FRIDAY, March 7, 1888. The house met. Were present the same members as on

Yesterday. The proceedings of yesterday were read.

Mr. Stemart of Baltimore, asked and obtained leave to withdraw the petition of sundry citizens of said city, praying that certain persons of colour in the said city may allowed to obtain licenses for driving hacks, carts and drays, or to drive the same; and he also obtained leave the counter petitioners, to withdraw their counter petition

Mr. Thomas of Cecil, asked and obtained leave to withdraw the petition of Washington Hall, of Cecil county, praying for relief from certain suits instituted by the state against him as terretenant of certain lands lying in said county, presented by Mr. Thomas of Cecil, on the seventh ultimo, with the accompanying document.

On motion by Mr. Taney, the bill reported by Mr. Lee, from the joint committee of conference, entitled, An act for the education of the indigent deaf and dumb of this state, was made the order of the day for to-morrow.

Mr. Thomas, of Cecil, having asked and obtained leave to introduce a bill, to be entitled. An act to incorporate the Port Deposit and Chesapeake Turnpike Road Company, it was, on his motion, Ordered, That a select committee of three be appointed to prepare and report the same. Messrs. Thomas, of Cecil, Harlan and Mackey, were appointed the said committee. Whereupon, Mr. Thomas, of Cecil, from that committee, accordingly reported aid bill; which was read the first time, and ordered to

Mr. Ruth offered the following preamble and resolution for consideration:

Whereas, it appears from the report of the armourers, that there is in the armouries of the state, a large quantity of proper-ty in such a perishable condition, that they will be wholly lost,

unless they are specially disposed of. Therefore, Resolved, That the governor and council be, and they are hereby authorised, to cause all the tents, and such other perishable property as they may deem expedient, to be sold on the best terms, and pay the proceeds of such sale into the

Isury.
Which, being read the first, and, by a special order, the second time, was assented to, and sent to the senate for concur-

On motion by Mr. Teackle, it was Ordered, That the hill, entitled, An act for the better regula tion of the treasury department, be made the order of the day fo

Mr. M'Mahon, chairman of the select committee therein mentioned, delivered the following report: which was read the first time and ordered to lie on the table, viz.

The committee to whom were referred the several com munications relative to the proceedings of the executive un-der the act of 1825, chapter 129, authorising the purchase or are the act of 4823, chapter 129, authorising the purchase or crection of state warehouses for the inspection of tobaccor and to the appointment of a temporary agent for the preser vation of the state's property within the city of Baltimore, and the collection of the wharfage arising from said property; and also a resolution submitted to this house on the 6th instant relative to the mode of procuring materials for the new state to-bacco, warshouse now executive, in the city of Baltimore, submit bacco, warehouse now erecting in the city of Baltimore, submit

the following report:

In the consideration of the subjects above referred to them, your committee have not deemed it necessary to travel beyond the objects to which the above mentioned orders and resolutions relate. The documents which have been submitted to them are very numerous, and comprise an entire view of all the executive proceedings in relation to the purchase or erection of the state tobucco warehouses, and would furnish a very interesting history of the establishment of this new system of inspection. Many of them, however, have no immediate connection with the subjects to which the attention of your committee have been parti-cularly directed; and it would therefore be unnecessary to present a detailed view of them. The objects of the present enquience to the erection of a new state tobacco warehouse, the preservation of the state's property within the city of Baltim and the collection of wharfage upon the same; and they impose upon the committee the duty of examining them for the purpose of ascertaining the manner in which said building is to be erect ed, and of determining what other legislative provisions are ne cessary to ensure the execution of this work, upon the best pos

sible terms, as may be proper, in order to the preservation of the state's property within the city of Baltimore, or the enjoyment

the wharfage which may be derived from it.

