PRINTED AND PUBLISHED

JONAS GREEN,

CHURCH-STREET, ANNAPOLIS.

From the Federal Gazette.

subject of its Judiciary System.

That there exists defects in the present sys-tem of administering the justice of the state to its citizens, must be obvious to all who,

ven as spectators, are in the habit of attend-ing the courts. These defects are still more

erjously felt by those, whose professions or

engagements require their personal attention to the business or process of these tribunals.

In many instances they are indeed so incon-venient as to demand the early consideration

In the County Courts all jurisdictions are

accumulated: proceedings of every kind, civil, criminal, and equitable, insolvencies, peritions

for every purpose, retail and ordinary licen-ses, and appeals from the Magistrates, are huddled in together, and conducted in a man-ner that cannot produce satisfaction. In truth, it is not possible that a mass of busl

less so heterogeneous in its nature, and de-

endent upon principles of decision so entire-

different, can be settled in a method agreea-

the officers employed. Notwithstanding

is accumulation of jurisdiction and increase

Causes, there are some counties, in which

of Causes, there are some countries, in which carcely ever more than one week appears to be allowed by the Judges for the completion of all the business—What is called the "Trial Docket," is the index by which they usually ix the period of the Term in their own minds; and without calculating the time which each and require on a principating the countries.

ase may require, or anticipating the quantity

resented, or examining the causes, civil and quitable, which may want an argument or

aring, they generally insist upon closing the

er though they do not always avow it; their

termination is plainly perceivable in all their occedings. Hence causes are cometimes

irshly hurried on, and often harshly continu-

ndulge the apparent inclination of the court;

nd to avoid its impatience many cases are re

erred It has however, been declared, that

any of these inconveniencies proceed from

and others to the process of the court

nd that complaints are made of the conduct f the Judges in the above particulars without

ficient reason. There may be much foun-tion for these allegations; but it may be

ill averred, than with more time and forbear-nce on the part of the court, all persons con-cted with its affairs would be better served

ded that Judges deserve a high degree

insideration; and a just allowance should be ade for the pressure of their own engage-

ents. The equal and impartial administra

esecurity of the life, person and property every citizen; and it is, in reality, the true

it of his liberty and political happiness; and the present inducements are not sufficient to gage the devoted attention of her ministers

the great duties of their office, it will be

se to accommodate the system more to their venience, as well as to the convenience o

Greater inducements for this valuable ob

Greater inducements for this yaluable ob-it may arise from a new modification of the surts; by which fewer duties would be per-med by the Judges collectively, and more each of them separately, and from which by would derive much personal accommoda-

and the citizens of the Counties many

vantages. At present in some of the judice it districts the three judges reside in one

mty; In other districts two judges reside in

e of the counties of this state and judge is ident. To will be admitted that those coun-

in which no judge resides, have not the

ord and professed by the usual presence of r Jodge In counties, thus favoured, the yrs, are conducted with more patience, certime is allowed, business is dispatched a greater satisfaction, and fewer causes are

nued The prisoner who desires the fire of the writ of Habeas Corpus has the

gefconvenient to him; The party who as to bring an irregular or oppressive ceding before the Court from the hands of

Magistrate, can readily obtain a writ of

rari: An insolvent debtor can with

facility procure his freedom from con-

presence of the judge will restrain

by the recess, the licensing of tippling

urt may have refused in its session. He

same county; and it is believed that in

Neventheless it must be con

of counsel, and the disregard of offi-

e negligence of parties, the voluminous oc

others are delayed by common consent to

nature of criminal offences which

RS. ROBINSON ethully informath has commenced og Medse and will alon to give assista one was may farour he in the immediate vicinity of ste House, Ger James attend Mambers of the Legisla of accommodation ing by the day, week,

Excellency Charles History ampton, Riquire, Govern aryland,

ember 21, 1816.

