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NOTICE

The Subscriber's term of Office having nearly expired, he requests all Persons indebted to the Corporation for City Taxes, to settle the same on or before the 20th inst. longer indulgence will not be given. Wm. Brown, of Ben. Co. June 1st.

Sheriff's Sales.

By virtue of two writs of fieri facias issued out of Anne Arundel county court, and to me directed, against the goods and chattels, lands and tenements, of Philip Snowden, absent, Anthony Holmead, junr. and John B. Holmead, for the use of Charles D. Vall, and P. A. Russell and David Bartlett, for the use of Wharfedale Grundage, for the use of Charles D. Vall, I have seized and taken in execution, all that tract of land called "Robin Hood's Forest," containing 30 acres of land, more or less, and on Monday the 3d day of July next at the premises, I shall proceed to sell the said land to the highest bidder for cash, to satisfy the debt due as aforesaid. Sale to commence at 10 o'clock. R. Welch, of Ben. Co. Sheriff. A. A. county June 8.

By virtue of a writ of fieri facias issued by Richard G. Hutton against a justice of the peace for Anne Arundel county, and to me directed, against the goods and chattels, lands and tenements, of John H. D. Lane at suit of Nicholas J. Watkins, I have seized and taken in execution, all that tract or part of a tract or parcel of land called Grammar's Chance, containing one hundred & seventy five acres of land, more or less, being a plantation at present occupied by the said Lane. And I hereby give notice, that on Monday the 3d day of July next, at the court house in Annapolis, I shall proceed to sell the said land to the highest bidder, for cash to satisfy the debt due as aforesaid. Sale to commence at 12 o'clock. R. Welch, of Ben. Co. Sheriff. A. A. A. June 8.

George M'Neir,
MERCHANT TAILOR,
Has just received a large and handsome assortment of
Spring Goods
Of a superior quality, among which may be found some of the Best Black, Blue, Green and mixed Cloths & Cassimeres; Black, Drab, and mixed Lastings; Silk and plain Drilling of various Colours, Bombazetts and Hankins, with a large assortment of Vestings.
Which he will be happy to sell, on the most reasonable and most fashionable style.
May 11.

100 Dollars Reward.
Ran away from the subscriber near the Governor's Bridge, Prince George's county, Maryland, on the 24th of March last, a Negro Man named JIM, upwards of 40 years of age, his complexion not very dark, of ordinary height, but uncommonly large and broad across the back and shoulders, very bowlegged, by which he may be known, limps a little in his walk, he has an old scar near one of his eyes, he is clothed with a suit of white domestic kersey, and one of dark woollen cloth, but no doubt has a variety. Jim's father, if alive, lives with Mr. Joseph N. Stockett, near South River Church, and he has brothers and other connections belonging to Mr. Gasaway's plantation, and he has no doubt but Jim is lurking thereabouts, or some where between South and Patuxent rivers, or he may possibly make for some fishing landing, or some of the waters at this season of the year, and there hire himself. I will give any person fifty dollars for apprehending Jim within twenty miles of home, and one hundred dollars if taken out of the state of Maryland and District of Columbia, so that in either case, he is brought home or secured, so that I get him again. All persons are hereby warned not to harbour or employ said fellow. Grafton Tyler.

P. S.—Jim's wife is now living on the farm of the late Judge Gaskin, known by the name of White's Landing, on Patuxent, opposite Lower Marlborough, and it is probable Jim is lurking about there, in Calvert county.
June 3

Notice.
The commissioners of the tax, for Anne Arundel county, will meet at the court house in the city of Annapolis on Friday the 23d day of June inst, for the purpose of hearing appeals, and making transfers.
By order,
R. L. Cowman, Clerk.
June 2.

MARYLAND AND STATE REGISTER.



VOL. LXXXI. ANNAPOLIS, THURSDAY, JUNE 29, 1826. [No. 36.]

PRINTED AND PUBLISHED BY JONAS GREEN, 100 SOUTH STREET, ANNAPOLIS. Price—Three Dollars per annum.

