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LAW OF MARYLAND.

Passed December Session, 1817.

Act to incorporate a Company to be called The Washington and Baltimore Canal Company. Be it enacted by the General Assembly of Maryland, That John Howard, Junior, John McHenry, Henry M. Murray, in the city of Baltimore; General John Mason, Francis S. Key, and John Peter, in Georgetown; Daniel Carroll, of Annapolis; Robert Brent, and Robert Sewell, in the city of Washington; Colonel Henry Maynadier, Alexander C. Magruder, and Jeremiah Hughes, in the city of Annapolis; Doctor William Beanes, John Magruder, and Edward H. Magruder, in the town of Upper Marlborough; and John C. Herbert, George Calvert, and Richard Swades, in the town of Bladensburg, or such of them as will consent to act, be and they are hereby appointed commissioners, and they, a majority of them, in each place, are hereby authorized and empowered to open subscriptions on the first Monday in May next, in each of the several places aforesaid, for not exceeding eight hundred thousand dollars, in shares of fifty dollars each, for the purpose of making a canal from a point on the Severn river, to the navigable water of Curtis's creek, or other more convenient tide water of the Patuxent river to the Eastern Branch; and said commissioners shall give thirty days notice in the newspapers published in Baltimore, Washington and Annapolis, previously to the first Monday in May aforesaid, in the place where such subscriptions shall be received.

But such a paper need not be exclusively confined to political subjects. Instruction and amusement of another kind may be communicated; such as Foreign and Domestic Intelligence; Improvements in Agriculture, Manufactures, Trades, Treaties upon the Arts and Sciences; Sketches of History, Geographical and Biographical, Customs, Manners; and Religious and Moral Essays, furnish a variety of interesting matter, from which the Editor will always be careful to select the most engaging pieces, for the Entertainment and Information of his Readers.

With these assurances, he submits his Prospectus to a public liberal than enlightened; and he trusts by his diligence and attention to deserve the patronage and friendship which they may feel an inclination to bestow.

And be it enacted, That all individuals and bodies politic and corporate, be and they are hereby authorized and empowered to subscribe for such amount of said stock as they may think proper.

And be it enacted, That the said commissioners shall keep the said subscription books open on the day which is herein before appointed, and for the two succeeding days, on ten o'clock in the morning till four in the afternoon.

And be it enacted, That every subscriber, at the time of subscribing, shall pay to the commissioners the place at which he shall subscribe, on each share subscribed, the sum of two and a half dollars, for which the said commissioners shall give a certificate as the evidence of each subscription and payment.

And be it enacted, That the subscribers aforesaid, and such as may hereafter become stockholders, and their successors, shall be and they are hereby made and declared to be a body politic and corporate, under the name of The Washington and Baltimore Canal Company, and by that name shall be and are hereby made capable in law to have, purchase, receive, possess and enjoy, to them and their successors, lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature or quality soever, and the same to grant, give, convey and dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any court of record, or any place whatever; to make, have and use, a common seal, and the same to break and renew, at pleasure; and to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government and conduct of their affairs, provided the same be not contrary to law and the constitution of the State.

And be it enacted, That the said commissioners appointed to act in and for the city of Annapolis, shall, (yet the said subscribers do not) and the same are hereby directed by the other commissioners, to which they are hereby directed to do as soon as they shall give eight days notice in public newspapers published in Annapolis and Washington, to assemble in the city of Annapolis, by them to be appointed twelve directors, whose names shall, as soon as may be, among the stockholders, be chosen by a proper person to be appointed by the board of directors, and directed hereby are authorized to make and by-laws, for the government of the company, its affairs; to create and agents of the company, to think right and proper management of its affairs, to describe their duties, and continue, and also to employ laborers and others necessary to the discharge of the duty of the company, and to make such regulations, to sue and be sued, and controul, the persons employed by them, and from time to time by the directors, condition and affairs of the company, and to appoint and annually appointed, in before prescribed, as shall be prescribed by the corporation, or should be appointed, or die, or resign, directors shall have the vacancy till the next meeting, when the return on books as hereunto the commission there shall have subscribed for ten thousand dollars, as soon thereafter as soon thereafter as the portion the share among the several proportional reduce the whole lotted.

And be it enacted, That the whole amount of stock authorized to be subscribed, shall not be taken at the subscription, as herebefore provided, for the president may, whenever a think proper, open on twenty days in the newspapers of Baltimore, Washington, for such additional such portion, or unsubscribed stock, as may be necessary to be effected by the president, and he is authorized as aforesaid, to power from time to time, the payment of the due on each share provided that the dollars on each share at any one time, previous notice in the newspapers of Annapolis and Washington, to pay the sum after it is sum already paid.

