

The Maryland Gazette.

VOL. XXIII.

ANNAPOLIS, THURSDAY, JANUARY 11, 1838.

NO. 2.

TH SHEET.
A SATURDAY NEWS
PATRONAGE bestow on
DAY NEWS, since its
last, and a desire to
by corresponding ex-
this week to publish
being the largest sheet
Philadelphia for any purpose,
any paper ever printed in
to those of our friends
printers, it need not be
undertaking has involved
difficulties. The largest
great presses in Philadel-
of ordinary impression—
accommodate only a single
sheet, and we were ob-
to work four forms at dif-
the care used in preparing
moving and folding the
be estimated by those
experiment made; and
sarily increased amount of
work, &c., these suppli-
have made an aggregate
have deterred many from
entering. A gain of two
subscribers will not repay
the single number.
believes that, besides its ex-
this number presents at-
tention to some attention.
sole of *Friendship's* offer-
of which costs
of printed pages of let-
of the present age,
has been
to believe this supposi-
For *Friendship's* subscri-
to receive, in addition
supply of miscellaneous
English serials, the largest
the coming seasons and they
in a form that, from its
additional value.
character of the *Maryland*
to speak. That has not
to reply no can
take occasion to say, how-
and returns are
in this city or
are determined that we
We have en-
for zealous competi-
in every way to re-
to our similar publication
which we issue. Our articles,
selected, we are not a home-
comparison which can be ac-
is a periodical in the U-
or weekly, which might
many of our contributors.
this number may be regard-
of our intention and abil-
Nor will it be the only
to time, an opportunity
to along extraordinary
interest and gratification of our

A NEW AND CHEAP PERIODICAL.
Attention is requested from our readers to the following prospectus of a new, and even a cheaper book periodical, which will be issued from this office in the first week of next January. It will not be so convenient a form for binding as the present, with which it will in no way interfere; but it will make books cheap beyond all precedent. It will contain the works of the day, which are such sought after, but are comparatively dear, and which cannot penetrate the interior in any mode half so rapidly as by mail, in which volumes of books are prohibited. A fifty cent American reprint will be furnished for one for four to six cents; a Marryat novel for twelve cents, and others in proportion.
As but very few copies will be printed but what are actually subscribed for, those who wish the Omnibus, must make their remittances at once.
Books at Newspaper Postage.
WALDIE'S LITERARY OMNIBUS.
NOVEL AND IMPORTANT LITERARY ENTERPRISE!
NOVELS, TALES, BIOGRAPHY, VOYAGES, TRAVELS, REVIEWS, AND THE NEWS OF THE DAY.
It was one of the great objects of "Waldie's Literary," "to make good reading cheaper, and to bring literature to every man's door." That object has been accomplished; we have given to books wings, and they have flown to the remotest parts of our vast continent, carrying society to the seclusion, occupation to the literary, information to all. We now propose still further to reduce prices, and render the access to a literary banquet more than twofold accessible. We gave and shall continue to give in the quarto library a volume weekly for two cents a day; we now propose to give a volume in the same period for less than four cents a week, and to add as a piquant seasoning to the dish a few columns of shorter literary matters, and a summary of the news and events of the day. We know by experience and calculation that we can still further in the matter of reduction, and we feel that there is still verge enough for us to aim at offering to an increasing literary appetite that mental food which it craves.
The Select Circulating Library, now as ever so great a favourite, will continue to make its weekly visits, and to be issued in a form for binding and preservation, and its price will remain the same. But we shall, in the first week of January, 1837, issue a large sheet of the size of the largest newspapers of America, but on very superior paper, also *with books of the newest and most entertaining; Tales, Voyages, Travels, &c.* select in their character, joined with reading such as usually should fill a weekly newspaper. By this method we hope to accomplish a great good; to enliven and enlighten the family circle, and to give to it, at an expense which shall be no consideration to any mass of reading that in book form would alarm the pockets of the prudent, and to do it in a manner that the most scrupulous shall acknowledge "the power of concentration can no farther go." No book which appears in *Waldie's Quarto Library* will be an entirely distinct periodical.
TERMS.
Waldie's Literary Omnibus will be issued every Friday morning, printed on paper of a quality superior to any other weekly sheet, and of the largest size. It will contain:
1st. Books, the newest and the best that can be procured, equal every week to a London duodecimo volume, embracing Novels, Travels, Memoirs, &c., and only chargeable with newspaper postage.
2d. Literary Reviews, Tales, Sketches, notices of books, and information from "the world of letters," of every description.
3d. The news of the week concentrated to a small compass, but in a sufficient amount to embrace a knowledge of the principal events, political and miscellaneous, of Europe and America.
The price will be two dollars to clubs of five subscribers where the paper is forwarded to one address. To clubs of two individuals, five dollars; single mail subscribers, three dollars. The discount on uncurrent money will be charged to the remitter; the low price and superior paper absolutely prohibit paying a discount.
On no condition will a copy ever be sent until the payment is received in advance.
As the arrangements for the prosecution of this great literary undertaking are all made, and the proprietor has redeemed all his pledges to a generous public for many years, no fear of the non fulfilment of the contract need be felt. The Omnibus will be regularly issued, and will contain in a year reading matter equal in amount to two volumes of *It's Cyclopaedia*, for the small sum mentioned above.
Address, post paid,
ADAM WALDIE,
46 Carpenter St. Philadelphia.
Editors throughout the Union, and Canada, will confer a favour by giving the above one or more conspicuous insertions, and accepting the work for a year as compensation.
FOR ANNAPOLIS, CAMBRIDGE AND EASTON.
The Steam Boat *MARYLAND*, leaves Baltimore, every TUESDAY & FRIDAY MORNING, at 7 o'clock for the above places, starting from the lower end of Dugan's wharf, and returns on Wednesday and Saturday.
N. B. All baggage at the owner's risk.
L. M. S. TAYLOR

