

The Maryland Gazette.

VOL. LXXXV.

ANNAPOLIS, THURSDAY, JANUARY 14, 1830.

NO. 7.

INSOLVENT NOTICE.

ORDERED by the Court, That the creditors of Benedict Johnson, a petitioner for the benefit of the Insolvent Law of this State, be and appear before the Court at this Court-house, in St. Mary's County, on the 1st Monday of March next, to file allegations, if any they have, and to recommend a permanent trustee for their benefit.

True copy. JO HARRIS, Clerk of St. Mary's County Court.

Dec 10

NOTICE IS HEREBY GIVEN,

That the Commissioners of Anne Arundel County, will meet at the Court House in the City of Annapolis, on Monday the 18th day of January next, for the purpose of settling with the inspectors and such other business as may be necessary for them to transact. By order of the Board.

BUSHROD W. MARRIOTT, CLE.

Dec 10

BOARDING & LODGING.

GIDEON PEARCE.

DEGS leave to announce, that having rented the large and commodious House, recently occupied by Mrs. Robinson, near the Protestant Episcopal Church, conveniently situated to the State House, he will be prepared to accommodate with Boarding and Lodging, during the ensuing session of the legislature at least twenty gentlemen.

A few Yearly orders will also be taken, Oct 8.

IN CHANCERY.

10th December, 1829.

ORDERED, That the sale made by J. J. Speed, trustee for the sale of the real estate of Richard Watkins, as stated in his report, shall be ratified and confirmed, unless cause to the contrary be shown before the 10th day of February next, provided a copy of this order be inserted three successive weeks in the Maryland Gazette, at or before the 11th day of January next. The report states that said land sold for thirty one dollars.

True copy.

RAMSAY WATERS, Reg. Cur. Cts.

Dec. 17.

HOUSES AND LOTS

In Annapolis, for Sale or Rent.

ONE convenient dwelling near the Town Gate, in West Street; a House, Lot, Stables, &c. near the Bath, also several other Houses and Lots in town; and two Farms in the country. Apply to the subscriber, or Mr. Daniel Hart.

J. J. SPEED.

Nov 26

The Steam Boat

MARYLAND

Commences her regular route on Tuesday next, leaving Baltimore at 7 o'clock for Annapolis, Cambridge and Easton; returning, leaving Easton at 7 o'clock for Cambridge, Annapolis and Baltimore. On Mondays leave Baltimore at 6 o'clock, returning, leave Chestertown at 1 o'clock the same day. On Sunday the 12th April, she will leave Baltimore at 9 o'clock for Annapolis only, returning, leave Annapolis at 1 past 2 o'clock; continuing this route throughout the season.

Passage to and from Annapolis, 21.

March 26.

Boarding House.

(REMOVAL)

THE SUBSCRIBER respectfully informs her Friends and the Public in general, that she has removed from the house she lately occupied, near the Protestant Church, to the well known stand in FRANCIS STREET formerly occupied by Capt. Thomas, and since by Mr. Joseph Daley and Mrs. Anna Gumbell, which is now undergoing repairs, and will be made a comfortable and agreeable place of residence for Members of the Legislature or others visiting the City.

Having a good STABLE, well supplied with Timothy Hay, good Oats, &c. together with CARRIAGE HOUSE, and PUMP of good Water in the yard, gentlemen may rely on having their Horses well taken care of by a good Coachman.

Her TABLE will always be supplied with the best the Markets afford—Charges moderate, and no exertions wanting to render general satisfaction to all who may favour her with their patronage.

Boarders will be taken by the Year, Week or Day, on moderate terms.

M. ROBINSON.

Annapolis, Oct. 15.

PRINTING

NIGHTLY EXECUTED AT THE OFFICE.

PRINTED AND PUBLISHED BY JONAS GREEN, Church-Street, Annapolis. PRICE—THREE DOLLARS PER ANNUM.

CONGRESS. Monday January 4, 1830. SENATE.

