

PROCEEDINGS OF THE LEGISLATURE OF MARYLAND. HOUSE OF DELEGATES. SATURDAY, February 24, 1827.

The house met. Were present, the same members as yesterday. The proceedings of yesterday were read. The Committee of Arrangements having made the necessary preparations, the members and officers of this house, in conjunction with those of the senate, also his Excellency the Governor, and the members and officers of the Executive Council, the masonic brethren, the relatives of the deceased, accompanied by other officers of the state government, the Visitors, Faculty, Alumni and Students of St. John's College, Officers of United States army and navy, citizens and strangers; having been duly arranged in solemn procession, conformably to the order of the committee of arrangement, moved, with the hearse, containing the corpse of Thomas P. Bennett, esquire, late a member of this house, to the steam-boat Maryland, on board of which the body was placed under the care of the said committee, for the purpose of being conveyed and delivered to his friends on the eastern shore whereupon, the remaining members, and the officers of this house, returned.

And the Speaker having resumed the chair, On motion by Mr. Campbell, the question was propounded, That this house, from respect to the memory of Thomas P. Bennett, esquire, do now adjourn? And it was resolved, unanimously, in the affirmative. Whereupon the house adjourned until Monday morning nine o'clock.

MONDAY, February 26, 1827.

The bill, passed by this house on Friday the 23d instant, entitled, An act to provide for the valuation and condemnation of a lot of land at the mouth of Cambridge creek, in Dorchester county, for the erection and establishment of a tide mill; and the resolution, assented to by this house on the same day, respecting the death of Thomas P. Bennett, esquire, late a delegate from Talbot county, were sent to the senate for their concurrence therein.

Petitions and memorials, of the following titles, were this day presented, to wit:

By Mr. Speaker, the memorial of Charles Carroll, of Carrollton, William Patterson, Robert Oliver, Isaac M-Kim, and other citizens of Maryland, and inhabitants of the city of Baltimore, transmitted to him by William Patterson, as chairman of a committee of the memorialists, praying the passage of an act to incorporate a company to be entitled, "The Baltimore and Ohio Rail Road Company;" which was read, and on motion by Mr. Tyson, it was ordered, unanimously, that the consideration thereof, be referred to a committee of the whole house.

By Mr. Tyson, the memorial of the mayor and city council of Baltimore, in relation to the subject of the auction duties. On motion by Mr. Teackle, Ordered, That the said memorial be referred to the consideration of the committee on ways and means.

By Mr. John W. Thomas, a petition from George Lashley of Cecil county, a revolutionary soldier, praying to be put on the pension list; referred to the committee on pensions and revolutionary claims.

By Mr. Stricker, the petition of George H. Stenart, and others, of the city of Baltimore, praying that certain lottery rights may be revived; referred to the standing committee on lotteries.

Also the petition of Susan Evans, of the city of Baltimore, praying a divorce; referred to the standing committee on divorces.

By Mr. Edward Hughes, the petition of sundry citizens of Rockville, in Montgomery county, praying the extension of a lottery, for purposes therein mentioned; referred to the standing committee on lotteries.

Also the petitions of Nancy Grant, and Ruth Case, of Montgomery county, each praying for pecuniary relief; severally referred to the standing committee on that subject.

And the petition of Adam Robb, executor of Upton Beall, late clerk of Montgomery county court, praying an act authorising him to place in the hands of the sheriff, certain fees for collection; referred to Messrs. Edward Hughes, Lansdale and Jones.

By Mr. James, the petition of sundry citizens of Rockville, in Montgomery county, praying an act to aid them in the improvement of said village; referred to Messrs. James, Ed. Hughes and Lansdale.

By Mr. Ringgold, the petition of Milcah Hatcheson of Kent county, praying pecuniary relief; referred to the standing committee appointed on that subject.

TUESDAY, February 27.

Mr. Teackle, from the same committee, also reported the following preamble and resolution:

Whereas, it is represented to this General Assembly, by the report of the late state's agent of the western shore, that the stockholders of the Potomac company have accepted the terms proposed to them in the charter of the Chesapeake and Ohio Canal Company; therefore,

Resolved by the General Assembly of Maryland, That further proceedings for the recovery of the public claim, which originated under the resolution No. 8, passed at December session 1813, and referred to in the resolution No. 29, passed at December session 1818, and No. 43, passed at December session 1823, be, and the same hereby are suspended and stayed, until after the next meeting of the legislature: Provided, that the said Potomac company shall, on or before the first day of July next, pay the cost of the prosecution, and one year's interest on the said claim. Respectfully submitted,

By order, Jacob S. Smith, Com. Clk. Which having been read the first, and by a special order, the second time, were assented to, and sent to the senate for their concurrence therein.

