

"make temporary appointments, until the next meeting of the legislature, which shall then fill such vacancies."

Notwithstanding these clear and explicit provisions of the constitution, in Maryland it has by turns been declared by all parties, and they have acted up to the declaration, "That either branch of the legislature can withhold its assent to go into the election of a United States Senator at the usual established and constitutional period, and thereby prevent an election by the State Legislature from taking place."—In examining this important question, we will take up the points it now reads at the present session, both because it will be more familiar to our apprehension, and because the reasoning is at all times the same. In supporting the position of the right of withholding the assent of either branch, it is said first, "That as the present Congress will be extended on the fourth of March next, up to which time the State is already provided with a Senator, and as it sometimes happens, and therefore the probability is that the new Congress will not be called until the usual period of the first of December, which will be four weeks after the next session of the legislature, no inconvenience may be expected to arise from procrastinating the appointment until then—And secondly should the new Congress be called on the fourth of March, or on any day previous to the meeting of the next legislature, a mode is pointed out by the constitution for a temporary appointment of a Senator by the executive of the State."

A more unground and unfair system of reasoning than this cannot be met with; it is built upon fiction, and has been forced up to suit the pressing emergency of the occasion, rather than adapted to a just view of the subject.

No language could be stronger or more precise than that used in the constitution: the evident meaning of which is, that there must be two Senators from each State, and these Senators must be elected for six years. This language is imperative.—Each State must have two Senators, because in the Senate of the United States the individual States were intended to be equally represented; and the legislatures of the States being considered as the most adequate body of electors to appoint those Senators. They are enjoined to appoint them for six years. The period when the next Senator's term from Maryland will commence, will be the fourth of March, whether he is appointed at this session or not; for let the Senator be appointed when he may, his term of service for six years must be computed from the fourth of March next, or the system of biennial rotation will be destroyed. As then the constitution orders that the legislature shall appoint the Senators for six years, is it not clearly an obligation that they cannot controul, a duty that they cannot procrastinate. The specified time of service, and the contemporaneous and established sign which has all along prevailed, give a force and an authority to these points which cannot be misunderstood, and which ought not to be disobeyed. The idea that a Senator may as possibly be wanted until the first of December is irrelevant and extravagant; it is at war with the imperious injunctions of the constitution; and even if it was not, it is substituting a mere possibility of occurrence in lieu of an accustomed train of events.—And at this time, when the country is involved in a serious and portentous war with a powerful enemy, such a supposition is discountenanced by every rational expectation, as there can be but little doubt but that Congress, in such a state of things, will inevitably be in session the greater part of the approaching year.—But it is further said, "The State need not in any event be unrepresented in the Senate, for if the legislature does not appoint, there is a provision for an appointment by the executive of the State."—In case a vacancy occurs in the Senate of the United States, during the recess of the legislature, rather than that the State should incur the additional expense of calling its legislative bodies together for this single purpose, it is provided that the executive may make a temporary appointment.—This power, thus incidentally given to the executive for a temporary object, was intended by the framers of the constitution (the language of the provision is very plain) as a mere matter of convenience and economy, to be resorted to upon occasions which are required to be accidental, and which from the very nature of them, an experience proves, must be unfrequent and rare.—And now an attempt is made to induce the legislature (the regularly constituted electoral body) to omit to perform an imperative duty at a convenient, usual and established period, and designedly to impose that duty upon another department of the government, which upon any principle of our republicanism ought not to be invested with such power, and which would not have been even temporarily clothed with it, but to prevent a greater inconvenience. The language used in the constitution to specify the kind of vacancies that may be filled by the executive, evidently denotes the accidental or unforeseen, among which can never be classed a vacancy arising from the ordinary expiration of a term of service, which upon every candid principle of construction, must have been intended to be filled by the most favoured mode of constitutional appointment.—And it

is not unreasonable to assert, that such a vacancy cannot by the fair intendment of the constitution be filled by the executive; for the legislature by declining to discharge its duty, creates an occasion for investing another department of the government with a power in a manner not contemplated by the constitution. For this mode of reasoning, that one branch of the legislature may prevent the election of a Senator at the usual period, upon the pretext that the executive may fill up the vacancy when necessary, if it is just as to one year, it must be equally just as to a second year, and so on through the whole term of six years; by which means one branch of the legislature (and that a minority too) might over-rule a majority, and wrest the appointment from the hands of the legislature, its most favoured constitutional depository, and place it under the controul of the executive in violation of the express letter and spirit of the constitution.

