

LAW OF MARYLAND.

[DUNCAN'S EDITION, 1814.]

An additional supplement to the act entitled, An act respecting the equity jurisdiction of the county courts.

(Passed January 28, 1815.)

Be it enacted by the General Assembly of Maryland, That the several county courts of this state may exercise original equity jurisdiction in all cases, in which the court of chancery has now power to act, in the same manner that they now exercise equity jurisdiction by virtue of the act to which this is a supplement.

Sec. 2. And be it enacted, That each of the judges of the several judicial districts in this state, during vacation, shall have the same power to grant and enforce, within their respective judicial districts, writs of injunction in the same manner, and with the same limitation, as the chancellor of the state can or may exercise.

Sec. 3. And be it enacted, That it shall be the duty of some one of the associate judges of the several judicial districts of this state, to attend at the court house of the several counties in their several judicial districts, at some day between the several sessions of their court, who shall have power to make all necessary orders, touching any subject matter in the said respective courts, upon the equity side, brought or depending thereon; and it shall be the duty of the several clerks of the several counties in this state, to attend the said judge on the said days, who shall make due entry of all such matters and things as shall or may be ordered as aforesaid, by the said judge; and the several county courts in this state are hereby instructed, at their first court next after the passage of this act, to appoint the several days on which the said judge shall attend as aforesaid, which said days shall be as nearly as may be equidistant between the terms of the several and respective county courts.

Sec. 4. And be it enacted, That the several county courts of this state shall have full power and authority to appoint during their pleasure, a person of integrity, judgment and skill in accounts, to be auditor for the said court, who shall, before he enters upon the duties of his appointment, take an oath to be administered by the court, well and faithfully to execute the duties of his office, without affection, favour, partiality or prejudice; and he shall audit all accounts in the same manner, and with the same powers, and subject to the same control, as the auditor in chancery now does; and the auditor to be appointed shall be allowed three dollars per day, for every day he shall be reasonably employed in auditing, auditing, and settling, any account to be paid by the party desiring such account to be stated, audited, and settled, and taxed in the bill of costs as aforesaid.

Sec. 5. And be it enacted, That all persons or persons who shall or may think themselves aggrieved by the decree of any county court, in any case of which such county court may have an equity jurisdiction by virtue of this act, or of the original act to which this is a supplement, shall be at liberty, in all cases, to appeal to the court of appeals of the respective shires, in the same manner, and under the same circumstances, & such appeals shall have the same legal effect and consequences as appeals prosecuted from the court of chancery, to the court of appeals now have.

Sec. 6. And be it enacted, That the clerks of the several county courts in this State, shall act as registers for their several counties, in the same manner, and with the same powers, as the registers in chancery now does; and the sheriffs or coroners of the several counties shall execute and return all process, which may issue from any court, or judge, by virtue of this act, in the like manner as they would have been compelled in case the same had issued from the court of chancery.

Sec. 7. And be it enacted, That nothing herein contained shall be construed to authorise and empower any interference by the several county courts, or by the judges thereof, in any cause or process now depending, or hereafter to be brought, or hereafter to be issued, before or by the chancellor of Maryland, or to change the manner of issuing writs of error.

Sec. 8. And be it enacted, That nothing in this act shall be construed to allow the clerks of the several county courts any other or greater fees than those already allowed to them for chancery proceedings in the county courts.

Sec. 9. And be it enacted, That this act shall continue and be in force until the 30th day of November next, and to the end of the next session of assembly which shall happen thereafter.

An additional supplement to the act, entitled an act for the relief of sundry insolvent debtors.

(Passed February 1, 1815.)

Be it enacted by the General Assembly of Maryland, That a petition for the benefit of the insolvent act for the benefit of insolvent debtors, and the several supplements thereto, not depending in any of the county courts of this State shall be continued beyond the second session of such court next after the passage of this act, unless in cases where the court shall be satisfied a further continuance is necessary to procure testimony material and competent on the part of any allegations made by the petitioners discharged, nor shall any such petition here-

after to be filed, be continued beyond the first court next after the filing thereof, unless for the causes aforesaid.