A PROCLAMATION. eas the General Ausembly nd, did, by an act passed at No. session, 1805, entitled, An educe into one the several see embly respecting elections and late said elections, direct the or and council after, having his returns of elections of the ra to represent this state in the se of the United States, should ate and ascertain the number given for each and every per for as member to Cougress d respectively, and shall there relare, by Proclamation, signed Governor, the name of the per persons duly elected in each te-District :- We in pursuance of sction of the said act, do by this clamation, declare, that by the made to us, it appears that Phis uart, esq. was elected for the strict; John C. Herbert, en

Samuel Ringgold, esq. was for the fourth district ; Sampel and Peter Little, esquires, was for the fifth district : Phillip sq. was elected for the sink Thomas Culhreth, esq. wis for the seventh district; mi Bayly, esq. was elected for hth district. n in Council at the City of An-

eted for the 2d district; George

this thirteenth day of Novemthe year of our Lord one then ght hundred and sixteen, and ependence of the United States erica the forty first. C. Ridgely, of Hampton.

Excellency's command, Ninian Pinkneye Clerk of the Council. ered, That the foregoing prock be published eight times in the and Gazette, Lederal Gazetta at Republican and Telegraph

ederick-town Herald, the To the Allegany Federalis, us onitor at Easton. Ninian Pinkney Clk. of the Council

A Friendly Caution.

reby certify that from this dir forwarn all persons from ssing enter with dog or gun of r Island, the landing thereously, there place accept the programmer of the programme spect to persons. John Seats.

plar Island, Dec. 19.

NOTICE.

Levy Court of Anne Armel
y will meet in the city of Aus
on Monday the 20th January an se purpose of settling with the sors of the public roads, the believes ors of Tobacco at the different houses, and for receiving and in g all claims against the said r the year 1816.

By Order Wm. S. Green, Ch. cember, 5.

TAVERN. REZIN D. BALDWIN.

superintend the public peace of the cound; by his precepts and example, assist tagritrates in the discharge of their face.

In fact, a county which is benefitted espectfully informs the public the as opened a l'avern and Boar louse, at that well known sim e-residence of an upright judge may rea-ll these advantages in a considerable de-and, therefore, it would be proper that e-counties should (equally enjoy them, which are without a judge feel sensibly pied for many years by Captain es Thomas. Its vicinity to the nost convenient resort to strange want of them. The situation of the ng business to transact in any public offices. Those who may need to patronize the establishmen nd it may be added, that no chizen in can attain any personal relief from the a judge without incurring the trouble apense of a journey at the distance of ned to natronize the establishmen assured that the hest accommon are provided, and the most using attention shall be paid to the establishment having be any she resort at gentlement from tern Shore. It is hoped that they attinue to frequent is pand at are action, good fare, and modern and they would be something they whall not be wall they shall not be wall to the wall they wall they are to the day. wenty to forty miles of more.

ual footing, there should, therefore, be a established in every country.

en so established, it will be in his powperform correctly, and with great conversand satisfaction to the citizens, and it

sumed, to himself, many duties which w assigned to the courts, thus making tainess of those tribunals less complicated the decision of the cases submisted in more deliberate, and beneficial to the standard that even the latest the second that even the latest that even the ne judge has all the powers of the com-se, and may acr, and often acrs, alone erefore no objection can be made on this to the modification about to be pro-

It it be intended to continue the determina-tion of Chancery Cases in the counties, what arrangement can be better suited to that de-aign than to vest the Chancery, jurisdiction ha-the county judge at quartery terms, distinct-from those of the county count? What can be more convenient to the debtox, or advanta-geous to the creditor, than to have the cases of insolvent petitioners vested in the county-judge, whose better opportunities of leisure Judge, whose better opportunities of leisure would enable him to investigate their applications, to detect the numerous frauds which are Price - Paree Dollars per Annum committed, and to grant a cautious discharge to those only who had honestly compiled with Observations respectfully addressed to the Legislature of Maryland, on the

MARYLAND GAZDENED AND POLITICAL

the provisions of the laws! Who could be better acquainted with the situation where of dinaries or taverus, or the retailing of liquors, ought to be permitted, or with the characters proper to be licensed in these employments. than the county judge t. And cannot, therefore, this power be vested in him with reasonable confidence? So, also, it is believed the power of deciding appeals from the judgments of magistrates for mistakes in fact, or law, may magistrates for mistakes in fact, or law, may be safely committed to him. Nor can any objection be suggested to the propriety of vesting in him likewise, the power of granting commissions for marking and bounding lands, for proving boundaries or for dividing or valuing the estates of deceased persons under the set to divisor diverted to the set to divisor divisor to the set.

ries, and things of that order.