The propriety of confiding the appointment of United States Senators to the State legislatures has been always admitted, and so far from its ever having been questioned, it is universally conceded, that the power could not have been properly lodged anywhere else. The Senate ought to be more select in its constitution than the popular branch, and as it was intended to represent the State legislatures, the legislature of the States seemed to be peculiarly pointed out as proper electors. Besides, the alarm which existed from an apprehension that the State sovereignties were in danger from the general government, is quieted in a great degree by the assurance here held out; as it creates a sort of communion between the States and the general government, and gives to the former an agency in the construction of the latter, which yields them a pledge for their own security. If the legislatures of the States then abandon this appointment, or incur its loss in any way that could be avoided, they culpably relinquish a constitutional check, which, as far as it may be felt, will impair the energy of a system that gives to the general government its adequate powers and secures to the States all their wonted supremacy and controul.

In representative governments the great question is, who are the most proper body of electors? When that point is ascertained, subordinate but still important questions will arise—such as, may not premature vacancies in the representative body be likely to happen? If they do happen, will those who have been considered the best qualified body of electors be always prepared to meet the occurrence and to remedy the defect? If not, will it comport more with the general weal to oppose the inconvenience on the electors of assembling together and to throw the additional expense upon the public of furnishing the electoral body for that special purpose? Or would it be better to substitute another department of government which from its nature must be always ready to act, and invest it with temporary powers? Thus in the case before us, the great point is ascertained who will constitute the best body of electors, and these are decided to be the State legislatures; but the State legislatures are not always in session.—If then a vacancy should unexpectedly happen in the recess of the legislature a temporary power is lodged in the executive of the States, which are always in session, to fill up that vacancy, rather than impose the trouble upon the members of the legislature to meet for that purpose alone, and to add so much to the public expenditure. The executive department of the State government is not substituted in this case from any predilection entertained for it, either in the mode of its appointment, the number of its members, or from the nature and character of that department of the government, but exclusively from a sheer trouble-saving, money-saving convenience, because it is always in session, and the power thus given will endure but for a season.

If unvaried custom was insufficient, the established constitutional rotation in the Senate would satisfactorily designate the period when the election ought to be made: for so varied are the duties, so important the trusts, and so exalted is the station of a Senator, that the constitution will in any event countenance the supposition of a State's being unrepresented in that body for any but the shortest possible period of time; and therefore the admitting to keep up that representation agreeably to constitutional injunction and intention, is a flagrant violation of one of its most cautious provisions.

The Senate of the United States is a branch of the executive of the general government, and constitutes a part of the treaty-making power. In this last point, the States individually have a deep and important interest at stake, and the commercial States most of all. Can the legislature justify it to themselves and to their country, in a time of disastrous war, voluntarily to omit to give to the State of Maryland its full and just share of treaty-making power, when they know not how soon that power may be called into addition, both in adjusting differences on account of national wrongs, in demanding retribution for private losses, and in regulating the future commercial intercourse between the two nations? Or will they at so critical and interesting a period, involving private wealth and national sovereignty and independency, permit, by their intentional neglect, a duty

which they are bound to perform, to devolve upon a secondary and substituted department, where the constitution has only operated it to lie for mere temporary convenience?

