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## TRIAL of JUDGE CHASE.

The Senate of the United States,  
SITTING AS A  
HIGH COURT OF IMPEACHMENT  
ON THE  
FOURTH DAY OF FEBRUARY, A. D. 1805.  
The United States, vs. Samuel Chase.

The answer and pleas of SAMUEL CHASE, one of the associate justices of the supreme court of the United States, to the articles of impeachment exhibited against him in the said court, by the honorable the house of representatives of the United States, in support of their impeachment against him, for high crimes and misdemeanors, supposed to have been by him committed.

### ANSWER.

(Continued from last Tuesday's Star.)

Immediately after the petit jury had delivered their verdict, this respondent informed the said Fries, from the Bench, that if he, or any person for him, could show any legal ground, or sufficient cause to arrest the judgment, ample time would be allowed him for that purpose. But no cause being shewn, sentence of death was passed on the said Fries, on Tuesday the 2d day of May, 1800, the last day of the term; and he was afterwards pardoned by John Adams, then President of the United States.

And this respondent further answering, faith, that if the two instances of misconduct, first stated in support of the general charge, contained in the first article of impeachment, were true as alleged, yet the inference drawn from them viz. "that the said Fries was thereby deprived of the benefit of counsel for his defence," is not true. He insists that the said Fries was deprived of the benefit of counsel, not by any misconduct of this respondent, but by the conduct and advice of the above mentioned William Lewis and Alexander James Dallas, who having been, with their own consent, assigned by the court as counsel for the prisoner, withdrew from his defence, and advised him to refuse other counsel when offered to him by the court, under pretence that the law had been prejudged, and their liberty of conducting the defence, according to their own judgment, improperly restricted by this respondent; but in reality because they knew the law and the facts to be against them, and the case to be desperate, and supposed that their withdrawing themselves under this pretence, might excite odium against the court; might give rise to an opinion that the prisoner had not been fairly tried; and in the event of a conviction, which from their knowledge of the law and the facts they knew to be almost certain, might aid the prisoner in an application to the president for a pardon. That such was the real motive of the prisoner's counsel, for depriving their client of legal assistance on this trial, this respondent is fully persuaded, and expects to make appear, not only from the circumstances of the case, but from their own frequent and public declarations.

As little can this respondent be justly charged with having by any conduct of his, indisputable right to hear argument, and determine upon the question of law as well as the question of fact involved in the verdict which they were required to give. He denies, that he did at any time declare that the aforesaid counsel would not at any time address the jury, or did in any manner hinder them from addressing the jury on the law as well as on the facts arising in the case. It was expressly stated in copy of his opinion delivered as above set forth to William Lewis, that the jury had a right to determine the law as well as the fact; and the said William Lewis and Alexander James Dallas were expressly informed, before they declared their resolution to abandon the defence, that they were at liberty to argue the law to the jury. This respondent believes that the said William Lewis did not read the opinion delivered to him as afore-

said, except a very small part at the beginning of it, and of course acted upon it without knowing its contents: and that the said Alexander James Dallas, read no part of the said opinion until about a year ago, when he saw a very imperfect copy made in court by a certain W. S. Biddle.

And this respondent further answering, faith, that according to the constitution of the United States, civil officers thereof, and no other persons, are subject to impeachment; and they only for treason, bribery, corruption, or other high crime or misdemeanor, consisting in some act done or omitted, in violation of some law forbidding or commanding it; on conviction of which act, they must be removed from office; and may, after conviction, be indicted and punished therefor, according to law. Hence it clearly results, that no civil officer of the United States can be impeached except for some offence for which he may be indicted at law; and that no evidence can be received on an impeachment, except such as on an indictment at law for the same offence, would be admissible. That a judge cannot be indicted or punished according to law, for any act whatever, done by him in his judicial capacity, and in a matter of which he has jurisdiction, through error of judgment merely, without corrupt motives, however manifest his error may be, is a principle resting on the plainest maxims of reason and justice, supported by the highest legal authority, and sanctioned by the universal sense of mankind. He hath already endeavoured to shew, and he hopes with success, that all the opinions delivered by him in the course of the trials now under consideration, were correct in themselves, and in the time, and manner of expressing them; and that even admitting them to have been incorrect, there was such strong reason in their favor, as to remove from his conduct every suspicion of improper motives. If these opinions were incorrect, his mistake in adopting them, or in the time or manner of expressing them, cannot be imputed to him as an offence of any kind, much less as a high crime and misdemeanor, for which he ought to be removed from office; unless it can be shewn by clear and legal evidence, that he acted from corrupt motives. Should it be considered that some impropriety is attached to his conduct, in the time and mode of expressing any of these opinions; still he apprehends, that a very wide difference exists between such impropriety, the casual effect of human infirmity, and a high crime and misdemeanor for which he may be impeached, and mult on conviction be removed from office.

Finally, this respondent, having thus laid before this honorable court a true state of his case, so far as respects the first article of impeachment, declares, upon the strictest review of the conduct during the whole trial of John Fries for treason, that he was not on that occasion unmindful of the solemn duties of his office as judge; that he faithfully and impartially, and according to the best of his ability and understanding, discharged those duties towards the said John Fries; and that he did not in any manner, during the said trial, conduct himself arbitrarily, unjustly or oppressively, as he is accused by the honorable the house of representatives.

And the said Samuel Chase, for plea to the said first article of impeachment, faith, that he is not guilty of any high crime or misdemeanor, as in and by the said first article is alleged; and this he prays may be enquired of by this honorable court, in such manner as law and justice shall seem to them to require.

The second article of impeachment charges, that this respondent, at the trial of James Thompson Callender for a libel, in May 1800, did, "with intent to oppress and procure the conviction of the said Callender, overrule the objection of John Basset, one of the jury, who wished to be excused from serving on the trial, because he had made up his mind as to the publication from which the words, charged to be libellous in the indictment were extracted."

In answer to this article, this respondent admits that he did, as one of the associate justices of the supreme court of the United States, hold a circuit court of the United States, for the district of Virginia, at Richmond, on Thursday, the 22d day of May, in the year 1800, and from that day, till the 30th of the same month; when Cyrus Griffin then district judge of the United States for the district of Virginia, took his seat in the said court; and that during the re-

sidence of that session of the said court, which continued until the day of June, in the same year, this respondent and the said Cyrus Griffin, held the said court together. But how far any of the other matters charged in this article, are founded in truth or law, will appear from the following statement; which he submits to this honorable court, by way of answer to this part of the accusation.

By an act of congress passed on the 4th day of May, A. D. 1798, it is among other things enacted, "That if any person shall write, print, utter or publish, or shall knowingly and willingly assist and aid in writing, printing, uttering or publishing, any false scandalous, and malicious writing or writings, against the president of the United States, with intent to defame or to bring him into contempt or disrepute, such person, being thereof convicted, shall be punished by fine, not exceeding two thousand dollars, and by imprisonment, not exceeding two years; and that if any person shall be prosecuted under this act, it shall be lawful for him to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel; and the jury shall have a right to determine the law and the fact, under the direction of the court, as in other cases," as in and by the said act, commonly called the *sedition law*, to which this respondent begs leave to refer this honorable court, will more fully appear.

At the meeting of the last above mentioned circuit court, this respondent, as required by the duties of his office, delivered a charge to the grand jury; in which, according to his constant practice, and his duty as a judge, he gave in charge to them, several acts of congress for the punishment of offence, and among them, the above mentioned act called the *sedition law*; and directed the said jury to make particular enquiry concerning any breaches of these statutes or any of them, within the district of Virginia. On the 24th day of May, 1800, the said jury found an indictment against one James Thompson Callender, for printing and publishing against the form of the said act of congress, a false, and scandalous, and malicious libel, called "The Prospect before Us" against John Adams, then president of the United States, in his official character as president; as appears by an official copy of the said indictment marked exhibit No. 4, which this respondent begs leave to make part of this answer.