The daw of 1825, chapter 159, under which the governer and council derived these perwerestrith reference to the state tobacco warehouses, authorised them to contract upon the best for the bailding of the same, or to purchase and build; they elected to build, they were authorised to purchase a lot or lots for that purpose, and to take bond from the person contracting to baild for the faithful execution of his contract. In the exercise of these powers they elected to build a In the exercise of these powers they elected to build a rehouse upon the property condemned for that purpose 1826, chapter 250, and they accordingly tised for proposals for the erection of the same. Several proposals were submitted, some of which merely contemplated a general superintendence of the work, whilst others proposed to furnish all the materials, and complete the building for a specifield sum. The character of these propositions for a general superintendence of the work, imposed upon the governor and council the necessity of enquiring whether, under the terms of the ect of 1825, the executive were authorised to enter into any such contract for the construction of the work, or whether they such contract for the construction of the work, or whether they were restricted by that act to contract for a gross sum. To remove the doubts which existed as to the extent of these powers, the attorney general of the state was consulted, by whom it was held, that the legislature had left the executive to the free exercise of their own sound discretion in making the contract to build, and had not restricted them to any particular mode. tract to build, and had not restricted them to any particular mode of accomplishing the end in view. Under this opinion, the proposals of Lawson Newman, of 12th of October 1827, were accepted by the governor and council on the 2d of January 1828, and bond, with approved security, in the penal sum of \$15,000 was required of him for the due performance of his contract.

Upon the acceptance of his proposals, Newman on the 9th of Ismary 1828, entered into a contract conforming to his proposals, and gave the required bond. By this agreement he contracts also and gave the required bond. that he will pull down and remove the buildings, the removal of which is necessary to the erection of a new buildings that under the directions of the governor and council he will erect the ne-cessary buildings, and will furnish them with all the necessary apparatus for the storing and inspection of tobacco; that he will apparatus for the storing and inspection of tobacco; that he will nurshape and furnish all the work labour materials, and curapparatus for the storing and inspection of tobacco; that he will purchase and furnish all the work, labour, materials, and supplies, necessary for said object, and will have the work done in a substantial and workmanlike manner; that he will superintend the workmen, and all persona about said building, antil it is finished; and that he will exercise his best judgment in the selection of the materials; and that, in compensation for his services, it is agreed that he shall be paid by the state of Maryland fixe actual cost of all supplies and materials used in the erection of it is agreed that he shall be paid by the state of Maryland the actual cost of all supplies and materials used in the erection of said warehouse, and the actual sum required for the payment of all the workmen and persons, except himself, employed about said building; (the said materials and supplies to be purchased at fair cash rates, and bills of parcels and receipts to be exhibited by him;) and also that he shall receive, as a compensation for his personal services, the gross sum of 1250 dollars.

This contract to build, it will be perceived, is one under which the state is bound to furnish all the materials and all the Indour at her own expense; and the contractor's duties

all the labour at her own expense; and the contractor's duties are merely those of a general agent and superintendant. How far such a contract ought to have been preferred to the

ordinary mode of contracting, which would award to the contractor a gross stim for the completion of the work, and would cast upon him the cost of materials and labour, it is not necessary to determine for the purposes of this enquiry. It is to be presumed, however, that this mode of building was adopted under a conviction that it would thus be erected at the least expense, founded upon the estimate of the architect employed under the directions of the governor and whose estimate the probable cost of the building constructed under the direction of a superintendant, will be less by 2,750 dollars, than the lowest offer to build said house for a gross sum. This question, however, can only be answered when the actual cost of the entire work under this contract of agency is ascertained. Yet as the duties of the contractor ir procuring labour and materials are merely those of an agent, who has only stipulated for procuring them at eash rates; "and as thus there is not that individual interest in obtaining them upon the lowest possible terms, which would exist it such purchases were to be made on his own account, and at his own expense, it is desirable that the contractor should be required to advertise for proposals for furnishing materials." Such would have been the course pursued by the governor and council, had they taken upon themselves the agency for purchasing such materials and supplies; and such has been their course in all the contracts relative to the state warehouses which have been entered into with hem. And if this be proper with regard to the highest executive officers of the state, to whom a general and unlimited power has been confided, there is a ing propriety in it, when applied to a minor and subordinate agent, who does not act under the same high sense of responsibility. It will at once be perceived, that the interests of the state will be much more effectually protected, by requiring the superintendant to advertise for proposals turnishing the principal materials, than she could be under the vague terms of the requisition that he shall furnish them

