

extraordinary and striking circumstances. And in the case of the Commonwealth vs. Bowden (9 Mass. Rep. p. 494) upon an indictment for Highway Robbery, the jury, after a full hearing of the case, being confined together during part of the day and a whole night, returned into court and informed the judge they had not agreed on a verdict, and it was not probable they ever could agree; whereupon one of the jurors was withdrawn from the panel without the defendant's consent, and the jury was discharged; and during the same term, another jury was empanelled for his trial and he was found guilty. On a motion in arrest of judgment, the court refused the motion, saying, that the ancient strictness of the law upon this subject, had very much abated in the English courts, that it would neither be consistent with the genius of our government, or laws, to use compulsory means to effect an agreement among jurors; that the practice of withdrawing a juror where there existed no prospect of a verdict had frequently been adopted in criminal trials in that court.

Upon a full consideration I am of opinion; that although the power of discharging the jury is a delicate and highly important trust, yet that it does exist in cases of extreme and absolute necessity; and that it may be exercised without operating as an acquittal of the defendant; that it extends as well to felonies as misdemeanors, and that it exists and may discreetly be exercised, in cases when the jury, from the length of time they have been considering a case, and their inability to agree, may be fairly presumed as never likely to agree, unless compelled so to do, from the pressing calls of famine or bodily exhaustion. In the present case, considering the great length of time the jury had been out, and that the period for which the court could legally sit as nearly terminated, and that it was morally certain the jury could not agree before the court must adjourn, I think the exercise of the power discreet and legal.

Much stress has been placed on the fact that the defendant was in jeopardy, during the time the jury were deliberating. It is true that his situation was critical, and there was danger as regards him, that the jury might agree on a verdict of guilty; but, in a legal sense, he was not in jeopardy, so that it would exonerate him from another trial. He has not been tried for the offence imputed to him.

To render the trial complete and perfect, there should have been a verdict either for or against him. A literal observance of the constitutional provision would extend to embrace those cases, where, by the visitation of God, one of the jurors should either die, or become utterly unable to proceed in the trial. It would extend also to a case where the defendant should be seized with a fit, and become incapable of attending to his defence; and it would extend to a case where the jury was necessarily discharged in consequence of the termination of the powers of the court. In a legal sense, therefore, a defendant is not once put in jeopardy until the verdict of the jury is rendered against him. If for or against him, he can never be drawn in question again for the same offence. And I entirely concur in reprobatng the proceeding of withdrawing a juror and attempting to subject a person to a second trial because the public prosecutor was not prepared with the people vs. Barrett and Ward (2 Gaines, 304) this court considered it equivalent to an acquittal.

The only remaining enquiry is, whether the power of discharging the jury in this case, could be exercised by the sessions.

The Court of General Sessions for the city of New York, are clothed with powers not entrusted to the General Sessions of any other county. It has the power to try all crimes, (cases affecting life only excepted,) in as full and complete a manner as any court of Oyer and Terminer and Gaol delivery, for the said city and county can hear, determine or adjudge the same (2 Rev. Laws P. 503.) It is not necessary now to decide whether the sessions in New-York, since the statute, can grant a new trial on the merits; but having as full and perfect a jurisdiction as the Oyer and Terminer and Gaol delivery, excepting in cases of life, over all other crimes, no doubt can be entertained, that they possess all the incidents appertaining to the power of trying for these offences; and the

And consent of the lords spiritual and temporal and commons in this present parliament assembled, by the authority of the same, that her said majesty Caroline Amelia Elizabeth, from and after the passing of this act, shall be and is hereby deprived of the title of queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as queen consort of Great Britain; and that her said majesty shall, from and after the passing of this act, for ever be disabled and rendered incapable of using, exercising and enjoying the same, or any of them; and moreover that the marriage between his majesty and the said Caroline Amelia Elizabeth shall be and is hereby forever dissolved, annulled and made void to all intents, constructions and purposes whatsoever.

The Queen, it appears, has now taken the resolution to pass her future life in England, which fact was announced to the livery of London yesterday week. Mr. Alderman Wood.

By the Factor, captain S. 34 days from Liverpool.

THE QUEEN.
On Wednesday the 5th Earl of Liverpool moved the Earl of Liverpool moved the

And whereas, after the tomo Pergami, otherwise Bmo Bergami, had so entered vice of her Royal Highness, princess of Wales, a most and disgusting insult

And whereas her royal not only advanced the said tomo Pergami, otherwise B Bergami, to a high situation royal highness's household

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MARYLAND GAZETTE.

Annapolis, Thursday, August 24.

FEDERAL REPUBLICAN NOMINATIONS.