Mr. Teackle, from the same committee, also reported the following preamble and resolution:

Whereas, it is represented to this general assembly, by the report of the late state's agent for the western shore, that the public interest may be promoted by postponing sales of the two tracts of land in Allegany county, referred to in the resolutions Nos. 12 and 13, passed at December session 1824, therefore,

Resolved by the General Assembly of Maryland, That sales of the said lands be and the same are hereby postponed, until after the meeting of the next legislature.

Respectfully submitted, By order, Jacob S. Smith, Com. Clk. Which having been read the first, and by a special order, the second time, were assented to, and sent to the senate for their concurrence therein.

Mr. Stevens, chairman of the committee on lotteries, delivered the following report, which was generally read the first time, and ordered to lie upon the table, viz: The committee on lotteries, who were directed by an order of the house of delegates, to inquire into the expediency of the state purchasing the right of a lottery, granted at November session 1808, chapter 30, to raise a sum of money for the building a school house in the village of Denton, in Caroline county, report—That upon reference to the act of Dec. session eighteen hundred and eighteen, chapter one hundred and seventy nine, they find, that it became the duty of the managers of all lotteries authorised by the laws of this state, to signify their wishes in writing, to the commissioners of lotteries, to have the said lotteries drawn, and their determination to propose a scheme for that purpose, whenever their right to draw the same should come in rotation, and that those who should neglect to signify their determination to draw any one of said lotteries as aforesaid, their right should be wholly forfeited, and from the report of the lottery commissioners, it appears that the managers of the aforesaid lottery never did signify their determination to draw the said lottery agreeably to the act aforesaid; therefore, your committee think it would be inexpedient for the state to purchase a right, where none exists.

All which is respectfully submitted.

By order, Robert Stevens, Chairman. Benjamin Seegar, Com. Clk. The committee on lotteries, who were instructed by an order of the house of delegates, to inquire into the propriety of purchasing the scheme of a lottery granted session 1796, chapter 14, or of consolidating the same with that of some other lottery, report—That from the omission of the managers to report to the lottery commissioners their intention to draw the said lottery, and propose a scheme, agreeably to the act of December session 1818, chapter 179, their right has been forfeited. Therefore your committee think it would be improper for the state to purchase the scheme.

By order, Benjamin Seegar, Com. Clk. Mr. Norris, chairman of the committee therein mentioned, delivered the following report; which was read the first time, and ordered to lie upon the table, viz:

The committee to whom was referred the petition of Samuel Hoskins, Francis A. Bond, and Nicholas Bond, take leave to report—that they have had the same under consideration; that by referring to the law of 1821, chap. 184, authorising the change in the location of the road referred to in the petition, they are of opinion, that the law authorising the changes in the location of said road, necessarily closed the old road, where a change was made. Should this, however, be otherwise determined, the levy court of Harford county have ample powers in such cases, by a law of the same session, chap. 152, transferring the powers from the county court to the levy court of said county; that in as much as the legislature have transferred the power to another tribunal, it would be improper to legislate on the subject.

All of which is respectfully submitted.

By order, James H. Milbourne, Com. Clk. Mr. Samuel R. Smith, chairman of the committee therein mentioned, also delivered the following report; which was read the first time, and ordered to be laid on the table, viz:

The committee to whom was referred the petition of Joseph I. Gilliss, and others, of Worcester county, for relief, have had the same under consideration, and are of opinion that the prayer of the petitioners is reasonable, and therefore beg leave to recommend the adoption of the following resolution:

Resolved, That the treasurer of the eastern shore be instructed to extend the time of payment of the judgments in favour of the state against the said Joseph I. Gilliss, and others, securities of Cord Hazard, late sheriff of Worcester county, for the term of twelve months; Provided, that the said Joseph I. Gilliss, and others, securities for the said Hazard, shall give good and sufficient security, to be approved by the treasurer of the eastern shore, for the payment of the judgments and claims aforesaid, with six per cent interest from the date of their becoming due until paid.

Respectfully submitted, By order, D. Ridgely, Com. Clk. Mr. Done, chairman of the committee therein mentioned, reported the following preamble and resolution:

Whereas it has been represented to this general assembly, that the state of Maryland has obtained judgments against Charles Jones, late collector and sheriff of Somerset county, and his securities, for various sums of money due to said state; and the said Charles Jones has lately died, leaving a large estate, but which, if sold at this time under execution, would be totally sacrificed, and his securities burthened with a heavy debt, which might cause their utter ruin.

