

MARYLAND GAZETTE.

T H U R S D A Y, A P R I L 4, 1805.

DISTRICT OF MARYLAND, to wit:

BE it remembered, That on the eleventh day of February, in the 29th year of the independence of the United States of America, John B. Colvin, of the said district, hath deposited in this office the title of a book, the right whereof he claims as author, in the following words, to wit: "A MAGISTRATE'S GUIDE, AND CITIZEN'S COUNSELLOR; being a digested abstract of those laws of the state of Maryland most necessary to be known, and most useful in common transactions of life; interspersed with a variety of practical forms and precedents; for the use of justices of the peace and others." By JOHN B. COLVIN." In conformity to the act of the congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors or proprietors of such copies, during the times therein mentioned."

PHILIP MOORE, Clk. D. C.

TO THE CITIZENS OF MARYLAND.

THE above work has been for some time past in the press, in a considerable forwardness, and will be published with all possible expedition.

It is a maxim which has been long established, that "ignorance of the law excuseth no man;" and the reason of it is obvious: For if ignorance of the law were admitted as a justification, laws would be without force, and consequently useless. As it is out of the power

of our government to promulgate its laws in such a way as to communicate them to every individual of the community, it is necessary for every man to furnish himself with the means of information to a degree sufficient to enable him to discharge the duties of his station as a citizen of a free state. This is what he owes to his country. To himself he owes more. It is every man's interest to be acquainted with the laws of his own government sufficiently to enable him to avoid the shoals and quicksands of legal controversy, on which ignorance of the law might throw him, and occasion the wreck of his fortune, and, perhaps, of his happiness likewise. It is not only every man's interest, but it is every man's duty to his family to endeavour to understand enough of the acts of assembly and of the forms and proceedings in the administration of justice, to enable him to preserve his estate in a legal way, transact in a proper manner the business of life according to rule, to be able to recover his debts; and he ought to know the relative duties of one citizen to another.

The above work is an attempt to convey to the people of Maryland in as concise a manner as possible, correct knowledge of the provisions of those acts of assembly which are most necessary to be known and understood by the citizens of the state at large, together with some common law principles which are in force in Maryland. Matters that relate to accounts, and the evidence of debts, to administration on the estates of deceased persons, apprentices, articles of agreement, attachments, arrests, bonds, bills, bailments, conveyancing, constables, contracts, dowers, deeds, distresses, execution, escape, evidence, felony, forgery, gaming, gaol, gaoler, guardians, homicide, indictment, infants, information, judgment, jurors, (and their duties,) justices of the peace, larceny, lewdness, libel, misdemeanor, nuisance, oaths, pardon, perjury, polygamy, the poor, presentment, prison-breaking, rape, recognizance, rescue, riot, robbery, search-warrants, sheriff, (his duties) slander, surety for the peace, slaves, treason, vagrants, warrants, wills, and a variety of other things, which it would be extremely tedious to describe at large, will be contained in this work. Besides laying down the law under each head, forms and precedents will be introduced for the information of magistrates and others. These will consist of precepts used by justices of the peace in the discharge of the duties of their station, and copies of all manner of instruments of writing used in bargaining, selling, and conveying every species of property, agreeably to the laws of Maryland. Under the head of accounts particular care has been taken to arrange all the evidence of debts, the manner and form of proof; and under the head of administration, the compiler has been careful to insert every thing that can be serviceable to executors and administrators. A very correct copy of a will is laid down, and the number of witnesses and manner of proving it explained, with respect to real and personal property. Marking and bounding land has occupied much attention, and the law and method of proceeding, together with the returns of commissioners are correctly stated. In short, whatever can be of service to the magistrate or to the citizen, has been carefully considered, and inserted in the book.

To justices of the peace the work will be extremely valuable, and to the people at large of great benefit. It has often been contended that in a free government every citizen has a right to participate equally in the offices of the state. To this proposition I have always assented; but at the same time I have uni-

formly thought there was another right not altogether unimportant; which is, that the community have a right to expect that every citizen should be qualified for the office which he fills. These two rights should go hand in hand. There is no office in the gift of our state executive of more importance or which may be more easily abused than that of a justice of the peace; and it not only requires a man of strong and good senses to fill it properly, but one somewhat acquainted with the fundamental principles of law in general, and with our local laws in particular: A knowledge of the latter in some degree, is, in fact, indispensably requisite: But as justices of the peace are generally and very properly appointed from among the honest and independent part of the citizens of the several counties, whose thoughts have been turned to other pursuits in common, but who nevertheless, have found understandings, it is not to be expected that they can at once dive into the huge quarto volumes of Kilty's compilation and drag thence the pith and marrow of the acts of assembly, and at the same time learn the form and manner of issuing innumerable precepts required by their official duty. Hence the great necessity for a work embracing all these particulars in a small compass, so as to form a complete guide and counsellor.

The duties of jurors have been stated with precision; and as every man is liable to serve the public in that capacity, that topic alone will render the book of general utility.

Although I have thus copiously dwelt upon the advantages and merits of this work, I by no means conceive that it will be free from some few imperfections; nor do I arrogate to myself the sole merit of collecting the forms and precedents together. I am by no means desirous to sacrifice truth in this particular to my vanity. I have had very able assistance from a few well informed friends, whose disinterested services have been of incalculable use to me; and without which, indeed, I should have found myself at a great loss for those numerous practical forms which the work will contain, amounting in the whole to more than two hundred. It would take an individual year, perhaps, to gather so large a collection, and they might at last be incorrect; whereas the above book will furnish the whole at once, and in a proper form.

