

MARYLAND GAZETTE, AND POLITICAL INTELLIGENCER.

ANNAPOLIS, THURSDAY, MAY 5, 1814.

No. 16.]

Lands for Sale.

For sale, a Tract of Land containing about 200 acres, lying on the North side of Severn, and binding on Deer Creek and Magoth River. This land is well adapted to the produce of wheat, Indian corn, and early marketing. The above land will be sold on the most accommodating terms—Any person wishing to purchase can view the land by applying to Mr. Joseph H. Duvall, living on the premises, or to the subscriber living in Annapolis.

Nicholas J. Watkins.

If the above land should not be disposed of at private sale before Friday the 14th day of May next, it will on that day be offered at public sale, if fair, if not the next fair day.

N. J. W.

April 14. 3

Chancery Sale.

By virtue of a decree of the high Court of Chancery, passed in the case of Richard Harwood and wife, vs. Richard H. Battee, and others, the subscriber will expose to public sale, on the premises, on Tuesday the 10th of May.

All the real property of John Battee, deceased, situated in Anne Arundel county, near the place commonly called Rawlings Tavern. The subscriber considers it unnecessary to give further description of the property, as it is presumed those who wish to purchase will view the premises. The purchaser or purchasers to give bond to the subscriber, with approved security, for the payment of the purchase money, within twelve months from the day of sale, and on the payment of the purchase money, with interest, the subscriber is authorized to execute a deed of conveyance to the purchaser. Sale to commence at 11 o'clock.

Edward Harwood, trustee.

April 14. 1814.

PROPOSALS

For publishing in the City of Baltimore,

A DAILY NEWSPAPER,

TO BE ENTITLED,

THE BALTIMORE TELEGRAPH AND MERCANTILE ADVERTISER.

BY ALLEN AND HILL.

The subscribers, while they solicit a candid and generous public to patronize the project which they have now undertaken of establishing a daily paper in the city of Baltimore, feel with common sensibility the delicacy and difficulty of the undertaking. Many have supposed that the citizens of the United States, are so enflamed by party animosity that it behoves every patriot to throw on every new champion who enters the field of political controversy. This hypothesis, if rigidly examined, will be found to end in this absurdity, that the condition of our country both abroad and at home, is so deplorable, that all attempts at reformation become criminal. If the national treasury is exhausted, commerce extinguished, public credit impaired, executive power enlarged while executive responsibility is lost, if our representatives in congress have so far forgotten their own dignity and the sanctity of their constitutional trust, as to declare that the will of an individual forms the law of the land, if in addition to this host of calamities, we are involved in a foreign war by which nothing can be gained and every thing is put in jeopardy—are we to be told that it is criminal to speak the words of honesty and truth? On the contrary, it is conceived that the argument points directly the other way; for in proportion to the desperation of our public circumstances, should be the zeal of our attempts to reform.

The subscribers would propose to attempt, but it would in them be the height of arrogance and presumption to say that they will be able to make their paper an interesting repository of intelligence. They have no hesitation in declaring that its character will be purely federal—by which they would be understood to mean, that neither the pride of power, or the insolence of office, shall prevent them from speaking salutary, although unpalatable truths. Having seen our political circumstances growing hourly more desperate: as the precepts and example set by Washington have been hourly abandoned, they deem it no less a right than a duty to raise one more warning voice, and apprise their countrymen of their danger while it is yet in their power to escape.

Influenced by such considerations they respectfully solicit the patronage of their countrymen to aid their undertaking.

ALLEN & HILL.

See the last embargo act.

TERMS.

It will be printed on a medium sheet at Nine Dollars per annum for the Daily Paper, and Five Dollars for the Country. Advertisements will be inserted on the usual terms.

Subscriptions for The Baltimore Telegraph will be received at all the principal Book stores in Baltimore.

P. S. Editors of newspapers favorable to the establishment of The Baltimore Telegraph will give the preceding proposal a few insertions in their papers, and receive the names of those persons desirous of becoming subscribers.

Subscriptions received at this Office.

March 30.

[VOL. LXXII.]

PRINTED AND PUBLISHED

JONAS GREEN,

CHURCH-STREET, ANNAPOLIS.

Price—Three Dollars per Annum.

IMPORTANT STATE PAPER.

The following message was transmitted to the Senate by the President of the United States.

The Secretary of State to whom was referred several resolutions of the Senate of the 22nd of February and 9th of March last, has the honour to submit to the President the following

REPORT.

Although these resolutions are of different dates, and refer to subjects in some respects distinct in their nature, yet as they are connected in others of considerable importance, which bear essentially on the conduct of the parties in the present war, it is thought proper to compare them in the same report.

