

RD. University Lot... he has received... which was a du... 7th Classes of... living found them... with vendors and... ble to the times... to the public, he... give one more... 5th Class—ex... before he pro... of the Splendid... Class, which was... en draw some... account of the... using state of the... kets was not at... for the drawing... rant it.

In Chancery,
August 15, 1826.
Richard Harwood of Thos, Henry H. Harwood, Joseph Harwood, and others, some of the heirs of Benjamin Harwood, et al.
Benjamin Harwood, Margaret Harwood, Anne Elizabeth Williams, and others, the residuary of the heirs of Benjamin Harwood.

The object of the bill is to obtain a decree for the sale of the Real Estate of the late Benjamin Harwood of the city of Annapolis. The bill states, that the said Benjamin Harwood died intestate, and seized in fee of sundry tracts and lots of land in Anne-Arundel and A legany counties, that he left no issue; that the complainants and defendants are children and descendants of the brothers and sisters of the said Benjamin Harwood, (all of whom are dead, and his heirs at law) But that owing to the numerous persons entitled, and the infancy of some of them, no sale can be made without the interposition of this court. The bill further states, that the following defendants named in the said bill, to wit: Benjamin Harwood, Margaret Harwood, Anne Elizabeth Williams, William Belt Harwood, Matilda G. Harwood, Maria Louisa Harwood, Samuel Middleton Harwood, Mary Eleanor Harwood, Caroline Virginia Harwood, Mary Harwood, Ellen Harwood and Levin Harwood, live out of the state of Maryland. It is the reason ordered and adjudged, that the complainant by causing a copy of this order to be inserted in some newspaper published in the city of Annapolis, once in each of three successive weeks, before the 15th day of September next, give notice to the said nonresident defendants, to be and appear in this court, in person or by a solicitor, on or before the 15th day of January next, to shew cause, if any they have, wherefore a decree should not be passed as prayed.

True copy,
Ramsay Waters,
Reg. Cur. Cal.

Sheriffalty.
To the Voters of Anne-Arundel County and the City of Annapolis.
The subscriber having been solicited by many of his Friends, offered himself as a Candidate at the election for Sheriff in 1827, and respectfully solicits their suffrages. Should be honoured with their support, he pledges himself no exertions shall be wanting on his part to give satisfaction in the execution of the duties of that office.
Thos. W. Turner.
Oct. 27

Notice is hereby given
That the subscribers have obtained from the orphans court of Anne Arundel county, letters testamentary on the personal estate of James P. Soper, late of said county deceased. All persons having claims against said deceased are requested to present them, legally authenticated and those indebted to make immediate payment to Joseph Evans, Annapolis.
Anne Soper, Exr.
Joseph Evans, Exr.

100 Dollars Reward
FOR JIM, NO MATTER WHERE TAKEN.
Ran away from the subscriber near the G. V. Bridge, Prince George's county, Maryland, on the 24th 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, has an old scar near one of his eyes, his clothing was a suit of white domestic kersey, and one of dark woollen cloth, but no doubt has a variety. Jim is either, if alive, lives with Mr. Joseph N. Stockett, near South River Church and he has brothers and other connections belonging to Mr. Garrison Knighton, and I have no doubt he 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. All persons are hereby warned not to harbour or employ said fellow. Grafton Tyler

PRINTING
Every description executed at this office with neatness and dispatch.

MARYLAND AND STATE REGISTER.



[VOL LXXXI. ANNAPOLIS, THURSDAY, SEPTEMBER 14, 1826. No. 37.]

PRINTED AND PUBLISHED BY
JONAS GREEN,
CUTCH-STREET, ANNAPOLIS.
Price—Three Dollars per annum.
Published in Anne Arundel County.
For DELEGATES to the ASSEMBLY.
Wm. J. W. Compton
Geo. Howard, of Brice,
Abner Linthicum
Charles R. Stewart
John W. Kent
Robert S. Williams
Edward E. Anderson
Solomon Groves

Crup Boots, Shoes & Hats.
Barber and Goodwin
I have commenced the above business in a new brick house of Mr. Joseph... where they have on hand a large assortment—which they will sell lower than any in the city, and which they invite the public to call and examine a part of which is enumerated below.