Sec. 2. And be it enacted, That upon the dismissal or withdrawal of any petition for the benefit of said acts, or upon decisions thereon against the petitioner, it shall not be necessary to revive by seizure any judgment which may have been suspended by such petition and process of execution may be issued upon such judgment, as if no such suspension had taken place.

Sec. 4. And be it enacted, That the time intervening between the petitioning of any of said debtors and the time that any of said petitions may be dismissed, shall not be computed on any plea of limitation, so as to defeat any claim of any person against such debtor.

WASHINGTON, APRIL 25.

NEW ORLEANS.

We received on Saturday a bundle of N. Orleans papers up to the 30th March inclusive; from which we extract the following out of many documents respecting the recent event in that quarter with which they are filled.

From the Friend of the Laws.

HEAD-QUARTERS, 7th Military District, Adjutant General's Office, N. Orleans, March 13, 1815.

GENERAL ORDERS.

The Commanding General, with the most lively emotions of joy and of gratitude to Heaven, announces to the troops under his command that a treaty of peace between the U. States and G. Britain was ratified and exchanged at Washington, on the 17th of Feb. y last.

In consequence whereof, he loses not an instant in revoking and annulling the general order issued on the 15th of December last, proclaiming martial law, which is hereby revoked, annulled, and countermanded; and he orders all hostilities immediately to cease against the troops and subjects of the United Kingdom of G. Britain and Ireland.

And in order that the general joy attending this event may extend to all manner of persons, the Commanding General proclaims and orders a pardon for all military offences heretofore committed in this district, and orders that all persons in confinement under such charges, be immediately discharged.

By order—

ROBERT BUTLER, Adjutant General.

HEAD-QUARTERS, 7th Military District, Adjutant General's Office, N. Orleans, March 13, 1815.

GENERAL ORDERS.

The Commanding General communicates with great satisfaction to the troops under his command, the following testimonial of the just sense which the President of the United States has expressed in their patriotism, valor and good conduct. He congratulates them particularly on their being able to receive his applause with a consciousness of having deserved it—and takes a singular pleasure in conveying to the brave citizens of this State, who took up arms in its defence, the assurance that their exertions are appreciated as they deserve by the Executive of the U. States.

"The President requests that you will express to the troops, who have acted under you, the very favorable sentiments which he entertains of their conduct.—The alacrity with which they repaired to the standard of their country, exposed in many instances to distressing privations; the patience with which they have borne the fatigues of the campaign, and their bravery in action, have been seen by him with great satisfaction.—To our newly adopted fellow citizens of Louisiana, you will give assurance of his great sensibility to the decided and honorable proof which they have given of their attachment and devotion to the union, and of their manly support of the rights of their country.

"Signed, JAMES MONROE, "Sec. of State."

By command, ROBERT BUTLER, Adjutant General.

ADDRESS

From the City Battalion of Uniform Companies, to Major General Jackson.

General, We have delayed until this moment the expression of our feelings towards you, lest the honest emotions of our hearts should be ascribed to a desire of propitiating the favor of our commander. At this moment when neither hope nor fear can be supposed to have influenced us, we pray you to receive the sincere tribute of our thanks—as soldiers, for the confidence you have reposed in us, for the paternal care with which you have watched over our comforts, and above all, for that justice you have done to our zeal, in assigning us on every occasion a post of danger and of honor—as citizens, for the wisdom of the measures you devised to protect our country; for the skill and bravery with which they were executed; and for that indispensable energy, to which we owe our safety. Leaving to others the task of declaiming about privileges and constitutional rights, we are content in having fought in support of them—we have understanding enough to know when they are wantonly violated; and no false reasoning shall make us ungrateful to the man whose wisdom and valor have secured them to our posterity. We do not deal in profes-

sions, but we pray you, General, to be assured, that in the officers and men of this battalion, you have soldiers who have been and are always ready to affront every danger under your command; fellow-citizens grateful for your services; friends personally attached to your fortunes, and ready to promote your happiness at the risk of their own. You have allowed us the endearing title of your brothers in arms—it was given us on this field, strewn then with the bodies of our enemies; and we feel a noble pride in the consciousness that allows us to accept it. That fraternity cemented in hostile blood shall be the pride of our lives; and in after times will secure to our children the respect of posterity. General, common phrases cannot express the emotions which agitate us at this moment of our separation—but we pray Heaven to watch over your safety; and we trust to a grateful country for the honours and advancement which your services have merited.

