

The Maryland Gazette.

VOL. LXXXIV.

Annapolis, Thursday, February 5, 1829.

No. 6

Legislature of Maryland.

House of Delegates.

WEDNESDAY, January 28, 1829.

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

The Speaker laid before the house a report from the trustees of the University of Maryland, made in obedience to the act providing for their appointment, disclosing the general condition and prospects of that institution, during the past year, and accompanied by the annual account of their treasurer, which were referred to a select committee, consisting of Messrs. Stewart of Baltimore city, Semmes, Lee, M'Mahon of Baltimore city, and Thomas.

The Speaker laid before the house a report from the commissioners of Primary Schools for Anne-Arundel county, giving an account of their proceedings, under the provisions of the act of 1823, chapter 162, and representing their future prospects; which was referred to the committee on education.

Mr. Stewart of Baltimore city, presented a petition of Philip Sizer, of the city of Baltimore, who was a soldier of the revolutionary war, praying to be put on the pension list of the State.

And also a petition of John Curtis, of the city of Baltimore, who was a soldier of the revolutionary war, praying to be placed on the pension list of the State.

Ordered, That the two last mentioned petitions, be severally referred to the committee on pensions and revolutionary claims.

Mr. Watkins presented a petition of James Glover, of the city of Annapolis, praying, that in consideration of his infirmities, he may be placed on the out-pension list of Anne-Arundel county.

Mr. Kent presented a petition of Ann Atwell, of Anne Arundel county, praying the passage of a law authorizing the levy court of said county, to levy upon the assessable property thereof, such sum for her relief as may seem meet.

Mr. Evans presented a petition of Robert Johnson, of Cecil county, praying for the passage of a law providing for the support of a certain free negro woman, therein mentioned.

Mr. Shriver presented a petition of Thomas Cross, of Frederick county, praying for a law to authorise the levy court of said county, to levy on the assessable property thereof, such sum annually, as may be deemed proper, and placed in the hands of William P. Esq. to be applied by him towards the support of the petitioner.

Ordered, That the four last mentioned petitions be severally referred to the committee on the subject to which they respectively relate.

Mr. Stewart of Baltimore city, presented a memorial of Barney Clarken, of the said city, counter to the petition of Rhoda Clarken, his wife, praying for a divorce.

Mr. M'Mahon of Baltimore city, presented a petition of Sarah Brown, of the said city, the wife of Christopher Brown, praying for a divorce.

Mr. Wright of Dorchester, presented a petition of John Andrews, of Dorchester county, praying for a divorce from his wife Elizabeth Andrews.

Mr. Mercer presented a memorial of Robert H. Hays, of Cecil county, praying for a law divorcing him from his wife Eleanor.

Ordered, That the said petitions and memorial be severally referred to the committee on divorces.

Mr. Stewart of Anne Arundel, presented a petition from sundry inhabitants of Anne Arundel county, praying the enactment of a law to authorise the building of a bridge over a branch of the Patuxent river, at the place called Mullikin's Ford; which petition was referred to a select committee, consisting of Messrs. Stewart of Anne Arundel, Kent, Stockett, Hood and Watkins.

Mr. Shriver presented a petition of sundry inhabitants of Frederick, Anne Arundel and Montgomery counties, praying for a law providing for the appointment of commissioners to locate and open a public road, therein described; which petition was referred to a select committee, consisting of Messrs. Shriver, Kemp, Hughes, Gutter and Hood.

Mr. Sutton presented a petition of William Trager, of Harford county, praying that his title may be confirmed to a certain sand bank or bar, therein described, which he has taken up in the Chesapeake Bay, and on which he proposes to erect a pier; which petition was referred to a select committee, consisting of Messrs. Sutton, Stewart of Baltimore city, and Mercer.

On motion by Mr. Stewart of Baltimore city, it was Ordered, That the order passed by the house of delegates at the last session of the legislature, requesting the attorney general to submit his opinion to the present general assembly, as to the constitutionality of power of the legislature to impose on the chancellor the duties required to be performed by him by an act passed at December session 1817, chapter 119, be re-considered, the chancellor having complied with the provisions thereof.

