measures? No, their folly cannot soar so high. Do they contemplate a dissolution of the union? Dare they look on the consequences of an event like that? If they have ever turned their eyes that way, let them tremble. No, fellow citizens, this is surely an idle fear. We know that you may be, many of you have been deceived with regard to the views and measures of the two great political parties: how long this delusion will continue we know not; but we know that you are in general republicans, attached as ardently as any men on earth, to a free and frugal government; you cannot therefore be induced to throw away your liberties, to plunge a dagger into your own vitals.

A thousand absurdities have been uttered relative to the plans of the republicans in case they shall obtain a majority in the legislature of this state. Almost all the views of republicans, so far as we know them, we have already explained. Republicans have no projects hostile to religion, its ministers or its ordinances; in this respect they hold it to be essentially, and under all circumstances wrong and tyrannical for a government to interpose any further than may be necessary to prevent the violation of the peace of society. They would restore elections to that freedom from personal and pecuniary influence which they formerly enjoyed. To the militia, to all those men who are thought worthy to be intrusted with the defence of liberty, they would extend the right of suffrage, that most important right of freemen. They would divide the state into districts for the election of councillors and of members of Congress. These are the inovations, if such they may be called, which republicans have at heart.

It is not peculiarly our cause, fellow-citizens, that we are pleading, but your own cause, the cause of our common country, the cause of the whole human race, for the whole human race are interested in the result of the experiment now on trial here. We ask of you no implicit faith; but we request, we beseech you to lay aside prejudice, to examine impartially, and with a sincere desire to discover the truth, whatever may be urged in favour of the projects of either party. Surely we ought to be heard, when we request only that you will with coolness and firmness pursue your own highest happiness—and as liberty has now, on this globe, no abode but with us, that you will not madly combine with her enemies, to drive her from the face of the earth.

Signed by order of the general committee.

LEVI IVES, Jun. Clerk.

[Aug. 30, 1803.]

FOR THE NATIONAL INTELLIGENCER.

TO THE
PEOPLE OF MARYLAND.

The period is approaching when you will be called upon to exercise a most important right, that of electing by your suffrages, Delegates to represent you in the General Assembly of the state. It is at all times a duty indispensibly incumbent on every good citizen to be cautious and circumspect in the choice of his representatives: it will be peculiarly so at the ensuing election, as great and important changes are contemplated, not only in the constitution and form of government, but in the laws and fundamental regulations of the state.

The general assembly at their last session passed an act to alter, change and abolish such parts of the constitution and form of government as relate to the establishing a General Court and Court of Appeals. It this act shall be confirmed by the legislature at the next session, it will become a part of the constitution, and afterwards it can only be altered or repealed in the manner prescribed by that instrument—by the concurrence of two successive legislatures. Under a conviction of the mischiefs and inconveniences which will be experienced by you in the event of the adoption of this change, I am induced to offer my sentiments for the cool and dispassionate consideration of my fellow citizens. I have no motive in thus addressing you, but that which proceeds from a desire to contribute to the general welfare of the community, which I consider as inseparably connected with the preservation of an upright and independent judiciary. The present judiciary system as established in this state, appear to me to be well calculated to ensure and perpetuate an impartial administration of justice, and to be the best and most eligible plan which the wisdom of man, in the present circumstances of the state, can devise.

By the act of the last session it is proposed to abolish the General Court, and to confine the trial of all matters of fact to the county courts. I have ever considered the trial of matters of fact in the general court, where juries are selected from the state at large, as a great security to the lives, liberty and property of the people. If the inestimable trial by jury deserves to be preferred above all others, it is certainly desirable to enjoy it in its utmost purity. It is desireable that in the trial of right, every obstacle to a thorough investigation of truth should be removed. Jurors should be indifferent; there oubgt to be no suspicion of bias or partiality among them: in short, they ought to be *above all exception.* The trial by jury in the general court combines all these advantages. The jurors are, in general, strangers to the parties interested, and therefore must be presumed to be impartial and indifferent.

If all trials of fact should be confined to the county courts, the advantages which have been mentioned, and which are essential in order to a fair and impartial trial, are not to be expected. Rational and candid men must admit that jurors coming from the neighborhood of the parties concerned, will be apt to intermix their prejudices and partialities in trials between their neighbours and acquaintances. Those who have been in the habit of attending our courts must have witnessed innumerable instances which prove the justice of these remarks. The frailty of human nature is such, that in trials in the counties where the jury may be composed of men who reside in the vicinity of the parties litigant, and who may have frequently heard the dispute discussed in private circles, it is not to be expected that they will always be free from those prejudices and partialities which are too apt to intrude imperceptibly on the mind.