If, therefore, the County Courts be divested of this jurisdiction over the several subjects, the power which will remain may be exer-cised with more exactness and less confusion: The county judge, by the exclusive cognizance and faithful management of these affairs at his own terms, will acquire consideration and increased respect, and his authority will be justly estimated. When united with his breledge of the inhabitants of his county and of their circumstances may be of much impor-tance in the decision of cases, and especially criminal cases, depending before them: and their opinions, thus formed with greater ac-

curacy, will have their proper weight and in-

fluence upon the people.

under the act to direct descents, or of acting upon the subjects of private roads, public fer-

The county courts in exercising their re maining jurisdiction should devote a portion of the term more exclusively to criminal ca-ses, than is usually allowed. It is the design of the constitution, and most wisely, that every offender should be speedily brought to trial; and every presentment should be heard and determined during the term in which it is found, unless there be some very cogent reason for a continuance. The effect of punishment is most useful upon the delinquent, and upon others, when it immediately follows the commission of the crime; and this effect is imperiously demanded by the law for the se curity of every, individual in his life, liberty

and property; and those only should be em ployed in prosecuting offenders who are capa-ble of doing justice to the state. In the present construction of the Courts the Attorney General is little more than a nominal officer out of the districts where he officiates. He is not always acquainted with his deputies. He appoints them upon the recommendation of their friends, without, a personal know-ledge of their legal capacity; and as Attornies in general, who are advanced in practice, do not desire to act in a subordinate situation, the appointment often dévolves upon begin-ners. But there appears to be no necessity

for continuing this power in the Attorney General-In whatever judicial district he may reside, he will, of course, attend to the pro-secution of the criminal business therein, and give his assistance and advice in such matters or other department, may require; and sub ject to these claims upon his services, a reasonable salary should be granted to him. I is, however, equally necessary that an able Attorney should be engaged for the State in every other district, and it is believed that the

Judges themselves are competent to make the best appointments. It might then be a useful part of the system, that the Judges should appoint a Counsel for the State in and for their respective districts, except where the Attorney General for the time being may reside; and it is probable that the whole Criminal Business of the discret, and this mode of appointment, may furnish an inducement

of appointment, may furnish an inducement for the services of an experienced practitioner. Although it may be admitted that the establishment of a Judge in every county, with, the power of exercising jurisdiction in the cases enumerated, would be a great improvement of the judiciary, yet this improvement could not prevail without the addition of another Judge in the districts of the Eastern Shore, and thereby creating four Judges of the Courts therein instead of three There would, however, be no inconvenience nor impropriety in that arrangement. But it is propropriety in that arrangement. But it is proposed, in preference, to establish another Judicial Direct 1 and it is thought that such aduntages may proceed from this modification as to make it acceptable to impartial minds and justify the additional expense of it

The people of the Eastern Shore may reasonably expect the like conveniences and be-nefits which their fellow-citizens on the Western Shore enjoy. In districts having but, three counties, more convenient Terms, may be assigned for the sessions of the Courts, and for the attendance of the Judges, than in those districts which have four; and, consequently, a larger portion of their time may
agreeably be afforded to each of the Countice. It has, however, been observed with
some surprize that, even in those districts, the TERMs have been fixed without reflecting up. on any thing like system; and that the alterations which have been made in some of the Counties have placed them still more irre-gularly. Why the common precision in these respects has been so long disregarded in Ma-ryland cannot well be imagined. One would suppose that as it concerns the seasons and rural occupations, the conveniences or interferences of terms would be nearly similar in most parts of the State; and, therefore, no sufficient reason occurs why they should not be regular and semi-annual in every county, though they need not, and cannot be the same in all. The public convenience, and a die regard to the Judicial character of the state, are the proper grounds on which to place them; and it can be shown that the terms of all the Courts may be fixed at periods regular and equally remote from each other, and with out interference, the one with the other; and surply it is wiser to establish them permapently in this manner, than to have them appointed, and shanged, to suit the personal accommodation of any individual wiratso-To prevent, therefore, any audden de-