Mr. Semmes asked and obtained leave to introduce a bill, to be entitled, An act relating to the electors of the senate of Maryland.

Mr. Semmes accordingly reported said bill; which was read the first time and ordered to lie on the table.

Mr. Semmes asked and obtained leave to introduce a bill, to be entitled, An act relating to graduates in the Medical Faculty of the University of Maryland.

Mr. Semmes accordingly reported said bill; which, being read the first time, was ordered to lie on the table.

Mr. Townsend asked and obtained leave to bring in a bill to alter and amend the constitution and form of government, so far as relates to the filling of vacancies in the council.

Mr. Stewart of Baltimore city, submitted the following resolution: Resolved, by the General Assembly of Maryland, That the Librarian be and he is hereby authorised to furnish a copy of Kilty's Laws, a copy of Harris, Kilty and Watkins' Laws, and a copy of the acts of the subsequent sessions of the legislature, to the directors of the Maryland Penitentiary.

The said resolution, being read the first time, was, On motion of Mr. Stewart of Baltimore city, referred to the committee on crimes and punishments.

On motion by Mr. Done, the bill received from the senate, entitled, A further supplement to an act, entitled, An act for the better regulation of chancery proceedings in certain cases, was referred to a select committee, consisting of Messrs. Done, Eccleston, Smith of Worcester, Burchenal and Gibbons.

Mr. M'Mahon of Baltimore city, chairman of the select committee, to which the subject had been referred, reported

a bill, entitled, An act to incorporate the Guardian Institute of Baltimore.

Mr. Donoho, chairman of the select committee appointed on the subject, reported a bill, entitled, An act to alter and amend so much of the constitution and form of government, as relates to the appointment of register of wills, in each of the counties in this State. And,

Mr. Gantt, chairman of the select committee appointed on the subject, reported a bill, entitled, An act to continue in force the acts of assembly, which would expire with the present session.

Which said bills, were severally read the first time, and ordered to lie on the table.

The house proceeded to consider the report made by the committee on elections and privileges, on the 23d instant, to which was referred the memorial of Thomas Anderson, contesting the seat of John N. Watkins, a delegate returned for the city of Annapolis, on the ground of his having received a certain number of illegal votes.

And the said report having been read the second time, Mr. M'Mahon of Baltimore city, offered the following order:

Ordered, That the report of the committee of elections relative to the memorial of Thomas Anderson, esquire, contesting the election of John N. Watkins, esquire, a delegate returned for the city of Annapolis, be recommitted to the said committee, with instructions to report to this house whether, from the testimony taken before them, it appeared that any person was permitted to vote at said election, who had renounced his allegiance to the government of the United States by entering into the service of a foreign government; also, whether any person was permitted to vote at said election who, by the testimony of his parents, his own admission, or other proof, appears to have been a minor at the time of giving his vote; also, whether any person was permitted to vote at said election who, by his own confession, or according to the proof before the committee, was not a resident of the city of Annapolis, or of the State, for the time required by law to entitle him to a vote; also, whether in any case where it appeared that the person, whose right of voting was scrutinized, was not entitled to a vote from any of the causes above set forth, there was any proof before said committee of the manner of his vote derived from a view of his ballot at the time of voting the same; and if not, whether any proof was offered to said committee of the manner in which any such person did vote, either by his own admissions, or by his declarations, at the time of voting the same, or by his testimony before the committee or otherwise; and if so upon what principle the said testimony was rejected; and also to report to this house, whether in the course of the examinations had before said committee, at the instance of the memorialist, he was granted process to procure the attendance of all such witnesses as were designated by him as necessary and proper in conducting such investigation, and permitted to examine witnesses, and conduct such investigations by counsel.

Which was twice read;

After some debate thereon, and the testimony, taken by the said committee and accompanying their report, having been partly read,

On motion by Mr. Done, the said report and the order proposed, were laid on the table, for the purpose of having the said testimony transcribed and placed before the house in a more intelligible manner.

On motion by Mr. Lee, the house proceeded to consider the report made on the 24th instant, from the committee on internal improvement, which had been instructed by an order of the house, to inquire into the practicability and expediency of improving the navigation of the Pocomoke river, and so forth. The said report was read the second time, and the question put, Will the house concur in the report, and assent to the resolutions therein contained? It was resolved in the affirmative.

