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Maryland Gazette

ANNAPOLIS:
THURSDAY, MARCH 1, 1837.

ST. JOHN'S COLLEGE.
On Wednesday, the 21st ultimo, the annual commencement of this ancient and highly respectable institution was held in St. Anne's Church and attended by a numerous and brilliant assemblage of distinguished strangers. The proceedings were presided in the following order:—
Candidates for the degree of Bachelor of Arts.
The Faculty.
Visitors and Governors of the College.
The Speaker and Members of the House of Delegates.
The President and Members of the Senate.
The Governor and Members of the Executive Council.
When the exercises were opened with prayer by the President, after which the prayer of the senior class delivered their Oration in the following order:—
An English Salutatory Address, with an Oration on the character of Lafayette, by William Pinkney.
An Oration on Greece, by John Alexander.
An Oration on the present condition and future prospects of the United States, by Eschell Hughes.
A Latin Oration, "De ratione administrandi Republicam Albanarum," &c. by Thomas Archer.
An Oration on the Ruins of Time, by William Tucker.
An Oration on the character of Washington, by William Harwood.
The Principal then, according to arrangement, adjourned the meeting until the next day at 12 o'clock. At the appointed hour, the Governors and Visitors, the Faculty and the Students of the College repaired to St. Anne's Church, where a large audience had assembled, and the ceremonies of the commencement were concluded in the following order:—
A prayer was offered up by the Principal.
The Degree of Bachelor of Arts was conferred on the following young gentlemen:—
William Harwood, John H. Alexander, William Pinkney, William Tucker, Eschell Hughes and Thomas Archer.
The Degree of Master of Arts, was also conferred on the following gentlemen:—
James of the College, viz. Thomas Randall, Esq. of Washington City, D. C.; John Carter Howard, M. D. of Howard County, Md. and Alexander Randall, Esq. of Annapolis. A Valedictory Address, was then delivered by William Harwood. The exercises of the day were concluded with a prayer by the Principal.

To the Editor of the Md. Gazette.

Mr. Green,
As much anxiety has been expressed by some of our citizens, to see the law which has been passed during the present session of the legislature, to limit the jurisdiction of the justices of the peace in the city of Annapolis, in particular cases, you will oblige many by inserting it in your paper.
We shall not presume to call into question, either the wisdom or the justice of the legislature, with respect to a law, that they may think proper to pass; but it unquestionably sometimes happens, that a law fraught with the most injurious consequences to a particular portion of the community, and in the highest degree unjust in its operation, may from inadvertency, or from not foreseeing its consequences, be enacted. Such a law we are disposed to regard the one to which we have already alluded. An examination of its details will, we think, justify this representation. To this law, a preamble is annexed, which sets forth that great inconvenience and injury have been experienced by the citizens of A. A. County, in consequence of their being liable for debts contracted in the said city. To remedy this "inconvenience and injury," the first section of the law provides, that an inhabitant of A. A. County, for any debt that he may have previously contracted in the said city. The second section provides, that the citizens of Annapolis shall not be warrantable in A. A. County, for any debt that may have been previously contracted in said city.
The first section is in perfect conformity with the preamble, (which, it is generally presumed, contains the reasons of the law) and accordingly is designed to provide a remedy for the grievance alleged to exist; but the second section appears to be entirely gratuitous, and although it may be in conformity with the title of the law, yet no reason is given for it in the preamble.
It is not said in the preamble, that "such inconvenience and injury" have been experienced by the citizens of Annapolis, "in consequence of their liability to be warrantable in A. A. County, for debts contracted in said county; and yet, although the citizens of Annapolis have never asked to be exempted from the operation of any law, general or local, the legislature has, gratuitously, accorded to them a privilege, for which they did not ask, for which no reason is assigned in the law, and which, if they may be permitted to have their choice, we feel confident, they do not wish to avail themselves of. The second section of the law, is then certainly unnecessary and grievous of the kind, which it professes to remedy; has been alleged by any body to exist. The people of Annapolis have not asked the legislature to pass such a law for their

benefit; the legislature itself has not said in its preamble to this law, that this second section was asked for, or was necessary. This surely then was unnecessary legislation.

