

Maryland Gazette.

ANNAPOLIS, Thursday, February 21, 1828.

No. 8

PRINTED AND PUBLISHED BY
Jonas Green,
No. 17, South Street, Annapolis.

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Legislature of Maryland.

House of Delegates.

WEDNESDAY, February 19, 1828.

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

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

By Mr. Montgomery, the petition of George W. Bradford, of Harford county, praying that a sum of money therein mentioned, paid by him into the treasury for the western shore, as the composition for certain lands, in said county, may, for the reasons therein stated, be refunded; which was referred to the committee on claims.

By Mr. Duvall, the petition of Abraham Vanpelt, of Prince-George's county, representing that he is entirely unable to provide for the maintenance of himself, wife and child, and praying for such provision for their support, as may be considered right and proper.

By Mr. Sellman, the petition of Jane Arnold, of Anne-Arundel county, representing, that she and her children are reduced to the most abject state of indigence and poverty, and suffering the greatest privations of the common necessities of life; and praying for such pecuniary aid as may assist her, in their support.

By Mr. Hughes, of Montgomery, the memorial of sundry citizens of Montgomery county, constables, and others, complaining of the inequality of the fees allowed to sheriffs and constables, for the performance of the same or similar services, and praying redress of said grievances; which was referred to the committee on grievances and courts of justice.

By Mr. Thomas of Cecil, the petition of Thomas Smith, of Cecil county, praying the grant of a pension, in consideration of his military services, as a soldier, during the late war; which was read; and, on motion by Mr. Thomas, of Cecil, ordered to lie on the table.

Mr. Donoho asked and obtained leave to introduce a bill, to be entitled, An act to establish district courts for the trial of assaults and batteries, and for other purposes.

On motion by Mr. M'Mahon, the house resolved itself into a committee of the whole house on the unfinished business of Monday last, in reference to the bill from the senate, entitled, An act to incorporate the Baltimore and Susquehanna rail road company, reported by the committee on internal improvement, to which it was referred, with the amendments proposed by said committee, and, after some time spent therein, the speaker resumed the chair, when Mr. Hawkins, the chairman, stated, that the committee having, according to order, had the said bill, with the proposed amendments, under consideration, he was directed to report the said bill, with several amendments proposed thereto, and adopted by the committee.

The hour having arrived for taking up the orders of the day, on motion by Mr. M'Mahon, the question was then propounded, That the said orders of the day, and also the unfinished business of yesterday, in reference to the bill, entitled, An act to regulate sales by public auction, be suspended, for the purpose of considering the said report of the committee of the whole house? And it was resolved in the affirmative.

On motion by Mr. Teackle, the house was then called, and the door keeper sent for the absent members, in the city. Whereupon on motion by Mr. Semmes, the house agreed to proceed in the consideration of the ordinary business of the session, during the absence of the door keeper.

The door keeper having returned and reported, that all the members in the city were attending, except those confined by sickness, the house proceeded to consider the report of the committee of the whole house on the bill of the senate, above mentioned, entitled, An act to incorporate the Baltimore and Susquehanna Rail Road Company. And in the progress of the second reading thereof, the amendments proposed by the committee of the whole house, as above stated, were severally concurred in.

The bill having been read through, the question was propounded, Shall the said bill pass, with the amendments proposed and adopted by the house, as above? And it was resolved in the affirmative.

The house then adjourned until to-morrow morning ten o'clock.

THURSDAY, February 14, 1828.

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

The bill from the senate, entitled, An act to incorporate the Baltimore and Susquehanna Rail Road Company, passed by this house yesterday, with the proposed amendments, was returned to the senate.

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

By Mr. Hope, the petition of Samuel L. Spicer, of Harford county, praying for a divorce from his wife Rosanna A. Spicer; which was referred to the committee on divorces.

By Mr. Ely, the petition of sundry citizens of Baltimore county, praying the repeal of an act passed at December session eighteen hundred and twenty-six, entitled, An act supplementary to an act passed at November session seven hundred and ninety-seven, chapter 11; which was referred to the committee already appointed on that subject.

By Mr. Tilghman, the petition of William Ringgold, of Queen-Anne's county, praying that the state may relinquish its right to certain property therein mentioned, and transfer the same to his infant daughter Mary Elizabeth Ringgold; which was referred to a select committee of three members, consisting of Messrs. Tilghman, Ruth and Ridgway.

By Mr. Peter, the petition of sundry citizens of Montgomery county, praying that a certain road therein mentioned may be laid out; which was referred to a select committee of three members, consisting of Messrs. Peter, Lee and Lonsdale. And,

By Mr. Stewart of Baltimore, the memorial of the president and directors of the Union Bank of Maryland, praying that if it shall appear, that the public will sustain no injury by a sale of that portion of the stock held by the state; in the said bank, that the same may be sold to the said bank, at its fair value; which was referred to the committee on ways and means.

Mr. Teackle, presented a report of the trustees of the University of Maryland, with a statement of the finances of the institution; which was referred to the committee on ways and means.