Another desideratum is that the contending parties, after their causes have been decided, should be satisfied that there has been a thorough investigation of the truth; that a full and fair trial has been had; and that a just and proper decision has been made between them. A conviction that such has been the result attaches them to the government, & inspires a confidence in the constituted authorities. To ensure this state of things, all suspicion of partiality must be removed. Trials in the general court must have a tendency to produce this effect: it cannot be expected, for the reasons assigned, from decisions in the county courts.

Other advantages attending trials in the general court obviously present themselves. The judges being few in number and selected from the most able of those who are learned in the law, must be men of the first ability and integrity; and the suitors can alway have a choice of able and experienced counsel who are not always to be found at the county courts. In the trial of an intricate cause, many points may exist which may not occur to young practitioners, whatever may be their talents, and if omitted to be made, a decision contrary to law may take place, and the property in dispute be irretrievably lost. There is no appeal from the verdict of a jury, & if the cause should be removed by writ of error the judges in the superior court cannot travel out of the record, but will be confined, in their decision, to the points which appear to have been made in the court below.

The general court has been the seminary which has reared the ablest lawyers, and statesmen, who have ever adorned the state. It must tend greatly to the advantage of any community to have a choice of men of talents and eminence to whom they can confide the arduous affairs of government. They are not only useful but absolutely necessary in all countries. Since we became an independent nation and established the general government, no well informed man will say that there has not been a scarcity of such characters. There is a necessity for augmenting the number; & that necessity must continue to increase from the nature and structure of our general and state governments. If you abolish the general court, you destroy an establishment, which, more than any other, has excited our young men to eminence and literary acquirements. Among the many advantages growing out of the general court, I do not consider as the least, the improvements in society which are attained by the regular periodical meetings of a number of respectable characters from all the different counties of the state. These meetings afford an opportunity for a free communication of sentiments and opinions on all the various subjects which may affect the interests of the people, whether public or private.

The present system certainly has the sanction of experience. It has existed, with a short interruption, for more than a century. In the year 1766, a law was passed for the trial of all matters of fact in the counties where they arose. It was limited, in its duration, to three years, and after a trial of its merits, it was suffered to expire without even an effort (as I am informed) to revive it. It would be prudent in us to profit by experience, and to refuse to abolish a system which, for more than a hundred years, has protected us in the full enjoyment of all our rights and privileges, and introduce in its stead, that which is projected, and from which those beneficial effects cannot rationally be expected.

To these objections to the proposed alteration of the Constitution, another may be added, which of itself ought to defeat the measure. With me it is insuperable. By the Constitution as now established, it is wisely provided that the Judges of the superior courts shall hold their commissions *during good behaviour.* By the proposed alteration, if it should be confirmed, the tenure, during good behaviour will be destroyed. This construction has been denied by some; but it is admitted by all to be at least doubtful. To admit that it depends on *construction,* would be sufficient for my purpose, if I was not convinced that it will be annihilated by the proposed alteration. Because, as long as it shall depend upon construction, our situation will be as deplorable as if it was admitted to be *during pleasure.* Every man will maintain his own construction, and the legislature will adopt that which shall be most favorable to the views and opinions of the predominant party. Thus the Judges of the court of appeals would be liable to be removed at the will of the legislature. It is presumed that it was not even intended that the district Judges should hold their commissions during good behaviour.

I affirm that the tenure during good behaviour will be destroyed by the proposed alteration, if adopted. In justice to the friends of the bill, I must declare that I do not believe that it was their intention to destroy it; but that it will be destroyed, I cannot entertain a doubt. By the 4th section of the proposed act it is declared "that all and every part of the Constitution and form of government that relates to the court of appeals, or the general court, or to the Judges thereof, or that is in any manner contrary to, or inconsistent with, the provisions of this act, be and are hereby declared to be repealed and abolished, on the confirmation hereof." When the words of a law are clear and explicit, it is unnecessary to resort to the rules of construction to form a correct judgment. It must be evident to every man of common sense that, by this section, every part of the Constitution which relates to the *court of appeals,* or *the general court,* or *the judges thereof,* or that is *contrary to, or inconsistent with the provisions of the proposed act,* is abolished. It cannot, it will not be contended that the section in the Constitution as now established, which provides that the Judges of the court of appeals and of the general court shall hold their commissions during good behaviour, *does not relate to the Judges.* If it does relate to the Judges, it is expresly abolished. If the 4th section of the act proposed had provided, "that every thing in the Constitution as now established, which relates to the court of appeals, or the general court, or to the Judges thereof, *and* which is contrary to, or inconsistent with the provisions of this act shall be abolished," then it would have been doubtful whether the tenure during good behaviour would be destroyed. The question of the tenure would then have depended on the construction of the words "contrary to, or inconsistent with." But as the section now stands, every thing which relates to those courts, or the Judges thereof, as well as every thing which is contrary to, or inconsistent with the provisions of the act, is repealed and abolished.

