

Maryland Gazette.

ANNAPOLIS, Thursday, March 22, 1827.

No. 12.

DECISIONS

Court of Appeals of Maryland
 PUBLISHED
 By Subscription
 THE DECISIONS
 OF THE
 COURT OF APPEALS OF
 MARYLAND

To be Reported by Thomas H. Esquire, Clerk of the Court of Appeals, and Reverdy Johnson, Esquire, Attorney at Law.

These Decisions will form the continuation of the first volume of Reports already published by Messrs. H. and Johnson, which closes with 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 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 decided preference to that of publishing the Reports in bulky volumes. It ensures the earlier publication of Reports, and as not more than a few numbers will be published in a year the expense will not be so great.

TERMS

The price of each number of Reports will be \$1 25, payable on delivery.

* Subscriptions to the Reports work are received at GEO. SHAW'S Store, the Maryland Gazette Office, and the respective Offices of the County Clerks of this State.

Public Sale.

By virtue of an order from the chancery court of Prince George's county, the subscribers will expose to public sale, on Friday the 16th day of March next, at the residence of Thomas Watkins, in Anne Arundel county.

The Personal Estate

of Hester Watkins, late of Prince George's county, deceased, consisting of a number of VALUABLE NEGROES.

The terms of sale are—for all lots above five dollars, a credit of six months on the purchase giving security for the payment of the purchase money, with interest, from the day of sale; all sums of five dollars and under to be paid on the day of sale. Sale to commence at eleven o'clock.

John H. Wells, Adm'r
 Thos. Watkins, Adm'r
 Feb 22.

Public Sale.

By virtue of an order from the chancery court of Prince George's county, the subscribers will expose to public sale, on Friday the 16th day of March next, at the residence of Thomas Watkins, in Anne Arundel county.

The Personal Estate

of Lucy B. Pinder, late of Prince George's county, deceased, consisting of a number of VALUABLE NEGROES.

The terms of sale are—for all lots above five dollars, a credit of six months on the purchase giving security for the payment of the purchase money, with interest, from the day of sale; all sums of five dollars and under to be paid on the day of sale. Sale to commence at eleven o'clock.

John H. Wells, Adm'r
 Thos. Watkins, Adm'r
 Feb 22.

Sheriff's Sale.

By virtue of sundry writs of facias issued out of Anne Arundel county court, and to me directed, against the goods and chattels, lands and tenements, of Cornelius Durall and John M. Durall, suits of Henry Evans, I have seized and taken in execution, all that tract of land upon the said Cornelius Durall and John M. Durall now residing called "Big Choice," containing two hundred and thirty acres of land, more or less, so one negro man and one negro woman, also sundry stock and plant on utensils, and on Thursday the 22d day of March next, at the premises, I shall proceed to sell the property to the highest bidder for cash, to satisfy the debt due as aforesaid. Sale to commence at eleven o'clock.

R. Welch of Ben. Shiff, Adm'r
 Feb 22.

Notice.

The Commissioners of the Tax in Anne Arundel county, will meet at the court house in the city of Annapolis, on Monday the 19th day of March next, for the purpose of settling appeals and making transfers. By order,
 A. C. Cushman, Clk.

Feb 22

VOL. LXXXII.

PRINTED AND PUBLISHED

BY
Jonas Green,
 BUREAU-STREET, ANNAPOLIS.

Three Dollars per annum.

PROPOSAL FOR PRINTING

the Journals of the Conventions of the Province of Maryland.

in the City of Annapolis, in the years 1774, 1775 and 1776.

Sufficient encouragement be afforded, the subscriber proposes to publish, in one volume octavo, the Journals of the Conventions of the Province of Maryland, in the years 1774, '75 and '76. It is believed that there are not more than two copies of these Journals extant; and from the circumstance that they were printed in pamphlet form, and unbound, it may be fairly concluded that they, too, must in a few days be destroyed by the more decayed time. These Journals are the only authentic evidence of the Political History of Maryland, during that interesting and arduous period. Although they have, in abundance, histories of Maryland, as connected with the Association of Provinces and Colonies, at that time formed, for mutual protection against the improper assumption of power on the part of the Mother Country; yet none of these works embrace all that may be termed its Domestic and Internal Political History.

This part of the history of Maryland should be her pride to hand down to posterity, not only on account of its deep interest, but as a public record of the voluntary sacrifice, daring spirit, and determined resolution of her citizens, during this period of doubt and dismay.