- For Calvert County: Joseph W. Reynolds, Samuel Turner.
- For Prince-George's: George Semmes, Capt. Josiah Jones.
- For Frederick: Robert G. M'Pherson, Lewis Motter.
- For Harford: Michael Lucas, Dr. Wm. Jackson.
- For Worcester: William F. Selby, Charles Parker.
- For Talbot: Nicholas Goldsborough, Wm. H. Tighman.
- For Caroline: James Houston, Thos. Goldsborough.
- For Allegany: William Reid, John Scott.
- For Montgomery: Benjamin S. Forrest, Henry Harding.
- For Cecil: Nicholas Hyland of St. James Janney.

JOHN H. D. LANE, Will be supported as a Candidate to represent Anne-Arundel County in the next General Assembly of Maryland.

WILLIAM WARFIELD, Will be a candidate to represent Anne-Arundel County in the next Legislature of Maryland.

Extract of a letter from Frederick County, dated August 11, 1820. "You ask me to give you some information respecting the political state of this county, and the probable result of the next election. In complying with your request I am happy in having it in my power to give you such information as I have no doubt will be highly acceptable to you. The success of the federal ticket in this county, at the next election, I consider as certain. We have now no schisms to disturb our party—we are all united heart and hand, and no lukewarmness is to be found in the federal ranks. The appointments made by the executive have given great dissatisfaction here, and the horrible dissolution of the Constitution by the democratic house of delegates in the investigation of the Calvert election, have excited universal indignation. You will perceive by the papers that a violent paper warfare is carrying on between the friends of Mr. Nelson and Mr. Worthington, candidates for Congress—these family quarrels and the federalism will not with them. We have just received very favorable accounts from Allegany—we are assured that the federal ticket will succeed by an overwhelming majority—the democrats deem scarcely worth their while to contest the opposition. I am much pleased to find that in most of the counties the federalists have nominated their candidates—why is not this example followed by Anne-Arundel and Annapolis? It is a lasting stigma and reproach to your county, and city that you should tamely yield the victory without a contest. While their political friends throughout the state are making the most strenuous ex-

To the Freemen of Maryland.

A statement of the proceedings of the last House of Delegates of Maryland, in relation to the Calvert contested election, has been published in a pamphlet form. It is not an anonymous or irresponsible production, but an authentic statement, compiled from the recorded documents of the House of Delegates, and sanctioned by the signatures of twenty-one respectable gentlemen, members of that body. For the truth of the statement which it contains, these gentlemen have pledged their characters and their names—they have practised no concealment and they wish none. The pamphlet has been published for gratuitous distribution to any gentleman who may wish to see it, can be supplied on application to this office. It is a most valuable document, and the gentlemen who have published it, deserve the thanks of the community for their zeal and patriotism. It contains an able and lucid exposition of the whole of the proceedings in relation to the Calvert election, accompanied with many judicious and pertinent remarks. It is designed to give a brief review of it, in order that the attention of the Freemen of Maryland may be aroused to one of the most daring violations of their constitution, and one of the boldest attacks upon their elective franchise, that has ever been witnessed in our country. The pamphlet commences with some extracts from the bill of rights, by which it is declared:— 1st. "That the best security of liberty is the right of the people to participate in the Legislature." 2d. "That every freeman of the age of 21 years, having the legal residence of 12 months in the state, and six months in the county, has a right to vote by ballot for representatives to the Legislature." 3d. "That every freeman is entitled to the benefit of the common law." 4th. "That no freeman shall be deprived of his liberties or privileges, but by the judgment of his peers, or the law of the land." 5th. "That no man shall be compelled to give evidence against himself." 6th. "That every man, even a slave, when charged with an offence against the laws of the state, is entitled to counsel to defend him, to be confronted with the witnesses against him, to have process for his witnesses, and to examine the witnesses for and against him on oath." The purposes for which these extracts from our bill of rights are made, will appear in the sequel.— The reader is requested to bear them in mind. After these extracts, follows a narrative of the origin of this famous contested election. It appears, that the judges of election in Calvert made return, that Gustavus Weems, Thomas Blake and Joseph Reynolds had a majority of legal votes, and were duly elected.—That Daniel Kent and John Beckett had an equal number of votes. Of course neither of the two last named gentlemen were elected—for as the county was entitled to but four representatives, the three former gentlemen were declared duly elected. The judges had no power to say whether Mr. Beckett or Kent should be the fourth representative; because having the same number of votes, he was as much entitled to his seat as the other—therefore, agreeably to the return of the judges, three gentlemen only were elected by the people of Calvert. But it seems that Messrs. Beckett and Kent were not satisfied with the decision of the judges, and so far from admitting that neither were elected, they contended that they were both elected. Accordingly, on the 8th day of December, 1819, which was two days after the Legislature met, these gentlemen presented a petition to the House of Delegates, praying to be received as representatives of Calvert county. This petition as is the usual course, was referred to a committee, styled the committee of elections. On the 11th day of Dec. 1819, this committee made a report, recommending an investigation into the election, and with a view of carrying the investigation into effect, recommending the adoption of the following resolution:

Resolved, That the House have the power to coerce, (or force,) a witness, not a qualified and legal voter, to give evidence of the persons for whom he voted at said election. This report having been read to the House, nothing more was done with it, until Wednesday, December 15th, when it was again read, and the resolution was altered, so to read as follows:—

Resolved, That the House have the power and the constitutional right to coerce a witness, first proved by other testimony not to be a qualified and legal voter, to give evidence of the persons for whom he voted at said election."