On motion by Mr. Donoho, The house then adjourned until to-morrow morning ten o'clock.

THURSDAY, January 29, 1829.

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

Mr. Stewart of Baltimore city, presented a memorial of Mary Milliman, wife of George Milliman, of the city of Baltimore, praying for a divorce; which was referred to the committee on divorces.

Mr. Ely presented a memorial of sundry citizens of Baltimore county, praying the repeal of the several militia laws, now in force, and the enactment of such a law as may effectually regulate and discipline the militia of this State; which was referred to the committee on the militia.

Mr. Johns presented a petition of James P. Scott, of Harford county, praying for the passage of a law directing the commissioners of said county to levy a sum of money sufficient for his support and maintenance.

Mr. Boyer presented a memorial of sundry citizens of Worcester county, praying that a law may be passed, authorizing and empowering the levy court of said county, in their discretion, to levy a sum of money, for the support and maintenance of Polly Mason, of said county, not exceeding forty dollars a year, and placed in the hands of William Aydelott, of said county.

Ordered, That the two last mentioned petitions be referred to the committee on the subject to which they respectively relate.

Mr. Shafer presented a petition from sundry citizens of Washington county, praying that commissioners may be elected by the people in each election district, with the same powers now exercised by the levy courts; which petition was referred to a select committee consisting of Messrs. Shafer, Yoe, Miller, Beatty, and Turner of Baltimore county.

Mr. Shower presented a memorial of certain members of Zion Church, in Baltimore county, praying for a further supplement to the act incorporating said church; which was referred to a select committee, consisting of Messrs. Shower, Stewart of Baltimore city, and Ely.

Mr. Buskirk presented a petition of Jacob Hohlitzell, of Allegany county, praying that a certain road therein mentioned, may be declared by law to be a public road, that a certain part of the said road, described on a plat accompanying said petition, may be closed, and that he may be relieved from a prosecution depending against him, for obstructing said old road; which petition was referred to a select committee, consisting of Messrs. Buskirk, M'Mahon of Allegany and Dilly. And,

Mr. Hynson presented a petition of Charles Stanley, of Chester Town in Kent county, praying an act may pass, changing and altering his name to Carl Ludwig Strandberg, and the surnames of his children from Stanley to Strandberg, and for other purposes; which was referred to a select committee, consisting of Messrs. Hynson, Osborn and Wallis.

The report of the committee on internal improvement, which was instructed to inquire into the practicability and expediency of improving the navigation of the Pocomoke river, with the resolutions therein contained, concurred in, and assented to, by this house yesterday, were sent to the senate for concurrence.

On motion by Mr. Teackle, it was Ordered, That the committee on ways and means be instructed to inquire into the expediency of selling so much of the unproductive capital of the State as may be necessary to cover any deficit in the treasury.

Mr. M'Mahon, of Baltimore city, submitted the following Orders, for consideration; which being read the first time, were ordered to be laid upon the table, viz:

Ordered, That the bill, entitled, An act for the general valuation and assessment of property in this State, ought to be so amended in its 16th section, as to render it conformable to the rule of taxation indicated by the bill of rights, which requires that every man shall be taxed according to his actual worth in real or personal property, and recited in the preamble to said bill, as the basis of the system of taxation which it embodies; and that to effect this, every owner of property who may return a valuation of the same under that section, should be authorised in his estimate of the actual worth of the property so returned, to take into consideration, and to deduct from such valuation, the amount of the just and bona fide debts due by him, and which may remain after deducting the debts due to him from solvent debtors.