Mr. Clayton submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate, what measures have been taken to procure a site for, and building a Light House near the mouth of Duck Creek, adjoining the Delaware Bay, as authorised by an act of Congress approved, May 23d, 1828; also, whether the amount appropriated is sufficient to effect the object, and for what reason the building has been delayed.

Mr. Smith, of Md., presented the petition of David Keiser stating that he had entered at the patent office a specification of his discovery for rendering leather impervious to water; that the discovery had been made public and he had thus been deprived of the benefits which he expected; he therefore prayed Congress to take his case into consideration, and grant him such relief as might be deemed just and necessary: referred to the Committee on the Judiciary.

Mr. Smith, from the Committee on Finance, submitted a resolution authorising the Secretary of the Senate to employ two additional clerks, the aggregate of whose salaries is not to exceed \$1,500 per annum. The President communicated a report of the Secretary of the Navy, prepared in compliance with a resolution of the Senate of the 13th Dec. 1815, transmitting a copy of the Register of the Navy for the year 1830.

Tuesday, January 5, 1830. The following Message was received from the President of the United States: To the Senate of the United States: I submit, herewith, a report from the Secretary of the Treasury, giving the information called for by a resolution of the Senate of the 24th December, 1828.

ANDREW JACKSON. January, 5th, 1830.

The following Message was also received from the President of the United States; and on motion of Mr. Hayne, was ordered to be referred to the committee on Military affairs, and together with the accompanying documents to be printed.

To the Senate of the United States. I have been requested by the Legislature of South Carolina, as will appear from the documents accompanying this communication, to submit to the consideration of Congress certain claims against the United States for advances made by that State during the late war. It is conceded that the redress sought for can only be obtained through the interposition of Congress. The only agency allowed to me is to present such facts in relation to the subject as are in the possession of the Executive, in order that the whole may be fairly considered.

This duty I perform with great pleasure, being well satisfied that no inducement will be wanting to secure to the claims of a member of the confederacy, that has, under all circumstances, shown an ardent devotion to the cause of the country, the most ample justice.

By a reference to the Department of War, for information as to the nature and extent of these claims, it appears that they consist of:— 1st. Interest upon Moneys advanced for the United States, which have been heretofore reimbursed; 2dly. Certain advances which, on settlement of accounts between South Carolina and the United States, were disallowed, or suspended, by the accounting officers of the Treasury.

In regard to the former, the rule hitherto adopted by congress, has been to allow to the States interest only where they had paid it on moneys borrowed, and had applied it to the use of the United States. The case of South Carolina does not come strictly within this rule, because instead of borrowing as she alleges, for the use of the United States, upon interest she applied to the United States funds for which she was actually receiving an interest; and she is understood to insist that the loss of interest in both cases being equal, the relief afforded equally meritorious, the same principle of remission should be applied.

Acting upon an enlightened sense of national justice and gratitude, it is confidently believed that Congress will be as mindful of this claim as it has been of others put forth by the States, that in periods of extreme peril, generously contributed to the service of the Union, and enabled the General Government to discharge its obligations. The grounds upon which certain portions of it have been suspended or rejected, will appear from the Secretary of War, and 3d auditor, herewith submitted.

ANDREW JACKSON. January 4, 1830.

The following resolution submitted yesterday by Mr. Smith, of Maryland, the chairman of the Committee on Finance, was considered and agreed to: Resolved, That the Secretary of the Senate be authorized to appoint two or more Clerks,

the aggregate of whose annual compensation shall not exceed 1500 dollars.

Wednesday, January 6, 1830. On motion of Mr. Foot, the Message from the President of the United States, transmitted to the Senate on the 5th instant, in compliance with a resolution of the Senate of December 24th, 1829, together with the letter of the Secretary of the Treasury, and the Document B. No. 9, and Document A. accompanying the Message, were ordered to be printed for the use of the Senate.