On Wednesday, the 28th day of the same month, May, 1800, Philip Norborne Nicholas Esq. now attorney general of the State of Virginia, and George Hay, Esq. now district attorney of the United States, for the district of Virginia, appeared in the said circuit court as counsel for the said Callender; and on Tuesday the 3d of June following his trial commenced before this respondent, and the said Cyrus Griffin, who then sat as assistant judge. The petit jurors being called over, eight of them appeared, namely, Robert Gamble, Bernard Mackham John Barrell, William Ansell, William Richardson, Thomas Lindsey, Matthew Harvey and John Basset; who as they came to the book to be sworn, were severally asked on oath, by correction of the court "whether they had ever formed and delivered any opinion respecting the subject matter then to be tried, or concerning the charges contained in the indictment?" They all answered in the negative, and were sworn in chief to try the issue. The council for the said Callender declaring, that it was unnecessary to put this question to the other four jurymen, William Mayo, James Hayes, Henry S. Shore and John Prior, they also were immediately sworn in chief. No challenge was made by the said Callender or his counsel, to any of these jurors; but the said counsel declared, that they would rely on the answer that should be given by the jurors, to the question thus put.

After the above mentioned John Basset, whom this respondent supposes and admits to be the person mentioned in the article of impeachment now under consideration, had thus answered in the negative to the question put to him by order of the court as above mentioned, which this respondent states to be the legal and proper question, to be put to jurors on such occasions, he expressed to the court, his wish to be excused from serving on the said trial, because he had made up his mind, or had formed his opinion, "that the publication, called 'The Prospect before Us' from the words charged in the indictment as li-

bellous, were said to be extracted, but which he had never seen, was according to the representation of it, which he had received, within the *sedition law*." But the court did not consider this declaration by the said John Basset, as a sufficient reason for withdrawing him from the jury, and according directed him to be sworn in chief.

In this opinion and decision, as in all others, delivered during the trial in question, this respondent concurred with his colleague, the aforementioned Cyrus Griffin, in whom none of these opinions have been considered as criminal. He contends that the opinion itself was legal and correct; and he denies that he concurred in it, under the influence of any "spirit of persecution and injustice," or with any "intent to oppress and procure the conviction of the prisoner," as is most untruly alleged by the second article of impeachment. His reasons were correct and legal. He will submit them confidence to this honorable court; which, although it cannot condemn him for a correct opinion, proceeding from an honest error in judgment and ought not to take on itself the power of enquiring into the correctness of his decisions, but merely that of examining the purity of his motives; will nevertheless weigh his reasons for the purpose of judging how far they are of sufficient force, to justify a belief that they might have appeared satisfactory to himself, they might have appeared, if the opinion which he founded on them be not so palpably and glaringly wrong, as to carry with it internal evidence of corrupt motives, he cannot in delivering it have committed an offence.

This honorable court need not be informed, that it is the duty of courts before which criminal trials take place, to prevent jurors from being excited by light and insufficient causes. If this rule were not observed, it would follow, that as serving on such trials as a juror, is apt to be a very disagreeable business, especially to those best qualified for it, there be a great difficulty, and often an impossibility, in finding proper juries. The law has therefore established a fixed and general rule on the subject, calculated not to gratify the wishes to the unreasonable scruples of jurors, but to secure to the party accused, as far as in the imperfection of human nature it can be secured, a fair and impartial trial. The criterion established by this rule is, "that the juror stand indifferent between the government and the person accused, as to the matter in issue, on the indictment." This indifference is always, according to a well known maxim of law, to be presumed, unless the contrary appear; and the contrary may be alleged by way of excuse by the juror himself, or by prisoner by way of challenge. Even if not alleged, it may be inquired into by the court of its own mere motion, or on the suggestion of the prisoner, of the juror himself, on oath, or by other testimony.

But in order to shew that a juror does not "stand indifferent between the accuser and the accused, as to the matter in issue," it is not sufficient to prove that he has expressed a general opinion, "that such an offence as that charged by the indictment ought to be punished;" or "that the party accused if guilty of the offence charged against him ought to be punished;" or "that a book for printing and publishing which the party is indicted, comes within the law on which indictment is founded." All these are general expressions of opinion, as to the criminality of an act of which the party is accused and of which he may be guilty, not declarations of an opinion that he actually is guilty of the offence with which he stands charged. It is impossible for any man in society to avoid having, and extremely difficult for him to avoid expressing, an opinion, as to the criminality or innocence of those acts, which for the most part, are the subjects of indictments for offences of a public nature; such as treason, sedition, and libel against the government. Such acts always engage public attention, and become the subject of public conversation; and if to have formed or expressed an opinion, as to the general nature of those acts, were a sufficient ground of challenge to a juror when alleged against him, or of excuse from serving when alleged by himself, it would be in the power of almost every offender, to prevent a jury from being impanelled to try him, and of almost every man, to exempt himself from the unpleasant task of serving on such juries. The magnitude and heinous nature of an offence

would give it a greater tendency to attract public attention and to draw forth public expressions of indignation; and would thus increase its chance of impunity.

To the present case this reasoning applies with peculiar force. The "Prospect before Us" is a libel so profligate and atrocious, that it excited disgust and indignation in every breast not wholly depraved. Even those whose interest it was intended to promote were, as this respondent has understood and believes, either so much alarmed of it, or so apprehensive of its effect, that great pains were taken by them to withdraw it from public and general circulation. Of such a publication, it must have been extremely difficult to find a man of sufficient character and information to serve on a jury; who had not formed an opinion, either from his own knowledge, or from report. The juror in the present case, had expressed no opinion. He had formed no opinion as to the facts. He had never seen the "Prospect before Us," and therefore could have formed no fixed or certain opinion about its nature or contents. They had been reported to him and he had formed an opinion that if they were such as reported, the book was within the scope and operation of a law for the punishment of "false, scandalous and malicious libels, against the president in his official capacity, written or published with intent to defame him." And who is there, that having either seen the book or heard of it, had not necessarily formed the same opinion.

But this juror had formed no opinion about the guilt or innocence of the party accused; which depended on four facts wholly distinct from the opinion which he had formed. First, whether the contents of the book were really such as had been represented to him? Secondly, whether they should, on the trial, be proved to be true? Thirdly, whether the party accused was really the author or publisher of this book? And fourthly, whether he wrote or published it "with intent to defame the president, or to bring him into contempt or disrepute, or to excite against him the hatred of the good people of the United States?"—On all these, questions, the mind of the juror was perfectly at large, notwithstanding the opinion which he had formed. He might consistently with that opinion, determine them all in the negative; and it was on them that the issue between the United States and James Thompson Callender depended. Consequently this juror, notwithstanding the opinion which he had thus formed, did stand indifferent as to the matter in issue, in the legal and proper sense, and in the only sense in which such indifference can ever exist—and therefore his having formed that opinion, was not such an excuse as could have justified the court in discharging him from the jury.

That this juror did not himself consider this opinion as an opinion respecting the "matter in issue," appears clearly from this circumstance, that when called upon to answer on oath, "whether he had expressed any opinion as to the matter in issue?" he answered that he had not. Which clearly proves that he did not regard the circumstances of his having formed this opinion, as a legal excuse, which ought to exempt him of right from serving on the jury; but merely suggested it as a motive of delicacy, which induced him to wish to be excused. To such motives of delicacy, however commendable in the persons who feel them, it is impossible for courts of justice to yield, without putting it in the power of every man under pretence of such scruples, to exempt himself from those duties which all the citizens are bound to perform. Courts of justice must regulate themselves by legal principles, which are fixed and universal, not by delicate scruples, which admit of endless variety, according to the varying opinions and feelings of men.

Such were the reasons of this respondent, and he presumes of his colleague the said Cyrus Griffin, for refusing to excuse the said John Basset, from serving on the jury above mentioned. Their reasons, and the decision founded on them, he insists were legal and valid. But the reasons should be considered as invalid, and the decisions as erroneous, can they be considered as so clearly and flagrantly incorrect, as to justify a conclusion that they were adopted by this respondent, through improper motives? Are not these reasons sufficiently strong, or sufficiently plausible, to justify a candid and liberal mind in believing, that



udge might honestly have regarded them as solid? Has it not been conceded, by the omission to prosecute Judge Griffin for this decision, that his error, if he committed one, was an honest error? Whence this distinction between this respondent and his colleague? And why is that opinion imputed to one as a crime, which in the other is considered as innocent.

And the said Samuel Chase, for plea to the said second article of impeachment, faith, that he is not guilty of any high crime or misdemeanor, as in and by the said second article is alleged against him; and this he prays may be enquired of by this honorable court, in such manner as law and justice shall seem to them to require.

The third article of impeachment alleges that this respondent, "with intent to oppress and procure the conviction of the prisoner, did not permit the evidence of John Taylor, a material witness in behalf of the said Callender, to be given in, on pretence that the said witness could not prove the truth of the whole of one of the charges, contained in the indictment, although the said charge embraced more than one fact."

