ST. MARY'S GAZETTE

LEONARDTOWN, MD.

THURSDAY MORNING March 14, 1867.

The Action of the South.

What action the Southern States will take under the reconstruction bill recently enacted by Congress is still undeveloped. Ex-Gov. Brown, of Georgia, has published a letter advising them to accept the situation and recommending that they proceed to "reconstruct" under the bill without delay. Gov. Peirpont, of Virginia, gives the same advice. Others favor a "masterly inactivity." Others advise an appeal to the Supreme Court to test the constitutionality of the measure. Others again are in favor of limiting opposition to a simple protest against the bill and then to proceed to organize under it. The Richmond papers recommend the call of a Convention either through the agency of the military commandant of the district or through the agency of the Legislature.—Either mode, they say, would be preferable to delay, and they contend, if a Convention is not called through one or the other mode, that it will be called by the negro faction of the State independent both of the Legislature and the military and that the Constitution of this Convention will be accepted by Congress. They admit that a Convention, as well as negro suffrage, is a foregone conclusion in the State, and they say, it is better to acquiesce even in military dictation in this matter than to await the revolutionary programme of the State radicals who, if they obtain control of the Convention, will disfranchise nine-nine per cent of the white men of the commonwealth. We suppose that the supplemental bill, lately introduced by Senator Wilson, of Massachusetts, if it become a law, will settle all dispute in regard to initiative action in this matter. It provides that the Convention shall be called by the military commandant of the district, who is to devise a scheme for the registration of qualified voters and for the general conduct of the elections. But whatever may be the best policy for our Southern countrymen to adopt in this moment of their extremity, the worst, we are confident, is to have more policies than one. The white men of the South should make themselves, if they are not already, a unit upon the question of reconstruction and present an unbroken front to their misfortunes. The action in one State, whatever it may be, should be the action in all. By division, they can only adjourn the hour of their deliverance or complicate the difficulties of their situation. By union among themselves and by a common policy of action in regard to the force measures of Congress, and by these alone, will they be able to extort from the necessities of legislative tyranny a full concession in time of all their rights.

Congress and the Legislature.

Contrary to expectations, elsewhere expressed, the "further guarantee" scheme of Mr. Sumner has been defeated for the present in the Senate by a vote of 36 to 10. During the debate upon this scheme, Mr. Sherman, of Ohio, took the ground that the military bill was passed with the assurance that no other conditions would be imposed on the Southern people in the work of reconstruction. It was an offer to the Southern people, made by the people of the United States, through their national representatives, and until the Southern people refused to accept it, he was unwilling to impose any more terms or conditions. Other Senators took the same view, among others, Mr. Reverdy Johnson of our State and Mr. Frelinghuysen, of New Jersey, upon the motion of the latter of whom the bill was tabled.—In the House of Delegates of Maryland, leave was obtained to report a bill to relieve the suffering people of the South.—$100,000 is recommended to be appropriated. The Senate has adopted a resolution to appoint a joint committee of two senators and three delegates to visit Washington and urge upon Congress to make an appropriation of $12 000,000, to be loaned to the people of the South to enable them to cultivate their crops. The bill providing for an election of Mayor and City Council of Baltimore was amended so as to require the election to be held on the third Wednesday of April and was then ordered to be engrossed for a third reading. Hon. Philip Francis Thomas has been nominated by a caucus of conservative members of the Legislature for the Senate of the United States. The nomination is equivalent to an election.

MARCH COURT.—The March Term of our Circuit Court will meet on Monday next, and will probably remain in session about ten days. The Civil trial docket is quite large, but the appearance docket does not reach the average of the past five years. The Criminal docket shows rather more than an average number of cases; but, we are pleased to be able to state, no cases of aggravated crime appear upon it. The appeal docket is larger than usual.

The Alexandria Election.

