

OL. LXXVIII.

JONAS GREEN, ... Three Dollars per Annum.

APPEAL. People of Maryland on the ... OF CALVERT COUNTY.

W. R. ADAMS. He has also in Store ... Madeira Wine of very superior ... Brass Wire, ... London made cloth and ... blue cloth.

NOTICE. JONATHAN WATER. If early application be made ... to accommodate with BOARD & ...

NOTICE. All persons having claims ... Thomas Plummer, late of Anne ... of Anne-Arundel County, deceased,

State of Maryland, Anne-Arundel County, Orphan ... April 18, 1820. On application by petition of ...

NOTICE. The subscriber of Anne-Arundel ... county, hath obtained from the ... of Anne-Arundel County,

NOTICE. This is the most valuable privi- ... of freemen; by it, all others are ...

CITY AUCTION. Just received on consignment ... at private sale, a general assortment ...

Prinze-George's County Court. April Term, 1820. On the application of Alpha J. Hyatt,

PRINTING. Of every description, neatly ... in this Office.

Even slaves are within the protection of this article of the constitution.

6. By the bill of rights every man, even a slave, when charged with an offence against the laws of the state,

Whether these rights, guaranteed by the constitution and laws of the land, have been violated, the undersigned delegates leave you to judge,

The judges of the late election in Calvert made return, that "Gustavus Weems, Thomas Blake and Joseph Reynolds, (three federalists) had a majority of legal votes;

In the beginning of the session, Messrs. Beckett and Kent repaired to the seat of government, and presented to the house of delegates a memorial, by which they contested the seats of Messrs. Blake and Reynolds,

"Resolved, That the house have the power to enforce a witness, who was not a qualified and legal voter, to give evidence of the persons, for whom he voted at said election."

The federal members of the house contended, that this resolution violated the right of voting by ballot, which was intended by the constitution to maintain the independent exercise of the privilege of suffrage

They contended also, that if the persons, alleged to be illegal voters, really were so, they could not be compelled to tell for whom they voted,

Neither authorities nor arguments, however, were of any avail, and the majority decided in favour of the above resolution to compel the witnesses to tell for whom they voted.

The persons charged with having voted contrary to law, and in addition to them eighty-four other witnesses, were summoned to attend the house on a day appointed.

were sworn to determine. Their opposition however was unavailing, and the motion was carried. (Vide Votes and Proceedings Dec. 31.)

The committee of elections, composed of seven members, of whom five were democrats, and could control its proceedings, entered on the examination of the witnesses, and made a report of the testimony to the house, which was ordered to be printed, and which is well worthy the attention of the people.

The next step on the part of the majority, was the adoption of the following order, as submitted by Mr. Maulsby, a democratic member of the committee of elections.

"Resolved, The Thomas Mitchell, James Marquess, John W. Simmons, John Hance, James Sly, James I. Bowen, William Dossey, James Gray, John Gray, Henry Cochran, Joseph Wilson, John Robinson, William Beverly and John Turner, persons who voted at the last Calvert Election, from the evidence submitted to this house, were, at the time of said election, illegal and disqualified voters, and that they be called to the bar of the house and examined upon oath, or affirmation, touching their votes at said election."

A federal member proposed to amend this order, by striking out the name of James Gray, and afterwards the name of John Gray. (Vide Votes and Proceedings Jan. 24.)

The facts with regard to James Gray, as presented in the report of the testimony by the committee of elections, were these: He is a carpenter, and went from Baltimore to Calvert county in July 1818, with a view of settling in the country.

He stated there some time, and then leaving his chest of tools behind him in Calvert, went to Magruder's ferry in Prince George's county, just across the river, which separates the counties, and staid there till February 1819, when he returned to Calvert, & remained there six months after his return.

With this evidence before them the majority refused to assent to the amendment, and decided, that James Gray was not entitled to a vote in Calvert.

If this decision be just, any carpenter in the state, who is a single man, and once a year oversteps the lines of his own county for a short job, may be deprived of his birth-right.

The motion to strike his name out was at first seriously resisted, but when a federal member from the eastern shore, rose in his place, and insisted on John Gray's right to vote, and declared that if he were not admitted to be a legal voter, a very considerable portion of the freemen of the eastern shore would be disfranchised, some of the eastern shore democrats took the alarm for their popularity at home, and one of them, who from his standing in the party must have been consulted on the propriety of the resolution, expressed great astonishment at finding John Gray's name inserted in it.

So barefaced to deprive John Gray of his right to vote, that only seven of the democratic majority could be got to vote for it; and the people will be surprised to hear, that two out of the seven, Messrs.

Salisbury and Hardcastle, are from the eastern shore, where so many of the freemen find occupation, and live almost entirely upon the waters of the Chesapeake.

A motion was then made by a federal member, which was intended to give to the persons charged with illegal votes, a right to produce testimony, if in their power, to shew themselves entitled to vote, before they should be compelled to disclose for whom they voted.

This motion was supported by the undersigned; on the ground, that the house had no right to deprive these voters of their constitutional privilege of being represented in that house, without a hearing; that these persons had not been permitted to prove their right to vote before the committee of elections; that the house could not decide, that they had committed the offence of voting contrary to law, without their being confronted with the witnesses against them, without allowing them process for their own witnesses, and without permitting them to examine the witnesses for and against them on oath.

