HURSDAY, NOVEMBER 29.

To the MEMBERS of the SENATE.

VALVE or any part of the community, or any substance.

walte of time to add further arguments.

infringements of the general government. It must lish the form of government, is effential and indispensahave been impossible for a man of discernment to have ble. - Without it a confirmation can never take place, read my observations to the general assembly, without and would be disregarded if attempted. rawing this inference.

he public good require their exclusion.

udgment, unjust and impolitic. Il national employment, is contrary to reason and witice. The fourth, to wit: The exclusion of national ficers from our legislature, and council, is politic,

The house of delegates, however, have passed the ; but not a fingle reason was offered in favour of

There is a reason, independent of any I have yet heir negative to the bill, to which I take the liberty draw their particular attention. I maintain, that most unequivocal violation of our form of government. constitution. Let us now consider it a little on its in-I ground my opinion on a confideration of the 42d ar- tention. That all government of right originates from ticle of the bill of rights, and the 55th article of the the people, is the corner stone of our constitution. I form of government as reported by the committee of was not only framed upon that great principle of equal convention, and upon the 59th and 60th articles of liberty, but the same principle is so engrafted into it, as the form of government as finally established.

fraudulent de peffed last session, and now proposed to be confirmed, tended that their pleasure alone should alter or destroy

shall be published; but it will require great force of also to secure, what was the great object of the clause.

ains the unconstitutionality of the latter; and I have would not deprive it of the efficacy incident to an act of no hesitation in giving my opinion, that they are alike legislation. But the publication of a bill to alter or abo-

But what is a bill to alter or abolith the constitu-It is not contrary to the national constitution to pro- tion? Is it a law, or has it any of the qualities of a ibis officers of the general government from being in law? It is no more than a proposition made to the ar legitlature or the council; and found policy and citizens of Maryland, by those who are specially intrusted for that purpose, in order that it may be ac-It is not repugnant to the federal, or our state, con- cepted or refused, as the public opinion shall incline. litution, to exclude state officers from holding, at the It is not an act of legislation, but a proposal for the authority clearly communicated. The possessors of this special power ought to be certain that they do not overleap its boundaries. They ought to be indisputably ascertained that they are strictly within the sphere

confirmatory act, now before the senate, the general affembly have undoubted authority? It must be conindeavoured to enforce, why the fenate should give ceded that they have no such power, unless the publication of the bill has been such as the spirit of the constitution requires.

that both must remain or perish together. As the con-It is an incontrovertible fact, that the exclusion bill stitution sprung from the will of the people, it was in-The constitution does not in terms direct the par- months before a new election. This regulation as to ryland Gazette, Baltimore Journal, Frederick and such as the manner in which a bill to alter or abolish it time had probably another object in view. It means George-town papers, and the Maryland Herald, for