Mr. Maxcy's Speech
Delivered in the House of Delegates at their session, on the resolutions in favour of an amendment of the Constitution of the U. S. in relation to the election of the President and Vice-President.

I am well aware, Mr. Speaker, of the prejudice, which he must encounter, who rises to advocate a change in the constitution of the United States. An unwillingness is to admit any defect in an instrument, which presents so many excellencies for our admiration, and which has conferred so many blessings on our country. "Prudence," says the Declaration of Independence, "will dictate, that governments long established, should not be changed for light and transient causes;" and for this reason, the members of the constitution have provided, that before an alteration in any part can take place, the change shall be sanctioned by two thirds of both houses of congress, or a convention called for by the legislatures of two thirds of the several states, and afterwards ratified by three fourths of the legislatures of the several states, or by convention.

It is not an opposite apprehension more reasonable; that error should become Reverend from age, and acquire too much strength to be changed, and that acknowledged error should be permitted to remain, as it is to communicate decay to the essential parts? It is astonishing to find upon a close examination, that a constitution, as was that of the United States, should have so few defects, and that the production is human, and that the works of man, imperious and susceptible of improvement; and that the sages, who were the authors of it, who in an address to the people of the United States, upon the adoption, remark, that "the people must guide our labour, and must bring it to perfection; the feeling of inconvenience correct the mistakes," into which we inevitably fall in our first and subsequent experiments. They recognize experience as the teacher of truth. No human wisdom can foresee the operation of a new form of government, and may show that part to be most correct, which in theory appears to be most perfect; and this is now proved from experience to be the case with respect to that part of the

constitution which relates to the election of the President & Vice President. Its original provision, which made no distinction between the votes given for these officers, are thought by many to be better, than those which have been substituted in their place. I cannot concur in that opinion. The original form involves the possibility of him becoming the President by fraud or accident or the influence of party spirit, who was intended by the people for Vice President, and who of course has not their confidence as the Chief Magistrate. Talents and patriotism are not the only qualifications necessary for him, who fills that exalted station. The possession of the confidence of the people, is in my humble judgment the most important of all qualifications. And this of necessity cannot be possessed by him, who becomes the President against the known will of the nation. Whether this opinion respecting the constitution as it originally stood, in entertaining which I believe a majority are against me, be correct or not, is in no way material to the question now before the house, inasmuch as nearly all the objections lie against the original provisions of the constitution, which so loudly call for a change of those, which have taken their place. It is no less remarkable than true, that the part of the constitution, which prescribed the mode of electing the President, when the question of adoption was before the people of the United States, was considered more unexceptionable than any other part. All the other principal features of the constitution had to pass through the ordeal of sharp discussion and opposition, while this was admitted by common consent to be as near perfection as human institutions in their nature could be. Experience, however, the only unerring test of constitutional forms, has on the contrary demonstrated, that this part is more defective than any other.

The most striking defect, that presents itself in this part of the constitution is, that no provision is made for a choice of electors, directly under the authority of the general government. The words of the constitution are: "each state shall appoint in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives, to which the state may be entitled in the congress." From this clause it appears, that the appointment of electors depends upon the pleasure of 24 independent legislatures. Suppose one or more states, a majority for instance, should refuse to direct the manner in which the electors that they are entitled to, shall be appointed, where is the power to compel them to do it? Here then is a manifest and radical defect. I hold that form of government to be, beyond all dispute, radically defective, which does not provide for its own organization, but leaves it dependent on the will of others. It seems astonishing, that an error of this fundamental character should have been committed by those, who were assembled to frame a constitution, to remedy the defects of the old confederation; the fatal defect in which was, that it did not exert its authority directly upon the citizens, but upon the states only. It had therefore but little influence, but that of advice, and the states did frequently, and with impunity, refuse to comply with the requisitions of the general government, and thereby rendered its authority nugatory.