The committee have no information before them from which they can determine to what extent the necessary materials have been purchased by the superintendant. If the purchases of these have been completed, it is deeply regrettwo of your committee, (Messrs. Thomas of Cecil, and M-Mahon, the other members of the committee Messrs. Semmes, Hawkins and Taney, dissenting from them,) that this mode of procuring them had not been enjoined upon the contractor by the terms of his contract. chases have not been completed, or it any of the propositions for purchases have not assumed the form of a perfect contract, it is desirable that this mode of making them should be adopted. The resolution which has been referred to this committee, is therefore, as to its objects, in entire accordance with their own views; but it requires some modification to adopt it to the peculiar circumstances of this case. By reference to the terms of Newman's contract, it will be seen that the whole power of contracting for materials has been confided to him; and that the power retained by the governor and council under this contract, consists merely in a general and uncontrolled right of directing him in the discharge of his agency. The object of the resolution can therefore be attained, only by requiring the executive to direct the superintendant to procure all the principal materials, not yet contracted for, in the above manner.

The other branch of this enquiry relates to the appointment of an officer for the preservation of the state's property within the city of Baltimore, and for the collection of the whorfage which may accrue on the wharves attached to the property purchased by her to carry into effect the state system of tobacco inspection. The objects of the executive in creating this officer, the duties assigned to him, and the extent of his compensation, will appear from the executive proceedings herewith submitted, comprising the letter of Mr. Stimmer, the present agent, and the record of his appointment by the executive.

Extract from the record of Executive proceedings, Au-The following communication was laid before the board,

Baltimore. August 4th, 1827.

The Honourable the Governor and Council

of Maryland,

As you have made purchases of considerable property in Gentlemen. the city for tobacco inspection warchouses, to which there is attached much more wharf room than you will find necessary for the landing and shipping of tobacco, I have suppos ed that you would want some person to collect the wharfage for you; and as I have heretofore been honoured by the city with the appointment of harbour master for several years, I conceive myself well qualified to make such collections, and do hereby respectfully solicit the appointment, presuming the compensation will be equivalent to the services required. will also be glad to attend to the state's property generally, by collecting the rents, and taking care of the materials, while the building or repairing of Dugan's warehouses are progressing, so that the state should sustain no loss by careessness or depredations.

I am willing to perform each and all of the above named duties for such compensation as I may be able to collect from the wharfage. If, however, that course is not thought advisable, I am anxious to be employed, and will leave the compensation for my services to the honourable governor and

I beg leave to refer you to one of your own body, Col Wm. Stewart, who is well acquainted with me, and has been so for many years.

I am, gentlemen, Your's very respectfully, Christian Slimmer.

Upon consideration whereof, the board agree to the proposal of Mr. Slimmer, and ordered the following communication to be addressed to him by the clerk of the council,

Council Chamber, Annapolis, August 7, 1827.

Mr. Christian Slimmer,
Sir-The governor and council have this day appointed you to take charge of all the wharves attached to the proper-ty owned by the state, and which was purchased for tobacco inspection warehouses in the city of Baltimore; which situation you are to hold until the first day of January next, or until the legislature or executive may otherwise determine. You will be expected to pay particular attention to the interest of the state, in preventing, so far as it may be in your power, all injury to its property, and to collect such monies as may be due for rents for other than the tobacco warehouses; taking care to keep the property in repair out of said rents, and to pay over to the treasurer of the western shore such balance as may remain, after necessary repairs; and generally to take especial care of the property of the state the city of Baltimore. For those services, or such others

as may be thought by the executive necessary in connection with said property, you are hereby authorised to receive the with said property, you are necessals lying at said wharves, wharfage that is customary for vessels lying at said wharves, which are not receiving or discharging tobacco; but those latter are, in no instance, to be charged wharfage. ceipts of wharfage by you to be in full for all services hereby required of you, and your acceptance of this agency will be considered your acquiescence in the arrangement hereby contemplated.

Very respectfully, Your obt servt

Tho: Culbreth, Clerk of the Council

The extent of the duties imposed upon this agent by the above order in council, your committee cannot exactly determine from the information before them. The property owned by the state, and situate upon the lots purchased for tobacco warehouses, as distinct from the warehouses themselves, is however believed to form an inconsiderable portion of the state property; and its preservation, or the receipt of the rents accruing from it, do not impose any very onerous The warehouses themselves ought of course to remain in the custody and under the control of the inspectors; and when the preservation of these is provided for, some doubts may exist as to the propriety of appointing an The executive, in making agent for the care of the residue. it, have considered it as a mere temporary appointment to await the determination of the legislature as to the necessity of its existence. If such an office is suffered to exist, it should be established by law, and the powers and duties of its incumbent should be accurately defined, and security should be taken for their due exercise or performance. Under the existing appointment, the appointee has given no security, although some of his duties relate to the collection of public