On Thursday, the 16th, the subject was again resumed, and the two other resolutions accompanying the report, were read and passed—the objects of which were to direct the speaker to issue subpoenas for witnesses, and to request the clerk of the council to furnish the House with a copy of the certificate returned to the governor and council by the clerk of Calvert county court, of the number of votes given to the several persons named in the certificate of the presiding judges of the Calvert election. These resolutions having been passed, it appears from the votes and proceedings the subject was again postponed until Thursday, December 30, 1819, on which day the House decided that Gustavus Weems, esq. one of the delegates returned by judges, was entitled to his seat. The subject was resumed on the next day and for the second time it was referred to the committee of elections. Upon examining the votes and proceedings, we find nothing more of the Calvert election until Saturday January 22d, 1820, when the subject was again resumed, and occupied the attention of the House until Saturday, January 29th, on which day the subject was brought to a close, and Daniel Kent and John Beckett were declared to be representatives of Calvert county, and the seat of Joseph W. Reynolds was vacated. Thus it appears, that this subject occupied the attention of the House in one shape or other, for the space of fifty-two days—for it will appear on reference to the votes and proceedings, that the petition of Messrs. Beckett and Kent was presented on the 8th December, 1819, and the subject was not decided until January 29, 1820. The Legislature met on the 6th Dec. 1819, and adjourned on the 15th of February, 1820, making 71 days. How then will the House of Delegates account to the people of Calvert county for permitting Mr. Reynolds to occupy his seat for fifty-two days, when at the expiration of that period they declared he had no legal title to his seat? The truth of the matter is, that having in the investigation of this election departed from the regular and legal course, and having violated the bill of rights in many instances, they became involved in a dilemma and perplexity from which they knew not how to extricate themselves, and at length were obliged to shuffle out of it in the best manner they could. The subject shall be resumed in a future paper.

EVIGILATOR.

For the Maryland Gazette.

To the Voters of Maryland.

The electioneering campaign having commenced, every one who is favourable to the cause of federalism, should brandish his quill in support thereof. 'Tis now time, instead of regaling ourselves under our vines and our fig trees, to be using our best endeavours to counteract the plans of our political opponents, whose papers are teeming with abuse against the federal party. To employ our pens in repelling the calumnies so industriously circulated with a view to endanger our success at the ensuing election, is not only a laudable, but a necessary undertaking. The period has at length arrived, which imperatively requires of us to contend for the preservation of those liberties, which, during the war of the revolution, occasioned so great an effusion of American blood. The contemplation of a scene so affecting, should operate as an incentive to our actions. Let not democracy obtain a triumph on the first Monday in October next, since in that event, the liberties of which we are speaking may be jeopardised. This is nothing more than what we shall have to apprehend, should the democrats get the ascendancy. We can easily judge what they will do from what they have already done, and it is therefore incumbent upon us to prevent them if possible from