Printed and Published by
JONAS GREEN,
At the Brick Building on the Public
Circle.

Price—Three Dollars per annum.
STATE OF MARYLAND, SC.
Anne Arundel County, Orphans Court,
December 5th, 1837.

ON application by petition of Jane Gamble, Administratrix of Andrew Gamble, late of Anne Arundel county, deceased, it is ordered that she give the notice required by law for creditors to exhibit their claims against the said deceased, and that the same be published once in each week, for the space of six successive weeks, in one of the newspapers printed in Annapolis.
SAMP L. BROWN, Jun'r,
Reg. Wills A. A. County.

NOTICE IS HEREBY GIVEN,
THAT the subscriber of Anne Arundel county, both obtained from the Orphans Court of Anne Arundel County, in Maryland, letters of administration on the personal estate of Andrew Gamble, late of Anne Arundel county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereunto, to the subscriber, at or before the 5th day of June next, they may otherwise be excluded from all benefit of the said estate. Given under my hand this 5th day of December 1837.
JANE GAMBLE, Adm'x.
Gw.

ANNE ARUNDEL COUNTY, SC.
ON application to Nicholas Brewer, Esquire, Chief Justice of the Orphans Court of Anne Arundel county, by petition in writing of Peter McRoberts, of Anne Arundel county, stating that he is now in actual confinement, and praying for the benefit of the act of the General Assembly of Maryland, entitled, An act for the relief of sundry insolvent debtors, passed at December session 1835, and the several supplements thereto, on the terms therein mentioned, a schedule of his property and a list of his creditors, on oath, so far as he can ascertain the same, being annexed to his said petition, and the said Peter McRoberts having satisfied me by competent testimony that he has resided twelve years within the state of Maryland immediately preceding the time of his application, and the said Peter McRoberts having taken the oath by the said act prescribed for the delivering up his property, and given sufficient security for his personal appearance at the county court of Anne Arundel county, to answer such interrogatories and allegations as may be made against him, and having appointed Beale Gaither his trustee, who has given bond as such, and received from said Peter McRoberts a conveyance and possession of all his here property real, personal and mixed, and in here order and adjudge, that the said Peter McRoberts be discharged from imprisonment, and that he give notice to his creditors by causing a copy of this order to be inserted in some newspaper published in Anne Arundel county, once a week for three consecutive weeks, before the third Monday in April next, at the court house of said county, at ten o'clock in the forenoon of that day, for the purpose of recommending a trustee for their benefit, and to show cause, if any they have, why the said Peter McRoberts should not have the benefit of the said act, and supplements, as prayed. Given under my hand this twenty-seventh day of December, in the year of our Lord one thousand eight hundred and thirty-seven.