It is a well known fact, which the hardihood of those who thus trample upon the constitution of the country can never deny, that all objections to going into the election of a Senator, as founded upon any supposed notion of constitutional right, is a mere mockery.—The political opinions or the standing in society of the supposed candidate, or both, constitute the stumbling block, and the wile and salutary provisions of the constitution, which ought to be sacred in the eyes of Statesmen, are all discarded for the indulgence of personal pique or party feeling. It is no less erroneous than absurd to say, that one branch of the legislature can stand justified upon any principle in attempting to avail themselves of the chances of another election, before they will discharge a duty assigned them to be performed at a time designated by established custom and supreme law. When the freemen of Maryland gave in their votes at the late election for the legislature of the State, they unequivocally expressed their opinions as to the political sentiments of those whom they wished to see in power.—The duties which that legislature had to perform were known, and it is fair to say those votes were given with that knowledge. To throw impediments in the way of that legislature's fulfilling all its usual and constitutional offices, is thwarting the wishes of the freemen of the State, contemplating the most recent expression of public opinion, and undermining the favourite principles of the republic.

Serious as might be the evil to the agricultural and commercial interest of Maryland, not to be represented in the Senate of the Union at a time like this; the violation of the clear and stern principles of the constitution, the impairing its energies, and disregard of its pointed injunctions, rendered familiar by frequent examples, would be a calamity of still greater magnitude. We all know the danger of innovation, and we ought all to have virtue enough to withstand it. If under the guidance and protecting power of such a constitution as we are blessed with, we are unable to controul the ardency of party feelings, what hope is left that we shall ever gain another founded upon the immortal principles of justice, if we suffer this to dilapidate piece-meal before our eyes? Or rather what heart would not sink with horror at the contemplation of such a scene as would then be displayed to view? It is a common duty and a common benefit to preserve this constitution in all its pristine vigour and spirit.—The object ought to be general, for the blessing will be universal. It is most in danger from party spirit.—Conscious of the value of its preservation and aware of the source from whence its deadliest foe may spring, shall we fold our arms in inglorious apathy whilst the enemy is leaping into the citadel of our liberties to prostrate all we hold most dear? Personal sacrifices to generous objects are always noble, but the men who will magnanimously sacrifice personal and party considerations at the shrine of their country's happiness, to preserve the health and sanity of the constitution, will receive the applause of every votary of virtue and will emphatically merit the glorious title of patriots.

PUBLIUS.

Yesterday, the Legislature proceeded to the choice of directors in the several banks hereafter mentioned, on behalf of the State, for the ensuing year, when the following gentlemen were elected.

For the Union Bank of Maryland—Richard K. Heath and John E. Dorsey.

For the Mechanics Bank of Baltimore—George Taylor and Christopher Raborg, jun.

For the Commercial and Farmers Bank of Baltimore—Edward Harris.

For the Farmers Bank of Maryland, at Annapolis—Daniel Murray and Thos. H. Bowie.

For the Branch of said Bank, at Easton—David Kerr, jun. and Trench Tilghman.

For the Hagar's-Town Bank—Thomas B. Hall and Joseph M'Ilhenny.

For the Elkton Bank—John Frey.

APPOINTMENTS  
By the Governor & Council of Maryland.  
CAROLINE COUNTY.  
Justices of the Peace. Willis Charles  
William Potter Solomon Richardson  
Alemby Jump John Carter  
Henry Courfey William Haskins  
James Byrn Robert Stevens  
Peter Willis Jenipher S. Taylor  
Nathan Whitby George Reed.  
Samuel Culbreath Thomas Goldsborough  
Thomas Still William Hardcastle  
Batchelor Chance William Start  
Elijah Satterfield William Hughtlett  
James Houston Levi Dukes  
Abel Gonty Samuel Harper  
Nathan Downes James Andrews  
William A. Cooper Levy Court.  
John Tillotson Alemby Jump  
James Pearce Henry Driver  
Edward Carter Elijah Satterfield  
John Lucas, 3d Henry Nichols, sen.  
Henry D. Sellers Solomon Richardson  
John Young Peter T. Cauley  
Levin Swiggott Seth Godwin  
Samuel Talbott Orphans Court.  
Thomas Mason Henry Downes  
Matthias Alford Solomon Brown  
William Lucas Charles Jones