argument to shew, that the framers of it meant a pub- a diffusive circulation of the scope and substance of the T is the privilege of every citizen of lication of fuch a bill among the laws to be fufficient. amendment proposed for adoption. Two things, there-Maryland to deliver his fentiments to Indeed no argument to prove so firange a position fore, are beyond the reach of controversy. That the the legislature, or either branch there- could be satisfactory. The provisions of the two sec- framers of our constitution intended that it should neof, on any act of legislation, that con- tions regulating these different publications are mani- ver be altered without the entire affent of the people, cerns the right of the people at large, feftly and materially variant, both in language and previously consulted upon it; and that in order to this, they intended the publication, which they have predividual. It is the right of every citizen to inquire The publication of the laws is ordained to be only scribed, to be such a one, as, from its nature, was calnto the conduct of the legislature, or of its members; in due time; that of a bill to change or abolish within culated to diffuse that information necessary to enable nd there is no restraint on this fundamental right, three months preceding a new election. If then it was the persons consulted to decide upon the propriety of ut the obligation to observe that decency of language the idea of the convention, that these publications the improvement suggested. It brings the whole questiwhich is due to public bodies. I have exercised this should be placed upon the same footing, and the farmer on to this, Is the publication of a bill among the laws ight in my late address to the general assembly, with- be made equivalent to the latter, it is unaccountable so calculated or not? I answer decidedly not. It is ut intentionally departing from that respect, which I that one should be specifically regulated as to time, extremely evident, that the distribution of the laws, we to the representatives of Maryland, and to my and the other left indefinite and general, in a particu- under public authority, does not afford an opportunity wn character. I examined, with freedom, the fe- lar so important. Again-What is the provision for to one twentieth part of our inhabitants of obtaining eral objects of the exclusion bill, now depending for the distribution of the laws? They are directed to be any knowledge of a bill published among them, except position or rejection before the senate; and en- sent to the several county courts in the same manner as what they may gain from the information of others. eavoured to prove, that such part of it as enacted, under the provincial government. According to the who perhaps never saw the bill themselves, or if they that if any person holding any office of trust or profit practice alluded to, the county courts, and every just- did, were incapable of understanding it. One copy is der this flate, shall take his seat in congress, and not tice of the peace, had each a copy, and no more were allotted for the use of each county court, one for every efign it (within thirty days after notice of his elec- necessary to be distributed. The persons thus to be justice of the peace, and so on through the judiciary on his office beld under this flate shall be void," was furnished with a copy of the laws were judiciary and departments in the county, and one for every member ontrary to found policy, and in violation of the con- ministerial officers, immediately concerned in the ad- of affembly. The alletment for each county is fent to itution of the United States, which the members of ministration of the public justice, and the interpreta- the clerk's office, from whence very few of them are he several state legislatures, and all executive, and ju- tion of the legislature. There was therefore ever taken; and suppose them all to be delivered out. icial officers are bound, by oath braffirmation, to a peculiar propriety in such a distribution, with a view how sew are those who are possessed of them in comapport. I have nothing further to add on this fub- to the laws, which has no existence when a bill to al- parison to the whole number of the county? Can this a; for, if the impolicy and unconstitutionality of this ter or abolish the constitution is to become the subject produce, then, that wide spread information, that uniemelion, is not apparent from a deliberate and im- of universal deliberation. In the latter instance every versal diffusion of the knowledge of a bill, which the and confideration of my remarks, it would be but a man in the community was to be the judge, whether in convention intended should pave the way for a change office or not. The whole collective body of the people of the constitution of the state? Have the people a that been alked, if it is repugnant to the constitu- are the arbiters, and so intended to be. The two pub- chance of being accurately possessed of the subject, or of ion of the United States to impose a forseiture of office lications, therefore, have different objects in view, the giving any opinion upon the merits of it? The mode in a flate officer, who takes a feat in congress, is it gratification of one of which requires means far more adopted is, in my opinion, extremely well calculated tot equally in violation of that constitution to declare, extensive than that of the other. Again—That these to promote mischievous and dangerous innovations, but hat a member of our legislature shall forfeit his seat publications were never considered by the convention never to draw to a point the fair and unbiassed voice of herein, if he takes a seat in congress? Candour re- asstanding in any point of resemblance, is obvious from this community. A publication like this affords unquires me to admit, that every argument, proving the this circumstance. The publication of a law is merely bounded scope to misrepresentation and party, and inconstitutionality of the former, applies to and main- directory, and the omission to publish it, as directed, subjects those, who are to decide, to be led astray, not only by a suppression of the truth, but by actual suggestions of falsehood. Few have an opportunity of seeing the bill, and are therefore obliged to receive the definition of its qualities from those who either do not comprehend it themselves, or who do not wish that others should. Thus the people are not only deprived of a chance of giving any determination, or what is worse, if they are induced to decide at all, that decifion may be the offspring of deception, and certainly will be greatly influenced by mistake, misapprehension or ignorance.