The tenure during good behaviour, in all well regulated governments, is deemed essential to the independence of the judiciary. It is conceived to be unnecessary to advance arguments in support of a principle so universally admitted. The people of Maryland have emphatically expressed their sense on the subject. In the declaration of rights, they have declared "that the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; *wherefore* the Chancellor and all Judges ought to hold commissions during good behaviour." The people of America have, in the most solemn manner, as often as the question has been submitted to their consideration, expressed their approbation of the utility and necessity of the provision that Judges ought to hold their commissions during good behaviour. In *the Declaration of Independence,* which released them from the yoke of Great Britain, and ranked them among the nations of the earth, the sentiment is declared. In that solemn act it is enumerated as one among the many complaints which the American people made against the king that "He has made Judges dependent on his will alone for the tenure of their offices." Again; in the Constitution of the General Government, it is provided that "the Judges both of the superior and inferior courts shall hold their offices during good behaviour." I will only add that I hope and trust that the same sentiment will prevail in the United States, until time shall be no more.

It may be objected to the proposed system that it will be much more expensive than the present. Altho' in the forming a complete judiciary system, the difference of a few pounds ought not to have weight, yet in a republican government, a necessary attention to economy ought not to be disregarded. The plan proposed ought evidently to be entitled to a preference to justify such an increase of expense. The annual salaries of the judges, allowing to the judges of the court of appeals, the same salaries which are now allowed to the judges of the general court, and to the district judges the same salaries which they now receive, will exceed the present salaries, sixteen hundred dollars annually. Exclusive of this excess, the increase of the county charges must be very great. In many counties, at this time, they are thought to be very high; but what will be their increase, if all the business which is now transacted in the general court, shall be done in the county courts? It may be remarked that this is the only direct tax which the people now pay, and it must be discharged in money, or by labour in repairing the public roads.

Another objection occurs. The proposed alteration, if adopted, will place the debtors of the state too much within the power of the creditors. In almost all communities, the former class of people are the most numerous, and in that class there are always to be found many who are among the most useful. The delays which are now authorised by our courts are frequently as beneficial to the creditor as they are advantageous to the debtor. Many debts have been secured to the creditor by writs of error, which, without them, would have been lost, and by the same process many worthy and respectable families have been saved from ruin.

It has been objected by some to the present system that the trial of suits in the general court is protracted; and that the attendance of jurors and witnesses from the distant counties is inconvenient and burthensome. To this it may be replied that with respect to jurors, there never has been a complaint that their attendance at the general court is considered as a grievance or burthensome. On the contrary, it is a fact well known, that proper characters may always be found who are not only willing but anxious to attend. It must be admitted that there are instances where it may bear hard on witnesses of a particular description, such as the aged and infirm; or those who are obliged to labour for a livelihood. But it may be asked will these inconveniencies be removed by the proposed alteration? I answer confidently that they will not. Will the business of the courts be transacted with more ability and dispatch by the district judges than by the judges of the general court? Let those determine, who from their long acquaintance with the proceedings of our courts, are best able to judge correctly. Will it not be equally inconvenient to the aged and infirm to attend one court as the other? And will not the inconvenience to the labouring part of the community be the same, as they will be more frequently called on to obey a summons from one county to another? A few judicious regulations in modification of the present system, would effect more towards removing the inconveniencies complained of than can, with reason, be expected from the proposed plan.

Another subject of moment to be discussed before the legislature at their next meeting will be a proposition to remove the seat of government from the city of Annapolis to the city of Baltimore.

It cannot be seriously expected that a measure so unnecessary and impolitic, and at the same time so flagrantly unjust, will be adopted by the representatives of the people of this state. I am so fully persuaded that the attempt of a few interested individuals will be discountenanced by the legislature that I shall make but few remarks on the subject.

Annapolis has been the seat of government of Maryland for more than a century; and if it is not permanently fixed at Annapolis, it is because no confidence can be placed in the plighted faith of the government.