An election for Mayor and minor corporation officers was held in Alexandria, Va., on the 5th instant. Hugh Latham, the present mayor, was re-elected over his competitor, Wm. H. Marbury, by a small majority and all the minor officers on the Latham ticket were also elected. Neither Latham nor Marbury appealed to other than white men for support and the contest, so far as they were concerned, was a contest for victory upon the white basis, no other basis of voting being recognized by the present laws of Virginia. The negroes of the city, however, claiming that they were entitled to vote under the reconstruction bill lately passed by Congress, presented a candidate of their own, a white man named Tucker, and attempted to vote for him, but their votes were rejected by the judges of election. Committees, however, were appointed to receive these votes, and the footing up shows that 1157 votes were cast by the whites and 1328 by the negroes. Tucker, the negro candidate, received 56 white votes, and, treating the negro votes as legal, he has received quite a liberal majority for mayor. If the Courts are appealed to and shall declare that the negroes under the Sherman bill were entitled to vote at the election in question, Latham of course will be ousted and Tucker inducted into office. Congress, in the meantime, distrusting the action of the Courts and treating the exclusion of the negroes from the polls at this election as evidence of an unreconstructed spirit on the part of the Alexandria whites, has promptly come to the relief of the distressed colored loyalists of that city. By a vote of 111 ayes to 28 nays, it has repealed the act retroceding Alexandria to Virginia and reinstated the jurisdiction of the District of Columbia over the original ten mile square. By this action, all the corporation and civil offices in Alexandria are vacated and will be filled, of course, under the election laws of the District of Columbia, and as negro suffrage is one of these laws, loyalty, that is, Tucker and Company will, of course, triumph, and the ancient city of Alexandria, whilom the seat of refinement, intelligence and commerce, handed over to the government of ignorance and improvidence, will soon sink to the level of some fading village where the plague resides.

A Generous Act.

The Senate of the United States, on Saturday last, passed a joint resolution appropriating one million of dollars for the relief of the destitute and starving people of the South. About three weeks ago, the same body passed the Sherman bill About next week it will, probably, pass the Sumner bill and soon after, perhaps, the confiscating scheme of Stevens. We do not object to the Senate voting the million of dollars to the South—on the contrary, we wish it had made it two millions or as much at least as Gen. Howard asked for, but we say, it is inexplicable to us, how it can consistently send forth a scheme of vengeance and destruction against the South on Friday and vote them a million of relief on the following Saturday. But our present object is not to arraign the consistency of the Senate in the matter of its late generous donation. It is to thank it and praise it for the seasonable aid it has extended to our suffering countrymen beyond the Potomac and to express the conviction, that an act like this will do more to "reconstruct" the Southern people and reconcile them to the flag and the union than all the force measures of Sherman, Sumner and Stevens combined.

Rain and the Roads

The "oldest inhabitant" of these parts has forgotten himself, if there ever was in all his recollection a longer continuance of wet weather than has prevailed during the present Winter and Spring or a heavier fall of rain during the same period of time. The same ancient gentleman is also of opinion that locomotion over our county roads was never more precarious and difficult than at present. In justice, however, to our excellent corps of supervisors, we feel called upon to say in regard to this latter point, that the "next oldest inhabitant" is of a contrary judgment, and is positive that some time in the "fifties," "but he disremembers the exact year," "the roads, sir,—well the roads, sir, was tetotally unpassable."

DETENTION OF THE MAIL.—In consequence of the heavy freshets which have prevailed in several streams upon the mail route between Charlotte Hall and Washington, our community was deprived of mail matter for three days during last week. The passage of these streams could not be accomplished, we learn, during this time except at imminent risk to life, and hence the failure of the mail to reach our county. At present, however, the water having subsided in these streams, there is regular mail communication between this point and Washington.

The Convention Bill.

We are indebted to the *Baltimore Gazette* for the following report of the debate in the Maryland Senate on the 11th instant on the bill to call a Constitutional Convention, from which it will be seen that Senator Maddox, of this county, though opposing the call, voted for it in obedience to the wishes of his party friends in the Legislature.

Mr. Maddox offered an amendment to strike out the provision of the bill for holding the election in May next, and insert "Tuesday after the first Monday in November, 1868" Mr. Maddox then read section 2 of the Bill of Rights:

"Section 2. That all government of right originates from the people, is founded in compacts only, and instituted solely for the good of the whole; and they have at all times the inalienable right to alter, reform, or abolish their form of government, in such manner as they may deem expedient."

He then read article 45 of the Bill of Rights:

"Article 45. That the Legislature shall pass no law providing for an alteration, change, or abolishment of this Constitution, except in the manner therein prescribed and directed."