In the confident expectation that the citizens of Maryland will consider the proposed publication of sufficient importance to entitle it to their patronage, the Subscriber is induced to issue these proposals.

The Price per Copy, not to exceed \$2 00.

J. GREEN.

For Sale or Rent,

VALUABLE CITY PROPERTY

The Subscriber offers for Sale or Rent, the House and Lot, opposite the D-ck, now occupied by him. The dwelling is large and commodious; the street is the best stands for business in the city. For terms apply to Richard Ridgely.

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 on the plat of said city as No. 95, heretofore conveyed to said Smith by John and David Ridgely; also all the lands and lot on Church street marked on said plat as part of lot No. 27, and heretofore conveyed to John Randall; also one cart and two horses. Terms of sale cash. Upon the ratification of the sale by the Chancellor, and the full payment of the purchase money, and not before, the trustees are authorized to give deeds.

Richard Harwood, } Trustees
 H. Harwood. }
 March 22, 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 Soberville Pinkney, ex'r of William P. Pinkney, I have seized and taken in execution, all that tract of land, called a part of 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, next, at the court house in the city of Annapolis, I shall proceed to sell the said land to the highest bidder, for cash, to satisfy the debt due as aforesaid. Sale to commence at 10 o'clock A. M.

R. Welch of Ben. Shiff, Adm'r
 March 22.

PROCEEDINGS OF THE LEGISLATURE OF MARYLAND

HOUSE OF DELEGATES.
 MONDAY, March 12, 1827.

Mr. John W. Thomas asked for and obtained leave of the house to introduce a bill, to be entitled, An act to make valid a deed of manumission. Ordered, That Messrs. J. W. Thomas, Compton and Norris, be a committee to prepare and report the bill.

Mr. Hall asked and obtained leave to withdraw the bill reported by him, entitled, An act to establish a bank and incorporate a company under the name of The Washington County Bank, in Washington county, from the further consideration of the house.

Mr. Teackle, from the committee on lotteries, to whom were referred sundry amendments proposed by the senate to the bill, entitled, An act requiring the commissioners of lotteries to give bond, reported that the committee having considered said amendments, beg leave to submit the following message; which was twice read, agreed to, and with the said bill sent to the senate, viz:

By the House of Delegates, March 12, 1827.

Gentlemen of the Senate, We have concurred with your first amendment to the bill, entitled, An act requiring the commissioners of lotteries to give bond, but cannot accede to the subsequent sections proposed by you.

We consider the drawing of small schemes, with all practicable celerity of succession, as essentially calculated to reduce the hazard, and to promote the public interest, both in augmenting avails from this resource, and in tending to lessen the enormous evil of foreign tickets, and with a view to these results, the contingent commission of five per centum is held to be a salutary provision.

With regard to the proposed inhibition of any drawing, until the whole of the tickets shall have been sold, we apprehend that it would finally destroy the sole design of the state lotteries, and in effect increase the evil which we have strenuously endeavoured to abate. And we conceive that in this particular, the public interest may be sufficiently protected by the exercise of a sound discretion, on the part of the commissioners, in connection with their own interest. And the proposed allowance of eight per centum, on sales of tickets, would also in our estimation, operate injuriously. We even doubt the policy of allowing any discount whatever, such we understand is the practice in other states; and having the exclusive monopoly, and being virtually compelled by circumstances, to entertain a pernicious means of public income, we are bound to make it as productive as possible.

Your last proposition is dependant upon, and will show the fate of, the second.

Having devoted to this difficult subject much consideration, and having laboriously essayed to improve the system, we request that your honourable body will recede from your 3d and 4th amendments, and return the bill with the first, in which we have concurred.

On motion by Mr. Teackle, an act, entitled, An act to provide for the public instruction of youth, in primary schools, throughout this state, was taken up for consideration, and read the second time.

On motion by Mr. Dennis, the question was propounded, That the further consideration of said bill be referred to the first day of June next? And it was determined in the negative.

On motion by Mr. Teackle, the following amendment, as a proviso, to be inserted at the end of the bill, was twice read and adopted, viz:

Provided, That the proper officers of the said counties, or any one or more of them, shall comply with the provisions of this act, and certify the same to the superintendent of public instruction.

The said bill, so amended, was then passed, and sent to the senate for concurrence.

