

PROCEEDINGS OF THE LEGISLATURE OF MARYLAND.

HOUSE OF DELEGATES. TUESDAY, March 6th, 1827.

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

Mr. Millard, who had been absent several days from the seat of government, having returned, again appeared in the house and resumed his seat.

The message, adopted by this house yesterday, in reply to that of the senate, proposing a committee of conference on the bill, entitled, An act for the benefit of the American Colonization Society, was sent to the senate.

The several bills, passed by this house yesterday evening, were also sent to the senate for their concurrence therein; the respective titles whereof are as follows, to wit:

An act to repeal all that part of the constitution and form of government, as relates to the division of Dorchester county into six separate election districts.

An act to appoint commissioners for the purpose of dividing Dorchester county into seven separate election districts.

A supplement to the act, passed at December session 1826, entitled, An act to repeal such parts of the constitution and form of government as relate to the division of Frederick county into eleven election districts.

A supplement to the act, entitled, An act to establish a patrol in Calvert county, passed at December session 1822, chapter 85.

An act supplementary to an act, entitled, An act for the establishment and support of public free schools in the first election district of Baltimore county.

An act for the benefit of James Wolfenden, and Joseph Jami son, of Baltimore county.

An act relating to certain trespasses in Montgomery county. And,

An act to invest the orphan's court of Cecil county with the control of Allen Wilson's property.

And the several bills received from the senate, also passed by this house yesterday evening, were returned to the senate, the respective titles whereof are as follows, to wit:

An act for the relief of Sarah Henderson, of Montgomery county.

An act to alter the time of holding the county courts of Frederick county, and for other purposes.

An act to incorporate Frederick town, in Frederick county. And,

An act for the relief of William H. Burwell, of Washington county.

Leaves of the house were this day severally asked for and obtained to introduce bills of the following titles, to wit:

By Mr. Harlan, An act relating to the inspection of lumber, at Port Deposit.

Ordered, That Messrs. Harlan, John W. Thomas and M. Pitt, be a committee to prepare and report the bill.

By Mr. Buchanan, An act to repeal an act prohibiting the collection of certain wharves within the city of Baltimore.

Ordered, That Messrs. Buchanan, Barnes and Stricker, be a committee to prepare and report the bill.

Mr. Buchanan, chairman of the committee on divorces, to whom, on Friday evening the 2d instant, was re-committed for the purpose of amendment, the bill which had then been reported on the subject, delivered a bill, entitled, An act for the relief of George Lewis Opperman, of the city of Baltimore; which was read the first time, and ordered to lie on the table.

Mr. Done, from the select committee, therein mentioned, delivered the following report:

The select committee, to whom was referred so much of the executive message, as relates to the penitentiary, having had the subject, and the several documents accompanying the message, under their deliberate consideration, and having also considered the report of the joint committee who were delegated to visit the institution, report—

That by reason of the small number of solitary cells now provided in the building, it is impracticable to carry into effect that part of the sentence passed on convicts which consist to solitary confinement; one number of cells being twenty-two, are not more than sufficient to enforce the police of the institution in the confinement of the more desperate of the convicts, whose association with the rest would be always dangerous.

That no other plan can, in the opinion of your committee, be devised to enforce the execution of the sentence, or to promote one of the chief objects of the system, the reform of the criminals, than the erection of an additional building, of sufficient dimensions to provide a solitary cell for each convict, in which he should be confined every night, and whenever at other times it might be found expedient.

They have therefore drafted a bill, which they now submit, to authorise the directors to erect an additional building, and to authorise the treasurer of the western shore to raise by loan, a sum sufficient to defray the expense incurred.

The directors of the penitentiary are of opinion, that under the existing law they have no authority to take legal steps to collect any debt due to them on any contract, or to enforce a proper responsibility from their officers and servants.

Your committee have therefore ingrafted a clause in the bill reported, giving them that power. But the committee think it inexpedient, to make the directors a corp rate body.

By a law passed at December session 1825, the sentencing of free coloured persons to confinement in the penitentiary was prohibited, and the convicts of that description were to be sold into banishment, or to receive corporal punishment. The effect of that law is not problematical; there being no doubt, but that in almost every instance, the criminal will be sold into perpetual slavery, an effect which was never contemplated, and which does violence to every principle of justice and humanity.

Your committee are however of opinion, that the safety of the state justifies and requires the banishment of all criminals of that cast, who are guilty of crimes of any enormity; and they have in accordance with their views, attached a clause to the bill they report, which, while it compels such criminals to make some return to the state for the violence done to its laws, will, after some time, place them in a condition to gain an honest livelihood in some other state or country.