NICH'S BREWER,
Chief Judge of the Orphans Court, Anne Arundel County.
Test,
WM. S. GREEN, Ck.
A. A. County Court.
December 29, 1837.

MARYLAND, Anne Arundel County, SC.
I HEREBY CERTIFY, that Richard Nicholson has this day brought before me as Strays two HORSES, one a black and ten years old with a short necked tail, has a white spot on his back, very gay, paces, trots and canters, has only one old shoe on the other is a bay six years old, long tail, trots and canters, a little white on both hind feet, and no shoes on. Given under my hand and seal this 16th December 1837.
BASIL OWINGS,
one of the Justices of the Peace for the Fifth Election District for the County aforesaid.
The owner of the above property is requested to come forward, prove property, pay charges, and take them away.
RICHARD NICHOLSON,
Burg's Tavern 5th Election District, A. A. County.
Dec. 21.

NOTICE.
ALL persons are hereby forewarned from trespassing either with dog or gun, or landing boats on the shores of the farm called Aberdeen, as I am determined to prosecute all offenders to the utmost extent of the law.
BENJAMIN B. WARING,
Manager.
December 14.

CITY OF ANNAPOLIS,
December 11th, 1837.
WHEREAS Lewis N. Sewell, Collector of the Tax for the City of Annapolis for the year 1836, hath returned to the Corporation of said City the following List of Real Property on which there is no Personal Property to pay the same, viz:

Persons Assessed.	Property.	Tax Due.
Bowie, Mrs. E. H.	House & Lot,	\$14 00
Carroll, Darius	2 Lots.	1 58
Falks, Elizabeth's heirs,	House & Lot,	8 12
Hurst, Bennett's heirs,	do do	1 56
Shorter, Peter's heirs,	do do	12 50
Scott, Leonard,	do do	4 39
Williams, Joseph's heirs,	do do	

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December 11th, 1837.
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Persons Assessed.	Property.	Tax Due.
Bowie, John T's heirs,	House & Lot,	\$15 75
Bowie, Mrs. E. H.	do do	17 50
Davall, Mrs. Mary,	do do	15 50
Fulks, Elizabeth's heirs,	do do	3 50
Howard, Samuel's heirs,	do do	7 25
Hurst, Bennett's heirs,	2 Houses & Lots,	11 38
Jones, Mrs. Eliza,	1 do do	3 50
O'Hara, William,	1 do do	3 50
Shorter, Peter's heirs,	1 do do	2 19
Scott, Leonard,	1 do do	12 50
White, Mary,	1 do do	8 75

NOTICE IS HEREBY GIVEN,
That unless the City charges aforesaid are paid within thirty days after the publication of this notice, that the said property of such parts thereof as will be sufficient to pay the Tax, and costs thereon, will be sold agreeably to the directions of the Act of Assembly, passed January 10th, 1832, chapter 27.
G. H. DUVAL, Ck.
Dec. 14, 1837.

NOTICE.
THE Commissioners for Anne Arundel county will meet at the court house in the city of Annapolis, on TUESDAY, the 15th day of January next, for the purpose of settling with the Inspectors of Tobacco, hearing appeals and making transfers, and to close the books for the year 1837.
By order,
G. J. COWMAN, Ck.
R. tm.
December 14, 1837.

