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FROM THE MARYLAND REPUBLICAN.

COMMUNICATION.

TO THE PEOPLE OF MARYLAND.

Thoughts on the late conduct of the Legislature of Maryland respecting the choice of a Senator.

No. IV.

Now that I have explained to the comprehension of the plainest man the nature of concurrent and joint votes, I would call your attention to the origin of the one, and the adoption of the other. In the first formation of a Government, where the legislature consisted of two branches, and before experience had taught them the advantages or disadvantages of either mode, a concurrent vote would naturally be resorted to in the election of individuals to fill important offices. In the course of time, they would discover, that whenever the two houses disagreed about the individual to be elected, that the vacant office would remain unfilled, and no matter how important the office, the community would suffer, because there would be no person appointed to discharge its duties.—The great men of antiquity finding the injuries which resulted to the nation from the practice of concurrent votes, devised a joint ballot, by which means the two houses would be consolidated as one, and notwithstanding party animosity or individual prejudice, an election would ensue. Those great and good men thought it better that an appointment should be made, than that an office of great importance to the State should remain vacant; they thought it best to sacrifice private friendships, and local partialities to the public good. The true patriot will do so; but he who wears the mockery of patriotism will always prefer the advancement of his own friends to the general welfare, because his wishes centre in himself, and as they rise in greatness, so does he feel himself strengthened in his hopes of obtaining his own wishes. People of Maryland mind that by a concurrent vote which the Federalists insisted on, it was impossible that a Senator could be chosen; but by a joint vote, which the Republicans wished, an election must have taken place. Let us now examine into the custom of Maryland, and see whether the concurrent or the joint vote, has been used. I will pursue this subject no farther back than the adoption of the constitution, which grew out of the abuses and the experience of the provincial government, for I would be unwilling to borrow a precedent in my own country from the times of monarchy.—So deeply impressed were the framers of the State constitution with the necessity of resorting in all cases to a joint ballot, that they have left no discretionary power with the Legislature. In all appointments to be made by the two houses a joint ballot is expressly directed;—Sec. 25. 26. Not satisfied with this general constitutional command, they even prescribe the particular manner of taking the joint ballot, in these words, "to be taken in each house respectively, deposited in a conference room, the boxes to be examined by a joint committee of both houses, and the numbers severally reported, that the appointment may be entered; *which mode of taking the joint ballot shall be adopted in all cases.* From this clause there originate two subjects of consideration.

1st. *That the Constitution evidently prefers the joint ballot to any other mode.*

2d. *The danger of departing from old established customs.*

That the constitution gives a decided preference to a joint ballot is evident from its being prescribed *in all cases*, and its silence respecting concurrent votes; a silence of disapprobation so strong, that on no one occasion is it distantly hinted at.

When the custom of a legislative body has been long established, it becomes a rule of conduct so obligatory upon the house that it cannot be departed from. It is a custom which stands recorded on their journals, and is a constant barrier between the house and the caprice, passions and intrigue of its members; it becomes a protection to the minority against the domineering influence of the majority, and prevents a corrupt administration from acquiring too great an ascendancy in that house which emanates from the people, and is the principal safeguard of their liberties. Mr. Onslow, who is universally acknowledged to be the ablest speaker the House of Commons ever had, used to say that "it was a maxim he had often heard when a young man, from old and experienced members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from the rule of Proceeding; that those forms as instituted by our ancestors, operated as a check and controul on the actions of the majority, and that they were in many instances, a shelter and protection to the minority against the attempts of power. Mr. Jefferson, in his Manual, says that "it is much more material that there should be a rule to go by, than what the rule is; that there may be a uniformity of proceeding in business, not subject to the caprice of the speaker, or captiousness of the members. "Sec. 1. Yet how have the federal delegates acted? From the adoption of the constitution to the present period, the custom had been to elect Senators (as I shall presently shew) by joint ballot. This custom then had become a rule sanctioned by every preceding legislature, yet it has been violated at the last Session in June. Whether the infringement originated in a wish, as Mr. Onslow says, "to throw power into the hands of administration" when they obtained the power of the state, "and those who acted with the majority of the house" to destroy that "check and controul on the actions of the majority" which formerly existed, and to remove that "shelter and protection to the minority against the attempts of power," I leave to you, people of Maryland, to determine at your next election. I shall now shew that the Senators to Congress have always been elected by joint ballot. The first election that took place was in 1793, and we find the following passage in the message sent by the Senate on that occasion; "We think the following mode should be pursued on the present occasion; we propose that two Senators should be elected *by the joint ballot of both houses*:"—see votes and proceedings, Dec. 3d, 1788. This mode has been adopted in every election from that time to this, and has never been objected to until last June. I have proved that the federalists have violated the constitution of the United States by not making an appointment, and that they have violated the customs and established rules of the Legislature; and I will now prove, that not satisfied with these essential injuries, they have violated that constitution in two other parts, by a resolve of the Legislature of 1790, and attempted to deprive the EASTERN SHORE of one of its most important rights.

