

Maryland Gazette.

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PROCEEDINGS OF THE LEGISLATURE OF MARYLAND.

HOUSE OF DELEGATES.

WEDNESDAY, February 28, 1827.

The bills, passed by this house yesterday, of the following titles, were sent to the senate for their concurrence therein, to wit:

An act to revive and extend the provisions of an act to provide for the appointment of commissioners for the regulation and improvement of Salisbury, in Somerset and Worcester counties.

An act for the relief of Aquila Beal and Trucman Tyler, of Prince-George's county.

An act relating to certain property of Rebecca Smith, of Baltimore county.

An act to authorise the securities of Charles Jones, late sheriff and collector of Somerset county, to collect balances due him.

An act to prevent the going at large of swine in the town of Rockville, in Montgomery county.

An act for the improvement of the town of Rockville, in Montgomery county.

THURSDAY, March 1, 1827.

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

On motion by Mr. Winchester, seconded by Messrs. Linticum and Price, who were in the majority on the question, the house agreed to reconsider their vote of yesterday, concurring in the report of the committee to whom was referred the petition of Alexander Nisbet, administrator de bonis non of Thomas Cockey Deye, late of Baltimore county, deceased, and assenting to the accompanying resolutions.

The resolution and bills, passed by this house yesterday, of the following titles, were sent to the senate for their concurrence therein, to wit:

A resolution for the suspension of proceedings on certain judgments obtained by the state against Thomas Osbourne, late sheriff of Prince-George's county, and his securities.

An act to rebuild or repair a bridge at Federalsburgh, between Dorchester and Caroline counties.

An act to provide for completing the records in the office of register of wills for Charles county.

An act to facilitate the collection of taxes due upon lands, in Charles county, belonging to non-resident proprietors.

An act to appoint a trustee for the purposes therein mentioned.

An act for the establishment of a road, and the condemnation of land for its repair, in Kent county.

An act to incorporate the Vulcan Furnace Company of Baltimore.

An act to provide for the building of a bridge over the Patuxent Falls, at or near the Thistle Factory.

An act supplementary to an act incorporating a company to introduce a copious supply of water into the town of Emmitsburg, in Frederick county.

An act for the relief of Martin Fenwick, of Anne-Arundel county.

An act to authorise the moderator and commissioners of Hagerstown to levy the sum of three hundred dollars, for certain purposes.

FRIDAY, March 2, 1827.

Penitentiary of Maryland.

Mr. Barnes, as chairman of the committee on the part of this house, from the joint committee therein mentioned, submitted the following report, to wit:

The joint committee of the senate and house of delegates, appointed to visit the penitentiary of Maryland, for the purpose of making a further investigation of the state and condition, and to examine into the accounts and police of said institution, and also to inquire into the state, condition and management of the Baltimore Hospital, and whether any, and what further legal provisions are necessary to secure its proper regulation, and promote its utility to the public, report—

That as soon as a convenient opportunity presented itself, the committee repaired to the city of Baltimore, and the day after their arrival visited the penitentiary, where in company of some of the directors who politely attended to receive them, they entered upon the investigation, and examined the establishment with attention.

The committee in general concur in the views, and confirm the representations which have been made by the committee appointed by the executive during the recess of the general assembly, whose able report, with the accompanying documents, furnish ample information with respect to many details respecting the accounts and police of the institution, which the joint committee both confirm and approve. But as there are some particulars of which the general assembly should be informed, before any legislation on the subject shall take place, it is deemed proper to present a few facts and remarks for their consideration.