The following letter from judge Duvall, (to whom the first eighty pages of the work had been submitted after coming from the press) will convey some idea of the merits of the book—

"Washington, December 27, 1804.

Sir,

I have received your letter inclosing eighty pages of a work prepared by you, in which you have begun a digest of those parts of the laws of Maryland which more frequently occur in the common transactions of life, and which are therefore deemed the most useful.

I have perused it, and have no hesitation in pronouncing the utility of such a work. The law appears to be carefully abstracted, and the forms well chosen. It will be found useful to magistrates and to the people in general, and merits their patronage.

It is adapted more particularly to the information of those who have not the means of purchasing, and the leisure to examine our laws at large. In a free government, the laws cannot be too extensively circulated; and he who adds to the diffusion of a knowledge of them, contributes to increase the comforts and happiness of society, and deserves their encouragement and support.

I am, with respect and esteem,

Your obedient servant,

G. DUVALL.

Mr. John B. Colvin.

Wishing to make the book cheap, the terms will be as follow, to wit:

I. It will be printed with a good type on good paper, and contain above 300 pages—perhaps 400.

II. It will be neatly bound and lettered.

III. The price will be 2 dollars to subscribers, and 2 dollars 50 cents to non-subscribers. No money required till the work is delivered.

IV. Persons procuring 11 subscribers, and becoming answerable for the money, shall receive a 12th copy gratis.

The acts of assembly, up to the close of the last session, will be attended to.

JOHN B. COLVIN.

FREDERICK-TOWN, March 11, 1805.

Subscriptions received at the office of the Maryland Gazette.

NOTICE.

I MEAN to petition the next general assembly of Maryland for an act of insolvency, to release me from debts which, from misfortunes, I am unable to pay.

HEZEKIAH LINTHICUM.

Anne-Arundel county, March 18, 1805.

Maryland Gazette.

ANNAPOLIS, THURSDAY, April 4, 1805.

FOR THE MARYLAND GAZETTE.

TO THE PEOPLE OF MARYLAND.

THE suggestion of a gentleman of splendid talents and clear discernment, in all legal and governmental questions, that the law for abolishing the general court, and court of appeals, could not have constitutional efficacy for that purpose, unless it received the assent of two thirds of all the members of each branch of the general assembly, induced me to take a review of the form of government, to select those sections which confer particular rights on the citizens of Maryland who reside on the eastern shore, and to make the following observations, with the view of attracting the public attention to the subject.

The contemplated change in the judiciary of Maryland, by abolishing the general court and court of appeals, is of too much importance not to merit and occupy the thoughts of all who feel an interest in the pure administration of justice. It is not my intention, at this time, to consider the policy of the proposed change, or to point out the defects of the system intended as a substitute for the one to be abolished, but shall confine my remarks to the constitutionality of the law which has passed for the purpose of effecting a change in the judiciary.

The constitution has secured certain particular rights to the people resident on the eastern shore of Maryland, of which they cannot be deprived, by an alteration of the constitution, unless such alteration is concurred in by two thirds of all the members of each branch of the legislature, and the law, confirmatory thereof, is assented to in the same manner.

This restriction of the legislative authority was considered as an important barrier, to resist the predominant influence of the western shore, emanating from the superiority of numbers in both branches, and was insisted on with that zeal and earnestness, by the gentlemen of the eastern shore who assisted in forming the government, which the importance of so valuable a privilege would necessarily produce. The gentleness of the western shore, governed by a spirit of liberality, and an honest desire that a participation in equal rights and privileges should be effectually secured to their fellow-citizens of the eastern shore, with cordiality agreed to the proposition, which was made a part of the constitution.

I have inserted the sections of the form of government which grant particular rights to the eastern shore, that they may be attended to and considered.

The 13th section secures the right and privilege to the eastern shore of having a treasurer on that shore.

The 15th and 16th sections secure the right and privilege to the eastern shore of having six senators elected, who are residents of that shore.

The 51st section establishes a general court, and directs that the general court shall sit on the western and eastern shores, at such times and places as the legislature shall appoint.

In the 59th section, which prescribes the mode for altering the constitution, the following proviso is inserted: "Provided, that nothing in this form of government, which relates to the eastern shore particularly, shall at any time hereafter be altered, unless for the alteration and confirmation thereof at least two thirds of all the members of each branch of the general assembly shall concur."

It is the constitutional right of the eastern shore to have a general court, and it is a particular right and privilege of the eastern shore that the general court shall sit on the eastern shore for transacting and determining all business on that shore.

This right and privilege is so strongly guarded and secured, that the citizens of the eastern shore cannot be deprived of it, unless the law to alter the constitution in that respect, and the law confirmatory of such alteration, is assented to by two thirds of all the members of each branch of the general assembly.

To view this important right in the way it ought to be contemplated, suppose the members elected on the western shore had combined together not to abolish the general court, but to alter the constitution, by confining the sittings of the general court exclusively to the western shore; the importance of the constitutional barrier to oppose such an attempt, requiring the concurrence of two thirds of all the members of each branch of the legislature, would have been apparent, and the members of the eastern shore would have resorted to it with alacrity to preserve a right so highly valued.

It is self evident, that the abolition of the general court will involve in it the privation of the particular right, vested in the inhabitants of the eastern shore, of having a general court, which shall sit on that shore, and therefore the same constitutional mode must be