Gentlemen's

| | |
|-------------|-----------------------|
| Best Boots, | from \$2 50 to \$3 50 |
| Good Boots, | 1 25 - 1 75 |
| Case Boots, | 75 1 25 |
| Case Shoes, | 75 1 25 |
| Hats, | 75 1 25 |

Ladys'

| | |
|-------------------|-----------------------|
| Best Shoes, | from \$1 50 to \$1 75 |
| Good Shoes, | 75 1 50 |
| Case Shoes, | 50 1 25 |
| Boots, | 1 50 1 75 |
| Leather Shoes, | 37 1 25 |
| Boys' Boots, | 75 1 25 |
| Boys' Pumps, | 75 1 00 |
| Girls' Shoes, | 50 1 12 1/2 |
| Children's Boots, | 37 1 75 |

ALSO, an assortment of HATS of good quality. We shall likewise manufacture work to suit customers.
Sept. 7, 1826

A Valuable Farm FOR SALE.
The subscriber will sell at Private Sale, the farm whereon he now resides, containing about 400 acres of land, the soil of which is equal to any in the county. This land lies immediately on Herring Bay, in Anne-Arundel county, adjoining Tracey's Landing, and possesses all the advantages of Oysters, Crabs, Fish, Wild Fowl, &c. &c. The distance to Baltimore is about fifty miles, to the District of Columbia 30 miles, and from Annapolis 18 miles. This farm is in a high state of cultivation, well adapted to the growth of Tobacco, and of every description, Clover, Wheat, &c. acts with astonishing effect. The improvements are a comfortable dwelling house, four tobacco houses, and every other building necessary to the comfort and convenience of a family, with a Windmill, of considerable profit, Blacksmiths Shop, and a large commodious Store House, and immediately on an excellent road for business—Few farms possess so many advantages as this. The soil is situated upon a hill commanding a beautiful and extensive view of the Chesapeake Bay, and is very healthy. This land will be divided, or the whole sold to suit purchasers. Terms made known on application to
GUSTAVUS BREMS.
Aug. 5

Sheriffalty.
The subscriber notifies his fellow citizens of Anne Arundel county and the city of Annapolis, that he is again a candidate for the office of Sheriff, and respectfully solicits their suffrages.
Benjamin T. Pindle.
Sept. 15, 1826.

For the Baltimore Patriot.
MR. MAXCY'S REPLY TO "CORRESPONDENT."
Newport, Rhode Island, Aug. 23, 1826.
Dear Sir, Your communication, addressed to me, through the columns of the Patriot, and dated on the 10th inst. did not reach me till this day, when a friend handed me the Chronicle of the 16th, in which it had been re-published.

On the 17th July I published, with your assent, together with a short address to the voters of the Second Congressional District of Maryland, a letter received from you, in which you request of me a declaration of my sentiments, in relation to Mr. Adams, and in which you seem to consider the support of him as a sine qua non or indispensable condition, without which you and the friends of Mr. Adams could not consistently support me, as a candidate for Congress. I published also a reply to that letter, for the purpose of explaining my reasons, for declining a poll at the next election, and not for the purpose of entering into a political controversy.

If a correct representation therefore of my objections to the re-election of Mr. Adams had been given in your last letter, I should not again have appeared before the public. The errors of that representation I by no means attribute to design; but solely to the imperfect manner in which I presented my views in a hasty letter, which I had no time to review or correct. The friendly and gentlemanly spirit in which your letter is written, are such, as I should have expected from your character. To such communications, addressing the understanding by dispassionate argument, either upon the principles or reasoning, contained in my reply to your first letter, I shall feel bound to reply, so far as self defence shall require, however aversive to such discussions; while I shall consider communications of a different character, if such should be published, as not entitled to notice of any kind whatsoever. I am the more convinced, that you have fallen into an erroneous conception of my views, from the imperfect manner in which I have presented them, when I find that a person of your intelligence has inferred from saying, that "our government is republican, only because by its theory the Chief Magistrate is chosen by the people" and is responsible to them, that therefore I suppose no other trait, essential to a republican government, I certainly consider a Legislature, independent of the Chief Magistrate, essential to a republic, and I should not consider a government republican, merely because the Chief Magistrate should be elected at stated periods by the people, in case all power should be given to the Legislature. But a free legislature may exist in a monarchical government, and therefore a free legislature, though essential in a republic, does not make the government republican. To prove this, let me ask if our government, without any change, except the substitution of an hereditary and irresponsible king in the place of the President, would any longer be a republic?—The answer must necessarily be, that it would not. Then my position is correct, though badly expressed.