PRINCE-GEORGE'S COUNTY.  
Justices of the Peace. Henry H. Young  
Joseph Cross John Eversfield  
William Marshal Richard Hill  
Henry Culver Richard T. Lowndes  
Humphrey Belt, jun. Richard Ponsonby  
Gabr'l P. Van-Horn William Bowie, of  
Filder Dorset Walter  
John T. Wood Richard Duckett  
John Manning David Crawford  
George Page Thomas Brooke  
Samuel Franklin Jasper Jackson  
Richard Franklin Josiah Jones  
John B. Watkins Thomas Mundell  
John B. Bowie Henry Waring  
John S. Brooks John Wells  
Alexis Sandsbury Joseph N. Burch  
Robert Baden William Marbury  
Francis Magruder Capt. James Beck  
Levy Court.  
Francis Magruder  
Basil Duckett  
Thomas Mundell  
William B. Bean  
William Hebb  
Thomas Brooke  
Edward H. Calvert  
Orphans Court.  
Benjamin Oden  
Thomas Bowie  
Benjamin Mackall  
(To be continued.)

NAVAL VICTORY.  
NEW-YORK, DEC. 7.  
America, for whom it was referred to disarm the lightning of Heaven, to discover first the use of the Quadrant, and then the Perpetual Motion, is now snatching the trident of Neptune from the Mistress of the Ocean, and giving signal proofs of her own naval superiority.

On the 25th of October off the Western-Islands, the frigate United States, Com. Decatur, fell in with the British frigate Macedonia, Capt. Carden; (rated in Steel's List at 38 guns, but mounting 49) and carrying 306 men, and after a close engagement of 17 minutes, succeeded in capturing her, and has arrived with the prize off New-London, on her way to this port.

The Macedonia had 106 men killed and wounded. She was totally disabled, and had nearly one hundred shot holes in her hull. In five minutes after this action, the United States (having received little injury, and having only five men killed and six wounded) was fully prepared for another.

Shortly after the engagement commenced, such a torrent of fire proceeded from the American vessel, that the crew of the Macedonia, supposing she was on fire, gave three cheers.

Mr. Hamilton one of the officers belonging to the frigate United States, was landed at New-London on Friday night, and passed through this city yesterday morning for the seat of government with a detail of this glorious achievement and the colours of the enemy.

Built in 1810.

Sale Postponed.  
The Sale of the Negro Woman, and her five Children, &c. (in the fourth page of this day's paper) which was to be sold on Friday the 18th instant, is postponed until Friday the 8th day of January 1813, at 11 o'clock, at the same place, and on the same terms.

DAVID STEUART, Adm'r.  
20,000 Dollars—Cash  
Now afloat in the Potomack and Shenandoah Navigation Lottery, second class.

1 prize of	\$ 20,000
1 do.	5,000
1 do.	2,000
7 do.	1,000
12 do.	500
30 do.	100

Besides the following Stationary Prizes:  
1 prize of \$ 15,000  
1 do. 10,000  
1 do. 5,000  
1 do. 2,000  
8 do. 1,000  
8 do. 500  
10 do. of 100 Tickets each in this class.

Besides a vast number of small prizes, and not near 1 1/2 blanks to a prize.

Present price of tickets \$ 9.

TICKETS & SHARES  
Sold by JOSEPH MILLIGAN,  
Book-seller, GEORGETOWN.  
Who sold a great part of the Capital Prizes in the first class.

All orders for tickets particularly attended to. Prize Tickets in this and other Lotteries taken in payment for tickets.—All lottery information gratis.  
December 10, 1812.

NOTICE.  
A liberal price will be given for A SUBSTITUTE.  
For further particulars inquire of the Printer.  
Harbor of Annapolis.  
December 7th, 1812.

Notice is hereby given,  
That the Subscriber hath obtained letters of administration from the orphan's court of Anne-Arundel county, on the personal estate of Daniel Fowler, deceased, of said county. All persons having claims against the said deceased, are desired to exhibit the same legally authenticated, and all those indebted to the said estate, to make immediate payment to the subscriber.  
Joseph Sands,  
Adm'r. of Daniel Fowler.

