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THE KENT NEWS.

Frustra laborat, qui omnibus placere studet:—"He labours vainly, who endeavours to please every one."

VOL. 9. CHESTER TOWN, MD., NOVEMBER 18, 1848. NO. 28.

TO FAMILIES AND COUNTRY MERCHANTS.

Baltimore Fall Trade—1848.

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Baltimore Street, East of Calvert street.

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THE KENT NEWS,

A WEEKLY NEWSPAPER,

DEVOTED TO

AGRICULTURE, POLITICS AND GENERAL NEWS

Is Published every Saturday.

Edward Mansfield,

PROPRIETOR.

Terms:

$2 00 payable in advance or $2 50 at the expiration of the first six months. No subscription received for a shorter period than six months and no paper will be discontinued until all arrears are paid. Single copies 6 1-4 cents.

Advertisements, not exceeding 12 lines will be inserted three times for $1, and 25 cents for each insertion thereafter. Larger one in proportion.—A liberal deduction will be made to yearly advertisers. Advertisement must have the number of times marked, or they will published till forbid and charged accordingly.

All communications must be postpaid.



POETRY.

I DEARLY LOVE THE FREE

I dearly love this happy land,
Its rivers rolling wide,
Its forest green, its silver lakes,
Its mountains in their pride;
Beneath its banners' stary folds,
Tho wanderer seeketh rest;
The home of true and gallant hearts,
The hope of the oppress'd.
Oh! still most dear this country fair,
Must ever prove te me,
For well I love her noble sons,
I dearly love the Free.

Where late the Savage, bold and brave,
The forest wide did roam,
The sons of Nature, wild and free,
In Nature's Sylvan home;
The City in her wealth and pride,
Now rears her hundred spires,
No more is heard the sound of war,
Around his council fires;
How fair, and bright, and beautiful,
This land appears to me,
I love it well and truely;
For I dearly love the Free.

In every clime beneath the sun,
Her banner bright is known,
Her honor wealth and greatness,
Earth's mighty nations own;
The tide of her prosperity,
Which onward still must roll,
While Freedom's stripes are waving,
To cheer each gallant soul,
There's every tie to bind true hearts,
Fair country unto thee,
Who loves as I do dearly love
The bold, the brave, the Free.

In distant climes, of change,
I do not sigh to roam,
Thy banner gives protection,
To the ample soil at home
Here plenty yields her blessings,
With a rich and liberal hand,
And peace, her downy pinious spread,
Above this fertile land;
Then be thou still my home and joy,
Untill life's sands are gone,
And let me have a grave in thee,
Thou land of Washington.

The Contested Election.

It is due to the public that a full statement of all the proceedings should be given to them, and the reasons why the contest was abandoned by the Whig candidate, Mr. Edes. This, perhaps, can be better done by a publication of the letters and communications on the subject with a few explanatory remarks:

Mr. Edes drew up himself, at his own home, a memorial to Governor Thomas, of Maryland, representing that Mr. Francis Cann had been elected Sheriff by illegal votes; that a double ticket had been counted for him, and that he, Mr. Edes, had been elected Sheriff by a majority of legal votes polled at the election. We have no copy of this communication, but immediately on receiving it, Governor Thomas, countermanded Mr. Cann's commission, and Mr. Cann went immediately to see the Governor, had an interview with him and returned in great haste with an unsealed communication from the Governor to Mr. Edes which was sent by a special messenger by Mr. Cann so that the utmost despatch should be given to the proceeding, thinking, doubtless, tha the intimations of the Governor's letter were too plain to be misunderstood by Mr. Edes, and that the trouble and expense would certainly "bluff him off," to use a sailors term. The letter is as follows:

STATE DEPARTMENT,
Annapolis, 12th October, 1848.