doing any further mischief. It is avowed by their intention, provided they succeed, to revolutionize the state, by depriving the smaller counties of their delegation, for the purpose of increasing that from Baltimore. So that, the ill-fated county of Calvert, the counties of Alleghany, Caroline, &c. will, instead of being entitled to vote for delegates to the assembly, who are residents of those counties, have to elect delegates to represent the city of Baltimore, which even now has too much influence in the state legislature; and as to Annapolis, her doom will be fixed immediately on the democrats getting the ascendancy, which it is to be desired will never be the case. It must be in the recollection of every one, that a few sessions ago, an attempt was made to take from Annapolis her two delegates for the purpose of adding them to the Baltimore delegation, but it failed at that time. It is peculiarly obligatory upon the voters of Annapolis to stifle, if possible, the voice of democracy so far as their suffrages can effect this, since if the delegation is once withdrawn therefrom, the metropolis of Maryland will soon cease to flourish, as it has been doing for the last year or two. The reason why Baltimore is so desirous of getting the Annapolis delegation has been alleged to be this, because two delegates from that city are not sufficient to attend to the Baltimore business, which presses upon them so soon as the representatives door is thrown open for their reception. Now this is certainly a very inadequate reason to give, since the Baltimore business is the first generally that demands the attention of the house, and each member thereof is willing, nay, is obliged to give his attention thereto. So that, there is not the least necessity for augmenting the delegation from Baltimore for this reason, or any other that I can conceive, unless it be for the purpose of enabling her to lord it over the state. Take from the smaller counties, as well as from the city of Annapolis, their respective delegations, as is contemplated to be effected by the democrats should they succeed this fall, and you give Baltimore an entire control over the destinies of the state. Though the whole of the delegation may not be taken from the counties I have mentioned, yet, if delegates are elected throughout the state in proportion to the population of the counties, the counties enumerated will scarcely return one delegate to the legislature. It is in this manner the state is to be democratised, if the opposite party prevail at the ensuing election for delegates to the general assembly of Maryland. Voters of Maryland, ponder well these things, before you dispose of your suffrages at the approaching election. Are you prepared to surrender your rights without making a struggle to protect them? I hope not, nay, I urge you by all that is worthy of freemen, anxious to preserve inviolable their most invaluable privileges, not to sacrifice them, so long as you have an inch of the constitution to stand upon. You little know what will be your fate should you relinquish them tamely and peaceably, which I feel persuaded will not be the case. Vigilance is now the watch word so every man should carefully guard against those snares that are already spreading to entrap his suffrage. Freemen will no doubt protect their rights when disturbed. Rights, of which had they not the enjoyment, would reduce them to a condition little short of absolute slavery. Voters of Maryland, disperse if possible the storm that is about to wreck your liberties. The way to accomplish this, is to give your suffrages in aid of the federal ticket throughout the state, at the ensuing election. The tempest that threatens, may thus be averted. The clouds which usher it forth, are portentous of danger. Nay, the political atmosphere is darkened by them, as they roll along in gloomy grandeur, pressing as they do so, the direst evils. The storm now rages, but like a wounded lion, pawing the ground, will in vain vent its fury if you oppose thereto your united voices on the first Monday in October next. Voters of Maryland, you perhaps are not aware of the extent of the danger that awaits you, provided the democratic ticket succeeds—I have not yet developed all the plans the anti-federalists intend to adopt for the purpose of divesting you of your rights. In addition to those I have already mentioned, they contemplate electing the governor by a general ticket, so that Baltimore will send whatever governor

NOTICE.

The Visitors of the Free School of Anne-Arundel county, hereby make known, that an election of a teacher will be made, at the school house, on the first Saturday in October next, and on the same day annually thereafter; and that the school is to be considered vacant on that day in every year, free for any person who may think proper to apply for the same. They therefore request all persons who may wish to take charge of this institution, to make application in writing to Brice J. Worthington, esq. President of the Board, on or before the said Saturday in October annually, or personally to the board on the day of election, producing satisfactory testimonials of qualification and moral character. This establishment consists of one hundred and eighteen acres of good land, a school house in good repair, and a comfortable dwelling-house, large enough for the accommodation of a family. Its location is in a very populous neighbourhood, and to a man capable of teaching the English language in all its branches, together with Latin and Greek, the visitors have no hesitation in believing it would be highly profitable. Possession given the first of January.

Aug 24. 1820.

Committed

To the goal of Anne-Arundel county as a Runaway, a negro woman who calls herself RACHEL, and says she belongs to a Capt. Lancaster. She appears to be somewhat of an idiot, and incapable of giving a connected account of herself. She appears to be about thirty-five years of age, five feet high; her clothing a striped country cloth petticoat and jacket. Her owner is requested to prove property and pay expenses, or she will be dealt with as the law directs.

BENJ. GAITHER, Shff. A. A. County. 3w.

Sheriff's Sale.

By virtue of a writ of fieri facias from Anne-Arundel county court and to me directed, will be exposed to public sale on Thursday the 7th September on the premises 18 head cattle, pair of oxen, one wagon. Seized and taken as the property of Ambrose Uppiegraff, and will be sold to satisfy a debt due Samuel Heston, Jonathan Elliott, surviving obligees of John Elliott. Sale to commence at 11 o'clock, for cash.

BENJ. GAITHER, shff. A. A. C. 1u.

State of Maryland, Sc.

Calvert County Orphans' Court, May 10th, 1820. On application of John Lawrence, executor of Jacob Chambers, late of Calvert 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 Republican and Maryland Gazette, of Annapolis.

William Smith, Reg. of Wills for Calvert County.

This is to give Notice,

That the subscriber, of Calvert county, hath obtained from the Orphans Court of Calvert county, in Maryland, letters testamentary on the personal estate of Jacob Chambers, late of said 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 first day of December next, or they may otherwise by law be excluded from all benefit of said estate. Given under my hand, this 1st day of June, 1820.

John Lawrence, Adm'r. 6w.

Fancy Chairs,

Just Received from Baltimore Made by H. Finlay & Co. which will be sold low for cash, by Andrew Slicer. Aug. 24.