JUSTINIAN.

[*This number to be continued.*]

From the Whig of July 7.

THE PLOT.

What has been plotted in secret darkness, will ere long be proclaimed on the house-top: for treason, like murder, "will out."

Tremble wretches! ambassadors of the Essex Junta, your deeds will soon be revealed.

Till particulars be fully traced and confirmed take the following summary:

The friend of Pickering, at London, confers with Mr. Canning, on the part of the Essex Junta. Mr. W—— tells him, that many of the New Englanders are dissatisfied with the form, the administrators, and the measures of the present government of the United States; and, as soon as opportunity offers, would effect either a general change, or a seperation; and asks *English aid* in the event of such attempt. C—— favours the project, and W——, (a leaky traitor!) writes the news of the interview, &c. to his friend at Paris: Mr. P—— however was not a traitor. He did not wish to behold the world's last best hope, blasted by the breath of treason. He communicated the matter to general A——, our minister at Paris—and his account was confirmed by that of Mr. P—— in London.

We leave traitors (for the present) to anticipate disgrace and confusion; and the friends of our country to rejoice at the detection of villainy. Yet, a little while, and this dark conspiracy will be freed from mystery. Laus Deo! Long live the Republic!

FACTOR RUMOUR!

Will the Essex Junta Explain?

From the Whig of July 14.

You touched some days past on a subject highly important to the welfare of the United States, to wit, *an intrigue carried on between a Mr. S. W. and Mr. Canning for the purpose of effecting a seperation of the United States.* The subject I understand from a gentleman (lately from Washington) will be submitted to the senate of the United States, for their consideration at the next session, and if the facts are as have been related by a gentleman lately from Paris, there can be little doubt but Timothy will be expelled from that honorable body. I am acquainted with the gentlemen the initials of whose names you have given; I presume you are not. Mr. S. W. is Samuel Williams of Boston, now of London, a nephew of Col. Pickering formerly consul in London, (displaced by Mr. Jefferson) he is a most implacable enemy to the present administration. The Mr. P.—to whom the letter was written by Mr. Williams, is also of Massachusetts, had been consul at Cadiz, and was displaced by Mr. Jefferson, he was at Paris when he received the letter alluded to, to wit, in June or July 1808.—Mr. Preble is not a man of talents, but Williams is.—The other Mr. P. to whom you allude is a Mr. Parker, also of Boston, a man of talents and fortune, who loves his country, and although his connexions are of the Essex Junto, he was struck with horror and considered himself compelled by the love he bore to his native land to give a detailed statement of the contents of the letter to the consul general, who communicated the information to General Armstrong (then in Switzerland.) The General on his return to Paris, ascertained the contents of the letter by the testimony of Mr. Parker and one or two other gentlemen who were present when Mr. Preble read the letter. Let it be recollected that Mr. Williams was at that period received by Mr. Canning as if he had been an accredited minister, that June and July was the period when Mr. Canning changed *suddenly* his conduct from that which had induced Mr. Pinkney to write his government that he had good reason to believe all our differences with England would soon be arranged to our satisfaction. All at once Canning changed his conduct; that change is believed both by P. and A. to have been occasioned by a hope that had been infused into him, that a division might be effected of the United States and the Eastern States be formed into a separate government under the guarantee of Great Britain.