He also read from the Constitution, article 11, section 2, as follows:

"Section 2 Whenever two-thirds of the members elected to each branch of the General Assembly shall think it necessary to revise, amend or change this Constitution, they shall recommend to the electors to vote at the next election for members of the General Assembly for or against a convention," &c.

Mr. Maddox argued that there was a conflict in the bill of Rights or there was not. If there was a conflict the constitutional provision of section 2, article 11 was binding upon the Legislature. If there was no conflict, the 24 section of the Bill of Rights stated in full terms that the people had a right to change their form of government when they chose, which is always to be considered a revolutionary right, and which principle no constitution can affect. That section is entirely applicable to a revolutionary action.

But he contended that the 45th section regarded a legislative enactment, and if the Legislature chose to enact a law, that law must be constitutional, and to be constitutional must receive the requisite vote on the election, must be held at the proper time according to section 2, article 11 of the Constitution. As regards the legitimate vote, he said this was in the future, and he could not tell until the vote was taken whether it received a constitutional majority, but the *time* was stated in the bill, and considering it constitutional, hence his amendment.

Mr. Vickers said he did not rise to discuss the question, but he would ask the Senator from St. Mary's (Mr. Maddox) if the Constitution could not be amended in any other mode than that pointed out in the Constitution? Suppose it contained a provision that it should not be changed, altered or amended for the [illegible] thousand years, would such [illegible] obligatory and binding upon [illegible] Must they await this lapse of [illegible] they could change or amend [illegible] argued that one Legislature could not bind another, neither could one convention limit or restrict another.

The people are the sovereign authority of the State, and if they, through their representatives, should submit the question of calling a convention, and they, the sovereign authority, shall decide to have a convention, can the Constitution say they shall not? It was their inalienable right at all times to alter, reform or abolish their form of government,

The Constitution of 1776 prescribed a mode, and only one mode by which it could be altered or amended. There was no other mode left, if its provision was binding, and yet, did the convention of 1851 comply with this provision and conform to this mode? The question was submitted to the people by the Legislature regardless of the provisions of the Constitution of 1776 and the people decided for themselves. And was the convention of 1864 called in the mode prescribed by the Constitution of 1851?

That Constitution provided that the question should be submitted to the people immediately after the next census was taken and the people should then, at this time of submission, decide whether or not they would have a convention. When the question was submitted, the election of delegates took place at the same time, irrespective of the Constitution of 1851.

Now we are called on, notwithstanding these proceedings, to proceed in calling a convention, as prescribed by the Constitution of 1864. He would not discuss the point.

Mr. Maddox thought his first observations were a good answer to the questions of the Senator from Kent. He would say, however, that no one convention could bind a future generation as regards a revolutionary right, because that right was above the Constitution. But if the Legislature, in its capacity as such, desired to pass a law that law must be constitutional. There are remedies under the revolutionary right. The Constitution of 1776 did prescribe a mode which was violated by the Legislature. He was confident that the dominant party of the State at that time opposed the action of the Legislature and pronounced unconstitutional that very proceeding.—What was constitutional then ought to be the same now, because fundamental principles never change.

The convention of 1864 was in accordance with the Constitution—the question was submitted after 1861, at the expiration of the ten years, the time alluded to in the Constitution of 1851, and the people decided against it. It did not prohibit the calling of a convention at any future period. The passage of this bill is a violation of the Constitution of the State and may be thrown in the courts.

Mr. Vickers replied: The gentleman from St. Mary's has not yet answered my question. If the Constitution contained a provision that no convention should be called for 2,000 years, would it be binding?

The Constitution never gave a revolutionary right to change the form of government. That right was inherent in the people, inalienable and beyond the Constitution. Mr. V. read section 2 of the Bill of Rights.

He would ask the gentleman if the convention of 1851 was a revolutionary body? It was not called by the mode prescribed by the Constitution of 1776, and he asked if the convention of 1864 was revolutionary?

He did not know what new light had come over the Senator from St. Mary's, but the views he entertained now were not those held when he first came here.