The primary objects of the penitentiary are the punishment and the reform of criminals.—If these objects can be attained, and the institution made to defray all or nearly all of its expenses, every wish of its founders must be gratified. But it is conceived, that the efforts made to render the capital vested in it productive, should be subordinate to those directed to the reformation of the wretched beings confined within its limits. It appeared to the committee that sufficient attention has not been paid to the classification of the criminals—Young and old, black and white males, are congregated together in the manufactories, (and though the white and coloured may be separated,) associated together in the dormitories at night. It is unnecessary to remark, that by this arrangement, the novice, or youthful offender, will soon attain the highest degree of theoretical proficiency in depravity, and be prepared to reduce it to practice when discharged. To obviate in part the evils resulting from this state of things, the committee warmly approve of the recommendation of the report before alluded to, that the buildings be enlarged, so as to multiply the solitary cells, and enable the keeper to make trial, on a larger scale, of the system for the reformation

of criminals, which the experience of some of our sister states has found effectual. It is expected that the directors will in a few days, furnish a plan and estimate of the extent and probable cost of the addition proposed. It is recommended that the act, entitled, "A further and an additional supplement to an act concerning crimes and punishments," passed at December session 1825, chapter 93, be repealed, and that the courts, in their discretion, be authorised to sentence coloured persons to confinement in the penitentiary for a term not less than five years, because the time of one year appears to be too short to enable the criminal to acquire a knowledge of any trade by which, when discharged, he may acquire a livelihood, and which would remove the temptation to again having recourse to depredation for a subsistence, and in the event of transportation being superadded to his confinement in the penitentiary, he may have an opportunity not only of obtaining a support, but retrieving the loss of character in his new situation.

It appears from a review of the proceedings of the directors for the last year, that they have adopted the regulation in the third recommendation in the report of the committee named by the executive, that two members of the board should be appointed as a superintending committee, to manage purchases, sales, &c. and have assigned to them salaries at the rate of eight hundred dollars each per annum. It is also understood, that a store house, for the sale of the manufactures if the establishment, has been rented at ——— dollars per annum, and an agent employed at a salary of eight hundred dollars, with a boy at a salary of one hundred dollars, to take charge of the store. It is the opinion of the committee, that by this arrangement an unnecessary expense is incurred, and that a competent person employed to take charge of the store, with a salary of eight hundred dollars, and a clerk at three hundred dollars, would be fully competent to the task of making all necessary purchases and sales, and performing the particular duties assigned to the superintending committee. It is further suggested, that the present number of directors be continued, and that two of the directors serve in rotation as a visiting committee for one or two months; that the visiting committee attend three days in every week, and that they be allowed for each day's attendance ——— per day, and that they perform the ordinary duties of the board of directors, and keep a journal of their proceedings, subject, however, to the control of a majority of the board, which shall assemble one month for the performance of their duties. It should be incumbent on the visiting committee to advertise for proposals for furnishing all requisite supplies of raw materials or manufactures, for the use of the establishment.

The committee also recommend, that the board of directors be invested with corporate powers, and be authorised to borrow, on the credit of the state, a sum not exceeding ——— dollars, at a rate of interest not exceeding ——— per cent, for the purpose of constructing the additional buildings proposed to be erected.

The Baltimore Hospital.

The joint committee further report, that they availed themselves of the earliest opportunity, after visiting the penitentiary, to turn their attention to the Baltimore Hospital, and requested one of their members to wait upon Doctor Mackenzie, the present occupant of the institution, and apprise him of the object of their mission. The Doctor expressed his satisfaction that the legislature had at last thought proper to examine the establishment, and his readiness to receive the committee, and afford them every facility in his power. In the course of conversation, he acknowledged that the act of assembly of December session 1816, chapter 156, entitled, "An act to incorporate the Maryland Hospital," had been disregarded and inoperative.