ANNE ARUNDEL COUNTY, SC.
ON application to the Judges of Anne Arundel County Court, by petition in writing of William Murdock, of Anne Arundel county, stating that he is now in actual confinement, and praying for the benefit of the act of the General Assembly of Maryland, entitled, An act for the relief of sundry insolvent debtors, passed at December session 1835, and the several supplements thereto, on the terms therein mentioned, a schedule of his property and a list of his creditors, on oath, so far as he can ascertain the same, being annexed to his petition, and the said William Murdock having satisfied me by competent testimony that he has resided twelve years within the state of Maryland immediately preceding the time of his application, and the said William Murdock having taken the oath by the said act prescribed for the delivering up his property, and given sufficient security for his personal appearance at the county court of Anne Arundel county, to answer such interrogatories and allegations as may be made against him, and having appointed Robert Welch of Ben. his trustee, who has given bond as such, and received from the said William Murdock a conveyance and possession of all his property, real, personal and mixed, it is therefore hereby ordered and adjudge, that the said William Murdock be discharged from imprisonment, and that he give notice to his creditors by causing a copy of this order to be inserted in some newspaper published in Anne Arundel county, once a week for three consecutive months before the third Monday of April next, to appear before the said county court at the court house of said county, at ten o'clock in the forenoon of that day, for the purpose of recommending a trustee for their benefit, and to show cause, if any they have, why the said William Murdock should not have the benefit of the said act, and supplements, as prayed. Given under my hand this twenty-seventh day of December, in the year of our Lord one thousand eight hundred and thirty-seven.
NICH'S BREWER,
Chief Judge of the Orphans Court, Anne Arundel County.
Test,
WM. S. GREEN, Ck.
A. A. County Court.
December 29, 1837.

BY-LAW.
A Supplement to a By-Law passed July 10th, 1835, entitled, "A By-Law concerning the City Commissioners."
[Passed December 1st, 1837.]
BE it established and ordained by the Mayor, Recorder, Aldermen and Common Council of the city of Annapolis, and by the authority of the aforesaid, That the acting City Commissioner shall be entitled to receive the same compensation for his services for the year 1837, as is prescribed by the By-Law to which this is a supplement.
And be it established and ordained by the authority aforesaid, That the same compensation shall hereafter be annually paid to the said acting Commissioner as is prescribed by the By-Law to which this is a supplement.
JOHN MILLER, Mayor.

JOURNAL OF PROCEEDINGS
Of the House of Delegates of the State of Maryland,
DECEMBER SESSION, 1837.