The first of those resolutions calls for the names of the individuals who were selected from the American prisoners of war & sent to G. Britain for trial—their places of residence in the United States—the times when and the courts by which they were admitted to become citizens—the regiments to which they belong—when and where they were taken—with copies of any official correspondence respecting the treatment of prisoners of war, and of any orders for retaliation on either side.

The other resolutions request information of the conduct of Great-Britain towards her native subjects, taken in arms against her, and of the general practice of the nations of Europe relative to naturalization, and the employment in war each of the subjects of the other—of the cases, with their circumstances, in which any civilized nation has punished its native subjects taken in arms against it, for which punishment retaliation was inflicted by the nation in whose service they were taken. And lastly—

Under what circumstances and on what grounds Great-Britain has refused to discharge native citizens of the United States impressed into her service—and what has been her conduct towards American seamen on board her ships of war, at and since the commencement of the present war with the United States.

The paper marked A, contains the names of the American prisoners who were sent to England for trial by the British commander in Canada—of the corps to which they belong—of the times when, and of the places where they were taken. Of their places of residence in the United States—of the times and the courts in which they were admitted to become citizens, there is no evidence in this department, nor is there any to show whether they were naturalized or native citizens of the United States. This paper contains also a copy of the orders of both governments for retaliation, and of the correspondence between the respective commissaries concerning the treatment of prisoners.

The paper marked B, states various grounds on which the British government has refused to deliver up American seamen, impressed into the British service, on the application of the agents of the U. S. regularly authorized to demand them, with the correspondence relating to the same. It communicates also such information as this department has been able to obtain of the conduct of the British government, towards American seamen on board British ships of war, and since the commencement of the present war. Among the causes assigned for their detention, the following are the most deserving of notice:

1. That they had no documents, or that their documents were irregular;
2. That they were released from prison in Götterburg;
3. That they were exchanged as British subjects;
4. Were said to be impostors;
5. To have married in England;
6. Did not answer the descriptions given of them in their protections;
7. Had attempted to desert.

B. Were sent into the service for smuggling.

C. Were not to be found on board of the ship stated.

10. Had voluntarily entered into the British service.

11. Were natives of foreign countries, Prussia, Sweden, Italy, &c. It is probable that some of the seamen whose discharges were demanded, may not have been native citizens of the United States, but very presumable that the greater part were. Indeed the pretext assigned for their detention seems to admit it. Had they been native subjects of England, being there, their origin might have been traced. But that is the ground in a few instances only. In urging that some had no protections, or that their protections were irregular—that others had been exchanged as British prisoners—were impostors—had attempted to desert—did not answer the descriptions given them—were natives of Prussia, Sweden, &c. it is fairly to be inferred that the public authority in England, to whom this duty is assigned, sought rather to evade the application, than to justify the refusal. The pretext that some were natives of Prussia, Sweden &c. deserves particular attention. On this circumstance the Secretary will remark only, that in extending impressment in American vessels, to persons who could not be mistaken for British subjects, and refusing to surrender them on application to the voluntary service from which they were taken, it is evident that the recovery of British seamen, has not been the sole object of the practice.

By the report of the American commissary of prisoners in England, it appears that a considerable number of our seamen had been transferred from British ships of war, to prisons, that their exchange for British seamen taken in battle was demanded, in the first instance, but that that claim seems to have been since waved. It might have been expected that the British government on being satisfied, that these men, or that any of them were American citizens, would have liberated and sent them home at its own charge. They are however, still held prisoners, in confinement. That many of them if not all, are native citizens cannot be doubted; for had the proof not been irresistible, it cannot be presumed, while so many others are detained on board British ships of war, that these would have been exempted from that service. That many are still detained on board British ships of war may be fairly inferred, even without other evidence, from the indiscriminate manner of British impressment—from the distant service in which the men thus impressed are often necessarily employed, depriving their friends of an opportunity to communicate with them—and from the considerable number discharged, compared with that which has been demanded. Without relying altogether upon the reports heretofore made to congress by this department, the letter of Com. Rodgers, hereunto annexed, affords data from which an estimate may be formed.

On this point of correspondence between General Taylor and the Captain of the British ship the Dragon, and Com. Decatur and the commander Chapel, deserve also particular attention. If the British government would order a strict search to be made, through the British navy, for American seamen, it would then be seen how many of our native citizens have participated in the lot of the unfortunate men mentioned in the correspondence referred to.

The contrast which these documents present, in the pretensions and conduct of Great Britain with the pretensions and conduct of the United States, cannot fail to make a deep impression in favor of the latter. The British government impresses into its Navy native citizens of the U. States, and compel them to serve in it, and in many instances even to fight against their country, while it arrests as traitors and menaces with death, persons suspected to be native British subjects, for having fought under our standard against British forces, although they had voluntarily entered

into our army, after having emigrated to the U. States and incorporated themselves into the American society. The United States on the other hand have forced no person into their service nor have they sought, nor are they disposed to punish any who, after having freely emigrated to any part of the British dominions and settled there, may have entered voluntarily into the British army.