In consequence of this information, the committee determined to investigate, and endeavour to ascertain whether the state had any legal right or title to the property of the Baltimore Hospital. They were unwilling to believe that the general assembly would have so liberally extended its bounty to the institution, by donations to the amount of fifty three thousand dollars, and by a lottery, the receipts from which by the lessees amounted to thirty thousand dollars more, without being satisfied that they possessed some title to it, and a right to regulate the management of an establishment so interesting to humanity. As soon as practicable, attested copies were obtained from the land records of Baltimore county of the deed of Jeremiah Yellott to the corporation of Baltimore, which is herewith presented for the examination of the general assembly. It appears, from the inspection of the deed, in connection with the act of assembly passed at December session 1797, chapter 102, entitled, "An act to encourage the establishment of a hospital for the relief of indigent sick persons, for the reception and cure of lunatics, that the city of Baltimore has the legal title to the hospital, and the first improvement, as well as those of a later date, erected, by the bounty of the state. Under these circumstances the committee instructed the chairman to address a note to the mayor of the city of Baltimore inviting a conference with the council upon the subject of the hospital; accordingly a joint committee the information was obtained, that the corporation had always claimed and possessed the hospital in absolute property, and had leased it by an ordinance passed in 1808, authorising a lease on certain conditions to Doctors Mackenzie and Smyth, for the term of fifteen years, an attested copy of which lease, from the land records of Baltimore city, is herewith presented. And by a subsequent ordinance the corporation agreed to extend the lease, on certain conditions, to Doctors Mackenzie and son, but it appears that the new lease, in pursuance of this ordinance, has never been executed, and the present lessees are tenants at will. Under these circumstances the committee were induced to suggest to the joint committee of the two branches, that the Baltimore hospital, so long fostered by the bounty of the community, or the contrivance of private munificence, so long as it remained a private establishment, that were the right of property vested in the state, there could be little doubt that the utility of it would be greatly increased, and the responsibility of the visitors, for its proper management, duly enforced. These suggestions, at the request of the committee, were communicated to the two branches, who acted upon them, and passed a resolution on the 25d

instant, a copy of which accompanies this report, proposing to cede to the state upon certain terms, all the right, title and estate of the corporation, in and to the property of the hospital. The committee are induced to believe, that the several amounts which may have been paid by the city towards the lot and buildings of the hospital, are very moderate, an account of which may be procured in a few days, and they therefore recommend the acceptance of the terms proposed by the resolution of the city council.

It remains for the committee to notice the present condition of the hospital, as it appeared to them during their visit made to it on the invitation of Doctor Mackenzie; having no authority, to require or compel a disclosure of its internal management, the examination was limited to the general view of the buildings, and of such portion of the economy and police of the establishment, as the lessee thought proper to present, and which did not extend to the inspection of the books, (if any,) of the hospital, nor to the condition of those who were confined in the lunatic asylum.

The present number of the patients in the hospital is reported to be fifty-six, twenty-six of whom are sick and infirm seamen, supported by the United States at the rate of fifty cents each per day; six from several counties of the state placed there by the levy courts, at one hundred dollars for each per annum; and the remainder are patients in the lunatic asylum, at different stipends, according to the means of the parties, or their relatives and friends.

The improvements, consisting of a large central building and two wings, all necessary out offices, ice-house, &c. are extensive, substantially constructed, and well enclosed by a brick wall, and the ground within the enclosure, turf with gravel walks, and shrubbery, a garden, formerly attached to the institution, appears to have been neglected or abandoned. The cost of these improvements, it is said, has largely exceeded one hundred thousand dollars.

All which is respectfully submitted.

By order, James H. Milbourne, Com. Clk.

SATURDAY, March 3, 1827.

Messages were received this day from the senate, by their clerk, returning the bills, sent from this house for their concurrence, of the following titles, to wit:

An act to revive and extend the provisions of an act, entitled, "An act to provide for the appointment of commissioners for the regulation and improvement of Salisbury in Somerset and Worcester counties. And.

An act for the benefit of Hester Whitaker, and others, the heirs and representatives of Alexander Whitaker, of Montgomery county, deceased, severally endorsed, "will pass." Also.

An act for the relief of Jacob Gitzendanner of Frederick county, endorsed, "will pass with the proposed amendment," which amendment was twice read, by a special order, and assented to.

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

An act to repeal part of an act, entitled, "An act to appropriate certain lands to the use of the officers and soldiers of this state, and for the sale of vacant lands, passed at November session 1781, endorsed, "will not pass."