Mr. Maddox said he had answered all the questions of the Senator, but the Senator's last observation brought up a new issue. He believed the Senator honest and intended right—they both had their opinions when they came here. A caucus had decided the matter; he was willing to abide by the action of the caucus, and requested the Senator from Kent to stand upon the same ground with him and go hand in hand to the work, and whatever might have been their individual views, be governed by the action of the party as decided in the caucus. The Senator seemed afraid him as if he disregarded the decision of the party. He would say, as a gentleman and a Senator from St. Mary's county, that he would abide by the decision of the party and suggested to the honorable Senator that he pursue the same course.—The Carmichael amendment was not in the agreement; strike it out and he would go with the party as the party had decided. Would the Senator pursue the same honest course, strike out the amendment and submit to the agreement? He would ask the Senate, who occupied the best position as regards consistency?

Mr. Vickers was not aware of any inconsistency on his part. The programme as agreed on in caucus in reference to a convention had not been deviated from except in a provision of the bill inserted by the House since the caucus was held. Mr. Vickers here read from the journal of the Senate, showing that Mr. Maddox was a member of the joint committee of the two Houses to consider and report a bill for calling a convention.

Mr. Maddox would say that he was on the committee, but did not know at what time the committee met, and had no action in the matter and knew nothing until this moment of its report. He must have been absent.

The vote was then taken on the amendment and resulted:

Yeas—Messrs. Billingslea, Davis of Caroline, Davis of Washington, Frazier, Maddox, Miles, Philpot—7.

Nays—Messrs. Bowie, Compton, Earle, Henkle, Jump, Kimmel, Mackall, Spates, Stephenson, Stirling, Vickers, Waters, Young—13.

Mr. Maddox moved to amend section 1 by striking out the provison or restriction requiring the convention to insert a clause in the Constitution prohibiting payment for slaves. [This is known as the Carmichael amendment.]

Mr. [illegible] said he was confident that what he might say on the subject could have no effect upon the Senate, because he was well convinced that at this late day the Senate had made up its mind on the subject. But he has had his individual opinions, and those opinions were the sentiments of his people; he desired that they should be heard upon this floor against the extraordinary outrage which was about to be committed against their rights and interests.

The programme of the party was agreed upon—the Enfranchisement act and Convention bill. The latter bill was submitted to those in caucus and agreed upon as the bill. Since that time the magnates, without counsel with the smaller luminaries, put in a clause obnoxious to his people, entirely without his knowledge, and never could have received his consent. The convention was to be called to remedy the evils of the State, under which all labored; so far all might be right. Western Maryland, Baltimore city and Eastern Shore were subjected to the tyranny of an unscrupulous judiciary; their legal rights were unprotected, justice never meted out to their people. Southern Maryland labored not under these disadvantages. Their judges were men of character, spotless and pure. Whatever might be the nature of the cause, or the character of the parties interested, they acted with a proper sense of duty imposed upon them. But she was more injured than the rest. The whole attack of the Radicals in forming the present constitution was to strike at their peculiar institution of slavery and emancipate their property; the greatest outrage was enacted then; the cry went throughout the State against the infamy of the act; they were forced to yield their property; a new system was inaugurated upon them, entirely unprepared for, with a pecuniary loss causing serious embarrassment. This was their evil; they were afflicted with no other. A constitution is to be made by which the acts proceeding from the past political frenzy of Radicalism were to be repudiated and old Maryland was to stand forth regenerated and disenthralled from the incubus which overhung her. Whilst congratulating themselves in contemplation of the happy future they are told that this happy result is only to be enjoyed by the favored few. Before this bill can be passed the rights of the weaker portion of the State must be overshadowed—a fear arising in regard to the certainty of perfecting the smaller evils forced upon the larger portion of the State. The great evils of the weaker are to be disregarded in contrast with those of the greater power; they are to lose all; the question of their rights must be decided before to tribunal which will be called shall meet the act. This Senate asks him to assist in returning them, while they at the same time disregard his appeal.

It is said that this amendment is *nothing*; then do not ask him to make so great a sacrifice for nothing. It is said that it is to cheat Western Maryland—the contemplated cheat is of no effect, because you have given notice of the intended cheat to the parties interested. Whatever may be the intention of this amendment, its effect is to injure—the moral force it carries will operate as effectually as if the convention could be controlled in its action by the Legislature. Could he make such a sacrifice for *something*—a great advantage to the party to help to stay the Radical element which was rushing with headlong madness through the land—he was willing, but to be asked by sensible men to do so great an act for *nothing* was unbearable.