Sir:—The special messenger sent by me to Chestertown to obtain from the Clerk of the county the commission of Francis Cann, as the Sheriff, has just returned, bringing the commission. I shall therefore, expect you, immediately on the receipt of this, to prepare and forward to this Department, in writing, the specific allegations upon which you intend to contest the election of Mr. Cann.—You will also, at the same time, furnish a list of such witnesses as you may desire to have summoned. I deem it my duty to apprise you before the examination of this case is commenced that the Acts of Assembly authorising the Governor to examine into and decide controverted elections of Sheriffs, also directs, that he shall determine which of the parties shall pay the costs of the proceeding, and to enforce payment by attachment. I make this statement, in order to avoid all cause of complaint, in case the costs should be adjudged to be paid by you.

I am very respectfully,
Your obd't serv't,
PHILIP F. THOMAS.

JAMES H. EDES, Esq.

Upon receiving this letter Mr. Edes consulted some of his political friends, and concluded to forward to the Governor the following letter:

Chester Town, October 14th, 1848.

To His Excellency Philip Francis Thomas, Governor of Maryland:

To-day the letter of your excellency of the 12th inst., was handed to me, informing me that you expect me to forward to you immediately specific allegations upon which I intend to contest the election of Mr. Francis Cann as Sheriff and to forward a list of such witnesses as I desire to have summoned, and advising me as to the power of your excellency in determining who shall pay the expenses and of the manner in which they may be collected.

Before entering actively into this controversy, permit me to say to your excellency, that I conscientiously believe, the late election in Kent county for the sheriffality, was decided by illegal votes and that I received for that office, a majority of legal votes of the county. If I had not been duly impressed with the truth of this fact, I should not have transmitted to you my memorial.

I am aware that the act of 1786 chapter 22, gives to the executive, the power to decide contested elections for the Sheriffality, and to fix the mode and manner of determining such questions. Your letter indicates that you have concluded to have the investigation at Annapolis and to have the witnesses to attend personally there.—The same act gives to your excellency the power to direct the parties to take depositions of witness in the county where they reside and submit them to you for your final decision. That this course, would be the proper one in this case, I think you will decide, after the facts are laid before you. They are these:

1st—It will be more convenient to witness to have their testimony taken in the county—they will not be taken from their business and pursuits which might suffer and their perdiem would not remunerate them for the loss of their presence at home.

2dly—It would be more convenient for me, and I presume for Mr. Cann who is a farmer like myself, to have the depositions taken here—Farmers are busy at this season of the year and would leave home at considerable inconvenience and injury to their business.

3dly—The expenses in hearing the investigation at Annapolis, would be greatly increased—more than quadrupled, by taking witnesses to Annapolis—If examined there, they would testify only to the same facts they would bear witness to here, and I presume, if the witnesses were examined before you, their testimony would be reduced to writing, as it would be so multifarious, that it would be impracticable for you to digest it or to remember it, unless reduced to writing. As it will therefore be necessary to have the testimony in writing, it would of course, be much more convenient and less expensive, to have the testimony taken here

4thly—If in cases of contested Sheriffs, election, the parties shall be required to attend at Annapolis, it will in effect be depriving the poor man of any chance of success, however gross the fraud and illegality perpetrated at an election. The expenses incident to the attendence of perhaps 30 or 40 witnesses at Annapolis would probably be $1000, besides the attendance of a candidate and his counsel, and might deter any man of moderate means, from entering into any such contest. The law, I presume was intended to have a practical interpetration and enforcement, and not such a construction as would make it a dead letter and deprive a citizen of limited means from prosecuting his rights—because, even if successful in setting aside an election, the Executive might cause him to pay all the expenses.

5thly—The laws contemplate that the Governor in contested elections shall act in a judicial capacity—he is to be as impartial as a Judge upon the bench—knowing neither party nor recognising any other relation to them than suitors or contestants before him. As strict and impartial justice upon the bench should be expected by suitors, so the same degree and character of impartiality and justice would be expected by the parties and by the community from an Executive officer in cases of controverted elections. Those who would expect a Governor to be influenced by political or personal considerations when acting in a judicial character, would expect that officer to violate his official oath and degrade the character and dignity of the office which he holds.—The power is a judicial and not a political one, and I am sure you, Excellency will take this view of it.