Camp Jackson, March 16

- J. B. LEAUME, Major, SER. GREE, Captain, M. WHITE, Captain, A. GUBERT, Captain, HUBBY, Captain, P. ROCHE, Captain, JOHN ST JEAN, Lieut. CORUR DE ROY, DE ST. ROMES, Lieut. N. THOMPSON, Lieut. G. FREMONT, Lieut. DUBUQUOY, Lieut. I. FILLE, Lieut. BENEY, Lieut. BERTEL, Lieut. HURT, Lieut. LE MOONIER, Ser. Maj.

THE GENERAL'S ANSWER.

Fellow-Soldiers,

Popular favour has always been with me a secondary object. My first wish, in political life, has been to be useful to my country. Yet, I am no insensible of the good opinion of my fellow-citizens; I would do much to obtain it—but, I cannot, for this purpose, sacrifice my own conscience, or what I conceive to be the interests of my country.

These principles have prepared me to receive, with just satisfaction, the address you have presented.—The first wish of my heart, the safety of our country, has been accomplished, and it affords me the greatest happiness to know that the means taken to secure this object have met the approbation of those who have had the best opportunities of judging of their propriety, & who from their various relations, might be supposed the most ready to censure any which had been improperly resorted to. The distinction you draw, gentlemen, between those who only declaim about civil rights and those who fight to maintain them, shows how just & practical a knowledge you have of the true principles of liberty; without such knowledge all theory is empty or mischievous.

Whenever the invaluable rights which we enjoy under our own happy constitution are threatened by invasion, privileges the most dear, and which, in ordinary times, ought to be regarded as the most sacred, may be required to be infringed for their security. At such a crisis, we have only to determine whether we will suspend, for a time, the exercise of the latter, that we may secure the permanent enjoyment of the former. Is it wise, in such a moment, to sacrifice the spirit of the laws to the letter, and by adhering too strictly to the letter, lose the substance forever, in order that we may, for an instant, preserve the shadow? It is not to be imagined that the express provisions of any written law can fully embrace emergencies which suppose and occasion the suspension of all law, but the highest and the last, that of self-preservation. No right is more precious to a freeman than that of suffrage, but had your election taken place on the 8th of January, would your declaimers have advised you to abandon the defence of your country in order to exercise this inestimable privilege of the polls?—Is it to be supposed that your General, if he regarded the important trust committed to his charge, would have permitted you to preserve the constitution by an act, which would have involved constitution, country and honor, in one undistinguished ruin?

What is more justly important than personal liberty; yet how can the civil enjoyment of this privilege be made to consist with the order, subordination and discipline of a camp? Let the sentinel be removed by subpoena from his post, let writs of habeas corpus carry away the officers from the lines, and the enemy may conquer your country, by only employing lawyers to defend your constitution.

Private property is held sacred in all good governments and particularly in our own, yet shall the fear of invading it prevent a General from marching his army over a cornfield, or burning a house which protects the enemy? These and a thousand other instances might be cited to shew that laws must sometimes be silent when necessity speaks. The only question with the friend of his country will be, have these laws been made to be silent wantonly and unnecessarily? If necessity dictated the measure, if a resort to it was important for the preservation of those rights which we esteem so dear, and in defence of which we had so willingly taken up arms, surely it would not have been becoming in the commander in chief to have shrunk from the responsibility which it involved. He did not shrink from it. In declaring martial law, his object, and his only ob-