On motion by Mr. Buchanan, the bill, reported by him, entitled, An act to declare certain trespasses, felony, and for other purposes, was then taken up for consideration; and in the progress of the second reading thereof,

On motion by Mr. Buchanan, the same was amended as follows, viz:

After the word "tree," in the third line of the printed bill, insert, "of a size not less than three commonly used for small hoop poles;" and from the said word "tree," strike out down to the word "building," in the ninth line inclusive. In the fifteenth line, strike out the words "or other articles." In the second section, first line, strike out "wickedly."

Mr. John W. Thomas offered the following amendment, as an additional section, to be added at the end of the bill, viz:

"And be it enacted, That nothing herein contained, shall be so construed, as to apply to Cecil county.

Mr. Thompson having asked and obtained leave of the house for that purpose, his dissent to the amendment offered by Mr. J. W. Thomas, is thus noted on the journal.

On motion by Mr. Armstrong, the said amendment was so modified as to include Allegany county, within the exception intended to be made.

On motion by Mr. Norris, Harford county was also included in the additional section.

On motion by Mr. Samuel R. Smith, Worcester county was also included therein.

On motion by Mr. Pezer, Montgomery county was also included in said section.

On motion by Mr. King, Charles county was also included in said section.

The question was then propounded, Shall this bill pass as amended? It was resolved in the affirmative; and the bill, being passed, it was sent to the senate for concurrence.

An act relating to bail in civil actions, and, A further supplement to the act, entitled, An act for enlarging the power of the high court of chancery, were severally read the third time, considered, passed without amendment, and returned to the senate.

On motion by Mr. Tidball, the bill from the senate, entitled, A supplement to the act, entitled, An act to aid conveyances of land improperly enrolled, and for other purposes, was read the third time, considered, passed without amendment, and returned to the senate.

Mr. Tyson from the committee, to whom was referred the bill from the senate, entitled, A supplement to an act, entitled, An act incorporating the Baltimore Second Dispensary, reported that the committee have had the same under consideration, and are of the opinion, that it ought to pass without amendment, when.

On motion by Mr. McCulloh, the said bill was then read the second time, and, by a special order, the third time, considered, passed without amendment, and returned to the senate.

A message was announced from the senate; when their clerk appeared, and returned the bills and resolutions, sent from this house for concurrence, of the following titles, to-wit:

An act relating to the bridge over the great falls of Gunpowder in the eleventh election district of Baltimore county.

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

An act to authorise the clerk of the city court of Baltimore, to grant licenses to keepers of billiard tables in the said city.

An act for draining a pond of water on Church Hill, in Queen-Anne's county.

An act to pay the civil list and other expenses of civil government.

An act for the relief of George Calmes, of Allegany county.

An act relative to the compensation of bailiffs in Montgomery county.

An act to authorise the trustees of the poor of Charles county to purchase land and build a new poor's house.

An act to authorise Eliakin Littell to institute, carry on, and draw a lottery, the prizes in which shall consist of works in literature and science.

An additional supplement to the act concerning crimes and punishments.

An act for the relief of George Dawson, of Caroline county.

And, An act to regulate the amount of capital on which the annual tax shall be paid by the banks therein mentioned; severally endorsed, "will pass."

Also, An act for the payment of the journal of accounts; endorsed, "will pass;" accompanied by the said journal, which had been also "assented to," by the senate.

Also, An act to alter and amend the third section of an act, entitled, An act respecting elections. And,

An act to provide for the repair of public roads in Montgomery county; severally endorsed, "will pass with the proposed amendment." The amendment to each of the two last mentioned bills were twice read, by a special order, and severally assented to.

Also, 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; endorsed, "will pass with the proposed amendments;" which amendments were also twice read, by a special order, and severally assented to.

A preamble and resolution relative to the settlement of the accounts of the late state's agent for the western shore.

A resolution in favour of Lucretia Vane, of Dorchester county.

A resolution in favour of Charles Coxall, of the city of Baltimore.

A resolution in favour of Cotter Jones, of Somerset county.

A preamble and resolution authorizing the governor and council to grant a commission of Benjamin Colonel, to the military professor in Saint John's College.

A resolution in favour of Richard Waters, of the city of Baltimore.

naté think this appropriation, in the present state of the treasury, liberal and proper, and fully concur therein; but they think other provisions of the bill exceptionable. It is too late in the session to state the reasons upon which the objections are founded; and it being a money bill, the senate cannot amend it, but will respectfully suggest that if all the bill, except the first and last sections, be stricken out, it will pass the senate.