In my answer to your letter I stated explicitly that "a systematic opposition to the measures of this or any other administration, forms no part of my policy," and that so far as Mr. Adams should fulfil his pledge to pursue the course of the late administration, "he would receive from me a liberal and decided support of his measures."—This I have at all times declared in conversation, and still declare—and yet from the phraseology of that part of your letter, in which you speak of my withdrawing the preference, which I formerly gave to Mr. Adams, it would be supposed, that I had avowed an unqualified opposition to the measures of the administration. If you will read over my first letter, you will find it is the re-election of Mr. Adams, to which I am opposed; though according to the principles laid down in that letter, I should, were I a member of Congress, and the election of the President had again unfortunately devolved upon the house, have not felt at liberty to consult my own predilection, but bound to vote for Mr. Adams, if a majority of my constituents, as ascertained at the previous electoral election, should have declared for him, considering the ballot in my hand, not mine, but that of the District. But it being supposed important, by some of the voters, who had tendered me their support, that the personal opinion of the member of Congress for the district, should be in favour of Mr. Adams' re-election, I thought myself called upon by a sense of honour, frankly and without reserve, to declare that opinion, and release such voters from all obligation to support me, though perfectly aware, that such a declaration would in all probability take away all prospect of being a successful candidate for a seat in congress, and render it unnecessary for me to decline; but it was the unanimous opinion of those friends in the district, whom I consulted as to the mode of my declining, though most of those friends were favourable to Mr. Adams, that to prevent misconception and injurious imputations, it was necessary that I should in a dispassionate, but public manner, assign my reasons for it. I thought that the publication in reply to yours, of my sentiments in relation to Mr. Adams, in which I had explained my objections to him, in language certainly not intended to be offensive,

the least objectionable form, in which I could make known those reasons, and I therefore made it, though reluctantly. I sincerely regret, therefore, that the comments upon my reasons in your second letter, have compelled me again to come before the public in defence of them.

The objections, which in reply to your first letter I made to the re-election of Mr. Adams were in substance, that I believed Mr. Adams opposed or permitted to be defeated, by withholding his support from it, a proposition so to amend the Constitution as to take the election of the President from the House of Representatives and give it to the People of the several states, voting by districts—2ndly, that I disapprove of the manner of his election by the House; and 3rdly, because I had not seen the charge of using the patronage of government for the purpose of buying up political opposition satisfactorily answered.

As to the first ground of objection to Mr. Adams, his supposed opposition to the above mentioned amendment to the constitution, I infer from your letter, that you are not yourself in favour of it. If I am correct in this impression, you do right in thinking Mr. Adams' opposition to it is no justifiable ground of opposition to his re-election. I, on the contrary, solemnly believe, that the proposed change is absolutely necessary to preserve the principles and spirit of that very constitution, in their purity—of that constitution, which I agree with you, is better, than that of any other government, which has heretofore existed; and for that very reason I think it the duty of every good citizen to use his best endeavours to remedy a defect in the mode of electing the Chief Magistrate, which threatens to extend corruption to all its parts. The general excellence of the constitution furnishes no better reason against removing such a defect, than the general health of a human body would against removing a gangrene from a particular part, which if suffered to remain, would in the end produce general disease and death. Entertaining the opinion, which I do on this subject, I cannot imagine a stronger objection to Mr. Adams' re-election, than that he had thrown the weight of his high station, and his influence with his friends into the scale of opposition to the proposition to place his re-election upon the unbiased voice of the nation.

But you think that there is no proof, either that Mr. Adams has done this, or approved, before his election by the House of Representatives, of the proposition to take the election from Congress and give it to the people.