TUESDAY, January 2d, 1838.
Mr. Bowie, presented a petition of sundry citizens of Prince George's county, praying a repeal of the law passed at the last session, relative to the appointment of Tobacco Inspectors.
Mr. Dawson, petitions of Horatio Thompson and Margaret Mark, of Montgomery county, severally praying to be placed on the pension roll of said county.
Mr. Griffith, a memorial of sundry citizens of Montgomery county, praying for the passage of an act authorizing the appointment of weigh-master for live stock in the city of Baltimore.
Mr. Ford, a petition of sundry citizens of St. Mary's county, praying for the erection of a public landing and a public road therein mentioned.
Mr. Sprigg, a memorial of Rebecca Devillias, of Allegany county, praying the passage of an act authorizing her to bring into this State a certain negro slave therein mentioned.
Mr. Gallagher, a petition of a committee appointed by the Washington Lyceum of Baltimore, praying for an act of incorporation.
Mr. Giles, a petition of James H. McCulloh, of the city of Baltimore, praying for an act to change the limitations of a deed of settlement made by him, and for other purposes.
Mr. Giles, a memorial of the President and Directors of the Baltimore and Port Deposit Rail Road Company, praying for a repeal of so much of their act of incorporation, as requires them to carry their road to Port Deposit.
Mr. Comery, asked and obtained leave to bring in a bill, to be entitled, an act, to repeal an act, to establish magistrates courts in the several counties of this State, and to prescribe their jurisdiction, together with all the supplements thereto, so far as the same relates to Cecil county.
On motion of Mr. Ristean,
Ordered, that the treasurer report to this house at an early day as possible the number of banks in this State, where they are located and the amount of State's stock in each or any of them, and also the amount of capital of each of the banks.
The house then proceeded to the election of a Council to the Governor, in conformity with arrangements made with the senate for that purpose, and the ballots of the members being collected in the ballot box, it was sealed up and delivered to the committee appointed on the part of this house to meet the committee appointed on the part of the senate, to count the joint ballot of both houses and report the result.
They having retired to the conference room, after a short time returned and reported, that on counting the joint ballot of both houses, they had found there were altogether eighty-eight votes taken, of which number Thomas G. Pratt had received sixty-nine votes, Benedict I. Heard had received sixty votes, William F. Johnson had received fifty-eight votes, John McKenny had received fifty-seven votes, and Thomas H. Hicks had received fifty-seven votes, that there were sixteen blank ballots and one scattering.—Whereupon,
Resolved, That Thomas G. Pratt, Benedict I. Heard, William F. Johnson, John McKenny, and Thomas H. Hicks, Esquires, be and they are hereby declared to be duly elected the Council to the Governor.
On motion of Mr. Comery,
The house adjourned until to-morrow morning ten o'clock.

WEDNESDAY, January 3d.
Mr. Ghiselin, presented three memorials of sundry citizens of Prince George's county, praying for the repeal of the law of the last session, relating to the appointment of tobacco inspectors in the city of Baltimore.
Mr. Giles, a petition of Mary Jane Staylor, of the city of Baltimore, praying to be divorced a vinculo matrimonii, from her husband Robert Galloway.
Mr. Geyer, a memorial of sundry citizens of Frederick and Montgomery counties, praying the passage of an act authorizing the appointment of a weigh-master for live stock in the city of Baltimore.
Mr. Usilton, a petition of sundry citizens of Kent county, praying the passage of an act to protect the wild fowl in the Chesapeake Bay and its tributary streams in Kent county.
And, Mr. Kerr, a memorial of certain Physicians of Talbot county, by order of the Medical Convention of the Eastern Shore, and in behalf of the Medical Faculty of Talbot county, praying relief from grievances therein mentioned.
On motion of Mr. Parran,
Ordered, that the committee raised on the tobacco inspectors, enquire into the propriety of reducing the present rate of outrage on tobacco inspected in the city of Baltimore, and report by bill or otherwise.
On motion of Mr. Blocher,
Ordered, that the joint committee on the library be instructed to enquire into the expediency and propriety of purchasing for the use of the State Library, the files of the "Maryland Gazette" newspaper, from the year 1745, to the year 1839.