In answer to this charge, this respondent begs leave to submit the following facts and observations.

The indictment against James Thompson Callender, which has been already mentioned, and of which a copy is exhibited with this answer, consisted of two distinct and separate counts, each of which contained twenty distinct and independent charges, or sets of words. Each of these sets of words was charged as a libel against John Adams, as president of the United States—and the twelfth charge embraced the following words, "he (meaning president Adams) was a professed aristocrat; he proved faithful and serviceable to the British interest." The defence set up was confined to this charge, and was rested upon the truth of the words. To the other nineteen charges, no defence of any kind was attempted or spoken of, except such as might arise from the supposed unconstitutionality of the sedition law; which, if solid, applied to the twelfth charge, as well as the other nineteen. It was to prove the truth of these words, that John Taylor, the person mentioned in the article of impeachment now under consideration was offered as a witness. It can hardly be necessary to remind this honorable court, that when an indictment for a libel contains several distinct charges, founded on distinct sets of words, the party accused, who in such cases is called the "traverser," must be convicted, unless he makes a sufficient defence against every charge. His innocence on one, does not prove him innocent on the others. If the sedition law should be considered as unconstitutional, the whole indictment, including this twelfth charge, must fall to the ground; whether the words in question were proved or not. If the law should be considered as constitutional, then the traverser, whether the words in the twelfth charge were proved or not, must be convicted on the other nineteen charges, against which no defence was offered. This conviction on nineteen charges, would put the traverser as completely in the power of the court, by which the amount of the fine and the term of the imprisonment were to be fixed, as a conviction upon all the twenty charges. The imprisonment could not exceed two years, nor the fine be more than two thousand dollars. If then this respondent were desirous of procuring the conviction of the traverser, he was sure of his object, without rejecting the testimony of John Taylor. If his temper towards the traverser were so vindictive, as to make him feel anxious to obtain an opportunity and excuse for inflicting on him the whole extent of punishment permitted by the law, still a conviction on nineteen charges afforded this opportunity and excuse, as fully as a conviction on twenty charges. One slander more or less in such a publication as the "Prospect Before Us," could surely be of no moment. To attain this object, therefore, it was not necessary to reject the testimony of John Taylor.

That the court did not feel this vindictive spirit, is certainly evinced by the moderation of the punishment, which actually was inflicted on the traverser after he was convicted of the whole twenty charges. Instead of two thousand dollars, he was fined only two hundred, and sentenced to only nine months imprisonment, instead of two years. And this respondent avers, that he never felt or expressed a wish to go farther, but that in this decision, as well as in every other given in the course of the trial, he fully and freely concurred with his colleague, Judge Griffin.

As a further proof that his rejection of this testimony did not proceed from any improper motive, but from a conviction in his mind that it was legally inadmissible, and that it was, therefore, his duty to reject it, he begs leave to state, that he interfered, in order to prevail on the district attorney to withdraw his objection to those questions, and consent to their being put; which that

officer refused to do, on the ground "that he did not feel himself at liberty to consent to such a departure from legal principles."

Hence appears the utter futility of a charge, which attributes to this respondent a purpose as absurd as it was wicked; and without the slightest proof, imputes to the worst motives in him the said action, which in his colleague is considered as free from blame. But this respondent will not content himself with shewing, that his conduct in concurring with his colleague in the rejection of John Taylor's testimony, could not have proceeded from the motives ascribed to him; but he will shew that this rejection, if not strictly legal and proper, as he believes, and insinuates that it is, rests on legal reasons of sufficient force, to satisfy every mind, that a judge might have sincerely considered it as correct.

The words stated as the ground of the twelfth charge above mentioned, are stated in the indictment as one, entire and indivisible paragraph, constituting one entire offence. This respondent considered them at the trial, and still considers them, as constituting one entire charge, and one entire offence; and that they must be taken together in order to explain and support each other. It is clear that no words are indictable as libellous, except such expressly, or by plain implication, charge the person against whom they are published, with some offence either legal or moral. To be an 'aristocrat,' is not in itself an offence either legal or moral, even if it were a charge susceptible of proof; neither was it an offence either legal or moral, for Mr. Adams to be "faithful and serviceable to the British interest," unless he thereby betrayed or endangered the interests of his own country; which does not necessarily follow, and is not directly alleged in the publication. These two phrases therefore taken separately, charge Mr. Adams with no offence of any kind; and consequently could not be indictable as libellous: but taken together they convey the implication that Mr. Adams, being an 'aristocrat,' that is, an enemy to the republican government of his own country, and had subverted the British interest, against the interests of his own country; which would in his situation, have been an offence both moral and legal; to charge him with it, was, therefore, libellous.

Admitting, therefore, these two phrases to constitute one distinct charge and, one entire offence, this respondent considers, and states it to be law, that no justification which went to part only of the offence, could be received. The plea of justification must always answer the whole charge, or it is bad on the demurrer—for this plain reason, that the object of the plea is to shew the party's innocence; and he cannot be innocent, if the accusation against him be supported in part. Where the matter of defence may be given in evidence, without being formally pleaded, the same rules prevail. The defence must be of the same nature, and equally complete, in one case as in the other. The only difference is in the manner of bringing it forward. Evidence, therefore, which goes only to justify the charge in part, cannot be received. It is not indeed necessary, that the whole of this evidence should be given by one witness. The justification may consist of several facts, some of which may be proved by one person and some by another. But proof, in such cases, must be offered as to the whole, or it cannot be received.

In the case under consideration, no proof was offered as to the whole matter contained in the twelfth trial. No witness except the above mentioned John Taylor, was produced or mentioned. When a witness is offered to a court and jury, it is the right and duty of the court, to require a statement of the matters intended to be proved by him. This is the invariable practice of all our courts, and was done most properly by this respondent and his colleague, on the occasion in question. From the statement given by the traverser's counsel, of what they expected to prove by the said witness, it appeared that his testimony could have no possible application to any part of the indictment, except the twelfth charge above mentioned, and but a very weak and imperfect application even to that part. The court, therefore, as it was their right and duty, requested that the question intended to be put to the witness, should be reduced to writing, submitted to their inspection; so as to enable them to judge more accurately, how far those questions were proper and admissible. This being done, the questions were of the following tenor and effect?

1st. "Did you ever hear Mr. Adams express any sentiments favorable to monarchy, or 'aristocracy,' and what were they?"

2d. "Did you ever hear Mr. Adams, while vice president, express his disapprobation of the funding system?"

3d. "Do you know whether Mr. Adams did not, in the year 1794, vote against the sequestration of British debts, and also against the bill for suspending intercourse with Great Britain?"

The second question, it is manifest, had nothing to do with the twelfth

charge; for Mr. Adams's approbation or disapprobation of the funding system, could not have the remotest tendency to prove that he was an aristocrat, or had proved faithful and serviceable to the British interest. In that part of the publication which furnishes the matter of the thirteenth charge in the indictment, it is indeed stated, that Mr. Adams, "when but in a secondary station, censured the funding system," but these words are in themselves wholly immaterial; and no attempt was made, nor any evidence offered of, to prove the truth of the other matter contained in the thirteenth charge. It was from their connection with that other matter, that these words could alone derive any importance, and consequently their truth or falsehood was altogether immaterial, while that other matter remained unproved. This question, therefore, which went solely to those immaterial words was clearly inadmissible. The third question was, in reality, as far as the second from any connection with the matter in issue, although its irrelevancy is not quite so apparent. Mr. Adams having voted against the two measures alluded to in that question, if he did in fact vote against them, could by no means prove that he was "faithful and serviceable to the British interest," in any sense, much less with those improper and criminal views, with which the publication in question certainly meant to charge him. He might, in the honest and prudent performance of his duty towards his government and his country incidentally promote the interests of another country; but it was by no means competent for a jury to infer from thence, that he was "faithful" to that other country, or in other words, that he held the interests of that other country chiefly in view, and was actuated in giving his vote by a desire to promote them, independently of, or without regard to, the interests of his own country. Such an inference could not be made from the fact, admitting it to be true. The fact, if true, was no evidence to support such an inference, therefore the fact was immaterial; and as it is the province and duty of the court, in such circumstances, to decide on the materiality of facts offered in evidence, it follows clearly, that it was the right and duty of the court, in this instance, to reject the third question; an affirmative answer to which could have proved nothing in support of the defence.