FOR SALE, FOR CASH.  
At the farm lately occupied by Daniel Fowler, on the North side of Severn River, on the 21st inst. all the personal estate of Daniel Fowler, deceased, consisting of Negroes, Horses, Cattle, Hogs, Corn, Fodder, Household and Kitchen Furniture and Farming Utensils, and sundry other articles too tedious to enumerate,  
The sale to commence at 10 o'clock.  
Dec. 10.

NOTICE.  
That the Levy Court of Anne-Arundel county will meet on the eighteenth of January next, in the City of Annapolis, to adjust and settle the accounts of the Inspectors of Tobacco and Supervisors of the public roads, and to lay and proportion the Levy for the said county.  
By order  
Win. S. Green, Clk. L. C. A. D. C.  
Dec. 10.

Public Sale.  
Pursuant to an order of the orphans court of Anne-Arundel county, the subscribers will expose to Public Sale, at the late dwelling of Richard Weedon, late of said county, deceased, on the North side of Severn river,  
All the personal estate of said Richard Weedon, consisting of NEGROES, to be sold for a term of years: Horses, Cattle, Sheep, Hogs, Corn and Fodder, and a variety of Utensils of Husbandry, & articles of Household and Kitchen Furniture. Sale to commence at 10 o'clock on the premises, on Monday the 21st of this present month, when attendance will be given, and the terms made known by  
Ruth Weedon, Administratrix  
John Weedon, Executors  
With the will annexed.

NOTICE.  
This is to give notice, that the subscribers hath obtained from the orphans court of Anne-Arundel county, letters of administration, with the will annexed, on the personal estate of Richard Weedon, late of Anne-Arundel county, deceased. All persons who have claims against said estate are requested to bring them in, legally authenticated, and those in any manner indebted to make payment to  
Ruth Weedon, Administratrix  
John Weedon, Executors  
With the will annexed.  
December 3.

Land for Sale.  
The subscribers will offer to Public Sale, on the premises, on Thursday 17th December next,  
That Valuable Farm  
On which Zachariah Baldwin formerly resided, situate in that rich and highly improved country known by the name of The Forest of Prince-George's. This Farm contains about 200 acres of land of the first quality, has a comfortable brick dwelling house on it, with a Kitchen, Quarter, &c. attached to it; excellent Apple and Peach Orchards; plenty of fire-wood, and much valuable timber. It is level, fertile and well watered; the situation remarkably healthy, and the soil adapted to clover and plasters. It contains besides about 15 acres of fine meadow, and the enclosures of the whole are in good repair. In addition to these inducements, it may be stated, that much adjacent lands may be added to it at a price far below its value, so as to form a most desirable establishment for a monied man, on the most reasonable terms. The distance from Queen-Anne, the nearest town, is about seven miles, and from Annapolis and the City of Washington about fourteen.

The terms will be a credit of one or more years, and will be particularly made known on the day of sale. Sale to commence at 12 o'clock.  
Walter Clagett,  
William M. Lansdale.  
November 26.

Adam & James Stewart,  
FORTE PIANO MAKERS,  
(FROM LONDON.)  
Beg leave to inform the Public, that they still continue at their old stand, No. 8, North Charles-street, and have now on hand a choice assortment of Instruments. They will engage to furnish them at the different prices equal in Quality and Tone to any imported, from 200 Dollars and upwards. Orders by letter from the Country, will be as punctually attended to, and instruments as judiciously selected, as if made in Person. No care in Packing and Safety in transporting shall be neglected—and every possible attention shown to those who may favour them with their commands.  
November 26.

A Farm for Sale.  
The subscriber offers for sale his FARM near this city, commonly known by the name of Trimrose  
It contains five hundred and forty-four acres, and will be sold entire, or in separate divisions.  
There are on the south side of the road to Thomas's Point about forty acres which could be conveniently detached.  
There is a small tenement adjoining the road from South river Ferry to which any suitable number of acres could be affixed. And there is a part, well wooded, which lies on the Creek opposite to Annapolis, with a convenient Landing.  
The improvements, which are valuable, are nearly in the centre of the land.  
There is plenty of timber and firewood; and several pieces of meadow might be easily made.  
A liberal credit will be given, on the payment, with interest, being secured.  
Annapolis, Nov. 26.