

# MARYLAND GAZETTE.

T H U R S D A Y, F E B R U A R Y 10, 1803.

## Laws of Maryland.

PASSED NOVEMBER SESSION, 1802.

*A supplement to the act, entitled, An act to regulate the inspection of tobacco.*

**W**HEREAS by an act of assembly, passed at November session, eighteen hundred and one, entitled, An act to regulate the inspection of tobacco, and to which this is a supplement, no person or persons are permitted to export, or carry out of this state by land or water, any tobacco, unless in hogheads, inspected, passed and marked, at some public warehouse, under the fines, penalties and forfeitures, in the said act mentioned: And whereas great and manifest injury and inconvenience is suffered by the citizens of this state, in being prohibited from transporting and carrying their tobacco into the county of Washington, in the district of Columbia, before the same is packed in hogheads, inspected, passed and marked as aforesaid, at some public warehouse; therefore,

*Be it enacted, by the General Assembly of Maryland,* That from and after the passage of this act, it shall and may be lawful for any inhabitant of this state to export, or carry by land or water, any tobacco, either in hogheads or otherwise, without the same having been first inspected, passed and marked, at any public warehouse, into the said county of Washington, in the said district of Columbia, any thing in the said act to which this is a supplement to the contrary notwithstanding.

*And be it further enacted,* That from and after the passing of this act, no person or persons shall be prosecuted, or in any manner molested, for any fine, penalty or forfeiture, heretofore incurred for having carried any tobacco into the said county of Washington, in the district of Columbia, contrary to the provisions of the act to which this is a supplement; and that any fine, penalty or forfeiture, which any person may be liable for on account of having carried tobacco into the county aforesaid, and for which a prosecution is now depending or commenced, so far as the interest of the state extends, be and the same is hereby remitted and released; provided, that nothing herein contained shall extend, or be construed to extend, to affect the right which any person may have acquired as informer of any such offence, but that all such penalties, unless such informer shall otherwise direct, shall go on and be prosecuted in the same manner as if this act had not passed; provided always, that in case the prosecution shall be carried on, it shall be at the costs of such informer, any thing in this, or the original act, to the contrary notwithstanding.

*And,* whereas it is represented that there is in some of the warehouses in this state tobacco which has remained therein several years, without being called for by the owners thereof, and that the said tobacco from continuing in the said warehouses may be damaged; therefore, *Be it enacted,* That the inspectors at the several warehouses shall, on or before the first day of April next, and in the same month of every year thereafter, cause to be inserted in some one of the Baltimore news-papers, once in each week for three months, and set up at the court-house door of his county, an advertisement, stating the name of the warehouse, the weight, gross, tare and net, the number, and the person in whose name the same may have been inspected, of all tobacco which may have remained in his warehouse for the space of four years, the owners whereof are unknown to the inspector; and if the owner of such tobacco shall not apply for the same within six months from the date of such advertisement, and pay the warehouse charges due on said tobacco, and the cost of advertisement, it shall be the duty of the inspector to sell the same at public sale; and the several inspectors shall annually account with and pay to the levy court the amount which he may have received for any tobacco sold as aforesaid, for the use of the county.

*And be it enacted,* That if the owner of any tobacco sold as aforesaid shall, within one year from the sale thereof, satisfy the levy court of the county wherein the same may have been sold; that the tobacco so sold was his right and property, the said levy court shall, at the time of laying the next county levy, assess and levy on said county, for the use of the said owner, the principal sum which the said levy court may have received for such tobacco, deducting therefrom the warehouse charges due thereon, together with the costs of advertising.

*An act for extending the benefit of struck juries to criminal cases.*

**W**HEREAS it is just and reasonable that in criminal prosecutions, wherein the liberty and reputation of individuals are principally concerned, the same advantage of exemption to particular jurors on the panels should be allowed as is now usefully experienced in civil cases; therefore,

