

application was an infraction of the said act of assembly, and breach of duty in the said judge, yet your committee are of opinion that there is nothing in the said transaction from which corrupt and impure motives may be imputed to the judge, and that therefore every principle of justice and reason forbids the idea of the interposition of the legislature for his removal from office for a solitary error in opinion as to mere matter of law.

The second accusation contained in the memorial is, that the said judge has abused his authority, to the oppression of a citizen, by compelling him to become his own accuser, in violation of a fundamental principle in the bill of rights. For the support of this charge the memorialists have produced the deposition of George Keatinge, in the examination of whom this oppressive violation of the law is alleged to have been committed, supported by the deposition of John Murphy, a person present at the time of such examination. From these depositions your committee learn, that George Keatinge appeared before Judge Dorsey, on being summoned to give testimony against certain persons alleged to have committed a violation of the laws, in the character of a witness, and not in the character of a criminal called upon to give testimony against himself; when required to take the oath necessary to his examination, he refused to be sworn, assigning as a reason, not that he was unwilling to give testimony, by which he might establish his own guilt, but that from motives of delicacy he would not become an informer against others. The judge then instructed him that he would not offend his delicacy by using improper interrogatories, nor was he bound to answer any question which would criminate himself. So far then from violating that principle of the bill of rights, which secures to the inhabitants of this state an exemption from any compulsion to become their own accusers, Judge Dorsey appears to have admonished the witness of the fullest extent of his right. The benefit of the principle, *nemo tenetur prodere seipsum*, is exclusively confined to the person himself who is called upon to give testimony, and neither justice, humanity or sound policy, require that it should be extended; the words of the maxim prove to conviction the truth of this position, for the very assertion that a witness shall not be compelled to give evidence against himself, is the admission of the principle that he may be compelled to give testimony against others. The universal practice of courts of justice sanction this construction of the maxim, and a different interpretation of it would be productive of the most serious inconveniencies to the community; for, in the language of the law, "it would otherwise be impossible to prove many offences, for many offences cannot be proved but by some men that had a hand in them." From the foregoing considerations your committee are clearly of opinion that judge Dorsey is innocent of the charge of high judicial misdemeanors, alleged against him, and that the interposition of the general assembly, for his removal from office, ought not to be exerted.

All which is respectfully submitted.

By order,

G. WINCHESTER, clk.

Which was read.

The clerk of the senate delivers the bill authorising the levy court of Washington county to appoint commissioners to review the road therein mentioned, the bill to establish a board of agriculture for Charles county, the bill to provide for the transcribing of certain land records in Prince-George's county, and for making out an alphabet to the same, the bill for the preservation of the navigation of the north-west branch of Nanticoke river, in Dorchester county, the bill authorising the court of chancery to decree in the case therein mentioned, severally endorsed, "will pass." Ordered to be engrossed. The resolution relative to printing the militia law, endorsed, "assented to." The bill to abolish all such parts of the constitution and form of government as relate to the time and manner of electing the senate, and the mode of filling up vacancies in that body, endorsed, "will pass with the proposed amendments;" which amendments were read, and the question put, That the said bill, with the amendments, be printed? Resolved in the affirmative. And a bill, entitled, An act to increase the powers of the high court of chancery, endorsed, "will pass;" which was read the first time and ordered to lie on the table.

Mr. C. Dorsey, from the committee, delivers to the speaker the following report:

THE committee to whom was referred the memorial of Thomas Harris, junior, clerk of the court of appeals for the western shore, report, that it appears to your committee, that a committee appointed by the house of delegates at November session, 1790, to examine the state and condition of the public records and papers in the general court office, now belonging to the office of the said court of appeals, did report the then situation of the records and papers in the said office, and the general assembly, in consequence of that report, authorised and empowered the governor and council to contract with the clerk of the said general court to transcribe such of the records and dockets of the said court as were defaced, to complete the said records from the year 1765 to the time of the appointment of Mr. Hodgkin, and to make the necessary alphabets where there were none, and also a general alphabet, to separate and sort all the papers of the office up to the time aforesaid, and arrange them in proper bundles, in alphabetical order, and to have all the said records well bound, with good strong linen, and well secured in cases, and also for the binding of the said records where necessary, and that the governor and council pay the said clerk, and defray all expenses which might accrue in the work by draughts on the treasury, to be paid out of any monies unappropriated; to which said report and resolution your committee beg leave to refer.

The committee further report, that in pursuance of the said resolution the governor and council contracted with John Gwinn, Esquire, the then clerk of the said general court, for the performance of the several duties required by the said resolution; that it appears to the committee, from an examination of the records and papers