Therefore, be it resolved, That all proceedings on the judgments obtained by the state of Maryland against the said Charles Jones, and his securities, be and the same are hereby suspended until the first day of January eighteen hundred and twenty-eight; provided that nothing herein contained shall be construed to release the right of the state to any property real or personal, which has already been taken in execution of the said Charles Jones, or any of his securities.

Respectfully submitted, By order, James H. Milbourne, Com. Clk. Which having been read the first, and by a special order, the second time, were assented to, and sent to the senate for their concurrence therein.

Several messages were this day received from the senate, by their clerk, returning the bills and resolutions, sent from this house for their concurrence therein, of the following titles, to wit:

An act to change and repeal so much of the constitution and form of government of this state as relates to the division of Queen-Anne's county into election districts.

An act for draining a branch and the low lands at Parson's Creek and Tobacco Stick, in Dorchester county.

A supplement to an act, entitled, An act to authorise the sale of tickets in a lottery to be drawn in Virginia, for the disposal of the property of Thomas Jefferson.

An act to provide for the more speedy payment of jurors, in Charles and Kent counties.

An act for the relief of Henrietta S. Love, of the city of Baltimore.

An act authorising Isaac Sweet, a free man of colour, to bring his wife Katy Sweet, into this state.

An act authorising John T. Barnes, a free man of colour, to bring his wife Jane, into this state.

An act to alter and repeal such parts of the constitution and form of government, as relate to the division of Worcester county into election districts.

An act for the benefit of Adam Robb, executor of Upton Beall, late clerk of Montgomery county; severally endorsed "with pass."

Also, a resolution in favour of John S. Maflitt, of Cecil county; and,

A preamble and resolution for suspending all proceedings on the judgments obtained by the state against Charles Jones, late sheriff and collector of Somerset county; and his securities; severally endorsed, "assented to."

Whereupon it was ordered, that the said bills and resolutions be severally engrossed.

And conveying bills, originated in, and passed by the senate, entitled,

A further supplement to the act, entitled, An act for enlarging the power of the high court of chancery. And, A further supplement to the act, entitled, An act for the better regulation of apprentices; which said bills were severally read the first time, and referred, the first mentioned to Messrs. Speed, Tidball and Campbell; and the last mentioned to Messrs. Stricker, Speed and Ringgold.

And the following communication from the executive, received and referred by the senate to the consideration of this house. In Council, Annapolis, February 26, 1827.

Gentlemen of the Senate, and of the House of Delegates, In compliance with the request of the Pennsylvania Institution for the Deaf and Dumb, we transmit the enclosed memorial for your consideration.

With the highest consideration, We have the honour to remain, Your obed't. servant, JOS. KENT.

Which, with the enclosed memorial, were read, and referred to the committee already appointed on the subject to which they relate.

Mr. Farquhar, one of the committee of arrangement that attended the remains of the late Mr. Bennett to the eastern shore, returned and again appeared in the house.

On motion by Mr. Tyson, the house resolved itself into a committee of the whole house, on the memorial of Charles Carroll, of Carrollton, William Patterson, Robert Oliver, Isaac M-Kim, and other citizens of Maryland, and inhabitants of the city of Baltimore, praying the passage of an act to incorporate a company, to be entitled, The Baltimore and Ohio Rail Road Company; and after some time spent therein, Mr. Speaker resumed the chair, when Mr. Stricker reported, that the committee, having had the said memorial under consideration, directed him to report a bill, which he then delivered, with said memorial, to the Speaker, entitled, An act to incorporate The Baltimore and Ohio Rail Road Company.

And the said bill having been read the first time, the house agreed to give it a second reading, by a special order, and to proceed to the consideration thereof.

The bill was then read the second time, when, on motion by Mr. Edward Hughes, the following amendment was twice read, and adopted as an additional section, to be inserted at the close of the bill, viz:

"And be it enacted, That if said road shall not be commenced in two years from the passage of this act, and shall not be finished within the state in ten years from the time of the commencement thereof, then this act shall be null and void."

Mr. Teackle offered the following amendment, to come in at the end of the 18th section: "Until the profits, arising from tolls, or otherwise, shall become sufficient to yield to the stockholders a rate of dividend equal to six per centum per annum, after which the imposition of taxation shall not exceed one third part of the excess beyond the said rate of six per cent, to be charged upon the proportion of stock in each of the said states, in which the same may be held respectively."

Which being twice read, the question was taken on agreeing thereto, and determined in the negative.