But is not this law altogether unjust in its provisions, and is it not unconstitutional? It is unjust, because it takes away from the citizens of Annapolis a portion of that security, which existed by the operation of the laws, when they credited the people of the county. When these debts were contracted by the inhabitants of the county, with the citizens of Annapolis, which this law declares now to be no inconvenient and injurious, it was known to both parties, that the then existing laws made provision for the recovery of the debt, in the place where it was contracted. Had not this been the case, many of the debts which are now due and owing by the people of the county, would never have been contracted. Is it not then manifestly improper for the legislature to deprive the citizens of Annapolis, as this law does, of the only security they had for the recovery of debts contracted by the people of the county before the passage of this law. Is not this law then unconstitutional—has it not a retrospective operation, and is it not in truth an ex post facto law? Let the law then be so modified as to operate upon debts contracted after the passage of the law, and no body will have cause to complain; and most assuredly the legislature will, if its attention be called to the subject, make this modification, or expunge the law from the statute book.

At the request of our correspondent, we have procured and now publish the law alluded to by him.
An act to establish the jurisdiction of justices of the peace and constables, residing in the city of Annapolis, and justices of the peace and constables of Anne-Arundel County, in certain cases therein mentioned.
Whereas great inconvenience and injury have been experienced by citizens of Anne-Arundel County, in consequence of the liability of their persons to be seized under warrants and executions, whilst within the limits of the city of Annapolis, for the recovery of small debts, previously contracted in said city, therefore,
Sec. 1. Be it enacted by the general assembly of Maryland, That from and after the passage of this act, no justice of the peace or constable residing in the city of Annapolis, shall have jurisdiction over the persons of citizens residing in Anne-Arundel County, whilst within the limits of said city, by issuing or serving warrants, or capias ad satisfaciendum, against citizens as aforesaid, for the recovery of small debts due and owing to citizens of Anne-Arundel County.

Sec. 2. And be it enacted, That no justice of the peace or constable residing in Anne-Arundel County, shall have jurisdiction over the persons of citizens of Annapolis, while within the limits of said county, by issuing or serving warrants, or capias ad satisfaciendum, against citizens as aforesaid, for the recovery of small debts due and owing to persons, inhabitants of Anne-Arundel County.

From the (Balt.) Chronicle. (COMMUNICATION.)
TALBOT COUNTY, Jan. 27, 1837.
REMARKS ON GOV. KENT'S MESSAGE.

Messrs. Editors,
Constant occupation, and a short journey from home, have prevented, until this time, my sending you some remarks upon the message of Governor Kent to the General Assembly. I am glad to see him adopt a practice, common in other states, of giving a detailed view of the concerns of the state. Documents of this sort are read by all, who read at all, and proceeding from such high authority as the Chief Magistrate, who is presumed to have devoted much of his time and thoughts to what most concerns the interests of the people, are extremely useful in disseminating correct information and sound opinions. But in the same proportion that they are useful when made the vehicle of sound opinions, they become mischievous, when they add the weight of official station, and personal popularity, to the dissemination of erroneous views, and anti-republican doctrines.
These reflections occurred to me with much force, on reading Governor Kent's message. While I approve its general tenor, I cannot but sincerely regret that he entertains opinions such as he expresses in relation to the important change proposed in the manner of electing the President of the United States, by the resolutions on that subject, which received the almost unanimous assent of our last general assembly. The governor thinks it of little importance, whether the election shall be made by the people voting directly for the president, or indirectly by electors chosen by them and responsible to them, and that it is questionable whether upon a failure of the people upon

the first trial to make an election, they should have in their own hands, and exercise themselves, the power of making subsequent elections for that purpose. In neither of these positions can I agree with his excellency.

With respect to the first, I hold it to be a first principle in the republican theory, that the people should not delegate a power which they are competent to exercise themselves. By our constitution, all the powers of government, legislative, executive and judicial, are taken from the people—and nothing is left to them, but the privilege of choosing the agents who are to exercise those high functions. Nay, I mistake, they have by the constitution not even that power in relation to two of those departments, the judicial and executive, for the executive appoints the judges, and electors appoint the executive. In fact, the people have the privilege left them of choosing only one half of the legislature—the senate being appointed by the legislatures of states. And yet we boast of this government being a democracy—a government of the people—and a chief magistrate of the state, who has long borne the title of a democrat, and would not doubt be offended if his republicanism should be doubted, is opposed to altering the constitution so far as to give the people the right of voting directly for the president!