THURSDAY, January 4th.
The bill, entitled, an act for the benefit of Mary Charles, of Caroline county, and,
The bill, entitled, a supplement to an act, entitled, an act to accept the provisions of an act of Congress, entitled, an act for the continuation and repair of the Cumberland Road in the States of Ohio, Indiana and Illinois, passed December session, 1834, chapter 203;
Were sent to the Senate.
The bill from the senate, entitled, a supplement to an act, entitled, an act relating to Run Alley in the city of Baltimore, passed by this house on yesterday,
Was returned to the senate.
Mr. Hughes submitted the following message, which was read, assented to, and sent to the senate.
Gentlemen of the Senate,
The Hon. William D. Merrick having been elected Senator of the United States, to fill the vacancy occasioned by the death of the Hon. Joseph Kent, we propose with the concurrence of your honorable body, that a joint letter from the President of the Senate and Speaker of the House of Delegates, be forthwith forwarded to him informing him of his election.
Mr. Evans presented a report of the West Nottingham Academy, in Cecil county, relative to the condition of said academy.
Mr. Turner, of Baltimore county, presented a memorial of John Jones, of Baltimore county, praying a special act of insolvency;
And, Mr. Giles, a petition of Ebenezer L. Finley, David Hoffman and others, of the city of Baltimore, praying for an act of incorporation to improve several squares of ground in said city.
Mr. Biser obtained leave to bring in a bill, entitled, an act to change the compensation of judges and clerks of election, so far as relates to Frederick county.
Mr. Giles obtained leave to bring in a bill to provide for the appointment of commissioners out of the state of Maryland, to take the acknowledgments of deeds and instruments of writing under seal.
Mr. Blocher obtained leave to bring in a bill, entitled, a further supplement to an act passed at December session 1835, chapter 305.
Mr. Crane obtained leave to bring in a bill to regulate fences in St. Mary's county.
Mr. Sellers obtained leave to bring in a bill, entitled, an act relating to the repairs of public roads in Calvert county.
Mr. Hughes obtained leave to bring in a bill, to be entitled, an act relating to the repairs of public roads in Charles county.
Mr. Ely obtained leave to bring in a further supplement to an act relating to the people of colour in this state.
Mr. Powder obtained leave to bring in a bill to repeal so much of an act to provide for making a new and complete map and geologic survey of this state.
On motion of Mr. Giles,
Ordered, That the committee on ways and means be, and they are hereby required to inquire into the propriety and expediency of providing by law for the punctual payment in gold and silver, or its equivalent, of the principal and interest now due, or which may hereafter become due to the creditors of this state.
Mr. Ristean, chairman of the committee on divorces, made an unfavourable report upon the petition of Ann Loyd, of the city of Baltimore, praying to be divorced from her husband, James Loyd;
Also, on the petition of Elizabeth Jane Ker-

ner, praying to be divorced from her husband, Henry Kernar.
Mr. Ristean, chairman of the committee on divorces, reported a bill, entitled, an act to divorce Samuel Keplinger, of the city of Baltimore, from his wife Mary Keplinger;
Which was read the first, and by special order the second time, and passed.
Mr. Giles submitted the following resolution: Resolved, by the General Assembly of Maryland, That this Legislature will not receive and act on any testimony brought here to support an application for a divorce, which shall not appear to have been taken according to the act of assembly heretofore passed in relation to that subject.
The bill reported by Mr. Blocher, entitled a supplement to an act to accept the provisions of an act of Congress, entitled, an act for the continuation and repair of the Cumberland Road, in the States of Ohio, Indiana, and Illinois, passed December session, 1834, chapter 203, was taken up for consideration, read the second time and passed.
The house then proceeded to ballot for a Senator to represent this State in the Senate of the United States until the 4th day of March, 1839,—the ballot box being prepared, the ballots were deposited therein, sealed up, and delivered to the committee of the house of delegates, appointed to meet the committee of the senate, to count the joint ballot, who retired to the conference room, and after some time returned and reported that there were altogether ninety five votes taken, of which number William D. Merrick, Esq. had sixty-one votes, that there were thirty-three blank ballots and one scattering.—Whereupon,
Resolved, that William D. Merrick Esq. be, and he is hereby declared to be a Senator to represent this State in the Senate of the United States until the 4th day of March, 1839.
On motion of Mr. Neff,
The house adjourned until to-morrow morning ten o'clock.

