

MARYLAND GAZETTE

T H U R S D A Y, F E B R U A R Y 2, 1804.

Laws of Maryland.

PASSED NOVEMBER SESSION, 1803.

An ACT to ratify an amendment to the constitution of the United States of America, proposed by congress to the legislatures of the several states.

WHEREAS it is provided by the fifth article of the constitution of the United States of America, that congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to the said constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of the said constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as one or the other mode of ratification may be proposed by the congress: And whereas at the first session of the eighth congress of the United States, begun and held at the city of Washington, in the territory of Columbia, on Monday the seventeenth day of October, in the year of our Lord one thousand eight hundred and three, it was resolved as followeth, to wit: Resolved by the senate and house of representatives of the United States of America, in congress assembled, two thirds of both houses concurring, that in lieu of the third paragraph of the first section of the second article of the constitution of the United States, the following be proposed as an amendment to the constitution of the United States, which, when ratified by three fourths of the legislatures of the several states, shall be valid to all intents and purposes as part of the said constitution, to wit: The electors shall meet in their respective states, and vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the senate; the president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be the president, if such number be a majority of the whole number of electors appointed, and if no person have such majority, then from the persons having the highest numbers not exceeding three, on the list of those voted for as president, the house of representatives shall choose immediately, by ballot, the president, but in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states; and a majority of all the states shall be necessary to a choice; and if the house of representatives shall not choose a president, whenever the right of choice shall devolve upon them, before the fourth day of March next following; then the vice-president shall act as president, as in the case of the death, or other constitutional disability, of the president; the person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two thirds of the whole number of senators; and a majority of the whole number shall be necessary to a choice; but no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.

Be it enacted, by the general assembly of Maryland, That the aforesaid amendment be and it is hereby confirmed and ratified.

Supplement to an act, entitled, An act to prevent excessive gaming.

Be it enacted, by the General Assembly of Maryland, That from and after the passage of this act, no E O, A B C, L S D, X Y Z, faro table, or any other device whatever, except billiard tables, for the purpose of gaming for money, or any other thing, shall be set up, kept or maintained, in any place, or at any place whatever, on pain of forfeiture every such E O, A B C, L S D, X Y Z, faro table, and other device, and of forfeiting moreover, on every offence, the sum of two hundred dollars, on conviction thereof, by indictment or confession, in the county of the county wherein the offence shall be committed.

And be it enacted, That it shall and may be lawful, and it is hereby declared to be the duty of any associate justice, or justice of the peace of this state, upon complaint made, information given, or on his own view, to suppress and prevent the playing at any of the above-mentioned tables, or any such other device for gaming; and, if resistance shall be made to his authority, it shall and may be lawful for the said associate justice, or justice of the peace, to commit the person or persons so offending in the premises to the custody of the sheriff, or any constable of the county, who may, if necessary, summon a posse comitatus to his assistance, to enforce the execution of this law.

And be it enacted, That it shall also be the duty of any associate justice or justice of the peace of this state, on complaint made, information given, or on his own view, of any person offending as aforesaid, to issue his warrant to the sheriff, deputy-sheriff, or any constable of the county, commanding him immediately to take the body of the person so offending, and to have the said offender brought before the said associate justice or justice of the peace, or any other associate justice or justice of the peace for the county in which the said offence shall be committed, which said justice shall cause the person so offending to enter into a recognizance, in the penalty of four hundred dollars, with such security as the said justice shall approve of, for his personal appearance at the next county court to be holden in and for the said county, and it shall be the duty of the justice taking the recognizance aforesaid to make return thereof to the clerk of the county court of his county before the next meeting of the said court.

And be it enacted, That the several county courts in this state shall give this act, and the act to which this is a supplement, in charge to the several grand juries.

An ACT authorising any person prosecuted for a libel to give the truth in evidence.

Be it enacted, by the general assembly of Maryland; That in case any person or persons shall be prosecuted, by indictment or any other criminal prosecution, for a libel, the party so prosecuted shall be entitled to give the truth of the matter charged in the said indictment; or other prosecution, in evidence, under the general issue; by way of justification, any law, usage or custom, to the contrary notwithstanding.

A Supplement to the act, entitled, An act respecting the debts due to this state, and the debtors thereof, and for other purposes.

WHEREAS in and by the above recited act no provision is made to authorise and empower the governor and council to compound with, or sell the states right to confiscated British property discovered or made known to the governor and council since the passage of the said act; therefore,

Be it enacted, by the general assembly of Maryland, That the governor and council shall be and they are hereby vested with full power and authority to compound with all persons who have, since the passage of the said law, made or shall make discovery of British property confiscated; or liable to confiscation, to the governor and council, and to allow not exceeding one third of the value of such property to any such person or persons, provided such person or persons shall make application to the governor and council on or before the first day of May next; to compound for and purchase the same, and the governor and council are hereby authorized to dispose of such property to such applicants, and take bonds, with good and sufficient security, for the purchase money, bearing interest, payable to the state at the periods that may be agreed on.