Ay, but says the governor, either mode will be an effective expression of their will! The electors then are not chosen to judge for the people—but merely to carry the ballot of the people to the box. If this be the case, then the people, after all, judge for themselves, and are considered competent to make their own choice. Why employ then an elector, who may be corrupted and give a vote against the wishes of his constituents; for he is remembered, that the electors vote by secret ballot, and the people can never know how they vote. They are not therefore responsible, as the governor supposes, to the people. We all know, that in practice the people make up their own mind as to who is best qualified, and vote for such electors as pledge themselves to vote for their favorite candidate. Why not permit them then to avoid the hazard of the corruption and treachery of electors, and vote directly for the president themselves. No her mode is consistent with the great principle laid down above, as he is on basis of republican government. I hold the doctrine of the governor then to be anti-republican and ought to be rejected.

The Governor says, "We believe the House of Representatives is as safe and suitable a depository of that power, (meaning the power of making a second trial, in case of no election on the first,) as any other that can be constituted, or any that exists, other than the people themselves." Without cavilling about the accuracy of the Governor's language, or inquiring whether it conveys the meaning intended, we will take for granted, that he means to admit, that the people are a safe and more suitable depository of this power, than either the House of Representatives or any other select body of men. If this be his Excellency's meaning, why, by subsequent remarks, does he endeavour to weaken confidence in the propriety of giving it to the people, which is the principal object of the resolutions of the Legislature of Maryland, upon which he is commenting? Can any one read this part of his message without inferring very directly, that the Governor is, in the whole, opposed to any alteration of the Constitution, in relation to the election of the President, and prefers, that the contingent election should remain where it is—that is, with the House of Representatives. Although we differ with his Excellency in the opinion, that the House of Representatives is as safe a depository of the contingent power of electing the President as any other select body that could be constituted, yet we consider it unnecessary to discuss this point, when it is admitted, that the people themselves are a still safer and better depository of this power. To make them the depository is the object of the Maryland Resolutions. Why, then, does the Governor oppose them, if he really thinks, as he admits, that the people are a safer depository, than any select body? Are we reduced to the necessity of believing that he was not sufficiently bold, frankly to avow his real opinions, that the House in fact,

is a more depository than the people themselves, or not possessing sufficient confidence in the people to be a depository; that he was still willing to oppose, indirectly, a change, acknowledged to be beneficial, for the purpose of reconciling the people of Maryland to the administration of the General Government, nearly the whole weight of whose friends were thrown, at the last session of Congress, into the scale opposed to giving the people the power of electing the President themselves?

Not being able ourselves to reconcile these inconsistencies in the Governor's Message, we leave our readers to determine what inferences are properly and necessarily to be drawn from them.
Apparently with a view to discourage all efforts at an amendment which, in some form or other, is acknowledged to be necessary, to secure the future purity of the Presidential elections, the Governor, in another part of his message, says, "It is known, that the large States will not agree to deprive themselves of the power to exercise the decisive weight and influence of an undivided vote in the primary elections, without the abandonment, by the small states, of the federative principle, which gives them equal weight with the large ones, in contingent choice, and making the elections upon popular principles, or, at least, retaining the same relative power and influence in all subsequent trials."

I would respectfully ask his Excellency, how this is known? It may be conjectured and supposed, but we are not aware of any public act on the part of any one of the States, which would justify this assertion. On the contrary, we know, that in the face of this declaration, the largest State of all, New York, has, within the two last years, voluntarily and patriotically given up the decisive weight and influence of an undivided vote in the primary elections, and adopted the District system, without demanding any sacrifice whatever on the part of the small States, of the contingent equality of those States in the second election, nor even the condition of giving up, on the part of the States, the undivided vote in the primary election. When the Governor ventured to make this declaration, could he have been un-informed of this fact? Has any of the other of the large States demanded this sacrifice? I have heard of none, and think there will be ample time to consider the propriety of making this sacrifice when it is demanded. There is, in all events, no ground on this score for his Excellency's opposition to the resolutions of the last General Assembly, for those resolutions propose no such sacrifice.
(To be continued.)