This part of the constitution, where we perceive on the face of it, so essential and glaring a defect and inquire whether an effectual remedy may not be applied. The resolutions, which I have had the honour to submit for the consideration of the house, contain three distinct propositions, viz. 1st. To establish an uniform mode of choosing the President and Vice President, by districts, in all the states. 2nd. To abolish the intervention of electors, and let the people vote directly for the President and vice President. 3rd. To prevent the election of those high officers from devolving upon the two houses of congress respectively.

I shall examine these several propositions in the order, in which I have stated them, and consider whether they are calculated to remove the evils of the present system. According to the constitution as it now stands, the legislature of the several states prescribe the mode, in which electors are to be appointed in them respectively. These modes as might be expected, vary in the different states, and are from time to time, changed to suit their several views and interests, without any regard to the production of a just result with respect to the whole nation. At the period of the late election, the electors were voted for by districts in 7 states, entitled to 70 electors. In 7 other states entitled to 71 votes, the electors were appointed by the legislature. In the other 10 states, entitled to 129 votes, the electors were chosen by general tickets. The principle, upon which all just republican government rests, is, that the majority, fairly and clearly ascertained, shall rule.

A want of uniformity in the manner of appointing the electors almost necessarily produces an unequal result, and tends to violate this fundamental principle. Let me illustrate this by an example. Take the case of two states, the first having 1,500,000 inhabitants, and being entitled to 30 electoral votes by general ticket, which gives all the votes of the state to one candidate, and the second, having 1,160,000 inhabitants, and entitled to 29 electors, votes by district, 700,000 people in the first will appoint 30 electors for one candidate for the Presidency. Suppose the remaining 500,000 people in the first state, and the whole 1,160,000 people in the second state, and for the opposing candidate, making in all 1,660,000 people, they nevertheless will be entitled to twenty-six electors only, though more than double in number. A minority of not less than one half has four electoral votes more than the majority, and 1,660,000 people less influence in that proportion than 700,000.

Take another case as it actually stood in the late election. Maryland is entitled to 11 electors, and being divided into electoral districts, gave 7 votes to General Jackson, 3 to Mr. Adams, and 1 to Mr. Crawford. Pennsylvania is entitled to 24 electors, and voting by general ticket, gave all her votes for General Jackson. The weight of Maryland then, in deciding the election, was in comparison with Pennsylvania, as 3 to 24, whereas her just relative influence would be as 11 to 24. You will perceive, Mr. Speaker, from the last mentioned example, the deep interest which Maryland, which has uniformly adhered to correct principle in voting by districts, has in seeing the same system extended to the large states. Suppose Pennsylvania in the late election had been divided into dis-

tricts, 11 of which were for Mr. Adams, and 13 for General Jackson, Mr. Adams would then have received 14 votes in the two states, and General Jackson 20. Whereas as General Jackson by the prevalence of general ticket in Pennsylvania, and the district system in Maryland, obtained 31 votes, and Mr. Adams 3. A still stronger case to illustrate the injustice that would take place from want of uniformity in the mode of appointing electors, and one which might very probably happen at the next election, would be this:—Suppose the votes of Maryland should be divided in the proportion of 6 to 5, between the two candidates. Her weight in deciding the fate of the election, would be one, whereas, Pennsylvania, voting by general ticket, would have the weight of 24. Of course the relative influence of Maryland and Pennsylvania, instead of being as justice would require, in the proportion of 11 to 24, would be in the proportion of one to 24. Another evil of great magnitude, arising from the want of uniformity in the mode of appointing electors, and the option that is left the several states respecting it, is, that sudden changes to suit party views may take place immediately before an election. A change of this sort took place in New Jersey, in the year 1812. Only three days before the day appointed for choosing electors by the people, the legislature being in session determined to appoint the electors themselves, and thereby changed the vote of the state. The same thing took place in the same year in North Carolina. Other instances might be adduced—but these are sufficient to show that by changes of this sort, the fate of the election may be suddenly altered, and the will of a fair and decided majority be defeated.

