usage and the equity of the matter.

Further Resolved, That his excellency the governor be requested to cause the foregoing report, preamble and resolution, to be communicated severally to each of the senators and representatives of this state in the congress of the United States.

All which is respectfully submitted.

By order, Jacob S. Smith, Clk.

Tuesday, January 23d.

Petitions and memorials were presented, viz.

By Mr. John W. Thomas, A petition from sundry inhabitants of Cecil county, praying that a company may be incorporated to make a turnpike road from Port Deposit, along the margin of the river Susquehanna, to the intersection of a road leading from Battle Swamp to the lower ferry; referred to Messrs. John W. Thomas, Harlan and Thompson.

By Mr. Hope, A petition from a number of the inhabitants of Harford county, praying an alteration of Hall's cross roads and Belle Air election districts, in said county; referred to Messrs. Hope, Sutton and Montgomery.

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

By Mr. Teackle, An act supplemental to an act, entitled, An act to provide for the public instruction of youth in primary schools, throughout this state.

By Mr. Jones, A supplement to an act, entitled, An act for the better regulation of apprentices, passed at November session 1793.

By Mr. Stricker, An act to regulate the amount of capital on which the annual tax shall be paid by the banks therein mentioned.

By Mr. Speed, An act to authorise the building of a bridge over the river Patuxent at the lower end of said river.

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

Bills of the following titles were this day severally reported, twice read, by special order, passed, and sent to the senate for concurrence, viz.

By Mr. Gannt, An act to repair a certain bridge therein mentioned.

By Mr. Edward Hughes, An act to alter and amend so much of an act, entitled, An act to lay out and open a road from Westminster, in Frederick county, to the city of Washington and George Town, as relates to the opening of said road through Montgomery county.

By Mr. Samuel R. Smith, An act to extend the time for James Derickson, late collector of Worcester county, to complete his collection.

By Mr. Hope, An act to alter and change the location of part of Hall's Cross Roads and Belle Air election districts in Harford county.

The bill reported by Mr. John W. Thomas, entitled, An act to abolish all such parts of the constitution and form of government as relate to the time and manner of electing the senate, and the mode of filling up vacancies in that body, so that each county and the city of Baltimore may have a senator, to be elected immediately by the people, was this day passed—yeas 24, nays 23.

The clerk of the senate returned the bill, entitled, An act relating to banks, inland bills of exchange, and promissory notes, endorsed, "will not pass."

Extract of a letter to the Editor of the Commercial Chronicle, dated

Washington, Jan. 22, 1827.

The committee on commerce made their report this morning, on that part of the President's message, which relates to the British colonial trade. An additional number of copies were ordered to be printed. This report is said to sustain the navigating interest of the United States, and the course that has been pursued by the administration on this important subject. The bill as reported completely meets the prohibitions imposed by the British order in council.

CHESAPEAKE AND DELAWARE CANALS. So much interest is felt by all in this great public work, that there are few of our readers who will not be glad to learn the whole of the result of \$200,000 asked for to prosecute it to him, or which may appertain to his office; and generally to perform all services as may properly belong to his department, or be required of him."

Section 2. The auditor to receive all bills, &c. arising on the western shore, to certify the balances, and transmit the accounts to the treasurer of the western shore.

Section 3. The auditor to settle accounts or statements of the treasurer of the western shore, and certify the same to the treasurer of the western shore.

Section 4. The treasurer of the western shore to receive and keep the monies of the state, and disburse the same upon the certificates of the auditor, and not otherwise; to take receipts for monies paid; receipts for monies received, shall be endorsed on warrant, signed by the auditor, without which no acknowledgment thereof shall be valid.

Section 5. Treasurer of W. S. to render accounts to auditor, quarter-yearly, to be before the legislature copies of all accounts by him rendered to the auditor, and also a true and correct statement of the treasury for each annual estimates of appropriations for public service, a statement of the receipts for the year, made during the year; also a statement of the monies remaining in the treasury from appropriations of former years, estimated the amount which will not be required to defray expenses incurred in previous year, and showing the whole amount subject to disposition in the year, to which said estimates may refer.