What are the facts? You do not deny, nor will it be denied, that one of the grounds, upon which Mr. Adams' election was advocated by papers friendly to him, was, that he was in favour of the proposed amendment, and that Mr. Crawford's supposed opposition to it was urged by the same papers as an argument against his being chosen. I consider Mr. Adams' declaration to the committee, that announced to him his election by the House, that "could his refusal to accept of the Presidency give an immediate opportunity to the people to form and express, with a nearer approach to unanimity, the object of their preference, he should not hesitate to decline the acceptance of that eminent charge, and submit the decision of this momentous question again to their determination," as a recognition of the principle, proposed to be incorporated into the constitution, by giving the election directly to the people, in as strong language as could possibly be used—more especially when you add to it the next sentence in his answer, which gives as his only reason for his not doing so, that the constitution as it now stands would not permit the election to go back to the people. If a man declares, that he would resign the highest earthly honour, to manifest his preference for a principle, that the people ought to have the election of the President, and assigns as his only reason for not doing so, that the constitution as it stands would render the act unavailing, what inference can be drawn from such a declaration, but that he would exert his influence in every proper mode to bring about an amendment of the constitution, which would take the election from the House and give it to the People? If he did not mean this I would ask any unprejudiced mind, what he did mean? He must either have meant this or have deliberately intended to flatter the people by an insincere profession of an opinion, which he did not entertain.

I was willing to believe him sincere; and accordingly with many others, who had voted for him, looked confidently to his first message to Congress for a recommendation in favour of that amendment; but we looked in vain. When such an amendment was afterwards proposed, without any recommendation from the President, we looked anxiously to see, what course his friends in Congress would take, considering that the next best evidence of his disposition on that subject. What was our mortification, when we found, as stated in my first letter, that the leading members in opposition to the amendment, or in other words, opposed to giving the election of the President to the people, were Mr. Adams' personal and political friends. "There were but few specious friends, which did not come from them." Of the fifty-one votes against the proposition to prevent the election from devolving on the house in any event, there were, as far as my information extends, but three, that are not supporters of Mr. Adams' administration. Thirty-five of the

fifty-one, were from New-England, being "the whole of the votes from that section, except four." The accuracy of this statement you do not controvert. If doubted, it may be easily tested by a reference to the printed proceedings of Congress. Place these facts before an impartial jury under oath, and what can their verdict be, other than the inference, which I drew in my letter to you, that they "leave no doubt that the weight of the amendment was decidedly against 'have succeeded but for this opposition.'"

If this be not a fair inference, then is the party in Congress, which supports Mr. Adams, the most extraordinary party, that ever existed.—A party opposed to its own head.—Friends, that act in phalanx order against their Leader.

You say that this was not an administration question. I suppose by administration question is meant a measure to which the administration wish success and which is supported by its friends. If this be a correct definition, I admit that it was not an administration question.—And it is their highest offence, in my judgment, that it was not made so by the recommendation of the president and by the support of those, who act with him upon common principles, with a view to the attainment of common ends.—Friends, of those who are his friends and are called the administration party.

We agree then, that the support of the amendment of the constitution, which proposed to take the election of the president from the house and give it to the people, was not an administration measure. But was not the defeat of that amendment, an administration measure? Of this fact, what stronger evidence can we, in the nature of things, have, than the facts above stated, viz: that Mr. Adams' leading political and personal friends were opposed to the amendment, and more especially, that his natural and strongest friends, the New-England members, with the exception of four, acted and voted in a phalanx against it? The president expresses his opinion in advance, only on questions, which he recommends before hand to the consideration of Congress. It would be unprecedented for him to express by a public message, his opposition to a measure pending in the house. We cannot therefore in the nature of the case, have any evidence of the president's sentiments on this occasion, than what we have, i. e. the almost unanimous concurrence of his friends in their opposition to giving the election of the president to the people.

I do not see how the above facts, coupled with Mr. Adams' own declaration, are placed, can resist the inferences: First, that he was in favour of taking the election of president out of congress, before he was himself elected by the house. 2ndly, That after his election, he changed his opinion, and has now no objection to take a second chance with a body, with which he has already once had such complete success. These circumstances operated conviction on my mind, though disposed to judge favourably of one, whose interest I had espoused and believing, as you know, I most ardently do, that the election of the president by the people is absolutely essential to the purity of the government, and that as long as Mr. Adams shall continue to be president, the requisite amendment of the constitution will be defeated, I am bound by the duty, which dictates to a good citizen to prefer the interest of his country to all other things, to be opposed to the re-election of Mr. Adams.

My second ground of objection to Mr. Adams was, "the manner of his election in the house of representatives." You seem to think there was nothing censurable in it; and that the election was conducted "in strict conformity with the constitution." If conformity with the constitution means nothing more than a compliance with its forms, while its spirit is disregarded and set at naught, I admit the truth of your position.