Mr. Benton, from the Committee on Military Affairs, to which had been referred the memorial of the Legislature of South Carolina, praying the interest on money advanced by that State to the General Government during the late war; reported a bill, which was read and ordered to a second reading.

Mr. Chambers moved, that the bill, to provide for adjusting and for the payment of the interest due to the different States therein mentioned, for advances made to the United States during the late war, which is now on the table, be taken up.

Mr. Smith, of Maryland, was desirous that the bill should remain on the table until Virginia was represented in the Senate. The Senators from that State were expected daily and as she was interested, it would be but an act of courtesy as well as justice, to wait a few days for their arrival.

Thursday January 7. Mr. Foot, from the Committee, to which had also been referred the bills from the House for the relief of Nathaniel B. Wood and for the relief of Joel Byington reported the same, severally, without amendment.

The President communicated a report from the Secretary of the Treasury, made in compliance with a resolution of the Senate of the 28th February, 1829, stating the number of collectors and other officers employed in the customs superintendants of Light-Houses, &c. with the average amount of their fees and emoluments of office, together with the number and amount of bonds received in payment of duties at the different Custom-houses.

On motion of Mr. Smith, of Maryland, the above report, together with other documents received from the Treasury Department on the same subject, was ordered to be printed for the use of the Senate.

The President laid before the Senate a memorial signed by a number of the inhabitants of Ontario county, New York, remonstrating against the transportation of the mails on the Sabbath; referred to the Committee on the Post Office and Post Roads.

HOUSE OF REPRESENTATIVES.

Monday, Jan. 4, 1830.

Mr. Drayton, from the committee, to whom was referred that part of the President's message relating to the army, fortresses and military academies, reported, in part, as follows: The subjects embraced in the President's message, to which the attention of the committee has been specially directed, are the consideration of the laws and regulations respecting the pay, emoluments, and allowances of certain officers, suggested, in some instances, to be vaguely and ambiguously expressed, and in others, to have received an incorrect construction. The officers whose interests may be affected by the ambiguity or the misconstruction of the laws alluded to, are, 1st. Brevet Officers 2d. The Paymaster-general and the Surgeon-general. 3d. Officers at the head of Bureaus, connected with the Department of War. These cases the committee will take up in the order in which they have been stated.

4th. Officers. By an act, passed 16th April 1818, "officers of the army who have brevet commissions, shall receive the pay and emoluments of their brevet rank, when on duty, and having a command according to their brevet rank; and at no other time." By the act of 2d March, 1821, the army was reduced to about 12 regiments, under a specified number of regimental and staff officers, and three general officers, viz. 1 Major General and 2 Brigadier Generals. This organization shows it to have been the intention of Congress, that a Major General, under the President, should command the whole of the Military establishment, and that each of the Brigadiers under the Major General, should command one half of it. Had there been no brevet officers this must have been the distribution of the Generals; and the circumstance of the existence of such officers cannot affect the principle of a system which was so framed as to be carried into execution without any functions having been assigned to officers by brevet. Upon comparing together the acts of 1818 and 1821, it appears to the committee, that an officer is not entitled to additional pay and emoluments by virtue of a brevet commission, unless he exercise under it a greater command than is annexed to the rank which he holds in the line or army. A Brigadier, therefore, with the brevet of a Major General under the present peace establishment, can never be entitled to the pay and emoluments of his brevet, unless a command should be devolved upon him, exceeding that of a department, or one half of the troops. In ordinary military language, a brigade means two regiments, under a brigadier; a corps d'armee, two divisions, under a Lieutenant-General; &c. but by the act of 1821, different extents of command than those which are usual, are given to a Major General, and to a Brigadier-general (the two highest grades now known in our service) and in construing their duties and rights, we must be

governed by the letter—and spirit of our own legislation, and not by technical phraseology. The same act which has increased the commands of a Major General and of a Brigadier General, has left those of Regimental officers as they have always existed in the U. States. If, then, a Colonel, with the brevet of a Brigadier, have under him a force exceeding a regiment, the pay and emoluments of a Brigadier would be due to him, according to the act of 16th April, 1818, his command being limited to a regiment, when it is more numerous, though not amounting to a brigade, as there is no rank between a Brigadier's and a Colonel's, a Colonel's, it can only be to that of a Brigadier.