The democratic majority founded their right to compel these persons to disclose for whom they voted, upon the circumstance of their being illegal and disqualified voters, and asserted the right of determining upon the qualification or disqualification of a man to vote, without allowing him his constitutional privilege of being heard in his defence.

It was also contended, that these persons might be indicted in a court of law for the offence of voting contrary to law, and their declarations in giving evidence in this house, might be used to convict them, and thus, in despite of the bill of rights they would be compelled to criminate themselves.

It was contended also, that it was not important that the house should know for whom these persons voted, as no power existed in that body to make a return of members different from the one made by the judges of election. According to the decision in Pennsylvania before mentioned, and the best reasoning on the subject, the house could only reject the return of the judges, and order a new election, on being satisfied that illegal votes enough had been taken to give a different result to the election, on the supposition that they had all been received by the sitting members.

These arguments of the minority, however were again unavailing, the motion was lost, and the persons, thus determined, without a hearing, to be illegal voters, were called to the bar to be sworn.

Before, however, they were sworn, a part of them presented a petition or protest to be found in the Votes and Proceedings,

This paper contains in substance a protestation on the part of the witnesses, that the house of delegates did not possess the power under the constitution, to compel them to declare for whom they voted, and concluded with a prayer, that the house would allow them to be attended by counsel learned in the law, to protect them against giving answers, which might criminate them and subject them to punishment.

After this petition was read, a motion was made by a federal member, that the house would grant counsel to the persons at the bar as prayed. (Vide Votes and Proceedings Jan. 26.)

This motion was rejected by the majority. It was insisted by the federal members, that this unprecedented decision, at once, unconstitutional and illegal, should be placed on the journals of the house, but the majority, alarmed at the consequences, determined, that the prayer for assistance of counsel on the part of the voters should not be made a part of the journal. They saw that this decision would exhibit an utter disregard for all the rights and privileges of freemen. The only

thing that could possibly be considered a justification for rejecting the proposition, was the voters themselves did not petition for this privilege, and hence the anxiety of the democrats to keep the prayer from your view; but one of the federal members, all of whom were steady in their resolution to expose all attempts to violate the constitution and your rights, resolved that it should appear, and made a motion which rendered it necessary that the whole petition should be entered on the journal, but which was not at once foreseen by the majority to have that effect. (Vide Votes and Proceedings, Jan. 27.)

When this was seen to be the effect of the motion, one of the majority gave notice, that at a proper moment he should move to have every thing connected with the voters application for the benefits of counsel, expunged from the journal. The majority refused to permit even the object of the petition to be stated on the journals in the usual manner, and thereby endeavoured to conceal the fact from the people of Maryland, that a citizen about to be treated as a violator of the law, was denied the privilege of counsel.

The situation of these witnesses was this—They claimed to be legal voters. If they were legal voters, it was admitted, by the majority, that they were not bound to answer. The majority however decided, that they were not entitled to vote, and therefore might be forced to answer. Under these circumstances, as they were illiterate men, they asked for the aid of counsel, (to which they were entitled by the bill of rights) not to resist any view of the majority by argument, but to guard them against answering such questions as would criminate them, and subject them to punishment. This however, as before stated, was refused.

Instead of the usual oath "to tell the truth, the whole truth, and nothing but the truth," the house had previously adopted the following form of an oath to be administered to the persons declared to be illegal voters: "You will true answers make to such questions as shall be asked of you in the matter now pending before the houses so help you God." (Vide Votes and Proceedings, Jan. 26.)

The adoption of this oath was opposed on the ground that it was calculated to entrap the witnesses, who were illiterate men, and might testify to something which would tend to criminate or disgrace them. It was also insisted, that when witnesses were called before the house to testify, that it was improper to restrict their testimony. That justice and propriety required, that before any tribunal a witness should give full information of all his knowledge on the subject, on which he was sworn to testify; and a federal member had therefore proposed that an oath in the usual form should be administered to the witnesses, "to tell the truth, the whole truth, and nothing but the truth." The whole truth was not desired by the majority. To vacate the seats of the sitting members was their object, and they wanted no testimony but such as would conduce to that end.

This proposition was therefore rejected by the democratic majority. One of the undersigned then moved, that when a witness is produced and sworn, "the speaker should admonish him of the nature of the oath he has taken, and inform him, that, if any question, calculated to subject him to punishment or reduce him to disgrace, be put, he is not bound to answer it." (Vide Votes and Proceedings Jan. 26.)

This proposition, with the same intemperate spirit, was voted down by the majority.

To be continued.

A Coachee & Harness,

In Complete Order for Sale. The subscriber has for sale, and will dispose of on accommodating terms, a Coachee and Harness. They may be seen at his shop in Corn Hill street, where he continues, the

Coachmaking Business in all its branches, and where he will thankfully receive and promptly attend to all orders for work. Jonathan Hatton. May 25. 2 3w.

Various small notices and advertisements on the far left margin, including mentions of 'Public Sale', 'Notice', and 'Printed and Published'.