JAMES T. BRIGGS

Attorney at Law, has just published A Familiar Explanation of the Law of Wills and Codicils, and of the Law of Executors and Administrators, and the Rules whereby Estates, both real and personal descend, and are to be distributed, in case of intestacy, with instructions to every man to make his own will, the necessary form for that purpose, and the forms of other instruments relative to the estates of deceased persons. The whole written in as plain a manner as possible without the use of law words or terms.

The original work, whence this compilation is derived, was, as this also is chiefly intended for the benefit of those who are unacquainted either with the doctrines or the forms of law, & who wish to be instructed how to act, without subjecting themselves to the necessity of communicating the knowledge of their private concerns to any other person. This, among other considerations, has induced the author to compile this treatise, that a book may be always at hand, to which immediate application may be had in those cases of emergency, when every moment is precious; and by means whereof many at least of those mistakes and omissions, now daily committed may be avoided, law suits prevented, and the peace of families thereby secured. The compiler has in connexion with the original work, and in order to render the present system the more complete, incorporated therein that portion of the law of this state which is applicable to the estates of deceased persons, and subjoined thereto a digest of the testamentary laws.

This work may be had at this office, at Mr. George Shaw's book store in this city, and at the book store of Mr. Coale, Baltimore.

The editors of the American & Federal Gazette are requested to insert the above in their respective papers once a week for the space of six weeks. Annapolis, Oct. 16.

SUBSCRIBERS To Robbins' Journal,

Are informed that the work is received and ready for delivery, at the Book Store of Mr. Geo. Shaw, and at the Office of the Maryland Gazette. Feb 11.

40 Dollars Reward.

Ranaway from the subscriber on the 15th ultimo, a black man by the name of Phill, (who calls himself Philip Addison), about 40 years of age, 5 feet 1 or 2 inches high, square built, with rather a pleasing countenance when spoken to, has a shaking of the right arm, occasioned by bleeding; his clothing not recollected, except a great-coat of dark flushing edged with red, very much worn. It is probable he is harboured in the neighbourhood of Mr. William Sanders, where he has a wife. The above reward will be given for securing him in any goal, so that I get him again, and all reasonable expenses paid, if brought to me, living in Prince George's county, seven miles above Upper Marlboro', near Mr. Dennis Magruder's mill. Wm G. Sanders, Jan 8, 1818.

State of Maryland, sc. Anne Arundel County, Orphans court, February 3, 1818.

On application by petition of James Mackubin, administrator of Frederick Mackubin, late of Anne Arundel county, deceased, it is ordered that he give the notice required by law for creditors to exhibit their claims against the said deceased, and that the same be published once in each week for the space of six successive weeks, in the Maryland Gazette and Political Intelligence. John Gassaway, Reg. Wills, for A. A. County.

Notice is hereby given,

That the subscriber of Anne Arundel county, hath obtained from the orphans court of Anne Arundel county, in Maryland, letters of administration on the estate of Frederick Mackubin, late of Anne Arundel county, deceased. All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof, to the subscriber, at or before the 24th day of March next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand and seal, 3d day of February, 1818. James Mackubin, admr.

NOTICE.

The Levy Court of Anne Arundel county will meet in the city of Annapolis, on the third Monday in March next, for the purpose of laying the county levy, &c. By order, M. B. GREEN, CLK. Jan 29.

that they will execute their trust faithfully, and supporting nothing more, and when the trust ceases, the obligation of the oath also ceases. But the oath in this case is that they will refrain from a particular crime, having no special relation to their office, not only while in office, but during the continuance of the act, and while inhabitants of this state. This is binding by a religious solemnity, and for life, one class of citizens, to the exclusion of the rest, and in their private as well as public capacity, to obey a law equally applicable to all the community. There is no reason why the oath should apply to them when they become private citizens, any more than to the rest of the people. It is also very questionable whether it be wise, or expedient to bind private citizens by oath to obey any particular law that is of public and permanent concern. The impression of an oath is apt to be weakened in proportion as it is less special in its object, and less immediate in its application. The civil obligation to obey the law is the same without as with the oath, and to call in the aid of religion to the support of a single case in the penal code, may impair the force and sense of obligation to general obedience.