The committee have expressed what they conceive to be the meaning of the laws relating to the rights of brevet officers; but they possess a brevet commission or not, ought, in no instance, to receive any other pay and emoluments than such as he is entitled to by exercising a command, and specially assigned to him, by the President, under the authority of the 62d of the Rules and Articles of War. They, therefore, report a Bill to that effect.

2dly. The Paymaster General and the Surgeon General, are entitled to the allowance of quarters and fuel, the Committee apprehend will, sufficiently appear, by a reference to the laws. By the 3d section of the act of Congress, of 24th April, 1816, the Paymaster General is to receive a salary of \$2,500 per annum. By the act of the 14th April, 1818, some charge is made in the Medical Department, and by its 3d section, the annual salary of the Surgeon General is fixed at \$2,500. The 10th section of the act of 2d March, 1821, enacts, that there shall be one Paymaster General, with the present compensation; and its 11th section declares, that there shall be one Surgeon General, &c. saying nothing about his compensation; but by the following section officers, &c. retained by this act, excepting those, specially provided for, shall have the same rank, pay and emoluments, as are provided in like cases, by existing laws.

The 9th section of the act passed on the 24th April, 1816, says "that the regulations in force, before the reduction of the Army," [which was on 3d March, 1815.] shall be recognised, as far as the same shall be found applicable to the services; subject however, to such alterations as the Secretary of War may adopt, with the approbation of the President. Anterior to the passage of this act, quarters and fuel were allowed by the regulations, to the Paymaster and Surgeon General; and subsequently to its date, [see the "General Regulations for the Army" p. 225.] the same quarters and fuel were continued to them, by regulations founded upon the authority of the law which has just been cited. It may, perhaps, be proper to remark, that no act of Congress grants quarters, or fuel, to any officer. From the Major General to the lowest subaltern, the right to these allowances is derived exclusively from the regulations of the War Department, when approved of by the President, which, it has been shown, are sanctioned by law. Although the Committee entertain no doubt as to the rights of the Paymaster and Surgeon General to quarters and fuel, yet as doubts upon the subject have been, elsewhere expressed, in order to obviate them, they report a bill.

3dly. Officers at the head of Bureaus, &c. It has been questioned, whether the President be legally authorised, to direct double rations to be issued to the officers, at the head of Bureaus connected with the Department of War. By the 5th section of the act of the 16th of March, 1802, there are given to every officer, in the Army, a certain number of rations, daily; and "to the commanding officers of each separate post, such additional number of rations, as the President of the United States, shall, from time to time, direct, having respect to the special circumstances of each post." It has been intimated, that Bureau officers do not come within the provisions of this Act, as their bureaus are not posts. It seems, to the Committee, that such officers are comprehended, both within the letter and the spirit and the meaning of the law. An officer is at his post, when he is at that place, whether it be in a city or in a camp, which is assigned to him by his superior, and when there if he have under his separate orders, a regiment or a Bureau, he is equally the commanding officer of a separate post, that is, in the meaning of the law, he exercises a separate and distinct command.

The discretionary power of increasing rations was vested in the President, that he might exercise it, when commanding officers were stationed where provisions were dear, or where, from their situation, they were frequently called upon to incur the expense of hospitality. It seems to be obvious, that these reasons are as applicable to an officer superintending a bureau in Washington, as for one commanding a regiment or a fortress upon the sea coast, or in the interior of the country. The Committee remove the doubts which have been suggested as to the legality of the allowance of double rations to officers at the head of Bureaus, have reported the following Bill.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passing of this Act, no officer in the service of the United States, whether he possess

ses a brevet commission or not, shall receive any other pay or emolument, than such as he is entitled to, by his rank in the line in the army; unless when exercising a command specially assigned to him by the President, under the authority of the 62d of the Rules and Articles of War.