The first question, therefore, and the only remaining one proposed to be put to this witness, stood alone; and an affirmative answer to it, if it could have proved any thing, could have proved only a part of the charge; namely, that Mr. Adams was an aristocrat. But evidence to prove a part only of an entire and indivisible charge, was inadmissible for the reasons stated above.

If, on the other hand, the phrases in question, "that Mr. Adams was an aristocrat," that "he had proved faithful and serviceable to the British interest," were distinct and divisible, and constituted two different charges which may perhaps be the proper way of considering them, till the above mentioned questions were improper and inadmissible, in that point of view.

The first charge in that case is, that Mr. Adams "was an aristocrat." To be an aristocrat, even if any precise and definite meaning could be affixed to the term, is not an offence either legal or moral; consequently, to charge a man with being an aristocrat is not a libel; and such a charge in an indictment for a libel, is wholly immaterial. Nothing is more clear than that immaterial matters in legal proceedings ought not to be proved, and need not be disproved. In the next place, the term "aristocrat" is one of those vague indefinite terms which admit of no precise meaning and are not susceptible of proof. What one person might consider as aristocracy, another would consider as republicanism, and a third as democracy. If indictments could be supported on such grounds, the guilt or innocence of the party accused, must be measured not by any fixed or known rule, but by the opinions which the jurors appointed to try him might entertain, concerning the nature of aristocracy, democracy or republicanism. And, lastly, the question itself was vague, and as void of precise meaning, as the charge of which it was intended to furnish the proof. The witness was called upon to declare "whether he had heard Mr. Adams express any and what opinions, favorable to aristocracy or monarchy?" How was it to be determined, whether an opinion was favorable to aristocracy or monarchy? one man would think it favorable and another not so, according to the opinions which they might respectively entertain, on political subjects. The first question, therefore, was inconclusive, immaterial and inadmissible.

The second, as has already been remarked, was wholly and manifestly foreign from the matter in issue. Mr. Adams's dislike of the funding system, if he did in fact dislike it, had nothing to do with his aristocracy or his faithfulness to the British interest. There is no pretence for saying, that such a question ought to have been admitted. (To be Continued.)

FROM WASHINGTON:

SENATE OF THE UNITED STATES,

## HIGH COURT OF IMPEACHMENT

Thursday, February 14, 1805.

"The court of impeachment was opened to-day at twelve, and continued open till half past three, when, many witnesses, who had been summoned, not appearing when called, the court adjourned to meet to-morrow at ten o'clock—it seems the senate had previously come to a resolution to that effect. The witnesses, examined to-day, Edmund Randolph, of Virginia; George Reed, James Lee, and John Crow, all of Delaware; John Montgomery, and J. T. Mason, of Maryland S. H. Smith, of Washington city; John Stevens, of Baltimore.

"The evidence of Mr. E. Randolph was not very important, as it appeared he had not been present on the particular occasion, for which testimony was required.

"Mr. Reed and the other witnesses from Delaware, supported the charges laid concerning the conduct of Judge Chase, in that state—their evidence was very full and circumstantial.

"The testimony of Mr. Montgomery and of the other remaining witnesses, went to sustain the article arraigning the conduct of Judge Chase on delivering a charge to a jury at Baltimore in 1803, when he reviled the administration of the government, the acts of congress, the constitution, legislature and law of Maryland, and reprobated the natural rights of man and of suffrage without estate. The expressions and manner of the judge were fully represented in the able and perspicuous evidence of Mr. Montgomery, who is a distinguished member of the Maryland legislature, and his testimony was corroborated by the other witnesses.

"Mr. J. Randolph, on the part of the managers, produced and delivered, authenticated copies of the record of the court, in the case of Callender's arrest by copies without a summons; and record of court on Fries's trial at Philadelphia.

"Mr. Charles Lee, formerly attorney general of the U. S. acts as one of Mr. Chase's counsel, which now consist of Luther Martin, R. G. Harper, J. Hopkinson, P. B. Key, and C. Lee.

Friday, February 15, 1805.

"The court of impeachment was opened this day at ten, and continued open until half past two o'clock, when the two houses adjourned to their legislative chambers.

"The business of this day was wholly defensive. Mr. Harper opened the case on behalf of the judge, but he did not, to day, go beyond a plain statement of what the evidence to be produced would amount to—no argument was entered upon. The witnesses called, were in the following order—Samuel Ewing, Wm. Meredith, and Wm. Rawle, of Philadelphia; E. J. Cole, Luther Martin, and James Winchester, of Baltimore; and Wm. Marshall, of Richmond.

"The testimony of the four first witnesses related to the trial of Fries, and to the behaviour of Mr. Chase on that occasion. Mr. Winchester's evidence went to prove that a conversation, at Annapolis, respecting Callender, &c. was all a joke. Mr. Martin's evidence related to his under-scoring passages in the book called the prospect before us.—Mr. Marshall's examination and cross-examination occasioned more than half of the whole sitting of this day; and embraced a circumstantial and detailed statement of all the proceedings, necessary to the defence.

"The court adjourned, to meet at ten to-morrow."

Saturday, February 16th 1805.

"The court of impeachment sat this day from ten to half past two o'clock, when both houses adjourned to their legislative chambers, and proceeded on legislative business.

"The witnesses examined this day, on the part of Judge Chase, were D. M. Randolph, formerly marshal of Virginia, John Marshall, chief justice of the U. S. Edward Lee, John A. Chevalier, Robert Gamble, Wm. Gooch, and David Robinson, all of Virginia.

"The evidence of D. M. Randolph was a point blank contradiction of the testimony of col. Wm. Heath: he denied ever shewing the pannel of Callender's jury to Judge Chase, that he ever took any concern in politics, and in short, he declared he knew very little of political characters. The evidence of the chief justice related to the transactions during Callender's trial, and, in fact, amounted to very little in point, it was cautious, guarded, and forgetful. Mr. Chevalier proved nothing: Mr. Gamble was one of the jury on Callender's trial: Mr. Gooch was a spectator and gave a humorous description of the trial.—Mr. Robinson, a lawyer, took short hand notes of the trial, and read them at length in evidence.

"It is now expected that the trial will close before the end of the ensuing week. Of the issue it is not perhaps, proper to anticipate or to express our opinion, though both sides appear sanguine of the success of respective object."

Monday, February 18th, 1805.

"The court of impeachment sat this day from ten to three o'clock. All the

witnesses examined were on the part of Judge Chase, and were as follows: William Marshall, John Winchester, William Rawle, Edward Lee, Philip Gooch, Luther Martin; all before examined, now re-examined, on particular points of evidence, particularly as to forms of proceeding in courts—the only result that could be discovered, I observed, was a total uncertainty, which, of course, is a glorious circumstance. Gunning Bedford, Vandyke, Archd. Hamilton, John Hall, and Samuel Moore, all of Delaware, were examined in chief, on the article relating to the conduct of Judge Chase in Delaware; this is not the proper time to offer any animadversions on evidence—perhaps, when the question shall be decided by the topic may prove a fruitful one.—Mr. Moore, from Delaware, however, merits, for his frankness and his manifest esteem of every man who possesses a sense of generous honor, and whatever may be said as to his politics, it would be impossible for a generous man not to esteem him; the pleasure of seeing and hearing an honest man like him repays a thousand mortifications which must necessarily be felt in viewing the machinery that passes men like puppets before the eyes of the world. W. H. Winder of Maryland, was examined, in chief; and Mr. Montgomery, of Maryland, and Judge Winchester re-examined.

"The sum of all this day's evidence was intended to shew what the practices of the courts were, in relation to the issuing of *capias* or *summons*, cases of misdemeanor—from which it appeared, that there was not only a variation in the practice in different states, but that the practice was different in the same state!

On the Delaware charge the evidence was intended to prove that the judge did not do any thing more than he ought to have done.

And on the article, relative to the judge's conduct in Maryland, the evidence was intended to prove the same thing—that is, the several transactions are allowed to have occurred, but it is denied that they occurred in the manner described—that, where it is said they were acts of intemperance and tyranny in the charge, they are maintained to have been either only earnestly, or jocularly, or wittily or properly done. Since Mr. Pitt's examination in the case of the *acquitted felons*, I suspect there never has been such a display of forgetfulness, as on this occasion—you would suppose that like *Aet Druggery* they had "*afire like memory*."