If on the contrary, conformity with the constitution means a compliance with its spirit as well as its forms, I dissent from your position.

paid over to J. & should undertake of himself to decide, that A ought in his judgment to have it, and therefore he would give it to him. I hold it then to be undeniable, that it is the true spirit of the constitution, that the voice of the people should prevail in the election of the president, and that the electors are bound to vote according to the will of those, who elect them. This doctrine I presume you will not deny.

If such be the obligation and duty of electors, let us then inquire, what is the duty of members of the House of Representatives when in the event of the election of the President devolving on Congress, they act in the capacity of electors? Are they not bound by the spirit of the constitution which dictates, that the voice of the people should prevail, to represent truly by their votes the sentiments of their constituents, and to look back to the previous electoral election to ascertain what those sentiments are, and to vote in conformity with them? I hold, that they are—and if it be said, that the words of the constitution do not prescribe this line of conduct to them, but leave them at large to vote according to their own private judgment; so also do the words of the constitution leave electors at large to vote according to their own private judgment, & yet there will be few found hardy enough at the present time to deny that they are bound by the spirit of the constitution to vote according to the sentiments of those, who elected them. I hold then, that the spirit of the constitution, which binds the electors to this course, binds also to the same course, the members of the House of Representatives, when acting in the capacity of electors; and that the oath, which every member takes to support the constitution, which if it means anything, means to support the true practical meaning and spirit of the constitution, deprives him of all discretionary power, and binds him to vote according to the will of those he represents.

Taking this doctrine as established, I proceed to an examination of the facts, connected with the election of Mr. Adams by the House of Representatives. It will be denied, that the representatives of some states, the people of which had chosen Electors for General Jackson, voted nevertheless for Mr. Adams, and thereby defeated the will of the people of those states. It will not, I presume be denied, that in three at least of those states, where Mr. Clay had the majority of the electoral votes, it was as certain as in the nature of such things you can be certain, that if Mr. Clay had not been a candidate, General Jackson would have had a majority of the votes at the electoral election over Mr. Adams. Even you, I presume, will believe, that this was the case in Kentucky, where in addition to the proof furnished by other circumstances, the Legislature of that state, recently taken from amongst the people, by an unanimous vote, or a vote with but an inconsiderable number of dissenting voices, had requested the representatives of Kentucky in Congress to vote for General Jackson.

In this case then, I hold, that the representatives in Congress of such states as preferred General Jackson to Mr. Adams, were as much bound by the spirit of the constitution to vote for General Jackson, when the contest lay between him and Mr. Adams, as they would have been to vote for Mr. Clay, had he been placed in a condition to receive them, by being returned to the House. This reasoning must be correct, if it be true, which I hardly think will be denied, that according to the real spirit and scope of our constitution, the voice of the people ought to prevail in the election of the President. And if it be correct, then the representatives of those states, the people of which preferred General Jackson, defeated, by voting for Mr. Adams, the voice of the people of those states, and in doing so, deserted their duty and violated the constitution as well as the first principle of republican government.

These states, added to those, which had electors chosen for General Jackson, amount to at least five if not six—and if their votes had been given to General Jackson, he would in conformity with the spirit as well as the letter and words of the constitution, have been the President, instead of Mr. Adams.

If Mr. Adams had failed to get the vote of any one of these states he would not have been elected President—Whatever then may be said of the other states is there a single man, in the United States, who doubts that the vote of Kentucky was given to Mr. Adams through the influence of Mr. Clay? Very few unprejudiced men I also believe, who reflect, that such of the representatives from the other western states, as decided the votes of those states, were the warm friends of Mr. Clay, will doubt, that a preference was given to Mr. Adams, in defiance of the will of their constituents, through the influence of Mr. Clay also.

It is to Mr. Clay then, that Mr. Adams owed his election as president. But I said in my letter, that if Mr. Adams had not identified himself with the cause of his election, through this violation of the constitution, it would have been his misfortune and not his fault, that he was so elected. But will any one say, that he did not thus identify himself by rewarding in return for his own election the principal agent in defeating the will of the people of at least five states, and therefore of a majority of the states, with the highest office in the gift? But you say I virtually exculpate both Mr. Adams and Mr. Clay, because I say I do not