Tuesday, January 5, 1830. At the usual hour the house was called to order.

The following message was received from the President of the United States, by his private secretary, Andrew J. Donelson, Esq. The subject of the enclosed memorial having been adjudicated by the courts of the country, and decided against the memorialists, it is respectfully laid before Congress, the only power now to which they can appeal for relief.

ANDREW JACKSON. Jan. 5th, 1830.

The memorial referred to in the above message, is from claimants residing in New Orleans, to land situated in that tract of country, lying between the rivers Mississippi and Puidido, and below the 31st degree of latitude, and which were acquired by purchase for a valuable consideration, bona fide paid to the Spanish government, in the years 1803, 1804, and 1805.

The Speaker presented a communication from the Secretary of the Navy, transmitting 220 copies of the Naval Register, for the use of the members of the house.

The special order of the day being the contested election between Thomas D. Arnold and Pryor Lea, was then called up.

On motion of Mr. Nuckolls, who observed that the documents had been but this morning printed, and that members had not had time to examine them, the subject was postponed until to-morrow.

Wednesday, January 6, 1830. The Speaker called the house to order at the usual hour.

Reports from standing committees being declared first in order,

Mr. Whittlesey, from the committee on claims, reported a bill for the relief of James Abbott, which was read a first and second time, committed to a committee of the whole house, made the order of the day for to-morrow, and together with the report, ordered to be printed.

Thursday January 7. Mr. Buchanan said, he was instructed by the Committee on the Judiciary, to introduce the following resolution:

Resolved, That the Committee on the Judiciary be authorised to send for persons and papers in the case of the charges of official misconduct against James H. Peck, Judge of the District Court of Missouri.

Mr. Buchanan, from the same Committee, also asked to be discharged from the further consideration of the petition of David Kizer, and that it be laid on the table.

Mr. Drayton, from the Committee on Military Affairs, reported a bill for making further provision for the Military Academy at West Point, which was read a first and second time committed to a Committee of the whole house, and ordered to be printed.

Friday, January 8. Mr. McDuffie, from the Committee of Ways and Means, reported the following bill, making appropriation for the payment of Revolutionary and Invalid Pensioners:

Be it enacted by the senate and House of Representatives of the United States of America, in Congress assembled, That the following sums be, and the same are hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for paying the Revolutionary and Invalid Pensioners, viz.

For arrearages due to Revolutionary Pensioners, for the year 1829, one hundred and one thousand seven hundred dollars.

For paying the Revolutionary Pensioners for the year 1830, eight hundred and sixty-six thousand four hundred and eighty dollars.

For paying the Invalid Pensioners for the year 1830, one hundred and ninety-one thousand four hundred and eighty-one dollars, in addition to a balance in the Treasury, of one hundred and seven thousand eight hundred and forty-nine dollars and ninety-six cents.

It was read a first and second time, committed to a Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. Bates, said that he had been directed, by the Committee on Military Pensions, to report a resolution on the subject of the Pension Law; which was laid upon the table and ordered to be printed.

Mr. Findlay moved, that when the House adjourned, it adjourn until Monday; which was carried in the affirmative.

The House then adjourned.

Saturday January 9. Several bills were reported, among which, was one by Mr. McDuffie, from the Committee of Ways and Means, making an appropriation for the payment of Revolutionary and Invalid Pensioners. Mr. Burges addressed the House in an able speech, of considerable length, on the subject of the division of the Public Lands, and had not concluded his remarks when the hour allotted to the debate had elapsed. The special order of the day—the contested election between Messrs Lea and Arnold, of Tennessee, was then taken up and Mr. Lea addressed the House, in reply to the remarks of Mr. Arnold, given on a former day. This subject occupied the House until the hour of adjournment, which was made until Monday next.

LEGISLATURE OF MARYLAND HOUSE OF DELEGATES.