The practice of our courts in sending cases from one county to another for trial, is to consult the convenience of witnesses in all such cases, and according to that convenience to determine the county to which the case is sent. As your Excellency will act in the capacity a judge I presume you will be actuated by the considerations which would actuate similar officers in the courts.

The object of all should be to have a free full and fair investigation of the polls. Every facility should be extended to parties desiring this and consequently the cheapest and readiest mode of effecting this object would be to have the depositions of witnesses taken here—either by a commissioner or commissioners, acting under oath and to be appointed by you or by justices of the Peace—none of whom would be accused of acting with partiality to me.

I have written freely to your excellency upon this subject—but I hope with all due respect, as I feel incapable of acting otherwise. My object is justice—that ought to be the object of all, how the ends and purposes of justice can be more easily and conveniently accomplished, should be the only question. I must therefore appeal to your Excellency to direct depositions to be taken in our county after due notice to and by either party. It can be progressed in with all proper despatch and I would act as expeditiously as circumstances and the ends of justice would justify. No unnecessary delay should take place. Confiding in your sense of justice, and impartially, I forbear to forward by the present mail, my list of witnesses, but will await your Excellency's answer when my course of action shall be as prompt and efficient, as I may be able to make it.

I distinctly charge that two illegal votes were polled for Francis Cann for Sheriff on the 4th inst., in the 1st Election dist of Kent county and that two tickets deceitfully folded together were counted as one vote for Francis Cann in that district and which ought to have been rejected.

That two illegal votes in the second Electiomd district were counted for Francis Cann for Sheriff on the 4th inst., which ought to have been rejected.

That two illegal votes in the third Election district were counted for Francis Cann for Sheriff on the 4th inst., which ought to have been rejected. All these votes were illegal because the persons who voted them were non-residents of the county and not having residence, except one in the 1st district who was not of the age of 21 years.

These facts I expect to establish by proof and in the course of the investigation may prove other votes as illegal, which were counted for Mr. Cann.

The names of the illegal voters and Kirby Rodness, Samuel Coleman, Mathew Crew, Napoleon Gouff, Frederick Cooke, and others.

Hoping that your excellency will direct depositions to be taken, in the mode suggested and in order to show your Excellency my unlimited faith in the justice of my appeal I am perfectly willing that any competent and honorable men, who may have voted for Mr. Cann, shall be appointed commissioners to take testimony with the hope that I may be favored with an early reply to this communication.

JAMES H. EDES.

The Governor did not answer this letter for some considerable time—at last the following letter was received from the Secretary of State—

STATE DEPARTMENT,
Annapolis, October 27th, 1848.

James H Edes, Esq.—Sir.

Accompanying this you will find a copy of the reply to your allegations filed in this office, which the Governor desires me to furnish you with.

The Governor desires me say that he is at present quite unwell, so so soon as he is well enough he will take action in this case of contested election and notify each party of the proceedings which will be had.

Very respectfully,
Your ob't servant,
R. C. HOLLYDAY,
Secretary of State.

To his Excellency Philip F. Thomas, Governor of Maryland:

The answer of Francis Cann of KENT COUNTY to the memorial of James H. Edes also of the said county admits that an election was held on the fourth instant for the office of Sheriff, for said county. That the candidate for said office and voted for as such were your respondent and the said Petitioner, James H. Edes. And avows that your respondent was returned by the three return Judges of the said election, as having received a majority of all the legal votes taken at the said election, and, that by reason thereof he is duly entitled to the commission of Sheriff for said county; and denies the allegation of James H. Edes the petitioner, that he ought to be commissioned as Sheriff Your respondent further avers that he has no knowledge that any illegal votes were cast for him at the said election, or that any vote was counted for him to which he was not legally entitled, And prays that the said James H. Edes shall be held to the strict proof of his allegations in all those particulars Your respondent also avers that a number of, illegal votes were cast at the said election for James H. Edes, the Petitioner by persons who were not entitled to vote by reason of non-age and the want of residence. The names of said voters, are as follows: Gustavas Maulsberger, Edward Riley, Edward Woodall, William Reed, Eliphas Hasburt, Moses Kennard Jr. James Louge and others, illegal voters, due proof of which your respondent is prepared to furnish on proper notice at such time and place as may be designated by your excellency. All of which is respectfully submitted by

FRANCIS CANN."