And communicating bills, originated in, and passed by the senate, entitled, "A further supplement to the act, entitled, "An act to incorporate a company to make a turnpike road from the city of Baltimore to Havre de Grace. And.

An act for the relief of Sarah Henderson of Montgomery county, which were severally read the first time, and referred, viz. the former to Messrs. Buchanan, Pope and John W. Thomas, and the latter to Messrs. Lansdale, Peter and Edward Hughes.

MONDAY, March 5.

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

An act to authorise and empower the levy court of Frederick county to levy a sum of money and rebuild a bridge over Monocacy, on the road leading from Toney Town to Emmitsburg, in said county.

An act supplementary to an act incorporating a company to introduce a copious supply of water into the town of Emmitsburg, in Frederick county.

An act to authorise the levy court of Caroline county to build a bridge and open certain roads in said county, and for other purposes.

An act to change the road and divisional line between Queen-Anne's and Caroline counties.

An act for draining the right prong of a branch in Queen-Anne's county, known by the name of the Andover branch.

An act to rebuild or repair a bridge at Federalsburgh between Dorchester and Caroline counties. And.

An act authorising Elizabeth B. Howard, of Montgomery county, to convey a certain lot of land therein mentioned. Severally endorsed, "will pass." Also, An act to change and alter the names of David Trundle and Hezekiah Trundle, sons of John L. Trundle, of Montgomery county, to David Henry Trundle and Hezekiah William Trundle, endorsed, "will pass with the proposed amendment." And, An act for the benefit of John Aisquith, the administrator of Robert C. Aisquith, late of the city of Baltimore, deceased, endorsed, "will pass with the proposed amendment." The amendments proposed by the senate to the bill last mentioned bill, were severally read the first, and by a special order, the second time, and assented to.

Also, a resolution authorizing the executive to have a case placed in the chancery office to hold certain records, endorsed, "assented to."

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

An act to confirm and make valid two deeds, therein mentioned; endorsed, "will not pass."

Also, communicating a bill, originated in, and passed by the senate, entitled, "A supplement to the act, entitled, "An act for regulating the mode of staying executions, and for repealing the acts of assembly therein mentioned; which was read the first time, and referred to Messrs. Barnes, Tidball and Campbell.

JONATHAN HUTTON.
At his shop in West Street, near the Ferry Bank, will be made of the best materials, and every attention paid, in the execution of all kinds of cabinet and public patronage. He has on hand a Fashionable

GARRYALL
with
HARNESS,
To go with one or two Horses. Orders from the country will be faithfully and promptly attended to.

Sale of Land for Cash.
To be sold for CASH, at Public Sale, on Saturday the third day of March next,
TWO TRACTS OF LAND lying on Severn River, five miles from the city of Annapolis, and contiguous to each other. The one called Fradurn and the other Anglin's Discovery; the two tracts contain three hundred and twenty acres thereabout. John Camden, who is on the land, will shew it to any person inclined to purchase. The land to be at Mr. Hunter's Hotel. Mr. Richard J. Crabb will attend the sale and is authorised to receive the bid and will receive in payment good negotiable Notes, with two indorsers payable and discountable at the Farmers Bank of Maryland. The sale to commence at eleven o'clock.
Jan 18
Jeremiah T. Chase

Notice.
The subscriber having obtained from the Orphans' Court, Anne Arundel county, letters of administration on the personal estate of John Brewer, deceased, all persons having claims against the said estate, are requested to present them to him, by authenticating, and all persons indebted to said estate to make immediate payment.
Nicholas Brewer, Jr. Adm'r.
Feb 15

Champagne Wine
AND
Brandy.
Just received, and will be sold at BALTIMORE PRICES.
Also,
Butter, Whiskey, Raisins, Almonds, Coffee & Candles.
FOR SALE BY
F. S. LITIG.
February 15.