Wednesday, January 6, 1830.

The house met. The speaker presented to the house a memorial from William Hollins of the city of Baltimore, praying permission to communicate to the general assembly, through the committee on ways and means, certain information in his possession of an highly important and interesting nature, touching the welfare and financial concerns of the state; which memorial was referred to the committee on ways and means.

The speaker also laid before the house a report from the Trustees of the Salisbury Academy, in Worcester county, of the state, and condition of that institution; which was referred to the committee on education.

The Clerk of the Senate delivered the following message, which was read:

By the Senate, January 5, 1830. Gentlemen of the House of Delegates: The Senate have received your message proposing a joint letter to be written by the President of the Senate and Speaker of the House of Delegates, to be addressed to the members elect of the Executive Council, and forwarded immediately by mail, and concur therein.

By order, Louis Gasaway, Clk.

The resolution assented to by this House yesterday, requiring the Armourer at Annapolis to deliver to Captain Basil Duker, of Calvert county, certain arms and accoutrements therein mentioned, was sent to the Senate for concurrence.

Mr. Teackle presented the petition of John S. Holland and others, of Somerset county, praying and an amendment of the law in relation to the manumission of slaves, and that a tax may be imposed on free negroes and mulattoes in this state; which petition was referred to the Committee on Grievances and Courts of Justice.

Mr. Buchanan submitted the following order By the House of Delegates, January 6th, 1830.

Ordered, That a Select Committee of five members be appointed on the part of this House, whose duty it shall be to visit the Maryland Penitentiary, examine into its present condition, and report thereon to this House. Which being twice read,

Mr. Teackle proposed to modify and amend the same, as to substitute the standing Committee on Crimes and Punishments, in the place of the Select Committee therein mentioned.

And on the question to agree to this amendment, It was decided in the negative.

The order was then adopted; Mr. Messrs. Buchanan, Grason, Irving, Sellman, and Shriver, were appointed the Select Committee, pursuant to the said order. Mr. Brawner offered the following message: By the House of Delegates, Jan. 6, 1830.

Gentlemen of the Senate, In order to bring the present session of the legislature to a close as early as may be consistent with the public interest, we propose, with your concurrence, to appoint a committee to consist of three gentlemen of this house, who, together with such gentlemen as may be appointed by your honourable body, shall assign a day, beyond which no new bill, resolution, or other original proposition shall be introduced into either house, except upon matters referred to committees prior to the day so assigned.

Which being twice read was assented to: On motion by Mr. Done, it was Ordered, That the Treasurers of the eastern and western shore report to this house, as soon as practicable, a list of all balances due from the clerks and sheriffs of the several counties, or from any other person or persons, and the dates when the same became due, and also what process, if any, has been adopted for the recovery thereof, and as far as they are informed, the present condition and state of such claims, and any suit or suits which may have been instituted thereon.

Mr. McMahon ask and obtained leave to bring in a bill to authorise the justices of the levy court of Allegany county, to shut up certain streets and alleys in Cumberland, Allegany county, and for other purposes.

And on his motion, it was Ordered, That a select committee of three members be appointed by the Speaker, to prepare and report said bill.

Messrs. McMahon, Huskirk, and Swan, were appointed the said committee, pursuant to the order.

The bills of the following titles were taken up for consideration, agreeable to the 42nd rule of the house, severally read the second time, passed without amendment, and sent to the Senate for concurrence viz:

An act to confirm an act, entitled, An act to alter and repeal all such parts of the constitution and form of Government, as relate to the division of Dorchester County into election districts. (Reported by Mr. Hicks.) And, An act to appoint Commissioners for the purpose of dividing Dorchester County into eight separate election districts. (Reported also by Mr. Hicks.)

The bill reported by Mr. Yoe, entitled, An act for the relief of Rosanna Green, a woman of colour, was taken up for consideration, agreeable to the 42nd rule of the house, read the second time, and the question proposed, Shall this bill pass, it was determined in the negative.