"I am told the evidence is likely to close to-morrow; and that the arguments will then proceed. The zest of the trial appears to have worn off, during the desultory examination of evidence; perhaps when the *orators* begin, the spirit of curiosity may again awaken."

Tuesday, February 19th, 1805.

"The court of impeachment sat this day from ten to half after one o'clock—when the evidence was closed on the part of the defendant. The managers, by the chairman, suggested their wish to allow the opposite counsel time to collect and arrange their evidence—and that the court might, for the purpose, be adjourned 'till to-morrow."

"This was, after a few observations on the other side and from the president, agreed upon.

"Judge Chase offered a short address to the court through his counsel, praying to be permitted to retire, as he felt severe indisposition from the gout—which was assented to by the court, and he retired.

"The witnesses examined this day were 1, Edward Tighman—2, Thomas Chase 3, Philip Moore—4, M. Dorsey—5, John Purviance—6, John Campbell—10, Wm. Cranch—11, Thomas Hall—12, T. M. Randolph—13, G. Hay—14, P. N. Nicholas—15, J. Montgomery. The first witness was examined upon points of legal forms of proceeding; from the 2d to the 11th were examined, upon the matter of Judge Chase's charge to the grand jury at Baltimore, 12, 13 and 14, on points of evidence and proceeding in Virginia 15 on the charge at Baltimore.

"The evidence on the matter of legal proceeding impressed me with no one fact more strongly than that the modes of proceeding in the courts of Maryland, are more preposterous than any I ever heard of any where else, and it struck me the more remarkably, because it is the generally received notion that the prisoner at the bar, the reputed father and mother of all that disgraces the practice of Maryland from that of other states. The great object of the evidence concerning the charge at Baltimore seemed rather to be directed to invalidate the evidence of Mr. Montgomery, a distinguished republican of Maryland, against whom part of the charge, it seems from the evidence, was directed.—However this object, which bore both an exculpatory and a political aspect, was not accomplished.

"The evidence concerning proceedings in Virginia, went to explain an erroneous inference which appeared to be drawn from the evidence of Mr. T. Meade Randolph, that Mr. G. Hay had endeavoured to dissuade the marshal from a discharge of his duty; this inference



was totally removed by the declaration of Sir Randolph.

"Indeed the evidence of this day was of no sort of importance to the real subject."

**Wednesday, February 20th, 1805.**

"The court of impeachment sat this day at half past ten o'clock—and one witness, who had not been before examined, appearing, to wit, Col. Stewart of Maryland, he was examined. Mr. Stewart was one of the grand jury, before whom Judge Chase delivered his inflammatory and seditious charge, at Baltimore, he substantiated some facts denied by the accused, and corroborated a principal part of the evidence of Mr. Montgomery.

"After this witness retired, several of the witnesses were discharged.

"Early of Georgia opened the argument on the part of the managers, in a concise, elegant, perspicuous, and impressive speech of about an hour and a half, in which with great acuteness and in a spirited style of eloquence he went through the principal point of the first article, the 2d, 3d, 4th, 7th, and 8th.—As I shall furnish the whole of the trial, for publication without more than unavoidable delay I shall not further remark than upon the character of the speech, which was generally and by all parties acknowledged to be ingenious and worthy of the great national act of justice, upon which it was delivered.

"He was followed by Mr. G. W. Campbell in a speech of about an hour, in which several new points were taken up and discussed, and much additional much additional light thrown on the case.—Mr. Campbell being much indisposed, the court adjourned for half an hour at 2 o'clock, but Mr. Campbell continuing unwell, further proceedings of the court were postponed till to-morrow. Mr. J. Randolph was absent this day, thro' indisposition; the weather is extremely unpleasant, the atmosphere heavy and dark.

"A message from the president was communicated this day to both houses of congress concerning the Mediterranean—which will be published in a few days.

**Thursday, February 21st, 1805.**

"The court of impeachment sat this day at ten, and adjourned at 3 o'clock. Mr. Campbell, on the part of the house of representatives, closed his argument; and was followed by Mr. Clark, of Virginia, continued; his argument was brief, and confined to the 6th article alone—he closed, on the part of the managers, the opening of the evidence at 15 minutes after 11 o'clock.

"Mr. Hopkinson, of Philadelphia, opened on the part of Judge Chase, and occupied the remainder of the sitting—his argument was confined to the first article wholly, and was very able, in the law phrase—his law and constitution doctrines, however, were almost as high toned as those of Mr. Dallas, at Lancaster, and he deprecated the idea, (and with great apparent feeling and apprehension) of any kind of responsibility in judges to the people; he took occasion to fling out reflections on republican government, and whether it was that he did not know, or thought the senators whom he was addressing, and the audience that heard him were ignorant, he introduced the death of Socrates as an evidence of the turpulence and injustice of republics; as if the death of Socrates any more than the death of Seneca were effect of popular institutions; upon similar grounds he might attribute to republican institutions the misconduct of Judge Chase himself, for the judge stands in relation to the public in much the same relation that Anytus the enemy of Socrates, did to the Athenians; Anytus was an oligarch, and an enemy to the people. Mr. Hopkinson, also told the senate, that it was necessary to have the judges secure to guard the people against themselves, and he took care to deprecate all ideas of the enormous power in the hands of the people's representatives. The speech for its object was very useful for a law argument, and on that score was entitled to praise—but his political doctrines were such as must either sink in these States or the liberties of the people must sink under them."

**Friday, February 22.**

"The court of impeachment was opened at ten and closed at half past four, this day. The counsel of Judge Chase occupied the whole time—Mr. Key from ten till two, when the court adjourned for half an hour.—Mr. Charles Lee commenced at half past two, and the court rose when he had concluded.

"Mr. Key's speech embraced the 2d, 3d and 4th charges; the speech was able, and considering the variety of topics, conducted with great skill and dexterity, and was delivered with much elegance of style. The speech of Mr. Lee applied to the 5th and 6th charges—Mr. Lee's talents are sufficiently known.

"I presume that Mr. Harper and Mr. Martin will proceed to-morrow."

**Monday, February 26.**

The court opened at 10 o'clock A. M. Mr. Martin closed his address at about 12 o'clock.

After a respite of the sittings for 10 minutes Mr. HARPER, as concluding counsel on the part of Judge Chase, addressed the court, for the purpose of

noticing points not fully insisted upon in relation to the first articles, and of investigating the seventh and eight articles.

Having at three o'clock gone through the first branch of the duty assigned him, the court adjourned for half an hour.

At the expiration of the period Mr. Hugh Holmes was called and examined on the part of the managers, when Mr. Harper resumed his remarks, which he concluded and closed the defence at a quarter after six o'clock.

**Tuesday, February 26.**

The court opened at 10 A. M. Mr. Nicholson addressed the court, in a speech of about two hours length, on the First Article.

He was followed by, Mr. Rodney, who rose about one o'clock, and continued speaking until 3 o'clock; when a respite of the sitting of the court took place for half an hour. At the expiration of which time, Mr. Rodney resumed, and continued speaking until half past 6 o'clock. He reviewed all those articles that relate to the trials of Fries, Callender and the conduct of Judge Chase at Wilmington, when stating that he was considerably fatigued, the court adjourned until 10 o'clock to-morrow when it is expected the pleadings will close.

**Friday, March 1.**

On Wednesday, the pleadings in the trial of Judge Chase were brought to a close—Mr. Rodney finished his remarks in a speech of about a half an hour's length; when Mr. J. Randolph rose about half past 11, and continued speaking till about 3 o'clock. Mr. Harper replied, in explanation, and Mr. J. Randolph followed him.

On motion of General Jackson, the court came to resolution to pronounce judgment on Friday at 12 o'clock—(This day.)

Thus are the proceedings, in this important case, nearly brought to a close, after a full, patient, and deliberate hearing. In no instance, perhaps, in this country, or in any other, has a tribunal of justice exhibited more honorable traits of impartiality, or dignified deportment. During the whole progress of the trial a degree of order and decorum has been preserved, which reflects high honor on the Senate of the United States and the individual who presides over their deliberations.

**EASTON, March 5.**

The following statement of the votes in the Senate of the United States, on the articles of impeachment preferred against Samuel Chase, one of the judges of the Supreme court, by the House of Representatives, which trial was brought to a close on Friday last, are from Annapolis to a gentleman in this town, from which statement (if correct) he stands acquitted of all the charges against him, by a constitutional vote of the court.