And be it enacted, That the governor and council may in all other respects, proceed agreeably to the provisions of the act to which this is a supplement, and the purchaser or purchasers shall be entitled to the same remedy, for recovery of the property purchased, as the said act prescribes.

NEW LONDON, January 18.

Burns, the Poet.—The Charleston Courier mentions a report, that a subscription had been opened in that city; and a considerable sum subscribed, for the purpose of erecting a monument to Burns, the Scotch poet.

PHILADELPHIA, January 21.

London, November 14.—The Dublin mail of the 10th inst. which arrived this morning, brings intelligence, that in consequence of the discovery made by Quigley, several persons, of whom suspicions had been before entertained, have been apprehended. Teeling, brother to the aide-de-camp of gen. Humbert, who was executed at Dublin in the rebellion of

1798, has been brought from the North, under a strong escort of yeoman cavalry. He is charged with being a member of the so-called "Provisional Government." He was immediately examined at the castle, and remanded for further examination. A nobleman, whose name we are not at liberty to mention, is said to have been implicated in the late conspiracy, and our correspondent states that a warrant has been issued for his apprehension.

A gentleman arrived at Dover on Saturday night, in a neutral vessel from France, states that previous to his departure, orders had been issued for all Irish prisoners brought into the ports of the republic, to be immediately set at liberty; and every inducement held out to them to enter the service.

November 15.

A Prussian vessel, arrived in the river from Amsterdam, reports that the trade of that city and of Rotterdam, had become nearly suspended, in consequence of the blockade by the English, and the interference of the French in almost every object of domestic economy, as well as political relations. French custom-house officers have been appointed at every port to control the Dutch officers, and to enforce the prohibitions against the importation of British manufactures. The preparations in Holland for the expedition against this country are generally supposed to be nearly completed.

November 16.

A private letter, dated Liverpool, November 12, says,

"Two persons lately arrived from Philadelphia, in the ship Pennsylvania, have been taken up for improper conduct during the voyage, and their papers taken from them and transmitted to Ireland; as they will be by the first vessel. Their names are, James Moor Lett (who was tried at the bar of the King's Bench, and acquitted, shortly after the rebellion) the other John Tench, a native of the North of Ireland."

The total amount of the prizes captured this war, is estimated at twelve millions: Those carried into Liverpool alone, are valued at two millions four hundred thousand pounds.

JOHN BULL brings full houses at the Liverpool theatre. Mr. Cooper, the American Roscius, plays Peregrine; and Miss Grimani, the part of Mary.

DEAL, November 14.

The French soldiers, who were captured a few days since, appear in general to be intelligent men, and have seen a great deal of service. They state that the great majority of the French troops along the coast, and particularly in the neighbourhood of Boulogne, are composed of veterans who served in the last war. The new raised levies they mention are scattered in the interior of France, or dispatched to the army of Italy; or that on the German frontiers and Hanover.

Thirty-three transports came into the Downs yesterday, and their destination is for Portsmouth, there, as they understood, to take in troops for Portugal. More transports are hourly expected.

The commander of the French gun boat and the captain of brigade, taken on board, were this evening about two hours before a commissioner of the admiralty, the mayor of this town, and a notary public, to undergo an examination previous to the condemnation of the boat. Nothing material could be extracted from the officers.

There was a report of an alarm at Dover last night. All the yeomanry and regulars were under arms, in consequence of some French sloop being perceived coming out of Boulogne harbour yesterday evening. They made for Calais, and were interrupted by our cruisers.

The following is a translation of a *pasquinade* passed on the base of the Statue of Victory, on Buonaparte's having complied with the laughable petitions of his satellites, not to embark his sacred person for the invasion of England:

Our prayers are heard! no adverse fate
On seas shall toss our mighty elf,
Since, to protect the Gallic state,
He deigns great soul—to save HIMSELF!

The following is copied from one of our latest London Papers:

A cabinet council was held on Friday and Saturday, which sat for several hours each day. The subject of deliberation was supposed to be the discussion pending between this country and America, relative to the construction of the 12th article of the treaty of commerce concluded between his majesty and the United States in 1794. By this article the Americans are restricted from trading to any of our ports or settlements in vessels above the burden of 70 tons. They now strongly remonstrate against any restriction or limitation whatever, and it is said they hold very lofty language respecting their pretensions.