134

Appeals. It is not contended that the Court of Appeals constituted by the Chief Instices of the several Districts is the best which can be devised? But in the actual condition of the State, and in that which must continue for many funger years, it is, perhaps, the best which can be adopted. The members of this high court are renailed that they ought to be numerical in which assessed. punctual in their attendance, to study well the Causes brought before them, to be pai tient at the bearing of the arguments, and tient at the bearing of the arguments, and always to consider that their Judgments are the Law of the Land and subject to no fur ther Appeal. At present three Judges make a Quorum: and more than four have not

always attended: Of these, the Judge whose opinion is about to be examined is usually one; but, as he is excluded from a seat during the examination, he generally quits the Court, and leaves his opinion to its Fate. the remaining three two compose a majority and may reverse the Judgment. If the other Judge is against the reversal, then there are two Judges for the opinion, and two agrinst it; and yet it is reversed. Can such a Judg-ment be satisfactory? Ought it to be pro-nounced as the Law of the Land? If there nounced as the Law or the trained be seven Judges, there will be a better opportunity for a fuller Court; though surely it is the duty of all to be present. Four should the duty of all to be present. Four should be required to make a Quorum, and the una nimous Judgment of four should be necessary o affirm or reverse the Opinion examined. The Judge whose opinion is questioned ought not to be excluded, whether it has been given as a Counsel, or as a Judge. Is he fit to be a Judge? then let him attend his place, and support his opinion if he still retains it the reasons which convinced his mind, may con rince the minds of others; and if his opinion be changed by the arguments of Counsel or by those of his brethren on the bench, let him injoy the occasion of shewing the excellence of his character, by performing the greatest of human obligations-the acknowledgment

of Error, and the correction of it.

The City and County of Baltimore, from the large population they contain, and the multiplicity of business belonging to heir Courts, may very properly be formed into one district; and their chancery causes, if separated from the County Courts, as pro-posed, may be heard and determined by one or more of its Judges at the stated terms in-

The modification proposed does not increase the business of the Courts. It simplifies the course of proceeding and facilitates the services of the Judges; b t it requires a greater degree of Attendance. The Compensation of the Associate Justices shall be increased accordingly; and the salaries of all should be secured to them free from expense The Pensylvania practice should be admitted it that respect. Their bills of expenses in attending the Courts are certified to their Hosts by the respective Judges, assessed by the Levy courts, and paid by the Collector of

Such are the observations which it has been Legislature; and they embrace the following nodifications of the Judiciary System. That the State of Maryland be divided into

seven judicial districts:
That St. Mary's, Charles & Prince-George's counties constitute the first district.

That Anne-Arundel, Calvert & Montgomery

counties constitute the second district That Frederick, Washington and Allegany counties constitute the third district

That the City and county of Baltimore constitute the fourth district. That Harford, Cecil and Kent counties con-

stitute the fifth district.
That Queen Anne's, Talbot and Caroline counties constitute the sixth district And that Dorchester, Somerset and Wor-cester counties constitute the seventh district.

That three Judges be appointed for each district, and one judge be appointed for each County in the district, except the fourth
That one of the said Judges shall be commissioned as the Chief-Justice of the district, & each of the other Judges respectively as the Associate Justice thereof, and the commission

shall also assign him as the Judge of the county for which he is appointed, & such Judge shall thereupon take and hold his residence therein during the time he shall act as Judge thereof. . That the said Judges, or any one, or more of them shall hold the County Courts in their respective districts, and hear and determine all criminal and civil pleas as heretofore; except as to their criminal Business in the fourth district, which shall continue vested in the Court of Oyer and Terminer as now establish

That the Judges of the County Courts, or a majority of them, shall appoint and qualify an experienced person, learned in the law, to be the Counsel of the State in and for their respective districts Lexcept in that in which Attorney General for the time being may

That the Judge in each County shall be the Chancellor thereof, and hold pleas in Cases of Equity, and hear and determine the same, and also such other matters and thing as the Legislature may assign to his special jurisdiction.
That the Chief Justices of the County Courts by virtue of their respective Commis-sions shall constitute the Court of Appeals for the respective Shores; and the said Chief Justices, or any four, or more of them shall hold the said Court at Annapolis and Easton, and hear and determine the Causes which shall be brought before them; and the unani. mous opinion of four or more of them, shall be necessary to affirm or reverse the Judg-ment, which they shall be required to consi-