This extraordinary sanction may as well be applied to every as to any public law; and the effect of such a provision upon the efficacy of oaths, and the consciences of those who take them, would as we fear be exceedingly injurious. It is no doubt the duty of the law-giver to provide suitable penalties for the violation of every law; but we apprehend there is no instance to be met with in the ordinary course of civil government, in which the citizens were called on to bind themselves by oath to perpetual observance of any public law. All that is precious and valuable in society depend upon the credit of testimony upon oath, and every measure that diminishes the reverence or impairs the confidence due to that great sanction to truth, is most deeply to be deplored.

The objections being read and considered, the bill passed notwithstanding. By the Governor, Chief Justice Thompson, Judges Van Ness and Yates—4. Against, Chancellor Kent, Judges Spencer and Platt—3.

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

A PROCLAMATION.

Whereas it appears by the deposition of Joseph Steuart, Reger Woolford, James Marshall, & Wm. Jones, of Dorchester county, that about two o'clock on Friday the twenty-seventh of November last, a fire broke out in the store-house of the said Steuart, which entirely consumed it, and that they have strong reason to believe it had been set on fire by some evil disposed person or persons. And whereas it is of the greatest importance to society, that the perpetrator or perpetrators of such a crime should be brought to condign punishment, I have therefore thought proper to issue this my Proclamation, and do, by and with the advice and consent of the Council, offer a reward of One Hundred Dollars, to any person who shall discover and make known the author or perpetrators of the said offence, provided he, she or they, or any of them, be brought to justice. Given under my hand, and the seal of the State of Maryland, this second day of January, in the year of our Lord one thousand eight hundred and eighteen. C. RIDGELY, of Hampt. By His Excellency's command, NINIAN PINKNEY, Clerk of the Council.

Ordered, That the foregoing proclamation be published in the Maryland Gazette, Federal Gazette, Federal Republican, Frederick-town Herald, the Torch Light, Allegany Federalist, and Eastern Gazette, once a week for the space of ten weeks. Jan. 15. 10w

QUICK TRAVELLING, To and From Baltimore.

FARE TWO DOLLARS. The proprietor of the daily line of Mail Stages, announces to the public, his determination to run this line, to Baltimore, in FIVE AND AN HALF HOURS, commencing on Thursday January 1st, to start from Mr. William Brewer's Tavern, every morning at eight o'clock, and positively arrive at Baltimore by half past one o'clock in the afternoon; thus enabling his passengers to breakfast and dine at reasonable hours. John Gadsby.

N. B. Wanted to purchase, Three Likely Male Servants, suitable for Waiters, from 16 to 23 years of age. Those from the country would be preferred. Jan. 15.

By the second section of the bill every person to be elected a member of the senate or assembly, or to be elected or appointed to any office, civil or military, except town officers; and every person to be admitted a counsellor, attorney or solicitor of any court, shall in addition to the oaths now prescribed by law, take an oath or affirmation, that he has not been engaged or concerned in a duel since the first day of July, (now last past, or next hereafter, as the constitution may be) nor will be so concerned during the continuance of the act, and while an inhabitant of this state.

This provision establishes a test or qualification for office unknown to the constitution, dangerous as a precedent, and inconsistent with the principles of liberty.

It cannot be necessary for the council to declare that they solemnly bear testimony against the practice of duelling, as being cruel and wicked, and equally condemned by the law of the land, and by the just and benevolent precepts of christianity. To take life in this way is murder by the common law, whether he that gave, or he that accepted the challenge falls. And if conviction and punishment have not duly followed the crime, it has not been the fault of the law, nor of the judges by whom it was to be pronounced. But to whatever cause we may impute the feeble execution, (as the bill evidently supposes) of the existing laws on this subject, there is no occasion that will warrant the introduction of unsound principles of legislation.