Votes in favor of Judge Chase.		Votes against him.	
Article 1	18		16
	2 24		10
	3 16		18
	4 16		18
	5 34		00
	6 37		4
	7 24		10
	8 15		19

**Public Sale.**

IN virtue of an order of the orphans court of Talbot county, will be sold at Public Vendue on Friday the 15th, inst. if fair, if not the next fair day, at St. Michaels in Talbot county, all the personal property of Dr. James Bordley late of the said county deceased, consisting of valuable Negro Men, Women and Children, a Coach, a small Chair, horses, cattle, household and kitchen furniture, two lots with the improvements thereon, up a lease of ninety nine years renewable for ever, a parcel of good Bricks and a parcel of Medical Books and Medicine, &c. &c. A credit of six months will be given on all sums above eight dollars, the purchaser giving bond or bill with approved security, bearing interest from the day of sale. Attendance will be given by

**HUGH SHEERWOOD,**  
of Huntington. Adm'r.

**This is to give Notice,**

THAT the subscriber of Talbot county, hath obtained from the orphans court of said county in Maryland, letters testamentary on the estate of John Sheppard, late of Talbot county aforesaid 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 sixteenth day of September next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this 5th day of March, 1805.

**CHARLES EMORY, Executor.**  
of John Sheppard.

**ALL persons having claims against the estate of Major Thomas Mafin, late of Caroline county deceased, are desired obting them in to the subscriber properly authorized for settlement, on or before the first day of May next; and all those indebted to said estate, are desired to make immediate payment.**

**J. H. MASON, Administrator.**  
Caroline county.  
March 5th, 1805.

A LIST			
OF the tracts and lots of land in Allegany county, held by persons not residents of said county, the amount of the taxes thereon respectively due for the years 1803 and 1804, with the names of the persons respectively chargeable with the payment of the same. The taxes thereon being now due and unpaid, and no personal property can be found in Allegany county, liable for, or chargeable with the payment of the same.			
Persons names and names of tracts and numbers of lots.	Tax due 1803.	Tax due 1804.	
Wm. Amos, 1071, 340,			
Zachariah Allen, 75, 471,			
John S'th Brooks, 12,			
Wm. Bennymann, 1877,			
Michael Boyer, 297, 436,			
Aquila Brown, 489,			
Valentine Brother, 913,			
Benjam Black, 15,			
John Boyd, 313,			
Bailey E. Clark, 3600, 3601, 3602, 3349,			
Elias Critchley, 1291,			
Peter Casenaves' heirs, 1773, 52,			
1918, 1304, 1944,			
1616, 2019, 1942,			
966, 894, 1780,			
441, 1842, 1048,			
1000, 1972, 2018,			
1160, 342, 1330,			
27, 124, 1700,			
Saml Davis, 3163,			
John Doyle, 3049,			
3038, 3166,			
Thos. Donaldson, 1134, 4157, 4156,			
123, 859, 3008,			
84, 130, 2088,			
3632, 1165, 1325,			
1125, 1168, 469,			
1912, 250, 1131,			
439, 443, 30, 2500			
25, 1900, 440, 444			
442, 189, 447,			
311, 448,			
George Frofs,			
3313, 1423,			
Philip Ford, 404,			
William Ferguson,			
255,			
Richard Fleming,			
963,			
Solomon Geer,			
3126, 1720, 2022,			
Archibald Golder,			
1124,			
James Greenleaf,			
part of Spruce			
Springs,			
Robert Gover,			
3129, 2425, 1325,			
1425, 4055, 1317,			
2548, 1009, 248,			
833, 196, 360,			
1334, 1704,			
August Gainbril,			
1930,			
Henry Huntsman,			
3 lots number un-			
known,			
Elisba Hall, 197,			
13 5,			
John Hamm, 1386			
T. B. Hugo 1784,			
Thomies Hewitt,			
9 9,			
James G. Howard,			
273,			
Adam Hope, 25 12			
2583, 2506, 2587,			
James Johnson,			
Bear Creek Mea-			
dows,			
Elisba Jarrett 115,			
21, 4036, 1935,			
56, 131, 932, 2536			
241, 1167,			
Bennett Jarrett,			
3158, 921, 923,			
Samuel Jay, 216,			
492, 167, 170,			
810, 290, 1010,			
1834, 1121,			
Lloyd & Paca,			
Small Meadows,			
Hunting Ground,			
Buck Bones, Rich			
Glades, George H.			
Meyers, 2 lots,			
188, and —			
Peter Mantz, 2709			
2710, 2719, 2720,			
James R. Morris,			
11, 1147,			
Gilbert Murdock,			
885, 931,			
James Miller, 416,			
1350, 359, 929,			
257, 487,			
Greenberry Neale,			
1538,			
Samuel Norwood,			
Norwood's Farm,			
1603, 4 96,			
497, 1734, 3 46,			
John Poliard, 105,			
1413, 2029, 1244,			
85,			
Pearseall & Rodg-			
ers, Bull Pasture,			
George R. 334,			
John Ritchie,			
Constitution Vale,			
Addition to Hunt-			
ing Ground, Rich			
Clade, Potatoc			
Garden, E. L. Licke			
3151, 1392, 1493,			
13 4,			
John Randal,			
2383, 2384, 2385,			
2385,			
Thomas B. Ran-			
dol, 95, 945, 885,			

1950, 1130, 150,			
John Rols, 4158,			
John S'hley, 12 7			
James Shaw, 3065			
Robert C. Stanley,			
842, 858, 930,			
1172, 1373,			
Philip Sweetser,			
3036,			
John H. Stone,			
1382, 1733, 20,			
145, 70, 437,			
286, 4 57, 211,			
931, 1482, 446,			
378, 1915, 1923,			
2539, 164, 465,			
2038, 1133, 1801,			
951, 1850, 342,			
1703, 858, Addition			
to hotel,			
Gustavus Scott's			
heirs, Roby's De-			
light, Orm's At-			
tention, Chestnut			
Grove, Now or			
Never, Hard			
Struggle, 2487,			
Benj. Soddert,			
New Carriage 96			
acres, Mount Pica-			
ant 718 acres, Ad-			
ditiion 322, Cale-			
donia, 200,			
John Thompson,			
1326, 1136, 1325,			
Thomas and Sa-			
muel Turner, 2615			
2616, 2617, 2618,			
Abraham Van Bib-			
ber, Diadem, part			
of Good and Bid,			
Ormes' Delight,			
Ormes' Choice, the			
General's With,			
Friendship, Elk			
Garden, Ormes'			
Discovery, 1335,			
1388, 3449, 50, 1,			
2, 3, 4, 5, 6, and 8			
John Wilson, 4 45			
Edward Wright,			
217, 3037, 1280,			
2540, 1190, 118,			
464,			
P. L. Webster, 283			
1435, 375, 1466,			
James West, jun.			
2081, 1005,			
Wm. Woods, 2732,			
2719, 2735, 2723,			
Charles Wayman,			
82,			
John Warfield, 266			
George Emory,			
Colemine,			
Hannan Stidger,			
part Good and Bid			
Wm. Stidger, part			
Allegany,			
Wm. and J. Scott,			
Wm. and Joseph's			
Amendment			
Richard Johns,			
House and Lot,			
Cresap Town,			
Ben. Black, Par-			
ker's Negl-8,			
Margaret Chew, 82			
110, 111, 141, 171			
72, 174, 180, 167			
168, in Cumber-			
land Town,			
Blackburn and			
Brent, 8 unimpro-			
ved lots, Cumber-			
land			
Stephen Deakons,			
No. 2, Cumber-			
land town,			
Elijah Evans, 42			
do.			
Wm. King, 67, 168			
ditto			
James M. Lingam,			
29, ditto			
John McPherson, 1			
lot Cumberland,			
Thomas Price, 1			
lot, No. 7, do.			
Anthony Reintzell			
No. 99, do.			
Francis Thomas,			
No. 33, do.			
Owner unknown,			
of 3470, 3471,			
3472, in upper Old			
Town Hundred,			
Abraham Arthur,			
House and Lot,			
No. 10, in Addi-			
tion to Cumber-			
land,			
G. obfottle, lots No			
14 and 15, in B. oc-			
ker's Addition to			
Cumberland,			
Jacob Rusa, 1 lot,			
Cumberland			
Rob. Selby's heirs,			
lot no. 1, in Brod-			
hog's Addition to			
Cumberland,			
Joseph Tomlinson			
1 lot, Cumberland,			
Contention, A-			
mmendment,			
Peter Willer, No.			
50 1/2 acre lot Cum-			
berland,			
John Watts, lot			
No. 13,			
lot do.			
Thos. Beatty, Re-			
publican, Reason			
Miller's Delight,			
Fort Lip and Re-			
survey, Flowery			
Meads,			
Charles Beatty, 50			
acres land in Cum-			
berland Hundred,			
Jacob's Liddle,			
last Shift,			
James Greenleaf,			
Durham,			
Richard Ridgely,			
Friendship Ratur-			
voyed,			