FRIDAY, January 5th.
Mr. Brown presented a petition signed by 620 persons, citizens and voters of the 5th and 6th election districts in Anne Arundel county, praying for the creation of a new county, to be called Howard.
The clerk of the senate returned the bill, entitled, an act for the benefit of Mary Charles, of Caroline county, enclosed, "will pass;" ordered to be engrossed.
On motion of Mr. Hughes,
Ordered, That the speaker be requested to issue a warrant of election to the sheriff of Charles county, to hold an election to supply the vacancy occasioned by the resignation of William D. Merrick, Esq. a delegate elected and returned for said county.
A warrant of election was accordingly issued, signed by the speaker and clerk, and transmitted by express to the sheriff of Charles county.
On motion of Mr. Simmons,
Ordered, That the speaker appoint a committee of five to inquire whether any further legislation be necessary or expedient for the preservation of oysters in the waters of this State, and that they have leave to report by bill or otherwise.
Mr. Bowie, chairman of the select committee on certain memorials, praying the repeal of an act, limiting the time for which tobacco inspectors shall continue to hold their offices, delivered the following report:
The select committee to whom were referred the several memorials from sundry citizens of Prince George's county, and other citizens of the state, praying the repeal of an act passed at the last session of the General Assembly, limiting the time for which Tobacco Inspectors in the city of Baltimore shall continue to hold their offices, beg leave respectfully to report,
That they have had the said memorials under consideration, and have come to the conclusion that the repeal of the memorials ought to be granted. For committee are of opinion that it is inexpedient for the legislature, if not beyond their constitutional powers, to prescribe by legislative enactments any citizens of this state from holding any office to which they may be elected by the Executive department of the government, in the exercise of a clearly constitutional prerogative. To the Executive has been committed by the constitution the power of appointment to office, and in the exercise of that power they must necessarily possess a discretion, which cannot be trammelled by legislative interposition, without manifest danger of an entire destruction of that union and order which is so essentially necessary to a sound administration of the government.
Your committee believe that fidelity in the discharge of official duties is one of the surest guarantees for public protection, and whilst the best interests of the public imperiously require that the faithful and dishonest should receive no favour at the hands of the appointing power of the government, yet on the other hand the public safety demands that faithful, efficient and well tried public servants should not be removed for slight and frivolous causes. But when the legislature undertake to pass laws by which certain citizens of the state are removed from office to which they have been properly appointed, without any compensatory charge being preferred against them, and without even affording to them the benefit of a hearing in their own defence, your committee think they discover in such a course a violation of the constitutional right of the citizen, and the infliction of oppressive and grievous wrongs wholly at war with all our republican institutions.
Your committee therefore beg leave to report the following bill.
THOMAS F. BOWIE, Chairman.
Which was read the first time;
And reported a bill, entitled, an act supplementary to an act, entitled, an act to limit the time for which Tobacco Inspectors shall conti-

ned, praying to be divorced from her husband, Henry Kernar.
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Mr. Bowie, chairman of the select committee on certain memorials, praying the repeal of an act, limiting the time for which tobacco inspectors shall continue to hold their offices, delivered the following report:
The select committee to whom were referred the several memorials from sundry citizens of Prince George's county, and other citizens of the state, praying the repeal of an act passed at the last session of the General Assembly, limiting the time for which Tobacco Inspectors in the city of Baltimore shall continue to hold their offices, beg leave respectfully to report,
That they have had the said memorials under consideration, and have come to the conclusion that the repeal of the memorials ought to be granted. For committee are of opinion that it is inexpedient for the legislature, if not beyond their constitutional powers, to prescribe by legislative enactments any citizens of this state from holding any office to which they may be elected by the Executive department of the government, in the exercise of a clearly constitutional prerogative. To the Executive has been committed by the constitution the power of appointment to office, and in the exercise of that power they must necessarily possess a discretion, which cannot be trammelled by legislative interposition, without manifest danger of an entire destruction of that union and order which is so essentially necessary to a sound administration of the government.
Your committee believe that fidelity in the discharge of official duties is one of the surest guarantees for public protection, and whilst the best interests of the public imperiously require that the faithful and dishonest should receive no favour at the hands of the appointing power of the government, yet on the other hand the public safety demands that faithful, efficient and well tried public servants should not be removed for slight and frivolous causes. But when the legislature undertake to pass laws by which certain citizens of the state are removed from office to which they have been properly appointed, without any compensatory charge being preferred against them, and without even affording to them the benefit of a hearing in their own defence, your committee think they discover in such a course a violation of the constitutional right of the citizen, and the infliction of oppressive and grievous wrongs wholly at war with all our republican institutions.
Your committee therefore beg leave to report the following bill.
THOMAS F. BOWIE, Chairman.
Which was read the first time;
And reported a bill, entitled, an act supplementary to an act, entitled, an act to limit the time for which Tobacco Inspectors shall conti-