On motion by Mr. Crabb, the following amendment was twice read, and also adopted as a further additional section to come in at the end of the bill, viz:

"And be it enacted, That full right and privilege is hereby reserved to the citizens of this state, or any company hereafter to be incorporated under the authority of this state, to connect with the road hereby provided for, any other rail road leading from the main route, to any part or parts of this state; Provided, that in forming such connection no injury shall be done to the works of the company hereby incorporated."

The question was then taken, Shall the said bill pass? And it passed in the affirmative, yeas 59, nays 10.

The yeas and nays being required by seven members, were taken and appeared as follow:

Table with columns for names and votes (yeas/nays). Includes Messrs. Speaker, Dennis Gibbons, Barnes, Sappington, Farquhar, M-Ilhenny, Wright, Hope, Norris, Sutton, Montgomery, Sausbury, Thompson, Maflitt, Tyson, Stricker, Hall, Tidball, Newcomer, Fitzhugh, Ridgely, Hoblitzell, Armstrong, Shaw—59. Also Messrs. Campbell, Bishop Brown, Peter Jones, E. Hughes, Lansdale—10.

Whereupon the said bill, so amended and passed, was sent to the senate for their concurrence therein.

Bills of the following titles, were this day also, severally reported, to wit:

By Mr. Buchanan, An act to provide for electing commissioners for Baltimore county, and prescribing their powers and duties.

By Mr. Sappington, (chairman of the committee to whom permission was granted on the 17th instant, to withdraw from the subject), An act to provide for the administration of justice, in cases of crimes and misdemeanors, in Frederick county.

By Mr. James, An act authorising Elizabeth R. Howard, of Montgomery county, to convey a certain lot of land therein mentioned. And,

An act for the benefit of Hester Whitaker and others, the heirs and representatives of Alexander Whitaker, of Montgomery county, deceased.

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

On motion by Mr. Bonn, the order of the day in relation to the report of the committee to whom was referred the memorial of the Visitors and Governors of Washington College, was further postponed until Tuesday the 6th proximo.

The house then adjourned until this evening six o'clock.

FOREIGN. LATE FROM LIVERPOOL.

By the ship Richmond, Capt. Crabtree, arrived in Harford Roads from Liverpool, in 24 days passage, Mr. Lyford has returned with Liverpool papers to the 17th inst.

The most prominent item of intelligence by this arrival is the death of the Duke of York, who paid the debt of nature on Friday evening the 5th of January, at minutes past, at the house of Duke of Rutland, aged 64.

Lord Wellington, it was understood would succeed the Duke of York as Commander in Chief of the Army.

GREEN—IMPORTANT. The following is extracted from the London Times—"There is at present good ground for congratulating England on the adoption of a final and decisive measure on behalf of Greece, the three great powers of Great Britain, France and Russia. The Court of London and St. Petersburg some time ago, transmitted their ratum to Turkey on this subject. The Court of the latter has acceded to the policy of its allies within last fortnight, and resistance by Turkey to their joint demands is wholly out of the question. The point in dispute amounts to nothing less than full and entire independence of a Greek nation, which recognition is being officially communicated to the powers requiring it by a given day, which the ambassadors of the Christian Courts are, on that day, simultaneously to quit Constantinople. Councils were, at the expiration of the ultimatum, to be sent to Greece from England, France and Russia."

Of the affairs of the Peninsula, following extracts furnish the latest intelligence:

London, January 15. People in the city look with anxiety to the movements of a Spanish army towards Portugal, and infer from the fact of French having suddenly received means of equipping it, that there is some powerful supporter behind the curtain.

The relations with America, are objects of solicitude; and orders understood to have been given to despatch five sail of the line, and three frigates to the West Indies, have added to rather than decreased this feeling.

The Spanish army of observation on the Portuguese frontier, it is said, is said, to 6,000 men, and some doubts are entertained whether even that number can be supplied in the present state of Ferdinand's military force.

The news from the Peninsula still of a conflicting uncertain character. Mr. Lamb had not quite Madrid on the 2d ult. but letters that date state (according to Quotidienne) that the Spanish Government, without being alarmed at the threats of England, is actively preparing the means of defence, in order, "that if the British cabinet should proceed to an aggression, Spain may not be left unprovided."

Liverpool, Jan. 12. SPAIN & PORTUGAL. The Memorial Bordieas announced from an official despatch arrived at Zamora on the 23d of December, that on the 20th ult. at 1 o'clock in the afternoon, the fortress of Almeida, the most important place in Portugal, had surrendered to the Portuguese Royals. The garrison, 1000 strong, proclaimed the Infant Don Miguel King, swearing to maintain his title to death.

The same letter states, that fermentation in the country, the hatred of the constitution, and of the English, acquired more and more consistency every day.