Ordered also, That as the power to levy a mere tax upon the person of its citizens is expressly prohibited by the bill of rights of this State, and the taxing power is made to operate solely upon property; the latter power in its exercise should conform to the principles upon which the right to tax property is accorded; that as taxation and protection are correlatives, and a tax operating merely upon property is based upon the consideration of the protection afforded to that property, any such tax, when extended to property located without the limits of the State, (which the laws of the State do not and cannot protect; and which is within the jurisdiction and under the protection of another State or power, and therefore subject to the exercise of its taxing power), does in fact operate as a tax upon the person; that as to such property, the only legitimate subject of taxation is the property arising from it which may be held or enjoyed within this State, whether in the form of income, or proceeds of sale; and that for these and other reasons, having reference to the true policy of the State in inviting the expenditure of foreign income within our own State, the second section of said bill ought to be so amended as to exempt from taxation all property established, located or held, without the limits of the State.

Ordered also, That the said bill in its second section, ought to be so amended as to render it conformable, not only to the due principle of taxation above set forth, but also to the powers remaining in the States, under the constitution of the United States; and that therefore, it ought to be so amended as to exempt from taxation all property which is without the limits of the State, and in transit to it; and also, all property of non-residents in the hands of factors or agents within this State, who may use or exercise the trade or occupations of wholesale merchants or dealers in the disposition of the same.

Ordered also, That the said bill ought to be so amended in its second section, as to prevent the levying of a tax, both upon the capital stock of any incorporated company within this State, and upon the stock in said company in the hands of individuals, which would operate as a double assessment of the same; and that for this purpose, the owner or holder of stock in any incorporated company, which pays a tax to the State upon its capital, or which has paid a bonus to the State for its chartered privileges, shall be exempt from taxation upon such stock as the individual holder.

Ordered also, That all license systems which are not intended as police regulations, or which do not pertain to the grant or exercise of a mere franchise or privilege, but which are intended to operate, and to operate, purely and solely as systems of taxation, are unequal in their operation, and in conflict with the principle of the system embodied in this bill, inasmuch as they require the persons who may obtain a license to pay equally therefor, without reference to the amount which they may vend, or the capital which they may employ under them; and, that they are in fact mere taxes, upon the calling, employment or operation of the license, and not upon the value of his property, which compel the poor to pay equally with the rich, and that whilst such is their unequal effect as between the persons holding and exercising such licenses, they are yet more unequal with reference to the other members of society, who are not taxed upon their calling or pursuit in life, and the mode of employing their capital, and exerting their labour; that they have been introduced as systems of taxation, and exist as such only as the substitutes of a general and equal tax, and as mere expedients adequate to the ordinary exigencies of the State, and in contradistinction to the ordinary mode of direct taxation heretofore resorted to in this State, which operated peculiarly upon the landholders and the real estate. That as a new system of taxation is now to be introduced by this bill, which will make the direct taxes of the State operate equally upon the farmer, the merchant, the manufacturer, and all others, a due regard to the principle of taxation, adopted by this bill, requires that no discriminations in the exercise of the taxing power should be made with reference to the various interests of the State, agricultural, commercial and manufacturing. That it is not consistent with the principles of a system professing to operate equally upon all property of whatsoever kind, by whomsoever held, or however exercised, to levy a discriminating tax upon any one or more modes of employing such property to the exclusion of other modes, so as to require individuals who may deem it proper to employ and dispose of their capital and labour, in any of the modes affected by such discriminating tax, to pay a tax both upon the capital or stock employed, and upon the operation or employment of it, whilst others pay only a tax upon the capital. That wherever indirect systems of taxation have been adopted, which if co-existent with the system of taxation proposed by this bill, would superinduce this result, they are in conflict with the principles of said bill.

(See next page.)

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Jonas Green,
No. 100 N. MARKET ST. ANNAPOLIS.
—Three Dollars per annum.

**FIRST QUALITY
Family Flour!**
ALSO,
**Wheat & Rye
FLOURS,**
AND
**Corn Meal, & Corn,
For sale by
SHAW & CO. DE.
January 15.**

**Ryan & Bassford,
Merchant Tailors,**
just received a large and
some assortment of
WETS AND CASSIMERES,
consisting of some of the best
**Black, Olive, Green,
Gray, Claret, cloths
and Cassimeres.**
And a variety of handsome
VESTINGS,
of the LATEST FASHIONS,
they will be happy to make up
for friends in the best style, and
at a moderate price.