PORT AU PRINCE.
Captain Wedderburn of the Toronto, at New York, from Port au Prince, states that a fire broke out there on the afternoon of the 21st inst, in the Government Arsenal, which was destroyed. Four thousand pounds of powder had been transported thither in the morning, for the purpose of being put in barrels preparatory to being shipped on board a government vessel. The fire originated from a spark occasioned by nailing the barrels with iron nails and an iron hammer. The store blew up with a terrific explosion, and about twenty persons were killed, including the Commissary of the Navy, the Commander of the Jean Pierre, and some of her officers. President Boyer had left the building only two minutes before the explosion. Two French men of war were lying at port at the time, and several engines and men ashore, which were very instrumental in saving the city.

A letter from Port au Prince, dated the 5th inst, confirms the above account. It states that the flames were confined within the buildings and its grounds, and no material damage occurred to the town. It adds that the loss to the government is estimated at a million and a half, and that thirty lives were lost.
The market at Port au Prince was fair for most articles of American produce.
They write from Marseilles, on the 1st of January:—Lord Cochran has returned to this city, which he leaves about the end of the week, to go directly to Greece. He is full of hope, and has received letters from England, which are to his entire satisfaction.

PROPOSAL
FOR PRINTING
The Journals of the Conventions of the Province of Maryland, from the years 1774, 1775 and 1776.

If sufficient encouragement be offered, the Subscriber proposes to publish, in one volume octavo, the Journals of the Conventions of the Province of Maryland in the years 1774, '75 and '76. It is believed that there are not more than two copies of these Journals now extant; and from the circumstance that they were printed in pamphlet form, and unbound, it may be fairly concluded that they, too, must in a few years be destroyed by the mere decay of time. These Journals are the only authentic evidence of the interesting history of Maryland, during that interesting and unquiet period. Although we have, in abundance, histories of Maryland, as connected with the association of Provinces and Colonies, at that time formed, for mutual protection against the improper assumption of power on the part of the Mother Country, yet none of these works embrace what may be termed its Domestic and Internal Political History.
This part of the history of Maryland it should be her pride to hand down to posterity, not only on account of its deep interest, but as a public State Record of the voluntary sacrifices, daring spirit, and determined resolution, of her citizens, during this period of doubt and dismay.
In the confident expectation that the citizens of Maryland will consider the proposed publication of sufficient importance to entitle it to their patronage, the Subscriber is induced to issue these proposals.
The Price per Copy, not to exceed \$2 00.

J. GREEN.
Chancery Sale.

By virtue of a decree of the Chancellor of Maryland, the subscribers will expose to public sale, at James Hunter's tavern, in the city of Annapolis, on Friday, the 23d day of March next, the following property, to wit: The houses and lot, in Prince George's street, now in the occupation of John Smith senior, appearing on the plat of said city as No. 95, heretofore conveyed to said Smith by John and David Ridgely; also all the houses and lot on Church street marked on said plat as part of lot No. 27, and heretofore conveyed to said Smith by Samuel Ridout and John Randall; also one cart and two horses. Terms of sale cash. Upon the ratification of the sale by the Chancellor, and the full payment of the purchase money, and not before the trustees are authorized to give deeds.
Richard Harwood, } Trustees
of Thos. }
H. H. Harwood, }
March 1, 1837.

Sheriff's Sale.
By virtue of a writ of fieri facias issued out of Anne Arundel county court, and to me directed, against the goods and chattels, lands and tenements, of Nancy Sewell, at suit of So-merville Pinkney, ex'r. of William E. Pinkney, I have seized and taken in execution, all that tract or part of a tract or parcel of land, called A Part of Mount Ville, containing eighty seven acres of land, more or less, and on Thursday the 22d day of March, inst, at the court house in the city of 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 10 o'clock A. M.
R. Welch, of Ben. Shif. A. A. County.
March 1.

State of Maryland, sc.
Anne-Arundel County Orphans Court.
February 25th, 1837.
On application by petition of Abner Linthicum, administrator of Henry A. Johnson, 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.
THOS. H. HALL, Register
Wills Anne-Arundel County.