George Kelly, Red  
Bird Thicket, 6

Samuel Ridgely,  
part Richard's  
Discovery Amend-  
d 19

Gabl. Jacob, part  
Blooming Plains,  
Beckwith's Disap-  
pointment, Hicco-  
ry Bottom, Fat  
Baron, Refurvey on  
Fat Baron, 8

J. C. Jones's heirs  
Harle Pasture,  
Robt. Jacob, Call  
Pasture, 9

Wm. M. Manay,  
dier, Chance, 2

Ozburn Sprigg,  
executor to James  
Sprigg, part Re-  
survey on Good  
Hope, 3 10

John F. Bawling,  
Horle Lick, 8 15

Nathan Gregg,  
New Addition,  
George Mann's  
heirs, Buckingham  
Hunting Ground  
Refurveyed, Folly,  
Robinson's Fancy,  
Hope and Bulby  
Ridge, Three  
Springs and White  
Oak Plains, Town  
Ridge and Deer  
Park, Pleasant  
Flight, Tradis U-  
nted, What you  
Will, 2 3 7

Ebenezer M. Key,  
Partnership,  
Aaron Potts, Phe-  
ria, 2 7 0

Henry Redburn,  
part Oron's Pur-  
chase, 1 42

Russell's heirs,  
Rabbit Range, 2 5

Charles A. War-  
field, Far Enough,  
Miry Pitt, Buck  
Path, 10 75

**Notice is hereby given,**  
THAT unless the county tax, propor-  
tion of advertising, and other legal charges  
due on the lands aforesaid, shall be paid to  
W. McMahon or Thomas Thistle, col-  
lectors of Allegany, on or before the four-  
teenth day of August next, the lands so  
charged or such part thereof as may be  
necessary to raise the sum due thereon, shall  
be sold to the highest bidder for the pay-  
ment of the same.

By order of the Commissioners of the  
Tax for Allegany county,  
**AQUILLA A. BROWNE, Ck.**  
Allegany county, Decr. 8, 1804.  
For the letter (h) add a half penny.

**Cash Sale.**  
By virtue of a Decree of the Chancellor of  
Maryland, will be sold at auction, on Fri-  
day, the twelfth day of April next, at  
Princes Tavern, in Easton,  
**THE FARM** now in the occupation of  
John R. Brownell, containing about  
four hundred acres of LAND. This pro-  
perty is convenient to several places of pub-  
lic worship, to two mills, and a Smith's  
shop; and is about four miles from Easton.  
It is presumed the soil and improvements  
will be examined by every person willing  
to purchase. The sale will commence at  
3 o'clock in the evening, and the purcha-  
ser will have it at his option to pay the  
money to the Trustee on the day of sale,  
or in the Chancery Office on the day of  
the ratification thereof.

**JAMES EARLE, junr. Trustee.**  
March 5, 1805.

**One, Two and Three Years.**  
ON Tuesday the 25th inst. will be sold  
at public sale, several VALUABLE  
LOTS, lying on the road leading from  
Easton to the Landing—A credit of one,  
two and three years will be given, the pur-  
chaser giving bond and security, with in-  
terest from the day of sale. The sale will  
commence at 3 o'clock on the premises,  
and the property will be conveyed when it  
is paid for.

**JAMES EARLE, junr.**  
March 5, 1805.

**This is to give Notice,**  
THAT the subscriber hath obtained  
from the Orphans Court of Dorches-  
ter county, State of Maryland, letters of  
administration de bonis non, on the per-  
son of property of Henry Tripp, late of Dor-  
chester county, deceased, all persons having  
claims against the said deceased, are hereby  
warned to exhibit the same for payment  
with the proper vouchers thereof, on or  
before the 30th day of August next—O-  
therwise they may by law be excluded from  
all benefit arising from said estate. Given  
under my hand this 27th day of February,  
1805.

**JAMES TRIPPE, junr.**  
Administrator de bonis non.

**This is to give Notice,**  
THAT the subscriber hath obtained  
from the Orphans Court of Dor-  
chester county, letters of administration  
de bonis non, on the estate of Daniel Tripp,  
late of said county deceased—All persons  
having claims against the said deceased,  
are hereby warned to exhibit the same for  
payment with the proper vouchers thereof  
to the subscriber, on or before the 30th day  
of August next—Otherwise they may by  
law be excluded from all benefit arising  
from said estate. Witness my hand this  
27th day of Feb. 1805.

**JAMES TRIPPE, junr.**  
Administrator de bonis non.

**FOR HUNT.**  
THE HOUNDS will go out from Mr. S.  
Lowe's Tavern on THURSDAY MORNING  
next, the 7th inst. precisely at Ten o'clock, to  
chase a uncommon large (red) BAG FOX.  
Persons are invited to attend and leave their  
names at the Earl's.

Easton, March 5.



**GOVERNORS TRUMBULL AND STRONG.**

Both of these gentlemen, in their last speeches to the legislature of their respective States, allude to the late subversion of the French Republic by Bonaparte, and hold it up in a very solemn manner as a warning to the people of these States, against sliding from republicanism into monarchy. Warnings of this kind are perhaps never untimely; but coming from these gentlemen, with so much pathos at the present period, they excite various reflections.

1. In point of consistency—have not those men, in common with their party, long considered the French republic as a most unprincipled, dangerous and horrid government did they not denounce it as such in their speeches years ago? Who can recollect the speeches of the New England governors in the late administration, without being sensible of it? We have not the speeches of governors Strong and Trumbull of that period before us, but of gov. Gilman's speech in the year 1798, the following is an extract:—"When we see a foreign nation overturning ancient systems of government, extending robbery and devastation as far as their forces reach; when we see them contemplating all moral and religious obligations, despoiling national compacts &c. insulting our government and threatening us with the furies of a degraded and destroyed; at such a time as this we should highly prize the blessing of GOOD GOVERNMENT." &c. This was the opinion of gov. Gilman of the French Republic. And indeed gov. Strong asserts in one part of his speech, that France, within a few years had made the experiment of renouncing religion, meaning without doubt the French Republic.

With such ideas of the French Republic, how can those gentlemen lament its subversion, or the restoration of an "ancient system" which had been "overturned"? and with what propriety can they deduce cautions from that event?—Because a nation has rejected a very bad thing, and restored a very good one, can it be made the proper ground of warning to another nation? But,

2. What has the French Republic to do with the United States, that a comparison should be thus introduced between them? These gentlemen, with all their art, have not concealed this one sentiment, that they now view fifteen centuries of the people of the United States, with the present government and Mr. Jefferson at its head, as tanning the wild career of the wicked and harried French Republic; and therefore they apply the termination which has happened to the one, as fully likely to overtake the other. This is the plain English of the speeches.—Knowing the ideas they entertained of the French Republic, our people and government will not thank them for entertaining the few in relation to them.—gentlemen may however not suffer their rest to be disturbed at present, as the most imminent danger of such a termination of our republic is unquestionably past; and as things are now restored to the spirit of the constitution and to the pattern contemplated in its adoption, a pleasing hope is entertained that our country will flourish for a period to come in republican simplicity, peace liberty and happiness.

3. If these gentlemen had warned their constituents, in the years '98 '99 and 1800 against the danger of our republic's being swallowed up in usurpation and monarchy, their cautions then might justly have been pathetic and solemn—for then would they have been perfectly in season. The true Bonaparte period in this country was the one now mentioned. Our republic was within an hair's breadth of destruction. Many of its friends had desponded. But the counsels of its adversaries were miraculously defeated, and the Republic was saved. At that period, these governors (to say no worse) were calm spectators of the dark and awful peril which hung over our country and threatened our dear liberties. No voice of warning was then heard in their speeches; but silent as the grave, they witnessed (not to say assisted) the headlong career which our liberties were taking towards annihilation and the tomb of oblivion.—But now, after we are saved from an imminent hazard and all things are progressing most prosperously, according to the original intention of the American revolution and the true spirit of our national constitution, now we see these gentlemen coming forth with their portentous speeches, dire forebodings and pathetic warnings!