Test oaths, as a qualification for public trust, other than the oath of allegiance, and the usual oath of office, are inconsistent with the letter and spirit of our American constitutions. In some instances there is an express declaration against them. The requisition in the present case is not founded on any religious test, but is equally tyrannical, for it requires every man before he can enjoy or receive any public trust, to acquit himself upon oath of a particular crime, without being legally accused of it, and when he stands innocent under the intendment of law. The bill in this respect reverses the maxim of the common law, and presumes every man guilty. With equal right, if not with equal reason, he might be compelled to clear himself of every other crime without being put to answer by indictment or presentment, and without the privilege of an appeal to his peers. It is dangerous to admit a principle so destructive of civil liberty into the code of our statute law. A most terrible inquisition might thus be created over the consciences of men. The penalty of refusal to answer is not indeed in this case the rack or the stake, but it is extremely severe, being no less than a disqualification to hold any place of honor, profit or trust, or even to exercise one of the learned professions. Duelling does not appear to be so grievous a public evil, nor does it usually denote such depravity of moral principle, as other examples of murder, and as arson, rape, forgery, and various kinds of larceny, swindling and fraud. It often proceeds from a lofty and scrupulous, but misguided sense of reputation. Why may not, then, other offences, and all other immoral acts, be brought to the same test & checked by the same means? Times may hereafter arise when an undue zeal for reform, or a fierce and intolerant fanaticism, might be easily led to proceed from crime to crime, and from one misdemeanor to another, with the same potent remedy, until every man is obliged to renounce his civil privilege, or swear to the purity of his whole life.

The bill extends this oath to attorneys at law before they can be permitted to practice, but it is not applied to candidates for the other learned professions, though the same reason would seem to apply, and though the admission of physicians and surgeons is equally the subject of legislative regulation. The bill, therefore, is not impartial in the imposition which it creates. If the principle be just, it ought to have a general and equal application. It ought to be extended not only to candidates for office, but to every man who offers himself to vote, and especially to jurors, who are concerned in the administration of justice.

The latter part of the oath is equally new and repugnant to sound principles of government. The oath hitherto imposed upon persons entering into a public trust is the ordinary oath of office, importing

POETS CORNER

WOODWORTH'S POEMS;

Charles lately placed in our hands a small volume of poetry with this title, and after perusal, we have no hesitation in recommending it to the attention of those who can spare a leisure hour to such kind of reading. The subjects are moral and well selected, and without making pretensions to the higher order of poetry, it is a pleasing specimen of juvenile talents. The following is the second piece in the volume, and is selected as a sample, by which the reader may judge for himself.

THE FLOWERS OF LIFE.

The ill of Life's journey—how many complain of. Who swear not a flow'ret is found in the road! But the evils they censure I laugh at the pain of. While sweet smiling Cheerfulness lightens the load. Though I find not a rose, I indulge not in sorrow. But pluck with Contentment a daisy to-day. Nay, even a sprig will feed Hope for the morrow. The humblest that nods to the zephyr of May. Let others dispute, I'll avoid their dissention. Religious, political, moral, or such; For the lily of peace thus escapes their attention. And the sweet bud of pleasure which blooms at my touch.

The blossom of Friendship, striving mortality. I'll carefully cherish and wear in my breast; Though its picture may boast brighter hues than reality. Its fragrance directs me when doubtful the test. The spirit of feeling, the soul of affection. Wildly ardent in rapture, and melting in wo. Whatever its image, attire, or complexion. With mine shall commingle in sympathy's glow.

I ask not his birth place, whatever the region, Hot, temperate, frigid—despotic or free; I ask not his politics, creed or religion. A Turk, Jew or Christian—he's still dear to me. But ah! there's a flower which, tho' teeming with nectar. Beneath its fair aspect screens Misery's dart. So artfully veil'd that it mocks a detector. 'Till press'd to the bosom it pierces the heart.

But still to a bosom susceptibly placid. The anguish of love will but heighten its joy; As the beverage uniting a sweet with an acid. Is grateful, when nectar untemper'd would cloy. The bramble of Avarice, others may not wish. Exhausting Life's soil of its virtues and strength; I'll stray where the plants of Beneficence flourish, And the generous vine winds its serpentine length.

Let misers pursue their mean, sordid employment. And hoard up their treasures for life's latest scenes; I'll waste not the moments allow'd for enjoyment. Nor squander the season in gaining the means. Our object is happiness—ne'er could we miss it. In life's varied path, if the talent were ours. From all we encounter some good to elicit. As bees gather sweets from the moan of flowers.

Then pluck every blossom of happiness blooming; Leave birds of contention and play with the dove; And our path, soon the flush of enchantment assuming. Will glow an Elysium of Pleasure and Love.

IN COUNCIL OF REVISION,

November 5th, 1816.

PRESENT, The GOVERNOR, Mr. Chancellor KENT, Mr. Chief Justice THOMPSON, Judge SPENCER, VAN NESS, YATES, and PLATT.

The Chancellor, to whom was committed the bill, entitled "an act to suppress duelling," reports that the bill is inconsistent with the spirit of the constitution and the public good, and ought not to become a law; because