In the compensation which is awarded to him for his services, whatever they may be, there is, in the opinion of two of the committee, (Messrs. Thomas of Cecil, and McMahon,) something objectionable, both in the quantum of the allow ance, and in the form in which it is received: but the remaining three members of the committee, (Messrs, Taney, Hawkins and Semmes,) entertain the decided opinion, that under the circumstances of the case, the course pursued by the executive was necessary and proper. There are no facts before us from which the exact amount of wharfage receiv ed by the agent on the state wharves can be e-certained. The whole wharfage is given, and he makes no report of the amount of his receipts. There are various estimates of its amount varying between 50) and 1200 dollars. Yet it is believed that the collection of the wharfage could be effected by an allowance of 20 or 25, nor cent. on the amount collected; and the receipt of the who'e wharfage for the agent's own use is in the opinion of two of the members of the committee, (Messrs. Thomas of Cecil, and M. Mahon, the remaining three members, Messrs, Hawkins, Semmes and Taney, dissenting from this opinion,) disproportionate to the services which he renders. In the collection of this wharfage, it also necessarily follows, that the agent of the state, and the harbour master of the city of Baltimore, in the exercise of their respective powers, may sometimes come into conflict with each other, and may possibly prevent the free and proper use of the wharves, and may the transit of vessels to and from them. It seems to be desirable that the entrance to them should be entirely under the regulation and control of a single officer, by whose directions the position of the vessels along the wharves could be altered at pleasure, so as always to afford entrance to other vessels in due season. Yet as this could not be effected without vesting the power of collecting the state wharfage in the proper harbour master of the city of Baltimore, and as it would thus confer upon this officer the double character of a state and city officer, it is deemed objectionable by a majority of the committee (Messrs. Taney, Semmes and Hawkins,) as blending responsibilities which, in their opinion, ought not to centre in the same person. Two of the committee (Messrs. Thomas and M'Mahon,) are unable to perceive any weight in this objection. They witness the same blending of power and responsibility in all the series and collections of state revenue, which are made by mere county officers. They cannot perceive in what manner the two offices are so incompatible with each other, that the discharge of the duties of the one will incapacitate him for the discharge of those of the other; and to them there seems a poculiar fitness in vesting the powers belonging to both offices in the same hand.

A majority of the committee, (Messrs, Semmes, Hawkins and Taney.) also concur in the propriety of appointing an agent, for the preservation of the state's property within the city of Baltimore. Two of the committee, (Messrs, Thomas and M. Mahon.) more. Two of the committee, (Messrs. Thomas and M. Mahon.) can perceive no urgent necessity for its existence at this moment, as its principal duties are or ought to be performed by the inspectors, and the superintendant. Yet all admit the propriety of giving to such an office, if it is necessary that it should exist, a more permanent character, of clothing it with more responsibilities, and of more effectually securing the interests of the state.

a more permanent character, of clothing it with more responsibilities, and of more effectually securing the interests of the state, committed to the incumbent of it, by the usual requisition of security for the proper performance of his official duties.

They all concur in the opinion, that if it be practicable, some mode of collecting the state's wharfage should be introduced, from which the state could derive a portion of the proceeds for her own users and that in practicing for its collection, the constitution of the proceeds. which the state could derive a portion of the proceeds for her own use; and, that in providing for its collection, due regard should be had to the disadvantages which may result from so vesting the power to collect the state wharfage, that it will, in its exercise, come into conflict with the exercise of similar powits exercise, come into conflict with the exercise of similar powers on the part of the city, to the injury of owners of vessels, upon which these separate powers of controling and directing may operate. This subject has been so recently committed to the consideration of your committee, that they have not been enabled to come to any definite conclusion upon this branch of it, and beg leave to reserve it for future consideration. To carry into effect their views noon the first branch, they submit the ry into effect their views upon the first branch, they submit the following resolution, in lieu of that which has been referred to