But to return to the letter as stated to General Armstrong, Mr. Preble received a letter from Samuel Williams, stating "That he was authorised by his relation Timothy Pickering to represent to Mr. Canning that it was the wish of the Eastern States to separate from the Union, that they wished to be informed how far they might calculate on the aid and protection of Great Britain to enable them to effect an object so hazardous and so very important.

I will not vouch for the precise words of the letter. But I understand from my informant, that General Armstrong has taken the depositions of two or three of the gentlemen who heard the letter read. I understand that the subject was no secret in Paris. Z. Z.

CHILLICOTHE, Ohio June 29.

DEXTERITY.

Of the many Herculean performances which we have seen recorded, none we believe, has equalled that done by Mr. A. LINDSAY, Tinplate worker of this place, (on a bet of considerable amount) on Friday the 16th inst. Mr. LINDSAY engaged to make 216 Pint Tin Cups, from sunrise to sunset, which he completed with ease, near one hour before the setting of the sun, and to crown the climax of dexterity, began another dozen and finished them by the specified time.

We understand Mr. LINDSAY will work in competition with any gentleman of his profession, in the U. States, for any sum from 100 to 1000 dollars,

Law of the United States.

BY AUTHORITY.

AN ACT

For the remission of certain penalties and forfeitures, and for other purposes.

BE *it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the President of the United States be and he is hereby authorised to remit any penalty or forfeiture which may have been incurred in consequence of the violation of any of the provisions of the act, entitled "An act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first day of January, in the year of our Lord one thousand eight hundred and eight," by any person who may have been concerned in bringing into any port or place within the jurisdiction of the United States, any slave or slaves, owned by any person or persons, who shall have been forcibly expelled from the island of Cuba, by order of the government thereof; and the President of the United States is hereby further authorised to release all vessels and other effects, which may have been or may hereafter be seized therefor; *Provided*, That he shall be first satisfied in every case, that the person thus concerned in bringing in such slave or slaves as aforesaid, was impelled thereto, by circumstances which, in the judgment of the President of the United States, would justify the act; and without any intention on the part of such person voluntarily to evade any of the provisions of the act aforesaid: *And provided also*, That such slave or slaves shall have been brought into the United States in the same vessel and at the same time as their owner or owners respectively.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he is hereby authorised to make any arrangement with the Minister Plenipotentiary of France, which he may deem necessary and proper, for transporting such of the unfortunate exiles from the said island of Cuba with their effects, as shall desire to depart from the United States to any port or place within the territories of France, her colonies or dependencies, any law to the contrary notwithstanding: *Provided*, That the vessels transporting the same shall depart only in ballast, and without taking on board any other cargo than such sea stores as may be deemed necessary for the voyage in every case. And to enable the President to carry into effect any such arrangement, as well as for supplying, temporarily, such of the unfortunate exiles with the necessaries of subsistence, as may be in actual want thereof, there be appropriated the sum of fifteen thousand dollars, or so much thereof as may be necessary for these objects, to be paid out of any money in the Treasury, not otherwise appropriated: *Provided however*, that all monies which may be drawn out of the Treasury, in virtue of this act, shall be charged to the French government, under such stipulations for reimbursing the same, on the part of the Minister Plenipotentiary of France, as in the judgment of the President, may be deemed proper for that object.

SEC. 3. *And be it further enacted*, That all claim and demand of the United States to any monies arising from the sale of the ship Clara, sold in pursuance of a decree of the district court for Orleans district, holden in March, one thousand eight hundred and nine, be, and the same is hereby relinquished and remitted to Andrew Foster and Jacob P. Girard, late owners of the said ship Clara, any thing in any former law to the contrary notwithstanding.

J. B. VARNUM, *Speaker of the House of Representatives.*

ANDREW GREGG, *President of the Senate, pro-tempore.*

June 28, 1809.

APPROVED, JAMES MADISON.

*** NOTICE.

THOSE indebted to the Editor of the Star, for subscriptions, advertisements, blanks, &c. &c. are desired to settle the same as soon as may be convenient; all these accounts of more than *one year* standing, at the expiration of the tenth year (26th of August next) will be put in the hands of proper authority for settlement. July 18, 1809.