The remaining inquiries relate to objects other than the immediate conduct of the parties in the present war. They demand information of the conduct of Great Britain, and of other powers in past times, without limitation in the retrospect, in circumstances, bearing on the question of retaliation. The information required relates to the following points:

1. The conduct of G. Britain and the other nations of Europe, as to naturalization, and the employment in war, each of the subjects of the other.

2. As to the punishment of their native subjects taken in arms against them, in the service of other powers.

3. Examples of retaliation by the latter in such cases.

These inquiries necessarily involve an extensive research into the history and jurisprudence of the nations of Europe. For so important a task, the other duties of the Secretary of State, have altogether disqualified him, since the call was made. The approaching close of the session does not leave him time for more than the following observations:

That all the nations of Europe naturalize foreigners:

That they all employ in their service the subjects of each other, and frequently against their native countries, even when not regularly naturalized:

That they all allow their own subjects to emigrate to foreign countries:

That although examples may be found of the punishment of the native subjects taken in arms against them, the examples are few, and have either been marked by peculiar circumstances, taking them out of the controverted principle, or have proceeded from the passions or policy of the occasion. Even in prosecutions and convictions, having the latter origin, the final act of punishment, has, with little exception, been prevented by a sense of equity and humanity, or a dread of retaliation. It is confidently believed that no instance can be found in which the alleged purposes of the enemy against the twenty-three prisoners in question, under all the circumstances which belong to their case, even though many of them may not have been regularly naturalized are countenanced by the proceedings of any European nation:

That if no instances occur of retaliation in the few cases requiring it, or in any of them, by the governments employing such persons, it has been as is presumed, because the punishment which had been inflicted by the native country, might be accounted for on some principle other than its denial of the right of emigration and naturalization. Had the government employing the persons so punished by their native country, retaliated in such cases, it might have incurred the reproach either of countenancing acknowledged crimes, or of following the example of the party in acts of cruelty, exciting horror, rather than of fulfilling its pledge to innocent persons in support of rights fairly obtained and sanctioned by the general opinion and practice of all the nations of Europe, ancient and modern.

All which is respectfully submitted.

(Signed) JAS. MONROE.

Department of State, April 14, 1814.

LAW OF MARYLAND.

Passed at December Session 1813

AN ACT

Relating to Sheriffs and for other purposes.

Sec. 1. Be it enacted by the General Assembly of Maryland, That if any sheriff, or coroner or elisor, hath taken or shall take into execution, any goods or chattels, lands or tenements, under, and in virtue of any writ of fieri facias sued out of any court of law in this state, and

hath returned, or shall return such writ to the court from whence it is sued, stating that the said goods or chattels, lands or tenements, remain in his hands or possession, unsold, for want of buyers, or hath returned, or shall return, that the same remain unsold, by reason of any other legal impediment, and such sheriff, coroner or elisor, hath died, or shall die, without having made sale of the goods or chattels, lands or tenements, so taken in execution, in virtue of any writ of fieri facias, it shall, and may be lawful for the court, out of which such writ of fieri facias hath issued, or may issue, and such court is hereby authorized and required, on motion, to order and direct a writ of venditioni exponas be issued, directed to the sheriff, or some one of the coroners (as the case may require) of the county wherein the goods or chattels, lands or tenements, so taken in execution as aforesaid, may be or lie, and such writ of venditioni exponas shall accordingly issue, reciting in a special manner, the circumstances of the case; and the sheriff or coroner to whom any such writ of venditioni exponas shall be directed and delivered, shall seize and take, and he is hereby authorized and empowered to seize and take into his possession, the goods or chattels, lands or tenements, mentioned and set forth in such writ of venditioni exponas, in whosever hands or possession the same may be found; and shall proceed after due notice, to sell the same at public sale, in the same manner as if the said goods or chattels, lands or tenements, had been seized and taken by such sheriff, or coroner, upon a writ of fieri facias to him directed and delivered for that purpose, and shall make return thereof to the court, from whence the said writ of venditioni exponas shall have issued, and such sheriff or coroner shall be liable to be proceeded against, & his bond as sheriff or coroner shall be answerable in the same manner, for any neglect of duty of such sheriff or coroner, as on other writs of venditioni exponas to them directed and delivered.

2. And be it enacted, That any sale so to be made by any sheriff or coroner, in virtue of any such writ of venditioni exponas as aforesaid, shall be as valid and effectual, as if the same had been made by the sheriff, coroner or elisor, who had seized and taken the said goods or chattels, lands or tenements, under the writ of fieri facias.