On the other recommendations of the committee, appointed at the last session, your committee are not prepared to make any report to this house; they are, however, of opinion, that as the penitentiary is a state institution, and ought to be entirely under the control of the legislature the salaries of all its officers ought to be fixed and regulated by the legislature. In accordance with which opinion, they have added a clause to the bill reported.

By order, J. H. Millbourne, Com. Clk.

Which, with the accompanying bill therein referred to, entitled, An additional supplement to the act concerning crimes and punishments, were read the first time, and ordered to be laid on the table.

Mr. Speed submitted the following resolution; which was read the first time and ordered to lie on the table, viz. Resolved, That a delay until the first day of March 1828, be allowed to the personal representatives of John Nicholson, late of Anne Arundel county, for the payment of certain judgments of the state against them.

On motion by Mr. Dennis, the house took up for consideration the resolution submitted by him on the 15th ultimo, allowing to Robert Stewart, collector of the tax for Somerset county, further time to complete his collections; and the same, having been read the second time, considered and assented to, was sent to the senate for their concurrence therein.

The report of the committee on claims, to whom was referred the petition of Unity Gallagher, of Cecil county, delivered on the 21st ultimo, was also taken up for consideration, read the second time and considered; the report was concurred in, and the accompanying resolution, being assented to, was sent to the senate for their concurrence therein.

The report of the committee appointed by an order of this house, to examine and report to the house the present state of the public buildings in this city, and whether any, and if any, what repairs are necessary to the same, together with the probable costs of such repairs, made on the third instant, was also taken up for consideration, read the second time and considered; the report was concurred in, and the accompanying resolution, being assented to, was sent to the senate for their concurrence therein.

Mr. Barnes, chairman of the committee to whom was referred the bill from 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, reported, that the committee have had the same under consideration, and were of opinion, that it ought to pass without amendment. Whereupon, the said bill was then read the second, and by a special order, the third time, considered and passed, without amendment.

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

An act making appropriations for the benefit of the American Colonization Society.

An act for the relief of certain negroes therein mentioned.

An act to facilitate the collection of taxes due upon bonds in Charles county, belonging to nonresident proprietors.

A supplement to the act, entitled, An act to incorporate the president and directors of the Fireworks Insurance Company of Baltimore.

A supplement to an act, entitled, An act to amend and reduce into one the several acts of assembly relating to the public roads in Worcester county, passed at November session 1821. And,

A further supplement to the act, entitled, An act to establish a bank, and incorporate a company, under the name of The Cumberland Bank of Allegany. Several y endorsed "will pass." Whereupon it was ordered, that the said bills be severally engrossed.

Also an act to provide for the building of a bridge over the Patapsco Falls, at or near the Thistle Factory, endorsed "will not pass."

Also a resolution respecting the claim on the state of the Honourable Jeremiah Townley Chase, endorsed, "disseated from."

And, 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; endorsed, "will not pass." Accompanied by the following message; which was read.

By the Senate, March 6th, 1827. Gentlemen of the House of Delegates,

In reply to your message of the 3d inst. relating to the bill for the election of the senate by the people, we have to inform you, that the endorsement on that bill, as it was heretofore returned to your house, is correct.

By order, Wm. Kilty, Clk.

On motion by Mr. Teackle, the house proceeded to consider the bill reported by him, entitled, An additional supplement to an act, entitled, An act to provide for the public instruction of youth in primary schools, throughout this state.

Mr. Hall, at the request of the speaker, occupied the chair.

And in the progress of the second reading thereof.

On motion by Mr. Teackle, the ninth section of the bill was amended by striking out the words "our inhabitants," after the word "property," in the sixth line thereof, in the manuscript.

Mr. Edward Hughes submitted the following order. Ordered, That the bill, entitled, An additional supplement to an act, entitled, An act to provide for the public instruction of youth in primary schools throughout this state, be recommitted to the committee on public instruction, with instructions to said committee to report a bill repealing all that part of the original bill, which provides for the appointment of a superintendent, all that part which imposes fines for the nonacceptance of appointments; and all that part which makes it the duty of the inhabitants of the school districts to levy and collect a tax on themselves for the purpose of building school houses, furnishing books, &c. and making it the duty of the levy courts to levy the same on their respective counties.

Which having been twice read, the question on the adoption thereof was propounded, and determined in the negative.