Notice is hereby Given,
That the subscriber of Anne-Arundel county, hath obtained from the orphans court of Anne Arundel county, Maryland, letters of administration on the personal estate of Henry A. Johnson, 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 1st day of September next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 24th day of February 1837.
Abner Linthicum, Adm'r.
March 1.

Sheriff's Sale.
By virtue of a writ of fieri facias issued out of Anne Arundel county court, and to me directed, against the goods and chattels, lands and tenements, of Joseph Morton, at suit of Nicholas J. Watkins, John Scrivener for the use of Richard Crandell, and Thomas J. Hall, use of M. Donald & Ridgely, use of Richard Crandell, I have seized and taken in execution, all that tract of land, whereon the said Morton now resides, called "Golden Valley," or by whatsoever name the same may be called, containing two hundred acres of land more or less; the improvements are in good order, consisting of a comfortable Dwelling House, and all necessary out buildings; there are also on the premises a good and substantial Windmill, and on Thursday the 22d day of March inst, at the court house in the city of Annapolis, I shall proceed to sell the said land, or so much thereof as may be necessary to discharge the claims, to the highest bidder, for cash, to satisfy the debts due as aforesaid. Sale to commence at 11 o'clock.

R. Welch, of Ben. Shif. A. A. C.
March 1.

By virtue of sundry writs of fieri facias issued out of Anne Arundel county court, and to me directed, against the goods and chattels, lands and tenements, of Joseph Morton, at suit of Nicholas J. Watkins, John Scrivener for the use of Richard Crandell, and Thomas J. Hall, use of M. Donald & Ridgely, use of Richard Crandell, I have seized and taken in execution, all that tract of land, whereon the said Morton now resides, called "Golden Valley," or by whatsoever name the same may be called, containing two hundred acres of land more or less; the improvements are in good order, consisting of a comfortable Dwelling House, and all necessary out buildings; there are also on the premises a good and substantial Windmill, and on Thursday the 22d day of March inst, at the court house in the city of Annapolis, I shall proceed to sell the said land, or so much thereof as may be necessary to discharge the claims, to the highest bidder, for cash, to satisfy the debts due as aforesaid. Sale to commence at 11 o'clock.
R. Welch, of Ben. Shif. A. A. C.
March 1.

In Chancery,
Feb 26th, 1837.
Samuel Desle, and Susannah his wife, vs
Mary Miles and Henrietta Miles, and others.

The object of the bill filed in this case, is to obtain a decree for a conveyance or sale of the land in the proceedings mentioned.
The bill states, that William R. Miles, late husband of complainant Susannah, purchased of Lucy Harwood a tract of land called Rawling's Tavern, for the sum of \$1200. That the said William R. Miles afterwards departed this life intestate, without paying for the same, except fifty dollars. That since the death of said William R. Miles, and during the widowhood of her intermarriage, with complainant, Samuel Desle paid the greater part of said purchase money out of her own funds, and that complainants are ready to pay the balance of the purchase money on obtaining a conveyance.
That said William H. Miles left the following children, his heirs at law, all of whom are minors, to wit: John Miles, Mary Miles, Henrietta Miles, and Richard Miles. That the said children have no funds to complete said purchase, and that it would be to their interest to be relieved from said contract. It is also stated by petition, that since the filing of the complainant's bill, two of the defendants, Mary Miles and Henrietta Miles have removed out of the state of Maryland. It is thereupon adjudged and ordered, that the complainants, by causing a copy of this order to be inserted once in each of three successive weeks in one of the Annapolis newspapers, before the 26th day of March next, give notice to the absent defendants of the substance and object of the bill, that they may be warned to appear in this court, in person or by solicitor, on or before the 26th day of July next, to shew cause, if any they have, why a decree should not pass as prayed.
True Copy, Test
Ramsay Waters
Reg. Cur. Can.
March 1.

Notice.
Persons having either of the books mentioned below, having the names of Benjamin Harwood or Richard Harwood of Thos. written therein, are requested to leave them at this office, or return them to the subscriber, 4th vol. Goldsmith's Works, 5th vol. Anacostie Magazine, 6th vol. Goldsmith's Animated Nature, 2d do. Shaker's verses, Plym. 2d do. Pope's Works.
Richard Harwood, of Thos.
March 1.