*Be it enacted, by the General Assembly of Maryland,* That in all criminal causes to be brought to trial in the several courts of this state, in which a jury shall be necessary according to the constitution and the laws, (except in prosecutions for capital felonies or treasons, wherein the right of peremptory challenges is already allowed,) twenty persons from the panel of petit jurors shall be drawn, by ballot, by the clerk, under the direction of the respective courts, and the names of the twenty persons shall be written upon two lists, and one of the said lists shall be forthwith delivered to the party indicted, or his or her counsel, and the other to the attorney prosecuting in behalf of the state; and it shall and may be lawful for the party indicted, or his or her counsel, and for the attorney prosecuting in behalf of the state, to strike out four persons from each respective list, and the remaining twelve persons shall thereupon be immediately impanelled and sworn as the petit jury in such prosecution; and if the party indicted, or his or her counsel, or the attorney prosecuting in behalf of the state, shall decline or refuse to strike out from such respective lists the number of persons hereby allowed, it shall and may be lawful for the several courts aforesaid to direct their clerks to strike out from the list of the party, or the attorney so declining or refusing, the number of persons herein before

mentioned, and the remaining twelve persons shall be impanelled and sworn as aforesaid; provided nevertheless, that nothing herein contained shall be deemed or construed to take away the right of any person or persons to challenge the array or polls of any panel returned, or any particular juror, for just cause, in the manner always allowed by the law of this state; and provided also, that by mutual consent the drawing of a pannel of twenty jurors may be dispensed with in any prosecution, and the trial thereof may be had by a petit jury drawn as heretofore; and if by reason of lawful challenges, or the absence of jurors, the number of twenty persons shall not remain to be drawn, the several courts aforesaid shall direct so many of the by-standers to be summoned by the respective sheriffs as shall be necessary to complete the lists herein before directed to be written and delivered as aforesaid.

*An act respecting land certificates.*

**W**HEREAS it is represented to the general assembly, that there are various instances where orders have been passed for correcting certificates, and where certificates found erroneous have not been returned within the time limited by law, and it appearing just that the proprietors of such certificates should have the same benefit of the warrant and caution money paid on such certificates as on vacated certificates; therefore,

*Be it enacted, by the General Assembly of Maryland,* That in cases where an order has passed, or may pass, for the correction of a land certificate by the judge of the land-office, or where a certificate is found erroneous by the ex-aminer-general, and the corrected certificate is not, or may not be returned within the time limited by law, it shall be lawful for the register of the land-office to issue a land warrant to the amount of the caution money, and the money paid for improvements, if any, in the same manner as if such certificates had been vacated.

*An act to make public the proceedings of the levy courts in the several counties of this state, and to repeal part of an act of assembly therein mentioned.*

**W**HEREAS the several purposes for which monies are levied in the several counties in this state ought to be as generally known as possible; therefore,

*Be it enacted, by the General Assembly of Maryland,* That the levy courts in the several counties in this state shall annually cause their clerks respectively to make out as many fair and correct lists of the monies levied for county charges as there are election districts in the county, specifying therein the amount levied for the poor, the amount, if any, levied for repairing the court-house or gaol in the county, also for making and repairing bridges and roads, also the amount which may be levied for any other purpose, clearly designated under general heads; which said lists shall be signed by the respective clerks, and shall by them be delivered to the respective sheriffs, at least ten days before the election for delegates, under the penalty of one hundred dollars; and the sheriffs respectively are hereby required and directed to set up one of said lists at each place of holding the election in each election district of the county, within six days after the same shall have been delivered to him by the clerk, under the penalty of one hundred dollars, which said penalties herein imposed shall be recovered as other penalties are by law recovered.

*And be it enacted,* That all that part of the act, entitled, A supplement to the act for the establishment and regulation of levy courts in the several counties of this state, which requires that the governor and council shall appoint and commission the justices of the levy court from the list of those annually commissioned as justices of the peace, be and the same is hereby repealed.

*A Supplement to an act, entitled, An act relating to writs of capias ad satisfaciendum, passed at November session, seventeen hundred and eighty-nine.*

*Be it enacted, by the General Assembly of Maryland,* That in case any writ of *capias ad satisfaciendum* has been or shall be issued out of the court of chancery, on which there hath been or shall be an arrest of the defendant or defendants, if the plaintiff or plaintiffs, with the consent of the defendant or defendants, have elected, or shall elect, not to call the said execution during the term to which it was or may be returnable, it shall be lawful for such plaintiff or plaintiffs to proceed against every such defendant or defendants, and his, her or their heirs, devisees, executors or administrators, by a new execution, or such other process as the nature of the case may require, for such sum of money or tobacco as may remain unsatisfied on his, her or their judgment or decree; in the same manner that he, she or they, might have done if such defendant or defendants had not been arraigned on the former writ of execution.