If the convention was to meet without this amendment in the bill and was to decide against his claims, he would submit, but not to prejudice the case of his constituents before it came to the tribunal for justice.

How was it known that the people of the State wanted a convention? He was answered by the representatives in this body desiring it. Was that a fact? Did representatives express the wishes of their constituents? If so, how was it with the representatives of Baltimore city and Western Maryland, fresh from the people at this advent upon their legislative duties, when it was necessary to bind these representatives to caucus agreement to go for the two great measures of the State—the Enfranchisement act and the Convention bill—they asking on their side of the agreement the election of Governor Swann to the United States Senate. It was well known then that these gentlemen were then opposed to these measures. What evidence have we that their constituents have changed their opinion.

He wanted the Senate to be magnanimous and give the whole matter of grievances a proper consideration in the convention. He was willing to substitute a clause, that the convention should not touch the question of slavery. He did not expect at this time pay for slaves, but thought that when a returning sense of justice came on the State and her situation was such as to justify it, we would be paid for our slaves. There was a case which was analagous to ours. When the people of the State voted the $8,000,000 loan, the Legislature agreed that the Eastern Shore should have one-eighth of the amount for internal improvements on her shore. It was then considered a wild scheme of the Baltimore and Ohio Railroad to commence operations. The idea was supremely ridiculous that the Eastern Shore would ever have a road. Did she give up her claims? No; she held on. The property of the State gave grounds for the fulfilment of the contract, and a sense of justice dictated a proper action. So with the future, as regards the slavery question. It is not to be doubted that Maryland justly owes for those slaves she emancipated. Slavery was acknowledged by the law. Slaves were considered property. The State emancipated them and took them from their lawful owners; it was done by the act of the State, and she is bound eventually to pay for them, or have her fair name handed down to posterity as a robber of the rights of her people—committing a damning injustice upon her citizens, such as was never committed by the most villainous Black Republican State which has ever been fostered by the traitorous hypocrisy of Puritanism.

After some further discussion, the vote was taken and the motion to strike out was lost.

Yeas—Messrs. Compton and Maddox—2.

Nays—Messrs. Billingslea, Bowie, Davis of Caroline, Davis of Washington, Earle, Frazier, Henkle, Holton, Jump, Kimmel, Makall, Philpot, Spates, Stephenson, Stirling, Vickers, Waters, Young—18.

Absent—Messrs. Brodwater, Miles, Tome and Trail.

An Amendment offered by Mr. Davis, of Caroline, in regard to representation being voted down, the vote was taken on the passage of the bill and resulted—

Yeas—Messrs. Bowie, Brodwater, Compton, Earle, Henkle, Jump, Kimmel, Mackall, Maddox, Spates, Stephenson, Stirling, Vickers, Waters, Young—15.

Nays—Messrs. Billingslea, Davis of Caroline, Davis of Washington, Frazier, Holton, Miles, Philpot—7.

Absent—Messrs. Tome and Trail.

The Chair (Lieut. Gov. Cox) decided that the bill was lost, two-thirds of the members elect of this body not having voted therefor, as required by the Constitution. He read the provisions of the Constitution, section 2, article 11: "Whenever two-thirds of the members elect to each branch of the General Assembly shall think it necessary to call a convention to revise, amend this Constitution," &c.

Mr. Earle appealed from the decision of the Chair.

On the question "Shall the decision of the Chair stand as the judgment of the Senate?" the vote was:

Yeas—Messrs. Billingslea, Davis of Caroline, Davis of Washington, Holton, Maddox, Miles and Philpot—7 Nays—Messrs. Bowie, Brodwater, Compton, Earle, Henkle, Jump, Kimmel, Mackall, Spates, Stephenson, Stirling, Vickers, Waters and Young—14. So the decision of the Chair was not sustained.

Mr. Henkle gave notice of his intention to move a reconsideration of the bill.

Mr. Maddox, when his name was called to vote on the final passage of the bill, said that he had struggled hard to protect the interests of his county; he had fought the objectionable features of the bill in every stage of the proceeding. He was one who had his own views of right and endeavored to maintain them with sore success to the advantage of the party to which he belonged, together to serve the direct interest of his county. The question now was with him, should he stand alone and have the awful responsibility maybe of committing a great error? He has given his views—the responsibility now rested with the majority of his friends. He acceded to their wishes, but reserving to himself that whatever might be the moral force of the great amendment, he must say it should never bind him—he never would consent that it should control the convention. And though he would vote for the bill, he would say that St. Mary's, ever true and loyal to principle and the maintenance of the rights of her citizens, would never abandon the position she maintained.

