

VOTES AND PROCEEDINGS, NOVEMBER SESSION, 1802. 105

permitted to proceed in behalf of Mrs. Green, from a personal application made to him by her, and that the charge of fabrication and malevolence made by the said John Young in his memorial against the said Robert Orrell and John Hardcastle is unfounded and highly improper.

On motion, the question was put, That the house dispense with the sixteenth rule thereof? The yeas and nays being required, appeared as follow:

A F F I R M A T I V E.						
Angier, Hatcheson, Dorsey, Merriken,	Moore, Stansbury, Love, Lemmon,	Lloyd, Rose, Sheredine, Miller,	Alexander, Veazey, Bowie, Wood,	Van-Horn, Carr, Ridgely, Thompson,	Nelson, Hawkins, Kemp, Montgomery,	Forwood, E. Davis, Lytle, Purviance.
N E G A T I V E.						
W. Neale, Frisby, Harwood, Hall, Blake,	Grahame, Somervell, Bourne, P. Stuart, Jones,	Chapman, M'Pherson, Dashiell, Cottman,	Hyland, Goldsborough, Keene, Steele,	Quyan, Quinnon, Furnell, Wilson,	Dickson, Tilghman, Swearingen, T. Davis,	Selby, Bayard, Simkins, Tomlinson.

So it was determined in the negative.

On motion, Leave given to bring in a supplement to the act, entitled, An act to prevent excessive gaming. ORDERED, That Mr. Purviance, Mr. Lloyd, Mr. Nelson, Mr. Dickson and Mr. Stansbury, be a committee to prepare and bring in the same.

On motion, ORDERED, That the bill for the encouragement of learning in the several counties of this state therein mentioned, have a second reading on to-morrow.

The resolution in favour of the levy court of Kent county was read the second time and assented to. Mr. Swearingen, from the committee, delivers to the speaker the following report:

THE committee to whom was referred the petition of Thomas Nicholls, of Simon, of Montgomery county, report, that they have taken the same into consideration, and find from the vouchers exhibited, that the said Nicholls purchased from William Marbury, agent of the state, 250 acres of land, at 36s. per acre, and, from an agreement made with the agent, it was stipulated, that if, on a survey, the land should contain more, it was to be paid for at the same price, if less, to be deducted at the same price per acre; that the said Nicholls, at his own expence, did have the land surveyed, and from the certificate of the surveyor, your committee find that it falls short of the quantity bonded for. Your committee are of opinion, that in all sales of land, the seller is, or ought to be, at the expence of ascertaining the quantity, where the sale has been made by the acre, as in the present case. Your committee therefore are of opinion, that the said Nicholls ought to be reimbursed the expences of surveying the land aforesaid; they therefore recommend the following resolution:

RESOLVED, That the treasurer of the western shore be and he is hereby directed to credit Thomas Nicholls, of Simon, on his bond given to the state for the purchase of the aforesaid land of the state's agent, the sum of twenty-nine pounds five shillings current money, being the actual expences incurred by the said Nicholls in surveying and ascertaining the quantity of said land.

By order, A. GOLDER, clk.

Which was read.

The clerk of the senate delivers a bill, entitled, An act relating to writs of capias ad satisfaciendum, passed at November session, seventeen hundred and eighty-nine, and a bill, entitled, A supplement to the act, entitled, An act relative to the administration of justice in this state, and to repeal the acts of assembly therein mentioned, severally endorsed; "By the senate, January 7, 1803: Read the first and second time by a special order and will pass.

"By order, J. B. DUCKETT, clk."

Which were read the first time and ordered to lie on the table.

A bill, entitled, A supplement to the act for the valuation of real and personal property in this state, so far as relates to the appointment of commissioners of the tax for Harford county, endorsed; "By the senate, January 7, 1803: Read the first time and ordered to lie on the table.

"By order, J. B. DUCKETT, clk.

"By the senate, January 7, 1803: Read the second time by especial order and will pass.

"By order, J. B. DUCKETT, clk."

Which was read the first time and ordered to lie on the table.

And the following resolution:

Whereas the following resolution has been passed during the present session, to wit: RESOLVED, That all proceedings against William Mealy, on his bond passed to the state of Maryland for the purchase of Indian lands lying in Dorchester county, be and the same are hereby suspended until the determination of a suit now pending in the federal court between the Indians claiming the said land and the state of Maryland: And whereas it is discovered, since the passage of the said resolution, that the state's agent, sold only the state's right to the said land to William Mealy, and so declared at the time of sale, and the claim of the Indians to said lands was generally known long before and at the time of sale aforesaid: And whereas it is improper that the said Mealy