3. And be it enacted, That in case of the sale of any lands or tenements under, and in virtue of any writ of venditioni exponas, as above mentioned, the sheriff or coroner, who shall have sold the same, shall execute to the purchaser or purchasers thereof a deed of conveyance therefor, and such deed of conveyance, being acknowledged and recorded according to law, shall be as operative in law to every intent, as if the sheriff or coroner, in virtue of a writ of fieri facias to him directed and delivered for that purpose had seized and taken such land or tenements, and exposed the same to sale as aforesaid.

4. And be it enacted, That in case any sheriff, coroner or elisor, hath made or shall make sale of any lands or tenements, and hath died or shall die without executing a deed of conveyance to the purchaser or purchasers thereof, it shall and may be lawful for the court, out of which the writ of fieri facias or venditioni exponas, as the case may be, hath issued, or shall issue on application of the purchaser or purchasers, or his or their legal representatives, to order and direct the sheriff for the time being, or some of the coroners (as the case may be) of the county in which the said lands or tenements sold as aforesaid, may lie, to execute a deed of conveyance to the purchaser or purchasers, his or their legal representatives, for the lands or tenements sold and purchased as aforesaid, and such deed of conveyance being acknowledged and recorded according to law, shall be as operative in law to every intent as if the sheriff, coroner or elisor, who made or shall make such sale, had in his lifetime executed the said deed of conveyance.

5. And be it enacted, That in case any sheriff, coroner or elisor, shall die without having made sale of the goods or chattels, lands or tenements, seized and taken under and in virtue of any writ of fieri facias as aforesaid, his executor or administrator shall not charge, exact or receive more than one half the poundage fees allowed by law; and that the sheriff or coroner who shall make sale of any such goods or chattels, lands or tenements, under & in virtue of a writ of venditioni exponas to him directed & delivered for that purpose, as herein before mentioned, shall not charge, exact or receive more than one half of the poundage fees as aforesaid.

6. And be it enacted, That in case any sheriff, coroner or elisor, shall seize and take into his hands or possession, any goods or chattels, lands or tenements, under and in virtue of any writ of fieri facias, to him directed and delivered for that purpose, and such sheriff, coroner or elisor shall die before the return day of such writ of fieri facias, or without having made any return of such writ, then, and in every such case, the plaintiff or plaintiffs in any such writ, or his, her, or their representative, or attorney at law, shall and may, if before the return day of such writ, obtain a duplicate thereof; or if after the return day, obtain a new writ, directed to the then sheriff, or to some one of the coroners of the county, (as the case may require) and such sheriff or coroner may, under such duplicate or new writ, and he hereby is authorized and empowered to seize and take into his hands or possession, the same property, whether real or personal, which may have been taken by the sheriff, coroner or elisor dying, and there shall be the same proceedings thereon as in other cases of fieri facias. Provided nevertheless, that the executors or administrators of the sheriff, coroner or elisor, so dying, shall not charge, exact, or receive any poundage or other fees, for services performed under any such writ of fieri facias, by the sheriff, coroner or elisor so dying.

7. And be it enacted, That the due and legal notice required to be given by any sheriff, coroner, or elisor, of the sale of any goods or chattels, lands or tenements, hereafter to be made by and under any writ of fieri facias or venditioni exponas, shall, in the case of the sale of goods or chattels, be by advertisement set up at least ten days before the day of sale at the court house door of the county, and at least at two other public places most convenient to such goods or chattels; and in the case of the sale of negro slaves, such advertisement shall also be published before the day of sale in some news-paper having circulation in the county; and in the case of the sale of lands or tenements, notice thereof shall be given by advertisement set up at least twenty days before the day of sale at the court house door of the county, and at other public places in the county in which the lands or tenements shall lie, and also published before the day of sale in some newspaper having a general circulation in the county.

8. And be it enacted, That in case any sheriff or coroner shall have lawfully arrested or taken in execution any person or persons in virtue of any writ of attachment, of capias ad respondendum, or of capias ad satisfaciendum, and such sheriff or coroner shall die before the return day of any such writ, it shall and may be lawful for the sheriff or the time being, or some other of the coroners, (as the case may be) of the county, on the application of the plaintiff in any such writ, or his counsel, and on producing to such sheriff or coroner as aforesaid, the writ under which the person or persons shall have been arrested or taken in execution as aforesaid, and such sheriff or coroner shall be authorized and he is hereby required, again to arrest or take in execution under and in virtue of any such writ, the person or persons who may have been arrested or taken in execution as aforesaid, in the same manner as if such person or persons had not been before arrested or taken under any such writ.