The Senate then adjourned to 11 o'clock Monday.

Negro Marriages.

Our representive in the lower branch of our State Legislature, Geo. W. Morgan, Esqr., introduced on the 8th instant a bill to make legal marriages heretofore contracted and hereafter to be contracted between negroes. It places the marriages of these parties under the protection of law, with all the responsibilities which attach to the marriages of white persons. By the 2nd section of the bill, negroes contracting marriage are required to take out a license the same as in the case of white parties. A very considerable amount will thus be added to the revenue of the State, but the best feature of the bill is, that it will contribute much to the moral elevation of the negro race in our State. The following are the provisions of the bill, which we hope to see passed before the adjournment of the present session of the Legislature:

Be it enacted, &c., Section 1. That all marriages heretofore made and celebrated in this State by and between colored people are hereby confirmed and made valid to any intent and purpose, from the time of the celebration of such marriages respectively, and every such marriage shall be held and taken by all courts of this State to be good and sufficient in law, to all intents and purposes, provided that in every case the parties claiming to have been married by a competent person, shall by sufficient proof before some justice of the peace, establish the fact of having been so married, a certificate of which shall be filed with the clerk of the circuit court of the county in which said Marriage was celebrated, or the Court of Common Pleas of Baltimore city, to be preserved with the register of marriage licenses in the office of said Clerk.

Section 2 That in all marriages hereafter celebrated between colored persons, the parties, or some one in their behalf, shall present to the clergyman solemnizing the rights of a marriage a license, as required in other cases of marriage, and every such clergyman is hereby prohibited from solemnizing such marriage without the production of such license.

JUDGE OF THE COURT OF APPEALS.—Hon. Peter W. Crain, heretofore a Judge in this Judicial Circuit, but for some time past a resident of Baltimore city, has been appointed by his Excellency Gov. Swann a Judge of the Court of Appeals to fill the vacancy occasioned by the death of Judge Cochran. George W. Dobbin and Orville Horwitz, both of Baltimore, had been pressed by their friends for the same position "A bitter opposition," says a Baltimore paper, "has sprung up in certain quarters to Judge Crain and it is doubtful whether he can be confirmed." Judge Crain, if confirmed by the Senate, will only hold the office until the next general election, unless re-elected.

Backwardness in Farming.

Owing to the prolonged spell of rainy weather, which although prevailing for some four weeks or upwards, still shows slight signs of abatement, and the consequent saturated condition of the earth, there is general complaint among our farmers in regard to the backwardness of their farming operations. But few tobacco-beds have been seeded, Spring fencing has had to be neglected, and corn and tobacco lands remain yet to be touched by the plow. It is thought, even under the most favorable state of the weather, that two weeks or more must elapse before the ground will be in condition to justify general farm labor.

AMERICAN FARMER, BALTIMORE, MD.—In the March number of this Magazine the matter is almost exclusively original—embracing Farm and Garden Work—Improvement of Poor Lands (continued)—Comparative Profit of Large and Small Farms—Farm Wages—Drainage—Phosphates—Hop, and Basket Willow Culture—Barley—Artificial Manures—Uses of Lime—and a variety of interesting topics.

Published at Baltimore, Md., at $2 a year, by Worthington & Lewis.

MEDICAL DEGREE.—At the annual commencement of the School of Medicine of the University of Maryland on Saturday last, the 9th instant, the degree of Doctor of Medicine was conferred upon John T. Spalding, of this county. Dr. Spalding is a son Samuel Spalding, Esqr., of our district, and is a brother of Dr. S. E. Spalding of the Patuxent district.

DIED.

At the residence of her parents in this district, on the 9th inst., RUTH, daughter of R. H. and M. P. Wathen, aged 9 years, 4 months and 7 days.

FOR ORPHANS' COURT.

The friends of Dr. A. JACK. SPALDING recommend him to the voters of St Mary's county, as a candidate for re election to the Judgeship of the Orphans' Court, at the ensuing Fall Election. CHAPTICO.

March 14, 1867—te.