Mr. Thomas of Cecil, having asked and obtained leave to introduce a bill, to be entitled, An act to incorporate the Elkton and Wilmington Rail Road Company, it was, on his motion, Ordered, That the subject be referred to the committee on internal improvement.

Mr. Wells, having first asked and obtained leave for the purpose, reported a bill, entitled, An act supplemental to an act, entitled, An act for the better regulation of chancery proceedings, in certain cases; which was read the first time, and ordered to lie on the table.

Mr. M'Mahon, asked and obtained leave to introduce a bill to be entitled, An act to incorporate the Maryland Company for Insurance on Lives, granting annuities, and other purposes.

On motion by Mr. Sellman, the house proceeded to the consideration of the resolution relative to the records of certain papers and proceedings in the court of chancery, submitted by him on the eighth instant, and, being read the second time, it was assented to, and sent to the senate for concurrence.

The hour having arrived for passing to the orders of the day, the house resumed the consideration of the unfinished business of Tuesday last, in relation to the bill, entitled, An act to regulate sales by public auction. When,

Mr. M'Mahon asked for permission to withdraw his motion, made on Thursday last, the seventh instant, to strike out the enacting clause of the said bill; and the question being propounded, Will the house grant the permission asked for? It was determined in the negative.

After further discussion on the motion of Mr. M'Mahon, to strike out the enacting clause of said bill. The house was called, on the motion of Mr. Goldsborough, and the absent members sent for.

The door-keeper having returned, reported, that he had notified such members as were absent, but in the city, "that their attendance was required by the house."

Whereupon, the question was propounded, Will the house agree to strike out the enacting clause of the bill, under consideration, entitled, An act to regulate sales by public auction, as proposed by Mr. M'Mahon; which is in those words "Be it enacted, by the General Assembly of Maryland?"

And, on a division, it was determined in the negative—yeas 15, nays 53.

The house then adjourned until to-morrow morning ten o'clock.

FRIDAY, February 15, 1828.

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

On motion by Mr. Thomas of Frederick, the committee on grievances and courts of justice was discharged from the further consideration of the subject matter of an order adopted by this house on the fifth ultimo, requiring said committee to report to this house as soon as practicable, the expediency of abolishing the present system of orphan courts, and provide such substitute as in their opinion may be judicious.

Petitions of the following titles, were this day also presented: By Mr. Harlan, a petition from some of the securities of Francis Gillespie, former sheriff of Cecil county, deceased, praying for a law to authorize them to collect the officers fees, &c. that were not collected by said Gillespie and also to grant them a stay of execution for monies due to the state; which was referred to the committee already appointed on that subject.

By Mr. Hughes of Montgomery, the petition of sundry citizens of Montgomery county, in behalf of Henry Cyrus, a free negro, representing him as utterly unable to procure a subsistence, and praying that he may be placed on the list of out-pensioners for said county; which was referred to the committee on the subject to which it relates.

By Mr. Lee, the petition of Stanislaus Knott, Lloyd F. Harding, and Mary Ann Harding, his wife, and Lloyd F. Harding, as guardian of Joseph Knott's infant children, praying that a law may pass authorizing and directing the clerk of Montgomery county court, to record the certificate and return of certain commissioners, therein named, which was referred to a select committee of three members, consisting of Messrs. Lee, Peter, and Hughes of Montgomery.

By Mr. Stewart of Baltimore, the petition of sundry citizens of the city of Baltimore, praying for the grant of an act of incorporation, for the establishment of another Savings Bank in said city, to be called The Savings Bank of Maryland; which was referred to a select committee of three members, consisting of Messrs. Stewart of Baltimore, M'Mahon, and Thomas of Frederick. And,

By Mr. Stewart of Anne-Arundel, the petition of sundry citizens of Anne-Arundel county, praying for a law to protect the breed of oysters in the waters of said county; which was referred to a select committee of five members, consisting of Messrs. Stewart of Anne-Arundel, Watkins, Wells, Sellman and Kent.

Mr. Lee, having asked for leave to introduce a bill to be entitled, An act to abolish the orphan's courts of this state, and to establish district equity courts, to be invested with equity jurisdiction, as well as the powers of the present orphan's courts; the question thereon was propounded, Will the house grant the leave asked for?

Resolved in the affirmative—yeas 46, nays 17.

Mr. Shower, having asked and obtained leave to introduce a bill to be entitled, A supplement to the act, entitled, An act for the establishment of a school in Baltimore county, by the name of The Malin School of said county. It was on his motion, Ordered, That a select committee of three members, consisting of Messrs. Shower, Turner and Ely, be appointed to prepare and report the same.

Mr. Gibbon, asked and obtained leave to introduce a bill to be entitled, An act for the relief of Richard Waller, and the administrators of Josiah Broughton and Samuel Heathy, deceased, securities of William S. Handy, late sheriff of Somerset county.

Mr. Gantt submitted the following resolution for consideration; which was read the first, and, (by a special order, dispensing with the 25th rule of the house,) the second time, and unanimously assented to, viz.

Resolved, That the governor and council be requested to cause a national salute to be fired at sunrise, noon, and at sunset, on the twenty-second of this month, in commemoration of the birth of the illustrious Washington.