Resolved by the General Assembly of Maryland. That the governor and council be, and they are hereby authorised and revernor and council oe, and they are nerely admired and required, to direct the superintendant, under whose care and attention, the new state warehouse, for the inspection of tobacco tention, the new state warehouse, for the inspection of tobacco is about to be erected, and by whom all the labour and materials necessary for the erection of the same; are procured or purchased; that in all purchases of principal materials hereafter to be made by him, befare he shall make any contract for any principal materials for the building of said state tobacco warehouse, he shall issue is the same and shall publish the same proposals for the supply of the same, and shall publish the same three times a week, for at least two successive weeks, in two of three times a week, for at least two successive weeks, in two of the newspapers published in the city of Baltimore; provided, that nothing herein contained, shall be construed to affect any contract already made by the said superintendant, on the co tract already made by the said superintendant, on the contract made by the governor and council with him; and that the differ ent proposals submitted to him, shall be transmitted to the clerk of the council, whose duty it shall be to report the same to the next general assembly, together with all sums allowed to agents, superintendant, and others employed in the erection of said warrhouse; and all the hills of materials and supplies purchased warehouse; and all the bills of materials and supplies purchased warehouse; and all the superintendant, and receipts for money paid by him by the superintendant, and receipts for money paid by him.

All which is respectfully submitted,

John V. L. Millshon, Chairman,

Jacob S. Smith, Com. Olk.

## Maryland Cant

> ANNAPOLIS:

Thursday, March 13, 1828

A CANDIDATE BARZILLAI MARRIOTT WILL METE elected, as a Delegate to repres

DEAF AND DUMB.

The following bill has passed branches of the Legislature-Senate by an unanimous vote. Be it enacted by the General sembly of Maryland, That it stall and is hereby made the duty of and is hereby made the daty of levy courts, and the county courses sioners of the several counties of state, and of the mayor and city of cit of Baltimore, to inquire into, make a return on the first Monda May annually, of the names of all digent deaf and dumb white pen of sound mind, in their raped counties and city, from tweltens ty five years of age, to the gue of this state, who is hereby ut ised and required to draw have and the research on the treasurer of the rerant on the treasurer of the wes shore, for a sum not exceeding numbered and sixty dollars, for a the said persons, whose parents, dians, or other person having the of the same, shall permit to be rea

of the same, shall permit to be re-to the Pennsylvania Institution and deaf and dumb, to be there else one half of the said sum to be pa-the president of said institution, a expiration of the term of six ma-and the other at the end of the in which any indigent pupil from state, shall have been instructed the governor shall have power to on the said treasurer, for the exp necessarily incurred in transporta returning the said persons; put that the sum so to be drawn from tr a-ury, shall in no one year ex d dlars; and provided also, that no scholar shall be taught at the exof the state more than five years provided further, that each counturning deat and dumb persons the conditions of this act, shall be

persons shall have

nor of this state.

COLONIZATION.

Auxiliary Colonization Soc.

committee previously app

that purpose, reported the

Art 1st. All persons who

sign the constitution, and (

one dollar annually, shall i

tied to have at least one person said institution; and in the even said institution; and in the event levy court, or county commission any one or more of the part the mayor and city counciller no person coming within the of this act, then it shall be the of the governor to select as and dumb person from their; timore, or the county of this winest levy court, county can whose levy court, county come ad revere.

whose levy court, county courters, or mayor and the council return the largest ber of dedumb indigent with persons the provisions of this act, who sent to said institution for instrand so on to the county return next largest number, until the of twenty deaf and dumb indigent whill have been complete the complete of the county of the county of the county deaf and dumb indigent the county of t

persons shall have been compleso many be returned by the That they regret his loss as the levy courts, county commission mayor and city council, to the

f malice and detraction:

At the adjourned meets the Methodist Church on the evening last, to form in this Constitution, which (after amendments,) was adopted texpression of words. Constitution of The Anti-yel Colonization Societ

bers of the society.

Art. 2d.: The officers of the shall consist of a Preside indefinite number of Vice-Pret twenty-four Managers, a Sand a Treasurer, who shall be dat the annual meeting of ciety to be held on the secondar in January. COUNTY.

day in January.
Art. 3d. The Preshleat, Vi sidents, Managers, Sceres Treasurer, or any five of the constitute a board for them of the business of the sock! have authority to make ru gulations for their own got —and shall fill up all vacan may occur in their own bod the succeeding annual meeting

society. Art. 4th. The Secretary's register of the names of ficers of the society, of all bers of their annual substand donations, and of succircumstances as the board rect—and shall also keep an of all receipts and expendit Art. 5th. The Treasurer

ceive all monies, keep an thereof, and hold the same to the order of the board.