It must be manifest, I apprehend, from the views I have already presented, that the mode of appointing electors, whether by district or general ticket, ought to be uniform, to be placed by a constitutional provision, beyond the fluctuations of the ordinary legislation of 24 different state legislatures. It remains then to inquire under the first head, which I had prescribed to myself in this discussion, whether if it be admitted, that the system of appointing electors ought to be uniform, it ought also to be by districts? or general ticket? One of the principal objects of constitutional law, which is not liable to the fluctuations of ordinary legislation, is, to protect the rights of the minority. A general ticket system, which gives all the votes of a state to one candidate, though another may be preferred by nearly one half of the voters, has the effect of stilling the voice of the minority. It has a still more unjust effect. It not only annihilates the influence which of right should belong to the minority in each state on the election of President and Vice President, but it transfers that influence to the majority, and throws the weight of the minority into the scale of the candidate to whom they are opposed. This idea will be made perfectly plain by an example.—The state of New York is entitled to 36 electoral votes. Suppose the state be divided into 36 districts, 19 of which, in a contest for the Presidency between Mr. Adams and Mr. Clinton, are in favour of Mr. Adams, and 17 in favour of Mr. Clinton. Here the majority of the state is justly entitled to the influence, in deciding the election of 19 votes, and the majority of 17, giving a preponderance of two to the majority. Suppose the state divided in opinion in the proportions

just stated, should suddenly by a law of its legislature, adopt the general ticket system. In such case the minority would have not only their voice stifled, but the votes to which they are entitled, would be violently wrested from them, and not only that, but they would also be impressed into the service of the majority. Just as then of Mr. Adams having 19 votes only, to which alone he would be justly entitled, he would also have the 17 which belonged of right to his rival, thereby giving him 36 instead of 19; and the minority not only lose their own just weight, but have the mortification of seeing it given up to the majority to swell the triumph of the candidate, to whom they were opposed.

If 40,000 people are allowed one electoral vote, 17 votes would represent 680,000 people, who in this case, would be deprived of all influence in the election. Again by the aid of the general ticket system, 6 of the large states which have 132 votes, could by combining, elect the president, if all the other 10 states were unanimous in their opposition, although in each of those large states, there were a majority of one only. In the case supposed, the successful candidate would have 67 voluntary and 63 impressed votes. Six states would carry the election against 18 by 67 votes against 194, and by 2,780,000 people against 7,760,000.

Such, Mr. Speaker, is the monstrous injustice which may arise from the system of voting by general ticket. But the unequal operation of this system is not the only objection to which it is liable. It virtually takes the election out of the hands of the people, who, from the extent of nearly all the states, must necessarily be unacquainted with the characters of the candidates for the electoral office, and as they cannot judge, whether they are worthy of the trust, they must necessarily rely upon a nomination by a caucus of the state Legislature, or of what is worse, of a voluntary and self constituted meeting of Caballeros and Intriguers. To procure a nomination by caucus of a state Legislature, little also would be necessary, than for an unprincipled candidate, through the instrumentality of a few active and zealous partizans, or lobby members, to satisfy a few of the leading and influential members, that it was for their interest that tickets of electors favourable to this candidate, should be nominated, and from the necessity of the case, the people, unable to select for themselves, will vote for the ticket nominated. And nomination, thus procured, becomes tantamount to an election. A nomination by a meeting of self constituted intriguers, where the state legislature decline interfering, is still more objectionable, as this meeting is more destitute of all responsibility, than the members of the legislature, and may in fact be originally brought together from corrupt influence and promise of offices, which being dependant on a successful issue, like a contingent fee to a lawyer, stimulates to the utmost activity of exertions.

A general ticket system has the unhappy effect of arraying one state against another, excites state pride & prejudice, & tends thus to produce the worst of all parties—I mean those founded upon geographical position. The collision of such immense masses, in a time of high excitement, must necessarily weaken, if they do not shatter to pieces the bond of the union. The general ticket alters the nature of our government so far as respects the election of the chief magistrate, and changes it from a compound system, partly federal