A regency to act for Don Miguel had been established at Lawry the Marquis of Chaves. Provisional men in England have already begun to reflect upon the consequences of such an enterprise. It begins to be believed, that the British cabinet will exert itself to obtain from Ferdinand such concessions as will enable England without danger to modify her pretensions.

Four regiments of the Spanish troops had, it is said, left Madrid on the 26th Dec. for the purpose of disarming the rebels, which entered her territory. They were commanded by Esuli, who so bravely defended Callao, in South America.

Maryland Gazette. ANNAPOLIS. THURSDAY, MARCH 1, 1827.

ST. JOHN'S COLLEGE. On Wednesday, the 21st ultimo, the annual commencement of this ancient and highly respectable institution was held in St. Anne's Church, and attended by a numerous and brilliant assemblage of distinguished strangers and citizens. The procession was formed in the following order: The Students of the College. Candidates for the degree of Bachelor of Arts.

The Faculty. Visitors and Governors of the College. Strangers of distinction. The Speaker and Members of the House of Delegates.

The President and Members of the Senate. The Governor of the State, and Members of the Executive Council.

When the procession arrived at the Church, the exercises were opened with prayer by the Principal; after which the young gentlemen of the senior class delivered their Oration in the following order: An English Salutatory Address, by Wm. Q. An English Character of Lafayette, by Wm. McKim.

An Oration on Greece, by John Alexander. An Oration on the present condition and future prospects of the United States, by Eschell Hughes.

A Latin Oration, De ratione administrandi Rempublicam, by Wm. Q. An Oration on the Rights of Time, by Wm. Tuck.

An Oration on the character of Washington, by William Harwood.

The Principal then, according to arrangement, adjourned the meeting until the next day at 12 o'clock. At the appointed hour, the Governors and Visitors, the Faculty and Students of the College, repaired to St. Anne's Church, where a large audience had assembled, and the ceremonies of the commencement were concluded in the following order:

A prayer was offered up by the Principal. The Degree of Bachelor of Arts was conferred on the following young gentlemen, viz: William Harwood, John H. Alexander, William Finkney, William Tuck, Eschell Hughes, and Thomas Archer.

The Degree of Master of Arts, was also conferred on the following gentlemen, A. Jones of the College, viz: Thomas Randall, Esq. of Washington City, D. C.; John Carroll Howard, M. D. Harford county, Md.; and Alexander Randall, Esq. Annapolis. A Valedictory Address, was then delivered by William Harwood, which was concluded with a prayer by the Principal.

To the Editor of the Md. Gazette. Mr. Green,

As much anxiety has been expressed by some of our citizens, to see the law which has been passed during the present session of the legislature, to limit the jurisdiction of the Justice of the peace in the city of Annapolis, in particular cases, you will oblige many by inserting it in your paper.

We shall not presume to call in question, either the wisdom or the justice of the legislature, with respect to a law, that they may think proper to pass; but it unquestionably sometimes happens, that a law fraught with the most injurious consequences to a particular portion of the community, and in the highest degree unjust in its operation, may from inadvertency, or from not foreseeing its consequences, be enacted. Such a law we are disposed to regard the one to which we have already alluded. An examination of its details will we think, justify this representation. To this law, a preamble is annexed, which sets forth that great inconvenience and injury that have been experienced by the citizens of A. A. County, in consequence of their being liable to be warranted, in the city of Annapolis, for debts contracted in the said city. To remedy this "inconvenience and injury," the first section of the law provides, that no inhabitant of A. A. County, after the passage of the law, shall be warranted in the city of Annapolis, for any debt that he may have previously contracted in the said city. The second section provides, that the citizens of Annapolis shall not be warranted in A. A. County, for any debt that may have been previously contracted in said county.

The first section is in perfect conformity with the preamble, (which, it is generally presumed, contains the reasons of the law) and accordingly is designed to provide a remedy for the grievance alleged to exist; but the second section appears to be entirely gratuitous, and although it may be in conformity with the title of the law, yet no reason is given for it in the preamble.

It is not said in the preamble, that "such inconvenience and injury" have been experienced by the citizens of Annapolis, in consequence of their liability to be warranted in A. A. County, for debts contracted in said county; and yet, although the citizens of Annapolis have never asked to be exempted from the operation of any law, either general or local, the legislature have, gratuitously, accorded to them a privilege, for which they did not ask, for which no reason is assigned in the law, and which, if they may be permitted to have their choice, we feel confident, they do not wish to avail themselves of. The second section of the law, is then certainly unnecessary, and of a nature of the kind, which it professes to remedy, has been alleged by any body to exist. The people of Annapolis have not asked the legislature to pass such a law for their benefit.