ned, praying to be divorced from her husband, Henry Kernar.
Mr. Ristean, chairman of the committee on divorces, reported a bill, entitled, an act to divorce Samuel Keplinger, of the city of Baltimore, from his wife Mary Keplinger;
Which was read the first, and by special order the second time, and passed.
Mr. Giles submitted the following resolution: Resolved, by the General Assembly of Maryland, That this Legislature will not receive and act on any testimony brought here to support an application for a divorce, which shall not appear to have been taken according to the act of assembly heretofore passed in relation to that subject.
The bill reported by Mr. Blocher, entitled a supplement to an act to accept the provisions of an act of Congress, entitled, an act for the continuation and repair of the Cumberland Road, in the States of Ohio, Indiana, and Illinois, passed December session, 1834, chapter 203, was taken up for consideration, read the second time and passed.
The house then proceeded to ballot for a Senator to represent this State in the Senate of the United States until the 4th day of March, 1839,—the ballot box being prepared, the ballots were deposited therein, sealed up, and delivered to the committee of the house of delegates, appointed to meet the committee of the senate, to count the joint ballot, who retired to the conference room, and after some time returned and reported that there were altogether ninety five votes taken, of which number William D. Merrick, Esq. had sixty-one votes, that there were thirty-three blank ballots and one scattering.—Whereupon,
Resolved, that William D. Merrick Esq. be, and he is hereby declared to be a Senator to represent this State in the Senate of the United States until the 4th day of March, 1839.
On motion of Mr. Neff,
The house adjourned until to-morrow morning ten o'clock.

FRIDAY, January 5th.
Mr. Brown presented a petition signed by 620 persons, citizens and voters of the 5th and 6th election districts in Anne Arundel county, praying for the creation of a new county, to be called Howard.
The clerk of the senate returned the bill, entitled, an act for the benefit of Mary Charles, of Caroline county, enclosed, "will pass;" ordered to be engrossed.
On motion of Mr. Hughes,
Ordered, That the speaker be requested to issue a warrant of election to the sheriff of Charles county, to hold an election to supply the vacancy occasioned by the resignation of William D. Merrick, Esq. a delegate elected and returned for said county.
A warrant of election was accordingly issued, signed by the speaker and clerk, and transmitted by express to the sheriff of Charles county.
On motion of Mr. Simmons,
Ordered, That the speaker appoint a committee of five to inquire whether any further legislation be necessary or expedient for the preservation of oysters in the waters of this State, and that they have leave to report by bill or otherwise.
Mr. Bowie, chairman of the select committee on certain memorials, praying the repeal of an act, limiting the time for which tobacco inspectors shall continue to hold their offices, delivered the following report:
The select committee to whom were referred the several memorials from sundry citizens of Prince George's county, and other citizens of the state, praying the repeal of an act passed at the last session of the General Assembly, limiting the time for which Tobacco Inspectors in the city of Baltimore shall continue to hold their offices, beg leave respectfully to report,
That they have had the said memorials under consideration, and have come to the conclusion that the repeal of the memorials ought to be granted. For committee are of opinion that it is inexpedient for the legislature, if not beyond their constitutional powers, to prescribe by legislative enactments any citizens of this state from holding any office to which they may be elected by the Executive department of the government, in the exercise of a clearly constitutional prerogative. To the Executive has been committed by the constitution the power of appointment to office, and in the exercise of that power they must necessarily possess a discretion, which cannot be trammelled by legislative interposition, without manifest danger of an entire destruction of that union and order which is so essentially necessary to a sound administration of the government.
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