Miss Mary Cross,
Having taken the house lately occupied by Walter Cross, at the corner of Corn Hill street and Main Space, wishes to take a few female boarders. She will be very moderate in her terms. Parents who wish to board their Girls for the purpose of schooling, may be assured that the strictest attention will be paid to them. She will be much obliged to any person, who will be so kind as to favour her with the care of their children.
Feb 15.

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 Reverend 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 for numbers to constitute a volume. The last number of each volume will contain a full and complete Index. The mode of publication, it is conceived, possesses advantages which give it decided preference to that of publishing the Reports in bulky volumes. It ensures the earlier publication of the Reports, and as not more than five numbers will be published, the expense will not be so sensibly felt.

TERMS.
The price of each number of Reports will be \$1 25, payable on delivery.
Subscriptions to the work are received at GEO. SHAW'S Store, the Maryland Gazette Office, and the respective Offices of the City Clerks of this State.

PRINTED AND PUBLISHED BY
JONAS GREEN,
CHURCH-STREET, ANNAPOLIS.
Price—Three Dollars per annum.

Grand State Lottery of Maryland.
NUMBER TEN.
Containing for a capital prize, the handsome sum of
10,000 Dollars.
Tickets only three Dollars.
The holder of two tickets or two prizes is certain of obtaining at least one prize, and may draw three.

SCHEME.
1 prize of \$10,000 is \$10,000
1 do 5,000 is 5,000
5 do 1,000 is 5,000
4 do 500 is 2,000
20 do 100 is 2,000
40 do 50 is 2,000
100 do 20 is 2,000
100 do 10 is 1,000
200 do 5 is 1,000
200 do 2 is 30,000
471 prizes—14,529 blanks—60,000 Dollars.

PHIGE OF TICKETS:
Whole Tickets \$3—Half \$1 50—Quarters 75
Tickets and shares, in all their variety, may be had at
SWANN'S OFFICE,
Annapolis, Feb 21, 1827.
Orders from any part of the United States, either by mail, post paid, or private conveyance, enclosing the cash or prize tickets in any of the lot, will meet the same prompt and punctilious attention as if on personal application—address
THOMAS SWANN, Annapolis, Feb 22.

For Sale or Rent, VALUABLE CITY PROPERTY.
The Subscriber offers for Sale or Rent, the House and Lot, opposite the Dock, now occupied by him. The dwelling is large and commodious; the Store one of the best stands for business in the city. For terms apply to
Richard Ridgely.
Feb 22

Chancery Sale.
By virtue of a decree of the Chancellor of Maryland, the subscribers will expose to public sale, at James Hunter's tavern, in the city of Annapolis, on Friday, the 23d day of March next, the following property, to wit: The houses and lot, in Prince George's street, now in the occupation of John Smith, senior, appearing in the plat of said city as No. 95. Hereof conveyed to said Smith by John and David Ridgely; also all the houses and lot on Church street marked on said plat as part of lot No. 27, and heretofore conveyed to said Smith by Samuel Ridout and John Randall; also one cart and two oxen. Terms of sale cash. Upon ratification of the sale by the Chancellor, and the full payment of purchase money, and not before, the trustees are authorised to give deeds.

Richard Harwood, Trustees
of Thos.
H. H. Harwood,
March 1, 1827.

Sheriff's Sale.
By virtue of a writ of fieri facias issued out of Anne Arundel county court, and to me directed, against the goods and chattels, lands and tenements, of Nancy Sewell, at suit of So. perville Pinkney, ex'r. of William Pinkney, I have seized and taken in execution, all that tract or part of a tract or parcel of land, called A Part of Mount Ville, containing eighty seven acres of land, more or less, and on Thursday the 22d day of March, inst. at the court house in the city of Annapolis, I shall proceed to sell the said land to the highest bidder, for cash, and to satisfy the debt due as aforesaid, to commence at 10 o'clock A. M.
R. Welch, of Ben. Shif, A. A. County.
March, 1.

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