Art. 6th. No appropriati funds of the society, exceptiogent expenses, shall be make a meeting of the board as a meeting of the board. a notice in some one of the pers in the city of Annap

Are 7th The board shall have self and Mr. shority to convene the society sirous to discovere they may consider it exedent, due notice being given by aratisement in the newspapers of firmness, we ecity of Annapolis.

Art. 8th. This constitution may kaltered at any meeting of the So-

The meeting then, on motion, Reired, That the Chairman and Seretry now appoint one Vice-Presient five Managers, a Secretary and a Treasurer.
la pursuance of which resolution

be Chairman and Secretary made de following appointments:

John Done, Vice-President. Samuel Maynard, Treasurer. Dr. Edward Sparks, Secretary.

MANAGERS. Rev. J. G. Blanchard, Rev. C. A. Davis, Claude, Dr. Ridout,

George Shaw. la order to consult with the inhahingts of the county out of the city Annapolis, and with them to fill the other appointments, the meeter then adjourned to assemble again the Wednesday succeeding the Mednesday in April ext, in the Medicist Church, a Po'clock, P.

zi, and all others interested in macting African colonization, are gried to attend this meeting.

A RANDALL, Secretary.

Theinhabitants of the county ge-

From the Baltimore Republican. MONOUR TO DE WITT CLIN-TON.

At a meeting of the JACKSON ENTRAL COMMITTEE of Mamland, at their Reading Room, on Thursday evening last, on motion of John P. Kennedy, Esq. the followrg preamble and resolutions were animously adopted:

The members of the Jackson Cen-ral Committee of Maryland, partiexing in the common sentiment of reset for the character and servi-ma DE WITT CLINTON, of trate of New York, of whom the ma has been lately bereaved, anximu pay that tribute to his memowhich exalted worth should ever mive from the people of an enintened republic, do unanimously ksolve, That they regard his loss as a na-

mal calamity: That they applaud his patriotism

fish his memory as That the rish his memory as a philosopher and estatesman, these life has been given to his matry, and filled up with benefiententerprises, which have been hounties to the present me and will shed their glories upon

friend of ANDREW JACKSON of whom he was a kindred spirit, the pendous dignified and zealous advocate of his it is the dignifed and zealous advocate of his sirtues sustaining him amid the trials

And they further resolve. That they sincerely condole with personal friends and relatives of Witt Clinton, for the privation tich they have sustained in that there where, as father, husband and head, the pain of his loss is past

Roger B. Taney, President.
James Mosher, William Krebs, Richard Frisby. Vice-Presidents. James Piper, Secretary.

James Piper, Section McClintock Young,
Louis W. Jenkins, Assistant Sector, in ordinary to like homens JACKSON MEETING IN CECIL

At a large and respectable meetthat in Cecil county, George Gale, Eq. was called to the chair, and Thomas Maffit, Esq. was appointed

On motion, a committee of three \*13 appointed to draft resolutions exreserve of the sense of the meeting reference to the next Presidential election. The following gentlemen were appointed for the purpose: Dr. Leonard Mackall, William Cameon and John Mearns, Esqrs. who retired, and after a short time re-turned with the following report,

which was unanimously adopted. REPORT. The friends of Gen. Andrew Jackto 11, to the Charleston district. They do the Burger of the Charleston district. the Charleston district. They do not not find it necessary to enter into a within log string of resolutions in favour of their favourite candidate, or in hosility to the present administration. Like their political brethren throughout the United States, they te firmly of opinion that the elec-tion of Mr. Adams was the result of brigid and intrigue between him.

nued with as they had money, and doned them and accused a traiturous

my. milton whi him beyond the persect whose very

to libel the and procure Adams the dams our pr We will, t man who so power, or a power was disapprove present chi ed to the h the people,

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Jackson is and that in

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Resolve omination rive him o this meeti intere Re apppoint o [Here f Major on Ma

Jr. Juseph THOM The fol fered by DI When his public

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Result cerely de trymet i talents a Resoi publishe meeting.

by which Telemac

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Chance ney in 15,000 The