**Fresh and Splendid
VELVET CLOTHS.**
**GEORGE MITCHELL,
Merchant Tailor,**
just returned from Philadelphia
and Baltimore, with a
Large Stock of Goods,
in his line consisting of
**of the best Velvet Cloths, and
assortment of Cassimeres,
and a variety of
VESTINGS,**
of the latest fashions, with an
assortment of
Gloves, Collars & Suspenders
of which he will sell for Cash
punctual and at moderate terms
pt. 18.

For Sale.
The Subscriber offers for sale, the
farm on which he now resides, contain-
ing about three hundred and fifty
acres of excellent land, well adapted to
all agricultural and planting purposes.
He will sell this land in parcels, or
the whole tract, to suit those inclined
to purchase. The improvements on
the estate are of the first order; the
dwelling is large and commodious,
with a large kitchen, in pretty good
repair. The garden is one of the finest
in the neighbourhood, suitable to eve-
ry horticultural design. It has also
two thriving orchards, the one about
three years old, the other fifteen, both
composed of the choicest fruit. This
land lies immediately contiguous to
the city of Annapolis; about fifty
acres are included within the bounds
of the city; and on which stand all the
buildings. This land is bounded on
one side by a navigable creek making
up the Chesapeake Bay. It would be
a very desirable situation as a market
farm, from the peculiar advantages
which it possesses, being not more
than two miles from the Bay. The
public houses of the city are not more
than a quarter of a mile from the
dwelling. A further description is
deemed unnecessary as it is presumed
that those desirous of purchasing will
view the premises and its improve-
ments for themselves. The terms will
be made accommodating. Apply to
the subscriber upon the premises, or
to J. J. Speed, attorney at law of the
city of Annapolis.

**LEWIS DUVALL,
Annapolis Dec. 25.**
100 Dollars Reward.
Ran away from the farm of the late
Jonathan Pinkney, Esq. near Annapolis, two
negroes, one named JIM
WOOTEN, aged
about thirty years, five
or ten inches high, and
of a bright complexion.
The other named BEN
SNOWDEN about 19
years old, five feet 8
inches high, very black
and walks a little lame.
It is supposed that these
negroes went away in company with
a bright mulatto man named Henry
Wallace, belonging to Mrs. Juliana
Brice. The clothing of the above
negroes is not known. A reward of fifty
dollars will be given for the apprehen-
sion of the two negroes, or twenty
five for each, if taken within this State,
and secured in jail so that I get them
again; or one hundred dollars for both,
or fifty for each if taken out of the
State.

FOR SALE,
Lot Number 1078, lying to the
westward of Fort Cumberland, in Al-
legany county, and containing fifty
acres of land. Also Lot Number 10
in the third quarter of the eighth
township, in the sixth range of the
Military District in Ohio. The above
land will be sold on accommodating
terms. Apply at this office.
Oct 2.

CAUTION.
All persons are hereby forewarned
from hunting, with dog or gun, on the
subscriber's Farm, on the North side
of Severn, called Bellfield. All of-
fenders will be punished as the law
directs.
James Mackubin,
Dec 25.

Persons
Who have borrowed any Books
belonging to the late Jonathan Pink-
ney, are requested to return them to
the office of the subscriber.
Som. Pinkney.
Jan. 17.

**The Journal of Proceedings
OF THE
House of Delegates,
December Session, 1827.**
Has been completed and is ready for
distribution. A few copies for sale
at this office, price \$1.00.

**Fresh and Splendid
VELVET CLOTHS.**
**GEORGE MITCHELL,
Merchant Tailor,**
Has just returned from Philadelphia
and Baltimore, with a
Large Stock of Goods,
in his line, consisting of
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an assortment of Cassimeres,
and a variety of
VESTINGS,**
Of the latest fashions, with an
assortment of
Stocks, Gloves, Collars & Suspenders,
All of which he will sell for Cash,
or to punctual and at moderate terms,
Sept. 18.

For Sale.
The Subscriber offers for sale, the
farm on which he now resides, contain-
ing about three hundred and fifty
acres of excellent land, well adapted to
all agricultural and planting purposes.
He will sell this land in parcels, or
the whole tract, to suit those inclined
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and secured in jail so that I get them
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or fifty for each if taken out of the
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