By order,
 Wm. Kilty, Clerk.

And, a resolution, suspending all proceedings on a judgment obtained by the state against Roger Hooper, late of Dorchester county, deceased; endorsed, "assented from."

The clerk of the senate also delivered a bill, originated in, and passed by that body, entitled, An act for the relief of Teresa Court, and her children; which was read the first time, and referred to Messrs. McCulloh, Price and Stricker.

On motion by Mr. Tyson, the following message, was twice read, agreed to, and, with the bill to which it relates, sent to the senate, viz:

By the House of Delegates, March 12th, 1827.

Gentlemen of the Senate, The bill, entitled, An act to incorporate the Etna Iron Company in the city of Baltimore, has been returned from your honourable body endorsed, "will not pass." We send you the said bill a second time, and respectfully request that you will again consider it, and if consistent with your ideas of propriety, pass the same.

On motion by Mr. Teackle, the following message was twice read:

By the House of Delegates, March 12, 1827.

Gentlemen of the Senate, We regret that your honourable body have rejected the bill, entitled, An act to impose and collect a tax upon such parts of the estates of persons as escape taxation, under the existing laws of this state, and respectfully request a conference on that subject.

We have appointed on the part of this house Messrs. McCulloh, Teackle and Hall, it was agreed to, and, with the bills to which it relates, sent to the senate.

Mr. Tyson offered the following resolution: Resolved by the general assembly of Maryland, That the treasurer of the western shore, pay to William Kilty, chief clerk of the senate, and Gibson Peerce chief clerk of the house of delegates, Joseph H. Nicholson assistant clerk of the senate, and George G. Brewer assistant clerk of the house of delegates, the sum of one hundred dollars each, as a compensation for their extraordinary services during the present session of the assembly.

Which was twice read.

When Mr. Dennis offered the following as a substitute: Resolved by the general assembly of Maryland, That the treasurer of the western shore, pay to Benjamin Seagr, the sum of fifty dollars, as a compensation for his extraordinary services as engaging clerk to this house.

Which being twice read.

On motion by Mr. Dennis, the same was amended by adding thereto, the following: "and fifty dollars to David Ridgeley, as clerk of the committee of editors."

The substitute, so amended, was then adopted, and sent to the senate for concurrence.

Mr. Pezer offered the following resolution: which was read and laid on the table, viz:

Resolved by the general assembly of Maryland, That the treasurer of the western shore, pay to Gabriel L. Grammer, or order, out of any unappropriated moneys in the treasury, the sum of thirty dollars, as an additional remuneration for the extraordinary assiduity and attention with which he has applied himself to the duties of his office during the present session.

The bills of the following titles, were then severally read the second time, considered, passed without amendment, and sent to the senate for concurrence, to-wit:

Reported by Mr. Buchanan, A further supplement to the act, entitled, An act for the benefit of the University of Maryland, passed at December session eighteen hundred and sixteen, chapter 78.

Reported by Mr. Buchanan, A further supplement to the act, entitled, An act for the benefit of the University of Maryland, passed at December session eighteen hundred and sixteen, chapter 78.

Mr. Teackle from the committee on ways and means, to whom was referred the bill reported by Mr. Ridgely, entitled, An additional supplement to an act relative to licenses, passed at December session 1824, chapter 118, reported, that the committee have had the same under consideration, and are of opinion that it ought to pass without amendment. The said bill was then read the second time, accordingly passed, and sent to the senate for concurrence.

On motion by Mr. Stricker, the bill, entitled, A further supplement to the act, entitled, An act to regulate the inspection of lumber, reported by the committee, with amendments, was taken up for consideration and read. When, on motion by Mr. John W. Thomas, the further consideration thereof was referred to the first day of June next.

The bill, reported by Mr. Thompson, entitled, An act relating to the duties of justices of the peace and constables, was then taken up for consideration, and in the progress of the second reading thereof,

On motion by Mr. Bishop, the further consideration of said bill was referred to the first day of June next.

The bill reported by Mr. Tyson, entitled, An act to ascertain the number of deaf and dumb of this state, was read the second time. When,

On motion by Mr. Tyson, the same was amended by striking out "sheriffs" and inserting "collectors of the tax." On motion by Mr. Tyson the second section of the bill was further amended by striking out "fifty cents" and inserting "one dollar."

The said bill, so amended, was then passed and sent to the senate for concurrence.

Adjourned.