ject, was to embody the whole resources of the country in its defence. That law, while it related necessarily suspended all rights and privileges inconsistent with its provisions. It is matter of surprise, that they who boast themselves the champions of those rights and privileges, should not, when they were first put in danger by the proclamation of martial law, have manifested that lively sensibility of which they have since made so ostentatious a display. So far, however, was this from being the case that this measure not only met, then, the open support of those who when their country was invaded thought resistance a virtue, and the silent approbation of all—but even received the particular recommendation and encouragement of many who now inveigh the most bitterly against it. It was not until a victory, secured by that very measure, had lessened the danger which had occasioned a resort to it, that the present feeling guardians of our rights discovered that the Commanding General ought to have suffered his post to be abandoned thro' the interference of a foreign agent—his ranks to be thinned by desertion & his whole army to be broken to pieces by mutiny; while yet a powerful force of the enemy remained on your coast and within a few hours sail of your City.

I thought and acted differently. It was not until I discovered that the civil power stood no longer in need of the military for its support, that I restored to it its usual functions; and the restoration was not delayed a moment after that period had arrived.

Under these circumstances, fellow soldiers your resolution to let others declaim about privileges and constitutional rights, will never draw upon you the charge of being indifferent to those inestimable blessings—your attachment to them has been proved by a stronger title than that of being nobly fought to preserve them.—You who have thus supported them against the open pretensions of a powerful enemy will never I trust, surrender to the under-hand machinations of men who stand aloof in the hour of peril, and who, when the danger is going, claim to be the "defenders of your constitution."

An honorable peace has dissolved our military connection; and, in a few days, I shall quit a country endeared to me by the most pleasing recollections. Among the most prominent of these, gentlemen, are those I shall ever cherish as the distinguished bravery, the exact discipline, the ardent zeal and the important services of your corps.—The offered friendship of each individual composing it, I receive with pleasure and sincerely reciprocate. I shall always pride myself on a fraternity with such men, created in such a cause.

ANDREW JACKSON, Maj. Gen. Comdg. 7th Mil. Dist.

H. Quarters, Adjutant General's Office, New Orleans, March 15, 1815.

Decision of the court martial in the case of Major Villere, March 15, 1815.

After a full examination of all the testimony for and against the prosecution, the court find the said Maj. Villere "not guilty" of the charges and specifications exhibited against him, and do acquit him of all and every one of them. And the court consider it due to the accused, further to declare that "Major Villere appears to have performed his duty, from the moment he was left in command under the orders of Major Genl. Villere, with zeal and fidelity; and that the circumstance of his surprise and capture by the enemy, though much to be regretted, might have occurred to the most vigilant officer, and must be attributed to the loss of the whole of his picket or advance guard, and the extraordinary rapidity with which the enemy moved from that point."

The Maj. Gen. commanding approved the foregoing sentence of the court martial, and ordered Major Villere to resume his sword without delay.

By order,

ROBERT BUTLER, Adjutant General.

NOTE—Maj. Villere did not introduce any testimony in his behalf.

COURT OF ENQUIRY.

Copy of a letter from Commodore Alexander Murray, President of a Court of Enquiry, lately held at New York, to investigate the causes of the capture of the United States' frigate President, to the Secretary of the Navy, dated New York, April 17, 1815.

"SIR,

I herewith transmit to you the result of the Court of Enquiry, respecting the capture of the frigate President, with the opinion of the court.

"We have been the more minute in our investigation than might at first view have been deemed necessary; but as there has been a diversity of opinion prevailing among the British commanders, concerned in her capture, it was desirable in our view to lay before the world in the most correct manner every circumstance that led to that event, which has afforded another high proof of American heroism, and so highly honorable to her commander, officers and crew, that every American citizen must feel a pride in knowing that our flag hath been so nobly defended."

The minutes of the court having been read and approved, the court was cleared, and after due deliberation, resolved to express the sentiments and opinions of the members, on the matters submitted to them, as follows:

In execution of the orders of the President, the Secretary of the Navy, we have (with the exception of two very young midshipmen) examined every officer belonging to the President, within the reach of the court, who survived the late glorious contest between the frigate President and a squadron of his E. Majesty.