That the Court of Appeals for the Western Shore be held on the first Monday of June in every year, for the Argument and Judgment of Causes; and the said court shall be held on the first Monday of December by any one or more of the judges thereof for making such rules, orders, or entries as may respect any process or proceedings returnable before them,

That the Court of Appeals for the Eastern Shore he held on the fourth Monday of May in every year, for the argument and judgment of causes; and the said court shall be held on the fourth Monday of May in every year, for the argument and judgment of causes; and the said court shall be held on the fourth Monday of November, by any one or more of the ludges thereof; the interior or more of the judges thereof, for making such Rules, Orders, or Entries, as may respect any process or proceedings returnable before

rangement of the system which the Legistic indicators any proposition for a change, the Transfer and to give due notice of any proposition for a change, the Transfer and the free is another reason for recommending the earthlishness of a Seventh district.

It poilt add another Judge to the Court of Appeals. It is not contended, that the Court of Appeals. It is not contended, that the Court of Appeals constituted by the Child Tageton.

ment.

That the county courts in the several counties be held at the sespective places, where the courts are usually holden, at the following stated terms, said at such other, times by adjournment as their exigencies may require, that is ready in the first Mondays of March and September. In Charles county on the first Mondays of March and September. In Charles county on the first Mondays of March and September. In Galver County on the found Mondays of April and October: In Afne-Arundel County do the second Mondays of May and November: In Montgomery county on the first Mondays of March and September. In Frederick county on the third Mondays of March and September; In Baltimore county on the second Mondays of April and October; In Allegany county on the first Mondays of March and September; In Baltimore county on the second Mondays of April and October; In Harford county on the first Mondays of March and September; In Cecil county on the first Mondays of April and October; In Harford county on the first Mondays of April and October; In Caroline county on the first Mondays of April and October; In Caroline county on the first Mondays of March and September; In Cocil county on the first Mondays of March and September; In Cocil county on the first Mondays of March and September; In Cocil county on the first Mondays of March and November; In October; In Queen-Aune's county on the first Mondays of May and November; In October; In Somerset county on the third Mondays of March and September; In Somerset county on the first Mondays of May and November; In October; In Somerset county

March and September; In Somerfet county on the third Mondays of April and October; And in Worcester county on the first Mondays of May and November That the Chancery courts in each county be held by the Judge thereof, at the places afore-laid, in quarterly terms on the first Tuesdays of

Dorchefter county on the third Mondays

January, April, July and October.

That the Criminal court of the Diffrict of Baltimore be held in quarterly terms on the third Mondays of February, May, August and

Chancery cases from the nature of their proceedings require more frequent sessions of the court than other causes to prepare them for a hearing; and without such opporther would be injuriously delayed sionally for the accommodation of counsel or parties, or for special reasons, an adjournment be advisable, the judge of course will always have this power.

Let it not be supposed that in offering these observations any design is entertained of affecting persons in office; except, indeed, so far as the residence of some of them may be concerned. The modifications appear to merit attention; and the defire is to make the fystem permanent, when perfected. But it never can be permanent, if it be bottomed upon a political principle

on a political principle

The notion which has been inculcated by many advocates, "that the administration of justice should be brought to every man's door,' eems to preclude the expectation that a better fystem can be formed than that which must be organized in the counties-And therefore as it is in the counties only that the trial of life, liberty, property, and every thing holden dear by the citizen, must be undergone, is it not of the utmost importance that the fabrick should consist of the best materials, and its machinery be conducted by the best masters? Characters, able and honess, ought to be preferred in whatever ranks they may be found; for fuch only are fit to be truffed in stations where so much deliberation and impartiality are in dispendable If the confliction of the courts be made to depend upon political changes, there will be a feramble for the bench upon every revolution in the public mind; Malig-nant dispositions will seize the seat of justice; The spirit of party and corruption will pre-vail; And there must soon be an end to that fecurity for every valuable privilege which never fails to flow from the pure dispensation of

ADMONITOR.