Mr. John W. Thomas offered the following amendment, as an additional section of the bill:

Whereas the society of Quakers are in the habit of educating all the poor children belonging to their own society, thereupon,

Be it enacted, That nothing contained in the original act, to which this is a supplement, or in this act, shall be taken or construed to authorise a tax to be levied upon the property of any Quaker for the support of primary schools, provided said Quaker belongs at the time to a meeting that educates their own poor.

Which having been twice read, the question on the adoption thereof was propounded, and determined in the negative.

Mr. Barnes offered the following amendment, as additional sections, to come in between the 9th and 19th sections of the bill:

And be it enacted, That nothing contained in the original act, to which this is a supplement, shall be so construed as to authorise the superintendent of primary schools to receive or disburse any part or portion of the funds which are at present, or which may hereafter be appropriated to the support of primary schools.

And be it enacted, That the superintendent of primary schools shall receive the sum of dollars, annually, to be paid quarterly yearly by the treasurer of the western shore, as a full compensation for discharging the duties required to be performed by him, by the act, to which this is an additional supplement.

And be it enacted, That so much of the act, to which this is an additional supplement, as imposes a penalty upon persons appointed commissioners of primary schools, for refusal to act, or upon other officers therein directed to be appointed or elected, for refusing to serve in the office to which they may be so appointed or elected, be and the same is hereby repealed.

Which having been twice read, the question on the adoption of the first additional section, proposed by Mr. Barnes was taken, and decided in the affirmative.

Mr. Barnes then moved to fill the blank in the second additional section with \$500.

Mr. Du Val moved to fill the blank with \$300.

Mr. Beall moved to fill it up with \$1000, and the question thereon being taken, it was determined in the negative.

The question was then taken on the motion for \$500, and determined in the negative.

Mr. Nicholson then moved to fill the blank with \$300, and the question thereon being taken, it was resolved in the affirmative.

The speaker then moved to strike out the said second additional section, and the question thereon being taken, it was resolved in the affirmative.

Mr. Speed then offered the following amendment, to be inserted in lieu of the additional section so stricken out: "And be it enacted, That the chancellor of the state, for the time being, is hereby appointed, and desired to act as superintendent of primary schools."

Which being twice read, Mr. John W. Thomas proposed to amend the same, by striking out "chancellor," and inserting instead thereof "auditor general," and the question thereon being taken, was determined in the negative.

After debate, Mr. Speed, by permission of the house, withdrew the amendment offered by him as above, and on motion by Mr. Barnes, the house reconsidered their decision striking out the said second additional section.

When Mr. Dennis proposed to amend the same by adding thereto the following: "But not to be under pay until he shall give notice of the first distribution of the school money, payable in the same manner as is provided for the payment of other officers, named in the act to pay the civil list of this state."

Which being twice read, the question thereon was propounded. Will the house adopt the amendment so proposed by Mr. Dennis? The yeas and nays, being required by seven members, were taken and appeared as follows:

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Sheriff's Sales

By virtue of sundry writs of facias issued out of Anne Arundel county court and court of appeals...

And be it enacted, That the superintendent of primary schools shall receive the sum of dollars, annually, to be paid quarterly yearly by the treasurer of the western shore...

And be it enacted, That so much of the act, to which this is an additional supplement, as imposes a penalty upon persons appointed commissioners of primary schools, for refusal to act, or upon other officers therein directed to be appointed or elected, for refusing to serve in the office to which they may be so appointed or elected, be and the same is hereby repealed.

Which having been twice read, the question on the adoption of the first additional section, proposed by Mr. Barnes was taken, and decided in the affirmative.

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Maryland Gazette

ANNAPOLIS: THURSDAY, MARCH 8, 1827.

MEETING

The Friends of General Andrew Jackson, in Baltimore.

Agreeably to public notice, a meeting of the friends of GENERAL JACKSON was held on Wednesday evening, for the purpose of adopting some measures preparatory to the next Presidential election.

The meeting was held at Singer's long room, the largest in the city, and it was entirely successful.

ALEXANDER M'KIM, Esq. was called to the chair, and BRADLEY C. HOWARD, Esq. acted as secretary.

The meeting being organized, GEORGE FORREST, Esq. moved the following resolution, which, being seconded by JOHN GLENN, Esq. were unanimously adopted, and ordered to be published.

Resolved, That the friends of General Jackson, in Baltimore, do hereby resolve, that they will support the said General, in the event of his being elected President of the United States.

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