By the Declaration of Rights it is provided "that a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records, and the legislature ought not to be convened or held at any other place but from *evident necessity.*" By the 61st section of the form of government, Annapolis was the place fixed on for the meeting of the legislature; and this solemn act of the government has been acquiesced in from the time we became an independent state to the present day. I will now ask every honest candid man what is the plain and obvious meaning and intention of the section of the Declaration of Rights above recited? Combine it with the 61st section of the form of government, and the acquiescence under it, and do we not feel the force of the impression that every proprietor of real property in the city of Annapolis has the faith of the government solemnly plighted "that the legislature shall not be convened or held at any other place but from *evident necessity?*" It may be said that the legislature must be the judges of that necessity. Granted: They must exercise a discretion, but not an arbitrary discretion. They are bound to give a just construction of that article of the Declaration of Rights; and in doing this, they must concur in the opinion that the seat of government ought not to be removed from the city of Annapolis, unless it shall happen to be in the possession of an enemy at war with the United States: Or, unless it shall be afflicted with some dreadful calamity, such as the yellow fever; or, unless there shall exist some *evident necessity* equally urgent, which may render the meeting of the legislature at some other place, unavoidably necessary.

The public buildings necessary for the accommodation of the legislature, for the use of the governor and council, and to contain the public offices and records have already been erected in Annapolis at the public expense. It is computed that these buildings could not now be erected in Baltimore for less than two hundred thousand dollars. Why should the people of this state be taxed to the amount of this enormous sum for the purpose of erecting public buildings in Baltimore when they are already prepared in the city of Annapolis? A place more central, more healthful, and better calculated for the meeting of deliberative bodies than a large, populous and commercial city, which is more likely to be subject to tumult and disorder, and in which an undue influence might prevail.

From a confidence in the faith of government which ought to be inviolably preserved, many persons have made purchases of real property in Annapolis, which will become of little value if the seat of government shall be removed.—Some have expended the profits of many years labour and industry; others the hard earnings of their whole lives; and every proprietor must suffer in a greater or less degree if the legislature shall pass so unwarrantable an act. Can the shadow of an argument be advanced to shew the propriety of such a measure? Why should the people of Annapolis be sacrificed to gratify the caprice and cupidity of a few interested individuals in the city of Baltimore?

I rely with confidence on the prudence and sound discretion of my fellow citizens, and that they will unite in advocating the election of those candidates for the legislature who will be firm in their opposition to measures so unnecessary, impolitic, and injurious to their welfare.

A FARMER.

Prince George's County, September 18th, 1803.

WASHINGTON CITY

FRIDAY, SEPTEMBER 23.

Thhe board of health of Alexandria reports 5 new cases of the prevailing fever, and one death, for the 24 hours ending the 21st inst. at ten o'clock.

We have had so many fulsome accounts of gen. Pinckney, where he has been, and, who he has seen, that it has become quite ludicrous. But why the Clergy of Newburyport escorted him on his departure from that town, requires a little explanation.—*Bos. Chronicle.*

DIED—In London, on the 1st of August, Mr. *Woodfall,* the well known and accurate reporter of Parliamentary debates.

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25 Dollars Reward.

RAN AWAY from the subscriber living in Goochland county, on the 3rd sept. 1803. A very likely negro man named SAM, who calls himself Samuel Commer—about 24 or 25 years old, of a yellowish complection, low but stout made; one of his upper fore teeth out, his dress chiefly of Virginia cloth with a plain durants short coat—he is very sensible, can read and write so as to be understood. The said Sam was was taken up with a negro belonging to Mr. James, in Cumberland county, near Centreville, about 20 miles above Fredericksburg, and made his escape from the men. Sam had wrote passes for both of them, and as the negro that was brought home said they was aiming for George Town, from thence to Pennsylvania; he saws at the whip saw and is a very good house servant—he will endeavor to pass for a free man—he is guilty of forgery—he signed the passes, John Goodal, Henrico. I do desire all persons to endeavor to apprehend the said negro, as he may be very injurious to the country if not taken and punished for his behaviour. All reasonable expences paid for delivering him to me at home, or the above reward for confining him in jail so that I get him again.

EDWARD COX.

September 23. ep3w

IT is ordered that Walter Story Chandler, Trustee of the estate of Israel Loring, an insolvent debtor, sell at public auction and convey the property of the said debtor on the third Monday of October next for the best price that can be got for the same, for cash, as to all sums less than one hundred dollars, and a six months credit on bond with good security and interest from the day of sale, as to all sums amounting to, or above 100 dollars. Giving notice by public advertisement in the Washington Federalist and National Intelligencer, once a week for four weeks previous to the day of sale. By order of William Cranch, esq. assistant judge of the circuit court of the district of Columbia."

I hereby certify that the aforegoing is truly taken from the original filed and recorded in my office.

URIAH FORREST, Ck.

Agreeably to the above order, I shall offer at public sale on the premises, on Monday the 17th of October next, at 12 o'clock, part of two lots in the city of Washington, numbered 6 and 7, in sq. 78 the property of said Loring. On which is a good brick dwelling house a stone house and stable, all new and in good repair. This property will be sold at six months credit on bond with approved security; and the title made on payment of the purchase money.

W. S. CHNDLER, Trustee.

Sept 23. 1aw4w