At the last session of Congress the Senate passed -a resolution

partment of the government be organized, to be denominated the "Home Department,"

That the secretary of this department shall execute the orders of the President in relation to

- 1. The territorial governments. 2. The national highways and ca-
- 3. The general post office. 4. The patent office.
- 5. The Indian department. Second, That the primary and final settlement of all accounts to be made in the treasury department. and that the organization of that department be modified, so ag to
- authorize the appointment of 1. Four additional auditors.
- 2. One additional comptroller.
- 3. One solicitor.

4. That the Mint establishment be placed under the direction of the treasury department.

Third. That the office of accountant of the war and navy department, and of the superintendant general of military supplies be abolish-

fourth? That the survey of the goast be confided to the navy de-Dartment.

According to the modification here recommended, the

First auditor will be charged with the settlement of the public accounts' accraing in the treasury

department.
Second auditor will be charged with the settlement of all accounts relative thethe pay and clothing of the army, the subsistence of the officers, bounties and premiums, the recruiting service, and the contingent expenses of the war

department. Third Auditor, will be charged with the settlement of all accounts relative to the subsistence of the army, the quarter master's dopartment, the hospital depart-ment, and the ordnauce department. Both of these auditors will keep the property accounts connected with those branches of service in the war department, confided to them respectively.

Fourth Auditor, will be charged with the settlement of all ac-counts relative to the navy de-

partment. And the Fifth Auditor, will be charged with the settlement of all accounts relative to the state and home departments.

The first Comptroller, being relieved from directing and superintending the recovery by suits of all debts due the government, will revise all accounts settled by the first and fifth Auditor.

Second Comptroller, will revise all settlements made by the second, third, and fourth Auditor.

The Solicitor of the treasury, will be charged with the recovery of debts due government according to forms prescribed by law.

By His Excellency Charles Ridgely f Hampton, Esquire, Governor of

A PROCLAMATION.

Whereas the General Assembly, of Maryland did by an act passed at November session, eighteen hundred and five, entitled "An act to reduce into one the several acts of assembly respecting elections, and to regulate said elections, direct that the Governor & Council, after having received the recouncil, after naving received the re-turns of the elections for electors to choose a President and Vice President of the United States, should enumerate and ascertain the number of votes for each and every candidate and person so as aforesaid voted for as an elector respectively, & should thereupon declare by proclamation, signed by the Governor, and without delay disperse through the State the name of the person or persons duly elected as Elector in each respective District: We in pursuance of the directions of the said act do by this our Proclamation declare, that by the returns made to us it appears that William Dent Beat, Esq. was elected for the First District, Joseph Kent, Esq. was elected for the Second Disthe Senate passed a resolution requiring the secretaries of the departments to report jointly, at the next session, a plan to insure the annual settlement of public accounts. On the 9th inst. the Secretaries submitted their plan to Congress, from which the following is extracted:

"In conformity with these preliminary observations, the undersign. ed respectfully, propose, that it is expedient—

First. That another independent department of the government of the seventh secured in the state of Marylan, this secured in the State of Marylan, this secured in the secured for the State of Marylan, this secured in the secured for the State of Marylan, this secured in the secured for the State of Marylan, this secured in the secured for the State of Marylan, this secured in the secured for the State of Marylan, this secured for the State of Marylan, the secured for the State of Marylan for the Stat Seal of the State of Maryland, this second day of December, in the year of our Lord, one thousand eight hundred and sixteen, and of the independence of the United States of America the fortyfirst.

C. RIDGELY, of Hampton. By His Excellency's command

NINIAN PINKNEY, Clerk of the Council.
Ordered that the above be published five times in the Maryland Galette, Federal Gazette, Federal Republican and Telegraph, the Frederick-Town Herald, the Torch Light, the Allegany Federalist, and Easton Monitor.

By order, NINIAN PINKNEY, Clerk of the Council. Dec 12.

Notice is hereby Given,

That an application will be made to That an application will be made to the Lagislature, at their next session, to open a road from the Annapolis road, at Mrs. Cecel's evern, (where the roads to Hollands ferry and to Cragg's ferry unite) to the intersection of the three roads by the fence of Mr. Pumphrey's old field, so as to connect the Annapolis road with the thountain, road, and lis road with the mountain and, and the roads leading to the head of Magothy and to Broad Neck, a distance of about two and a half miles A. A. County, 20th Nov. 1816.

illi of rear, and horses taken al N. B. Private parties tin ominoilated with Terraping sters at the shipplest motion