Section 6. Public monies received by each of the Treasurers to be deposited in the Farmers' Bank, and in the branch at Eastern, in their names respectively, and all payments by the public account to be made by checks drawn by them, in their official character.

Section 7. An act to authorise the Board of Public Works to order the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 8. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 9. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 10. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 11. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 12. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 13. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 14. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Section 15. An act to amend the several laws relating to the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

Maryland Gazette ANNAPOLIS THURSDAY, JAN. 25, 1827.

A bill has passed the House of Representatives of the U. S. appropriating \$20,000 to the relief of the sufferers by the destructive fire which appeared at Alexandria on Thursday last. The bill was sent to the senate, where it was read a second time by unanimous consent, but the further consideration of it postponed for the day, that the committee appointed by the senate to report a bill, having the same object in view, might make their report before the senate proceeded to act definitively on the subject.

Ward meetings have been held in Baltimore at which persons were appointed to make a collection in that city for the relief of the sufferers by the fire at Alexandria. The Corporation of Washington have voted 1000 dollars for this purpose. Forty houses were destroyed by the fire, and the loss in buildings, and other property is estimated at 200,000 dollars.

BILLS OF PUBLIC INTEREST Before the Legislature of Maryland. CHESAPEAKE & OHIO CANAL. Mr. Nelson, has introduced a bill to amend the act incorporating the Chesapeake and Ohio Canal Company. It authorises the company to terminate the western section of the canal at or near the town of Cumberland on the Potomac, and to extend the western section in any other direction they may deem expedient towards Pittsburg on the Ohio. And to substitute inclined planes and railways for tunnels, &c. in crossing the dividing ridge between the eastern and western waters.

In the event that the western section shall leave the valley of the Potomac river at any point below the Coal Banks near the mouth of Savage on the North Branch, the company to have power to extend a branch from the main canal to said Banks.

This act to go into operation when sanctioned by congress, the legislature of Virginia, and the Potomac Company.

ELECTION. Mr. Johnson yesterday reported to the senate a bill to change the time of electing Representatives of this state in the congress of the United States. The time at which it is contemplated to hold the election is not mentioned in the bill. This is left for the senate to name when the bill is called up for a second reading.

TREASURY DEPARTMENT. Mr. Teackle—a bill, entitled, An act relating to the Treasury Department, and to regulate the collection and expenditure of the public revenue of this state.

Section 1. Makes it the duty of the Auditor General to digest and prepare plans for the improvement and management of the revenue, to prepare and report estimates of the revenue and expenditures; to decide on the forms of keeping and stating accounts, making returns; to give information to the legislature, either in person, or in writing, relating to matters referred to him, or which may appertain to his office; and generally to perform all services as may properly belong to his department, or be required of him."

Section 2. The auditor to receive all bills, &c. arising on the western shore, to certify the balances, and transmit the accounts to the treasurer of the western shore.

Section 3. The auditor to settle accounts or statements of the treasurer of the western shore, and certify the same to the treasurer of the western shore.

Section 4. The treasurer of the western shore to receive and keep the monies of the state, and disburse the same upon the certificates of the auditor, and not otherwise; to take receipts for monies paid; receipts for monies received, shall be endorsed on warrant, signed by the auditor, without which no acknowledgment thereof shall be valid.

Section 5. Treasurer of W. S. to render accounts to auditor, quarter-yearly, to be before the legislature copies of all accounts by him rendered to the auditor, and also a true and correct statement of the treasury for each annual estimates of appropriations for public service, a statement of the receipts for the year, made during the year; also a statement of the monies remaining in the treasury from appropriations of former years, estimated the amount which will not be required to defray expenses incurred in previous year, and showing the whole amount subject to disposition in the year, to which said estimates may refer.

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Section 7. An act to authorise the Board of Public Works to order the sale of so much of the real estate in this state as may be necessary to defray the expenses of the said Board.

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