It is the missortune of the present bill that it illustrates time, offices under congress; but it is, in my consideration of the community, in virtue of a special my argument from its very nature in a manner peculidelegated power, the most important, the most dissicult arly forcible. It will not be said that it has been pe-There are four distinct subjects in the bill. Two of of execution, and the most dangerous and delicate in rused by any considerable number of our citizens—for hem, to wit. The exclusion of members of our legisla. the exercise. Such a trust, vested only from necessity, it is too clear that very sew of them had the opportuare, and officers of this state, from holding seats in and involving in it considerations so momentous to the nity. The knowledge of it (if it ever has been known ongress, are in violation of the federal constitution .- community, ought never to be extended by those, on or understood) could have spread itself no other way The third, to wit: The exclusion of flate officers from whom it has been devolved, beyond the limits of the than by verbal information—So that if one man reads it, and misconceives its scope, hundreds, who have not seen it at all, are of course deceived by him. This. bill is, of all others, the best calculated to beget error, from its jumbled and inaccurate provisions. It embraces such a number of objects that till lately it has Is it possible for any man to say, that in passing the never been understood, even by those whose situations in life would hardly permit them to be ignorant of it. How must it have stood then with the people?—Can they be supposed to have seen distinctly its complicated views? - Does any body believe they did?

Upon the whole, it is clear to me, that neither the he senate cannot affent to it, without the plainest and I have examined the subject upon the letter of the letter nor the spirit of the constitution have been complied with in the publication of this bill, and that for that reason alone, independent of the cousiderations heretofore suggested, it ought not to be confirmed.

The practice of both branches of the legislature, and of the house of delegates in particular, upon fimilar occasions, will go very far to shew what ought to have been done in this .- In every instance, where it has been thought necessary to refer any subject of lewas only published among the laws of that session. The it. Alterations, it was foreseen, might in future times gislative deliberation, to the consideration of the peoquestion then is, whether such a publication is accord- become requisite, and hence a mode was devised to ple, a very different mode has been pursued, from that ing to the spirit and intention of the directions in the enable the people to make them, without the expedient in question. The paper money bill, which was sub-19th article of the constitution; and it appears to me of summoning another convention. This is the object mitted to the people, after it was rejected by the sethat the bare state of the question carries conviction of the 59th section. As then the citizens of Maryland, nate, was published by the order of the house of deleby whose authority the constitution was framed, were gates in every way which could promise information. The 59th article declares, "that the form of go- to give their affent to any fuggested change, it became Why was it so published? Because the opinion of the remment, and no part thereof, shall be altered or necessary that they should be consulted, in such a community was required. Can a case be conceived. olithed, unless a bill so to alter or abolish shall pass manner as that they might be enabled fully to delibe- which calls for the general sense of the state, in more he general affembly, and be published, at least three rate, and finally to decide on the proposed alteration. emphatic terms, than a proposition to alter the form of months, before a new election, and shall be confirmed For this purpose a publication of the bill was directed government? Can a case be supposed which equally reby the general affembly, after a new election of dele- by the constitution. This was designed to convey full quires it, when the 59th article of our constitution exwater, in the first sellion after such new election." information, as to the nature and extent of the proposi- pressly calculates upon it, and devises the means of In the both article it is provided, " that every law tion, to every individual citizen, as far as possible, obtaining it? The house of delegates (26th Decemmail be recorded in the general court office, of the But a publication alone might not be fufficient. Time ber, 1791) ordered, " that the bills proposed by the wellern shore, and, in due time, printed, published might still be wanting for the complete understanding committee appointed to consider what alterations of the ne certified, under the great feel, to the several coun- of the subject, and for the formation of a safe and de- constitution and form of government are necessary, be courts, in the fame manner as hath been heretofore cifive opinion, and therefore the convention have or referred to the confideration of the next fellion of afdained, that the bill shall be published at least three sembly; and that the same be published in the Ma-

vice-prelide of attembly irns, papers a of votes for

enumerate and ch and every e tatives, and b nor, and di mes of the parties.
We, in parties do by this our b urns made to F. Mercet, Urial nith, Gabriel Giff illiam V. Min tatives of this h

city of Annapolis of Maryland, this in the year of bu undred and nineu DMAS S. LEE

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TARS cco Post-Office tion, Princes Ann H. Boarman, Jame Chandler, Charles wn, Thomas Oster, rancis Sewall, ner county: Norman Archibald lamile AVIS, D. P. M.

23, 1792. t. Mary's county ition, fetting forth seventeen hundre Jones, brother d indented for conecai, and his heir aid county, calco y-eight acres, more uries, that the feid any traudulent un eeably to law, 44 uting the faid deed, ce removed, and ftate of Mary and his petition, a co e laid deed, agree uch cases prouds ered, that the iring a copy of the

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