We are of opinion, that the primary cause of the loss of the President, was her running on the bar as she was leaving this port. The violence and continuance of the shocks she received for an hour and a half or more, considering that she was laden with stores & provisions for a very long cruise, could not but have injured her greatly, and must have impeded her sailing. Her hogged and twisted appearance after she arrived at Bermuda, must have been the effects of this unfortunate accident. We are convinced that it was owing to this that the enemy were able to overtake her.

The striking of the President on the bar cannot be imputed to the fault of any officer who was attached to her; on the contrary, we think every possible precaution was taken, and the utmost exertions were used by her commander & officers, to ensure her safe passage over the bar, and to relieve her after she had struck. The accident was occasioned by some mistake in placing the boats, which were to serve as beacons for the President, through a channel always dangerous for a vessel of her draught, but particularly so at such a time as she was obliged to select for passing it, when the land marks could not be distinguished.

From the time that the superiority of the enemy's force was ascertained, and it became the duty of the President to evade it, we are convinced that the most proper measures were pursued, and that she made every possible effort to escape.—No means, in our opinion, were so likely to be attended with success, as those which were adopted by Commodore Decatur. Any suggestions that different measures would have been more proper or more likely to accomplish the object, we think, are without foundation, and may be the result of ignorance, or the dictates of a culpable ambition, or of envy.

We consider the management of the President from the time the chase commenced till her surrender, as the highest evidence of the experience, skill and resources of her commander, and of the ability and seamanship of her officers and crew. We fear that we cannot express, in a manner that will do justice to our feelings, our admiration of the conduct of Commodore Decatur, and his officers & crew, while engaged with the enemy, threatened with a force so superior, possessing advantages, which must have appeared to render all opposition unavailing, or worse than as it might affect the honor of our navy, and the character of our seamen. They fought with a spirit which no prospect of success could have heightened, and, if victory had not been rewarded, the Endymion's name would have been added to our list of naval conquests. In this unequal conflict the enemy gained a ship, but the victory was ours. When the President was obliged to leave the Endymion to avoid the other ships which were fast coming up, the Endymion was subdued, and if her friends had not been at hand to rescue her, she was so entirely disabled that she soon must have struck her flag. A proof of this is, that she made no attempt to pursue the President, or to annoy her by a single shot while the President was within her reach, when, with the hope of escape from the overwhelming force which was nearly upon her, the President presented her stern to the Endymion's broadside. A further proof that the Endymion was conquered is, the shattered condition in which she appeared, while the President in the contest with her had sustained but little injury, and the fact that the Endymion did not join the squadron till many hours after the President had been surrounded by the other four enemy ships, and had surrendered to them, is strong corroborative evidence of the disabled state in which the President left the Endymion.

We think it due to Commodore Decatur and his heroic officers and crew, to notice the proposition he made to board the Endymion, when he found she was coming up and the manner in which this proposition was received by his gallant crew. Such a design, at such a time, could only have been conceived by a soul without fear, and approved with enthusiastic cheerings, by men regardless of danger. Had not the enemy perceived the attempt, and awaited himself of the power he had in the early part of the action to shun the approach of the President, the American stars might now be shining on the Endymion. In the subsequent part of the engagement, the enemy's squadron was too near to permit the execution of this design, and the disabled state of the Endymion would have frustrated the principal object which Commodore Decatur had in making up bold an attempt, which was to avail himself of the Endymion's superior sailing to escape with his crew from his pursuers.

We conclude by expressing our opinion, that Com. Decatur, as well during the chase, as thro' his contest with the enemy, evinced great judgment and skill, perfect courage, the most determined resolution & heroic courage. That his conduct, and the conduct of his officers, and crew, is highly honorable to them, and to the American Navy, and deserves the warmest gratitude of their country. That they did not give up their ship till she was surrounded and overpowered by a force so superior, that further resist-