October 21, 1848.

In a very short time a commission was issued by the Executive, to William S. Lassell and George H. Wilson, Esqs. Immediately, upon notice given by those gentlemen summonses were directed by Mr. Edes counsel for witnesses, residing in the county and one in Cecil, to prove that sundry persons, 6 in number, voted for Mr. Cann, at the October election, who had no legal right to vote and that a double ticket in the Lower District was illegally counted for him. Days were fixed for the taking of the depositions, and they were to be commenced on Monday the 6th November.

On the 4th November, Mr. Edes came to Chester Town, and having heard from various sources, and as coming from Mr. C's. political friends, that if he Mr. E. succeeded in proving a sufficient number of illegal votes for Mr. C. to set aside the election, that Mr. C. would claim to have the Upper District poll set aside, on the ground that the ballot-box was not at the place of opening the polls precisely at 9 o'clock, but not until a very few minutes afterwards, and the Judges (by mutual consent—two Whigs and 1 Loco) took a few votes and placed them in a hat, and there emptied them into the Box which was locked—and to avoid further trouble and expense, if such was Mr. Cann's intention—he addressed to him, the following letter which was speedily delivered to him:

Chester Town, Nov. 4, 1848.

Dr. Sir:—When I concluded to test the late Election of Sheriff—it was avowedly and distinctly made known to my friends, and the public, whenever the subject was spoken of, that the sole grounds of contest, were illegal votes cast for you, and a double Ticket voted in the Lower district and counted for you, contrary to the act of assembly. I would not have contested the election on any Technical grounds, and so stated. My witnesses have been summoned in reference to those exclusively. But I have recently heard a report, that you intended to make an objection to the counting of the Upper or third District polls, on the alledged ground, that the ballot box was not at the place of voting until a few minutes after the opening of the polls and a few ballots were deposited in a Hat and afterwards removed to the ballot-box by the Judges, of the Election:

My object, is to ascertain whether you intend to give evidence of the alledged irregularity in regard to the upper District votes, or poll, or whether you intend to confine your proof to rebutting my proof, and the offering of proof on your part, that votes counted for me, were illegal votes. My inquiry is not an impertinent one, but has relation to an important branch of the present controversy, and as your reply may have an important bearing upon the progress of this matter, I desire an early reply to this communication—say by half past three o'clock to-day

I am your very resp'y. your ob't sv't
JAMES H. EDES.

MR. FRANCIS CANN.

As this communication related to a matter which applied itself closely to the conscience, the letter was addressed directly to Mr. Cann, who through one of his Counsel verbally replied that his case was in the hands of his Counsel and that he intended to take all advantage of law and fact in regard to the contested election.

After this answer was given Mr. Edes withdrew his caveat in the following letter:

Chester Town, Nov. 4, 1848.

Sir:—By the reply given by your Counsel, Mr. Hynson, to my communication of to-day, I find that it is your intention to avail yourself of technicalities or matters of form which do not touch the merits of the question at issue, and not to let the event depend upon the proof of illegal votes, I therefore inform you that I decline going on with the contest, on such terms. After I succeed in proving to your satisfaction and that of the public, that I had a majority of legal votes you might avail yourself of some informality, and thereby set aside the votes in a District which gave me a considerable majority. I believe that I was elected by a majority of the legal voters of the county. I am prepared to prove this by testimony before Commissioners appointed by your own friend, the Governor, and to the satisfaction of the Executive. As you decline to meet me on fair and equal terms, I have no alternative left, but to invite you to let the question be again submitted to the people. I am not afraid of them—but am willing to appear at their bar and submit to their decision. I presume from your course, you will decline this proposition and as you have declined making any written answer my to communication of to-day, which courtesy induced me to expect—this letter will close our correspondence, written and verbal.