Notice is hereby given,

THAT the subscriber hath obtained from the orphan's court of Queen-Ann's county, Maryland, letters of administration de bonis non, with a copy of the will annexed, on the personal estate of *John Bewley*, late of Queen-Ann's county, deceased—All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof to the subscriber at or before the first day of August next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand this thirty-first day of January, eighteen hundred and nine.

WM. LLOYD BEWLEY,

6m Adm'r. de bonis non

Sale by Auction.

THE Administratrix of the late *William Hayes*, being desirous to close the concerns of the estate, have obtained an order of the orphan's court of Caroline county, in the state of Maryland, to dispose of a LOT of GROUND (being leasehold property) lying in the City of Baltimore, on Fell's Point, designated on the plot of said Fell's Point, by Lot No. 87—lies adjoining the water; lies convenient for a ship or lumber yard. It is thought unnecessary to say any thing more about this property, as it is presumed those wishing to purchase will view the same. Six months credit will be given, on the purchaser giving his obligation with good endorsers, and paying legal interest from the day of sale until paid. The sale to be on the first day of August next, at four o'clock in the afternoon on the premises.

July 11, 1809. 3q

Public Sale.

Will be sold at public sale, on Wednesday, *the 2d of August next, on the premises; the terms of sale will be made known on that day,*

THAT beautiful situation on Choptank River, opposite the town of Cambridge, known by the name of Akers's Ferry, and now in the possession and occupancy of *James Saunders*. It contains one hundred and thirty three acres and one third of an acre of LAND—thirty-three acres of which are in excellent wood and timber, the remaining one hundred acres are arable, and lie along Choptank River and Bolinghbrook creek, binding therewith, and contain the Ferry House, and all the other necessary out buildings, with garden, orchard, &c. This is a most delightful situation for the residence of a private gentleman, or would be a most lucrative stand for a Tavern and Ferry. This place is remarkably healthy, and abounds in all the delicacies desired from the salt rivers, viz. fish, oysters, wild fowl, &c. The sale to take place at 12 o'clock, and attendance given by the subscribers, who will give a deed for the same.

WM. & THOS. WELSH.

Talbot county, May 30, 1809. 10

Farmers and Merchants.

THE subscriber begs leave to inform the *Farmers* and *Country Merchants* generally, that he has lately commenced the COMMISSION BUSINESS in this city, for the sale of Wheat, Corn, Tobacco, &c. at No. 2 Bowley's Wharf, where he will with pleasure receive consignments of the above articles on the usual terms.

He assures those who may think proper to entrust him with their business, that it shall be punctually and promptly attended to, and that every possible exertion shall be made to accommodate them, and to promote their interest. The strictest attention will be paid to the purchasing articles in this city, for those that consign their grain, or have funds in hand.

The subscriber flatters himself from his general acquaintance with the purchasers of the above articles, and his knowledge of business, that he may with confidence anticipate a full share of public patronage.

HENRY WILMER.

Baltimore, 15th June, 1809. 6

N. B. The subscriber avails himself of this opportunity to inform Country Merchants, Tavern Keepers, Farmers, and the public generally, that he intends opening a general assortment of *GROCERIES* in a few days, all of which will be sold on the usual terms.

H. WILMER.

Farmers Attend!

THE Subscriber offers for rent upon a long lease all his Lands lying and bordering on Tuckahoe Creek and Choptank River, together with those lying contiguous to Easton, known by the name of *GALLOWAY*—the leases to commence on the first January next. The privilege of seeding wheat, will be given after the first day of September next, and renters may be supplied with some good labourers, if wanting. Security will be required of all, without respect to persons, and no absolute contract entered into before the fifteenth day of July next.—These lands are well adapted to the growth of wheat and corn, &c. &c. The subscriber also offers for rent his present dwelling house; it is large and commodious, and is thought to be a good stand for a public house. For terms apply to

H. NICOLS, Jun.

April 18, 1808 tf

Notice.

I INTEND applying to the judges of Queen Ann's county court, or some one of them, for the benefit of an act of insolvency of this state, passed in 1805, and the supplements thereto.

JOHN SOTHEREN.

Queen Ann's county, June 20, 1809.—8 7c