and *Basse Loire*; and the *fourth* is to extend from *Cherbourg to Breſt* and *Rochefort* and to comprehend all the troops diſtributed to the departments of the weſt.

For the Republican Star.

To the People of Maryland.

THE period is approaching when you will be called on to exerciſe a moſt important right,—that 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. If 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legiſlature at the next ſeſſion, it will become a part of the Conſtitution, and afterwards it can only be altered or repealed in the manner preſcribed by that inſtrument,—by the concurrence of two ſucceſſive legiſlatures.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 ſolemn 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 well-fare of the community, which I conſider as inſeperably connected with the preſervation of an unright and independent judiciary. The preſent judiciary ſyſtem as eſtabliſhed in this ſtate, appears 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 jurors 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 deſirable that in the trial of right, every obſtacle to a thorough inveſtigation of truth ſhould be removed. Jurors ſhould be indifferent; there ou't 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 neighbourhood 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 enumerable 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 inperceptibly on the mind.

Another deſideratum is that the contending parties, after their cauſes have been decided, ſhould be ſtisfied 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, and 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 always 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 irrecoverably loſt. There is no appeal from the verdict of a jury, and 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; and 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 upon all the various ſubjects which may affect the intereſt 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 refuſe to aboliſh a ſyſtem which, for more than a hundred years, has protected us in the full enjoyment of all ones 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 governmen 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 provitions 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 to *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 expreſsly 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 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 hath 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. Although 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 intitled to a preference to juſtify ſuch increaſe of expence. 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 hunored 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 only the direct tax which the people now pay, and it muſt be diſcharged in money or by labor 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 bears hard on witneſſes of particular deſcription, ſuch as the aged and infirm, or thoſe who are obliged to labor for a livelihood. But it may be aſked, will theſe inconveniences 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 the 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 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 depoſitary 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 acquieſed in from the time when 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 acquieſence 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 pledged 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 exercife 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 Anuapolis, unleſs it ſhall appear 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 expence. It is computed that thoſe 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 meetings 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 the government which ought ever 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; 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 advocate 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 18, 1803.

Notice.

ALL perſons having claims againſt the eſtate of *Lamuel Wootters*, late of Caroline county, deceaſed, are hereby warned to exhibit the ſame, properly authenticated for ſettlement, to the ſubſcriber, on or before the 27th day of March next, or they may by law, be excluded from a dividend of ſaid eſtate.—Given under my hand, this 21ſt day of September 1803.

THOMAS WOOTTERS.

Caroline County, Sept. 26. 3q

For the Republican Star.

To the Citizens of Maryland.

THE new organization of the Courts of Maryland is a ſubject now *conſtituti-only* ſubmitted to your conſideration, and being of primary importance, demands your ſerious attention. It is with you to decide between the preſent ſyſtem of courts, and the ſyſtem propoſed; and is a duty you owe yourſelves, correctly to underſtand the reſpective ſyſtems, that you may appoint ſuch characters, to adopt the ſyſtem of your choice, as think with you on this ſubject.

By the preſent ſyſtem there is a court of appeals of five judge, who ſit twice a year at *Annapolis*, to determine all appeals from the general court, and court of chancery. There is a geeneral court of three judges that ſit twice a year, for the reſpective ſhores, at Annapolis, and Eaſton, to determine all cauſes inſtituted in thoſe courts, or removed from the county court by habeas corpus or certiorari, or after judgment in the county courts by appeal or writ of error—the original juriſdiction of the general court is limitted to debts of £. 150. The right of removal is limitted to £. 75—the right of appeal not leſs than £. 6 ſterling.—The county courts are compoſed of *one* judge *ſkilled* in the law, and of two aſſocietes who are not neceſſarily ſo pualified. The court has an unlimitted juriſdiction in matters of law, in matters of equity to £. 100, and the excluſive original criminal juriſdiction.

The plan propoſed is to aboliſh the court of appeals conſiſting of *five* judges who ſit twice a year at *Annapolis only*, and ſubſtitute *three* judges to ſet twice a year at Annapolis *and Easton*, to try all appeals on the reſpective ſhores that originated from cauſes where the defendants reſide reſpectively, when from the court of chancery or county courts, ſo that the buſineſs of each ſhore ſhall be limitted to its reſpective ſhore, and the general court *not aboliſhed* but converted into a *court of appeals* and rendered more uſeful and convenient as our cauſes are to be finally ſettled at *Eaſton*, and the ſuitors not be driven to *Annapolis* for juſtice.

The county courts are to have two law judges and one aſſociate who are to try by jury all cauſes in the reſpective counties where the defendants and witneſſes reſide, unleſs on good cauſe ſhewn to change the venue to a neighboring county whereby the ſuitors and witneſſes may be *known* to the jury who are the tryers of the characters of the witneſſes and the parties. Thus there will be a court in each county compoſed of *two* law judges, ſo that every man may obtain *juſtice* at *home*.

I aſk, is there a man ſo miſerly, who wiſhes to have his *property* more ſecure than his *life*, or than it will be by the propoſed plan of *two* law judges in his own connty, by a jury to whom he is known, with an appeal to the court of appeals on his reſpective ſhore—When the county courts *already* with *one* judge have an excluſive original criminal juriſdiction, and when the *poor man's* caſe muſt be tried in the county court as no cauſe under £. 150 can be brought in the general nor no caſe under £. 75 removed there to be tryed by jury and if the *lives* of *all* and the property of the *poor* are ſecure in the *county courts* with *one* law judge, the *rich* ought certainly to be ſatisfied with their cauſes being tried in the county courts under the propoſed ſyſtem with *two* law judges—but they wiſh to keep up the general court and court of appeals, with *eight law judges*, from which the *poor* is excluded, as their debts do not amount to £. 150, and are oppoſed to give the poor *one* additional judge to try *their* queſtions of *life*, *liberty* and *property*. Is there an *honeſt* man that does not wiſh the *poor* man to have equal juſtice with the rich, or that would wiſh a general court and court of appeals from which the poor man is excluded? The propoſed ſyſtem makes the adminiſtration of juſtice *equal* and *convenient* to poor and rich, by giving them the ſame judges to try all their cauſes either originally or by appeal.—What intereſt has the poor man in the preſent general court that he would not have in it as a court of appeals—he can now appeal to the general court, ſo he can when it is a court of appeals only. But it *has been* ſaid that the county court with *two* judges is not to be truſted. I aſk have the federal courts more than *two*, are not Mr. Saml. Chaſe and Mr. Wincheſter the only judges of the federal court of Maryland; where every federal queſtion of *life*, *liberty* and *property* without limitation are determined, and is any thing in a federal judicial commiſſion that can inſpire wiſdom more than in a ſtate commiſſion?

It *has also been ſaid* that the jurors of the *county courts* are not to be truſted to decide the caſes of their neighbors, although they are truſted in the federal courts.

If you my fellow-citizens are of opinion that you are not to be truſted to try the cauſes of your neighbors, this would be a ſound objection, and ſtrangers only ought to try the cauſes, but this I preſume you will not admit.

The difference in the coſts and charges (as well as the inconvenience) are