The hour having arrived for taking up the orders of the day, on motion by Mr. Semmes, the house again resolved itself into a committee of the whole house on the unfinished business of yesterday, in relation to the bill, entitled, An act to regulate sales by public auction, and after some time spent therein, the

speaker resumed the chair when Mr. Lee, the chairman, reported the said bill, with sundry other amendments adopted by the committee, and proposed to the house. The amendments proposed were subsequently read, and severally concurred in by the house.

In the progress of the reading of said bill, Mr. Thomas, of Cecil, moved further to amend the same, by striking out from the first section, the words, "and in all cases where the auctioneer or the owner of such goods or exposed to sale, or any person employed by them, or either of them, shall be the highest bidder, the said goods, wares, merchandises or effects, shall be subject to the payment of the same duties as if they had been sold to any other person." for the purpose of inserting in lieu thereof, the following: "provided nevertheless, that in all cases where the owner or owners of such goods, wares, merchandises and effects, shall be the highest bidder, that the said goods, wares, merchandises and effects, shall be struck off to the owner, shall not be subject to the payment of the duties, as if they had been actually sold to another person."

And the question thereon being taken, Will the house agree to the further amendment of the bill, as proposed? It was determined in the negative.

The question was then propounded, Shall the said bill pass, as amended? And it was resolved in the affirmative. Yeas 55 Nays 14.)

The house then adjourned until to-morrow morning nine o'clock.

SATURDAY, February 16, 1828.

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

The Speaker communicated to the house a report from the collector of the taxes of Calvert county to the general assembly, of the number of deaf and dumb which he had ascertained to be in said county; transmitted in conformity with the act of assembly passed at the last session, chapter 255; which was referred to the committee on education.

Mr. M'Neil presented the petition of Thomas Stallings, and others, securities of Thomas Pollard, former sheriff of Allegany county, praying to be released from the debt due the state by said Pollard; which was referred to the committee on ways and means.

Mr. Hughes of Montgomery, presented a petition from sundry citizens of Montgomery county, in behalf of Margaret Waters of said county, praying for a law authorizing the levy court of said county, to levy a small sum of money for her relief; which was referred to the standing committee on the subject to which it relates.

Also the petition of Mary Watkins, of Montgomery county, widow of the late Leonard Watkins, who was a soldier of the revolutionary war, praying that the pension heretofore granted to her said husband for his military services in that war, may be continued to her; which was referred to the committee on pensions and revolutionary claims.

And the petition of sundry citizens of Montgomery county, counter to the petitions of sundry other citizens of said county, praying for the repeal of the act passed at the last session of the legislature, providing for the repair of the public roads in said county; which was referred to the committee already appointed on that subject.

On motion by Mr. Fighman, it was ordered, That the committee on internal improvement be instructed to inquire into the expediency of repealing the act of 1825, chap. 166, entitled, An act to create a board of public works.

On motion by Mr. Hitch, a supplement to the 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 December session eighteen hundred and twenty one, chapter 110, was read the second time, assented to, and the bill ordered to be engrossed.

By Mr. Semmes, chairman of the committee on ways and means, An act directing the payment of the salaries of the clerk, physician, and other persons employed by the directors of the Penitentiary.

By Mr. Mercer, from the committee on internal improvement, An act to incorporate the Port Deposit and Columbia Turnpike Road Company.

By Mr. Donoho, An act to establish magistrates courts in the several counties of this state for the trial of assaults and batteries.

By Mr. Stewart of Baltimore, An act to incorporate The Savings Bank of Maryland.

The house proceeded to the consideration of the bill reported by Mr. Teackle, chairman of the committee on education, entitled, An act supplemental to the act, entitled, An act to provide for the public instruction of youth, in primary schools, throughout this state; and in the progress of the second reading thereof.

On motion by Mr. Lee, it was Ordered, That the said bill be laid on the table, and, with the bill, also reported by Mr. Teackle, chairman of the committee on education, entitled, An additional supplement to the act, entitled, An act to provide for the public instruction of youth, in primary schools, throughout this state, made the orders of the day for Monday next, the eighteenth instant.

The hour having arrived for passing to the consideration of the several orders of the day, on motion, by Mr. Ely, the bill reported by him, entitled, An act to settle and determine the compensation of judges and clerks of elections in Baltimore county, (being one of the orders of the day,) was taken up for consideration, read the second time, passed, without amendment, and sent to the senate for concurrence.

On motion by Mr. Semmes, it was Ordered, That the remaining orders of the day be postponed.

The house then adjourned until Monday morning nine o'clock.

MONDAY, February 18, 1828.

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

Mr. Fitzhugh presented the petition of Aaron Crawford, of Washington county, praying to be released from the imprisonment therein mentioned; which was referred to the committee on grievances and courts of justice.

Mr. Banning presented the petition of Henry Pickering, of Talbot county, praying that the levy court of said county, may be authorized and required to levy on the assessable property thereof, a sum of money, equal to the value of his slave, negro James Mackey, who was murdered by negro James Truston, a slave, the property of James Price, residing in said county, which was referred to the committee on claims.

Mr. Thomas of Frederick, presented the petition of

J. GREEN.

American Farmer.