

cesses to retailers of dry goods, and for other purposes, and returns the bill to alter the time of the meeting of the general assembly of this state and for other purposes, endorsed, 'will not pass.'

The senate adjourned until to-morrow morning 10 o'clock.

THURSDAY FEBRUARY 7, 1822.

The senate met. Present the same members as on yesterday. The proceedings of yesterday were read.

The president laid before the senate a letter from the treasurer of the western shore, enclosing an abstract of money deposited in the treasury of the west in shore on account of British creditors, in pursuance of an act for calling out of circulation the quota of this state, of the bills of credit issued by act of Congress passed at October session, 1780, chap. 5, in obedience to the order of the senate of the 5th, inst. which was read and ordered to be printed.

The bill entitled, An act entitled, A supplement to the act laying duties on licenses to retailers of dry goods, and for other purposes, and the bill for the benefit of Barbara Hoffman, George Hoffman, Henry Crum and Barbara Crum his wife, John Hoffman and Peter Hoffman of Frederick county, were severally read the first time, and laid on the table.

The bill annulling the marriage of Thomas F. Ward and Ann Ward of St. Mary's county; the bill annulling the marriage of Mary Parker of Queen Ann's county and state of Maryland, and Isaac Parker of Washington county and state aforesaid; the bill to annul the marriage of Terence Doors of Falbot county, and Catharine Doors, otherwise called Catharine Early, and the bill annulling the marriage of Adelaide F. Lowe and Brady S. A. Lowe of Frederick county, were severally read a third time and will not pass; and were sent the house of delegates.

The bill annulling the marriage of Theophilus Russell of Kent county and Ann his wife, was sent to the house of delegates.

The bill for the relief of Mary Debruler of Frederick county, was read a third time and re-committed.

The clerk of the house of delegates delivered the following message:

BY THE HOUSE OF DELEGATES, Feb. 7, 1822.

Gentlemen of the House of Delegates,—Being under an impression that the business before us can be acted on by the 10th day of this inst. we propose therefore with the concurrence of your honorable body to close the session on that day.

Which was read.

By order,

JOHN BREWER, Clk.

Also a bill authorising the appointment of an Agent; a bill to authorise Richard B. Lee, to bring into this state a certain negro therein mentioned, and a bill to authorise the Orphans' courts in this state, to appoint trustees in cases therein mentioned; which were severally read the first time and laid on the table.

The further supplement to the act incorporating the Stockholders in the Union Bank of Maryland, was read a third time. Mr. Claude moved to re-commit the bill, and the question was put, will the senate re-commit the bill? Determined in the negative.

The question was then put, shall the bill pass? The yeas and nays being required appeared as follow:

AFFIRMATIVE.—Messrs Johnson and Price.—2.

NEGATIVE.—Messrs Stuart (President,) Brownley, Chambers, Cockey, Dickinson, Kent, Miller, and Wootton.—8 So it was determined in the negative.

Mr. Price delivers the following report. The committee appointed to proceed to the Susquehanna, and to inspect the wing dam erected by the canal company, beg leave to report: That in the execution of the duties assigned them, they proceeded to examine the situation and extent of said wing-dam, and as far as practicable to ascertain its effects upon the operations of the canal, and upon the navigation of the river. The committee deemed it proper to collect all the facts connected with the subject of their investigation, from the testimony of practical men, standing indifferent with regard to the subject of controversy. The evidence collected by the committee will appear to the legislature to be very contradictory. What is positively proved by one individual is positively denied by another. The committee being entirely unable to reconcile the testimony, beg leave to submit the whole to the consideration of the legislature.

The committee in further discharge of the duties assigned them, proceeded at different times to inspect the wing dam, accompanied by Doctor William Howard, of the city of Baltimore, a gentleman of skill and science in matters of this nature, whom they associated with them in the commission, and to whose aid and industry they are indebted for a correct map and survey of the wing dam and parts of the river adjacent, which the committee beg leave respectfully to submit herewith to the legislature.

The committee have thought it within the purview of the duties imposed on them, to offer to the consideration of the legislature, a few suggestions, which in their opinion have a decisive influence upon the question in dispute.

The act of incorporation gave to the company the right to use so much of the river as should be necessary for the purpose of affording to the canal and works erected thereon a sufficient supply of water. The grant was unqualified by any stipulations having regard to the navigation of the river. The right to appropriate so much of the river as the purposes of the canal should require, unrestricted by any consideration whatever, became by law vested in the company. This view of the subject, seemed to confine the enquiries of the committee to the single question whether the wing-dam in its present extent were necessary to the operations of the canal.

The committee were anxious, if possible, to avoid a positive opinion on a subject, where the oaths of respectable men were directly at variance. They therefore enquired, whether, admitting