I remain however your ob't. sv't
JAMES H. EDES.

When Mr. Edes commenced this contest, it was stated by him to his friends, and by his friends to him, that it was to be conducted entirely upon the grounds of objections to the double ticket and the illegal votes—that he and they would disdain to take any advantage of any irregularity in any of the proceedings, if such existed, although none was then known or supposed to exist, (the voting in the Hat not being reported, till sometime afterwards) These being the avowed grounds upon which the contest was commenced, and no fraud or impropriety of conduct, or the slightest advantage being alleged, to have ttaken place in the voting in the Upper District in the Hat, nor in the removal of the ballots to the Box, and Mr. E. desire being to obtain a fair expression of the people's will, according to the law of the land, and having failed to obtain any satisfaction to his reasonable request, he felt constrained, under the circumstances to address to the Governor a letter withdrawing his written objections to the Commission to Mr. C. He has deemed this statement of his motives and actions due to his friends, and the public. To those who so generously supported him on the 4th of October, he returns his grateful acknowledgements. He leaves the contest with a clear conscience—having slandered no one—misrepresented no one—made no false or inconsistent promises to any one of more—and having done nothing to secure voters inconsistent with the character of an honest and honorable man. He is aware, that a great many misrepresentations were made in regard to him during the canvass—and of the course he intended to pursue, if elected. He did not take pains to correct these misrepresentations, supposing that they would not be believed and could not influence any candid and just mind. The following is a copy of his last communication to his his excellency Gov. P. F. Thomas:

Chester Town, November 4th, 1848.

To His Excellency Philip F. Thomas Governor of Maryland:

Dr. Sir:—The commission issued by you to two gentlemen of our county, was received by them. I was duly notified and had my Subpoenas issued to appear at certain periods agreed upon by them. I was gratified that you changed your course, at my suggestion and statement of reasons, and I was perfectly willing to conduct the proceedings before the gentlemen you appointed. But having recently heard that there was an informality in regard to taking a few votes in one Upper District and having to-day applied to Mr. Cann to know if he intended to take any advantage of such informality, or would leave the matter to be decided by evidence in regard to illegal votes, and he having declined to give any other answer than one which satisfied me that he intended to take all advantages without reference to the merits of the question at issue. I must inform your Excellency that I decline proceeding further in the contest, and must therefore withdraw my caveat to Mr. C. receiving his commission. I repeat my belief that I was elected by a majority of the legal voters of the county. I feel prepared to prove the fact, and believe Mr. Cann himself is aware that I can do so.

With great respect to your Excellency and my thanks for your politeness, I remain with my best wishes for your health &c, your most ob't. and humble s'vt.

JAMES H. EDES.

It is due to Mr. E. and his friends to say, that they do not know of a single illegal vote given to Mr. E.—and that they were prepared to prove that the votes contained in Mr. C. list alledged to have voted illegally for Mr. E. were legal and proper votes, as much so, as any in the county and were not rejected at the election of the 7th November.

In conclusion we would further state that at the Presidential election, two of the votes which Mr. Edes had charged as having been illegally given for Mr. Cann, were, after full hearing by both sides, *deliberately rejected*—one other voter charged by Mr. Edes as illegal, did not even attempt to vote. These three illegal votes, with the double ticket in the lower district were more than enough to set Mr. Cann's election aside, and in fact elected Mr. Edes by two majority. J. H. E.

A DUEL IN PROSPECT.—Major Wm. H. Polk, brother of the President, challenged a Mr. Barton, of Tennessee, to a duel. The controversy between them grew out of the dispute of Ex-Gov. Jones and Brown of that State, in the late canvass.

ALBERT GALLATIN.—Mr. Gallatin is seriously indisposition, and has been for considerable anxiety. He is better now and is now able to sit up a few hours each day.—His faculties are unimpaired.

ANOTHER EDITOR IN THE FIELD.—C. C. Langdon, the able editor of the Mobile Daily Advertiser, has been elected Mayor of the city of Mobile.