*An act vesting certain powers in the congress of the United States.*

*Be it enacted, by the General Assembly of Maryland,* That this state do hereby give and grant their full approbation and consent; that the congress of the United States may appropriate, towards the repairing, and keeping in repair, the post-roads, or any one or more of them, within this state, such sum or sums of money as they in their wisdom may deem right, and to lay out and apply the same to said purpose in any manner they by law may direct, and to appoint any person or persons they may elect to see to the proper application of the money, according to the provisions that may be contained in any law they may pass for that purpose, and the person or persons appointed as aforesaid shall have all the power, right and authority, that may be specified in said act of congress; provided, that nothing herein contained shall extend, or be construed to extend, to authorize congress to pass any law for the changing the direction of the roads, or any of them, as now established, or to authorize them to pass a law for the opening of a new road; and provided also, that nothing herein contained shall extend to authorize the congress of the United States to vest in any person, or persons whom

they may appoint, a right to cut down or use the timber, or other materials, of any person or persons whatever, against his, her or their consent; and provided also, that nothing herein contained shall vest a right in the soil of any such road, or divert any right that any person or persons may be entitled to under any law establishing turnpike roads.

L O N D O N, November 24.

The *Courier de Londres* of Tuesday night, under the head, Paris, November 13, states that the consul, conceiving himself secure on the part of the continental powers, is directing the whole of his attention towards Great-Britain. He does not presume to openly attack the united empire, nor even so to displease it as to provoke it to hostilities; but he aims his most deadly blows at the colonial commerce of the British people: It is in the ascendancy which he assumes over the Spanish and Dutch colonies, as well as over North-America, that his ambition and his revenge seek, if not the ruin, at least the counterpoise of a power whose success teazes, and whose native honest pride makes him uneasy and unhappy. His best troops, those most inured to war, are either already in his colonies, or are on the eve of sailing thither, for the purpose of forming immense military establishments: he regrets very much the sacrifices he has been compelled to make for the conquest of St. Domingo.

B O S T O N, January 20.

Capt. Sargent from Malaga and Cadiz, was informed by the consul at the former place, that two Tripoline corsairs were off Alicant, and had captured a Swedish vessel in sight of the shipping there. At Cadiz great preparations were making to celebrate the marriage of the prince of Peace. The merchant ships were ordered from before the town and the men of war brought out of dock to fire salutes.

January 22.

*French West-Indian Negroes.*

On the representation of Charles Bulfinch, Esq; chairman of the board of select-men, the attorney-general of this commonwealth has addressed a letter to his excellency the governor, giving an account of the arrival, in the brig *Argo*, captain Cushing, of three black men, put on board said brig, by force, from a French national schooner, off Guadaloupe. "By this, and other circumstances of a similar nature," says the attorney-general, "it appears that the authority on the French islands in the West-Indies have adopted the plan of transporting to the United States black people, whom the government there considers as having been engaged in the rebellion, and are afraid to retain there, and whom they do not incline to execute." The attorney-general adds, "The plan itself is derogatory to the general and particular governments of our nation, and dangerous to the safety of the country."

From the deposition of captain Cushing, it appears that he was applied to, by order of general La Croffe, governor of Guadaloupe, to bring these black men to the United States, which he peremptorily refused to do, as contrary to the laws of the United States:—Then recommending to capt. Cushing to take them, and throw them overboard when at sea. Captain Cushing persisted in refusing to take any of the negroes, and put to sea; but was followed by the national schooner *Mosambique*, capt. Lucas, which, after firing at the *Argo*, put on board three negroes, who he was told were brigands; and whom he brought to this town, and reported to the proper authority. This species of imposition has been practised on many other American vessels, and deserves the serious attention of congress.

A correspondent who has conversed with one of the blacks who has arrived here in the brig *Argo*, obtained from him the following particulars:—That his name is Louis Jaquet, that he and his family have been free, in the island of Guadaloupe, for several generations;—that at the commencement of the French revolution, he was made a lieutenant, by requisition of general Colos—that he was taken prisoner by the English, in the year 1792, sent to France, and exchanged;—that in 1794, he was appointed captain of infantry, was at the battle near Mayence, and several in La Vendee; he returned to Guadaloupe; and was appointed by general Cotin a chief of brigade; and continued in the service, until he was inhumanly dragged from his family, and this too, after having urged all the revolted blacks to surrender themselves and arms to the French. His family, he says, has a coffee plantation, which annually produces 30,000 weight, which has been taken from him.—General La-Croffe, he adds, in a pretended friendly manner, told him it was necessary he should go to America for a season; and that he would supply him with necessaries, and give him letters to gentlemen in the United States; that he should want for nothing; and after the troubles