May their warning take effect and guard us more strongly against the encroachments of despotism—and may future governors not omit to time them well.

The following are a part of the toasts drank by the Franklin Typographical Society of Boston, in commemoration of the birthday of Franklin. The words in italics are technical.

The Day! the birth-day of FRANKLIN!—When NATURE had set his character, the finished one of her greatest works of human excellence:—In looking

at the proofs of his worth, we scarcely perceive hair-space of error.

The United States of America!—The scene on which was imaged the first correct form of a free government.—May it never be broken by the unsteady pulls of irregular workmen!

The constitution of the United States.—May it never be impaired by bad masters; but ever continue the head-line to political happiness!

Party Politics.—As they will no more stand together than diamond and 20-line pica, we lay them in the old shoe; and prefer setting from one perfect font of harmony!

Literature, Arts, and sciences.—Their impression would soon be made upon the land-banks of ignorance, and instantly washed away by the whelming waters of barbarism; did not the press exist, to give them protection, life, and circulation.

Our Revolutionary Heroes.—Their glorious deeds are carefully wet down in the trough of memory, and are ready for the press of acknowledgement and the type of immortality!

Our Countrymen—captives in Tripoli.—May the bulls of our gallant tars soon release them from the weights of slavery;—place the Basha, at the devil's tail and myrmidons under the platen of justice.

Those of our brave Officers and Seamen, who fell in the attacks on Tripoli.—We will throw their graves with our choicest flowers, and wet their memory with tears of affection and regret.

By fairy hands, their knell is rung, By forms unseen their dirge is sung; There honor bends—a pilgrim grey To kiss the wave that wraps their clay;

While FREEDOM stands in deep despair, And drops the tears of anguish there."

The Fair Sex.—An improved edition with a frontispiece—hotpressed in sheets, and handsomely bound!

Typographical Associations.—May they pull together to raise the credit of the profession; copy from friendship and charity, and meet their reward in happiness and gratitude.

Irregular Workmen.—Like raw pelts they require the application of the foot!!

The old World.—Their former are pie.—May PEACE and JUSTICE early effort and distribute them for the well-being and happiness of mankind.

The New Year.—May we profit by a revision of our works in the old year, and need no correction during the new.

Notice is hereby given, THAT the LEVY COURT of Talbot county, will meet on WEDNESDAY the sixth day of March next, for the purpose of choosing CONSTABLES.

By order of the Levy Court, JACOB LOCKERMAN, Clerk. Easton, Feb. 26, 1805.

Jesse Hollingsworth & Son HAVE FOR SALE,

FOURTH PROOF COGNAC BRANDY, in pipes; Swedish and country iron Bar-Iron and Rod-Iron; Millington, Crowley, German and Country Steel Castings; Nova-Scotia Plaster, ground and in lumps; Clover Seed; Cologne Mill Stones of all sizes and dimensions; Pork, by the barrel; Tar; Salt, of every kind; Sugar, by the hoghead and barrel, &c. &c. County Wharf, Baltimore. February 26, 1805.

To be Let, For the remainder of the present year, THE HOUSE, GARDEN, &c. lately in the occupation of Mrs. Rice, pleasantly situated on Wye river. For particulars enquire of WILLIAM DUNN, Esq. near the Head of Wye, Talbot county. February 26, 1805.

Baltimore and Frederick TURNPIKE ROAD.

THE Subscribers being appointed to receive subscriptions, under the act of assembly "for incorporating a company for making a turn-pike road from Baltimore through Frederick town to Boonsborough," do hereby give notice, that subscription books will be opened at the office of the Maryland Insurance Company in South street, and at Mr. William Evans's tavern, Market-street, on Monday the 1st of April, from the hour of 9 until 1 o'clock and will continue open during the same hours the two following days, unless the capital stock should be earlier subscribed. The stock is divided into shares of twenty dollars each, and every person must pay down one dollar on each share at the time of subscribing—not more than twenty five shares can be subscribed for on the first day by any one person, nor more than fifty on the second day.

(Signed) JAMES CAREY. LUKE TIERNAN. GEORGE F. WARFIELD. FRANCIS HOLLINGSWORTH. N. B. Subscription Books will be opened at Frederick, Middle-Town, and Hagerstown, for shares in the above road, by the commissioners named in the law. February 26, 1805.

Young Man Wanted.

THE Subscriber wishes to take an apprentice, a young lad, of good character, that can be well recommended, from fourteen to seventeen years of age, in a DRY GOOD and GROCERY STORE. Apply to JOHN R. GILES. Centerville, February 19, 1805.

**Notice.**

TO FACILITATE to Claimants under the 7th article of the treaty with Great Britain, the receipt of the third installment due on the 15th July next, in instances in which they have not constituted the public agent in London, their special attorney, it has been thought proper to draw to the United States all such monies of the above description as may not be drawn from him by the individuals themselves prior to the first of September next. The agent is accordingly instructed to cease paying them after that date; but after the 1st of November next, they will be again payable at the City of Washington, to those who have right, or to their attorneys duly authorized.

DEPARTMENT OF STATE, February 4, 1805. The Printers of the Laws of the United States are requested to insert the above four times in their Gazette: February 26, 1805.

**COLUMBIAN-INN—CONTINUED.**

Isaac Causten RESPECTFULLY informs his friends and the public, that he has leased for a term of years, that extensive well known house, the COLUMBIAN INN, one door above the corner of Howard, in Baltimore street.

To those acquainted with the superior convenience and situation of this valuable property nothing need be said. To strangers it may be necessary to observe, that it is situated in the most pleasant and healthy part of the city, and surrounded with respectable mercantile houses, therefore obvious to the convenience of country merchants, travellers, &c.

To this establishment I. CAUSTEN solicits the patronage of his friends and a generous public, and begs leave to assure them every thing on his part shall be exerted to merit and secure their approbation. Baltimore, February 26, 1805.

This is to give Notice, THAT the subscriber hath obtained from the Orphans Court of Caroline county, in Maryland, letters of administration on the personal estate of John Fountain, late of Caroline aforesaid, 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 20th day of August next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 19th day of February 1805.

DEBORAH FOUNTAIN, Administratrix of John Fountain.

Notice. ALL persons indebted to the estates of Michael Pinkine, and Mary Pinkine, both of Talbot county, deceased, are hereby requested to make immediate payment to the subscriber, who has administered on both estates; and those having claims against said estates, are desired to render them properly authenticated for settlement.

BENNETT PINKINE, adm'r. of M. & M. Pinkine, dec'd. Talbot County, Feb. 19, 1805.

Valuable Farm for Sale.

THE Subscriber offers at PRIVATE SALE, his valuable FARM, in Queen's county, lying on the Post-road to Philadelphia, within one mile of Centerville; and the same distance from the navigation on Corlica creek. This property contains upwards of nine hundred acres, of which there are four hundred and fifty of well timbered land; and fifty of superior meadow, the remainder arable land, of an excellent quality, an excellent apple orchard, of latter fruit. The advantages of watering which this property has, but few can surpass, having two never failing streams passing entirely through the arable land, in such a manner as to water every different field; and several springs of excellent water, convenient to the house. There are on the premises, a two story brick dwelling, with four rooms and eight feet passage on a floor, with extensive and convenient cellars; a brick kitchen, with an entry 12 by 13 feet; and milk house 12 by 16 feet; an overteer's house; large and convenient negro quarter; brick smoke house, barn, granary, carriage-house, two corn houses, stables, and several other convenient out houses, &c. The subscriber thinks any further description unnecessary, as he presumes those who wish to purchase will first view the premises. I will sell the whole, or a part as may suit the purchaser. Terms made known by

CHARLES S. SEWELL. Residing on the premises. P. S. Possession given on the 1st of January 1805, with privilege of feeding wheat, next fall. There will be ground prepared for the reception of one hundred and fifty bushels of fall grain.

C. S. S. Queen-Ann's county, Md. February 12, 1805.

This is to give Notice, THAT the subscribers have obtained from the Orphan's Court of Kent County, in the State of Maryland—Letters of Administration on the personal estate of William Geddes, esq. late of the city of Philadelphia, deceased;—All persons having claims against the said deceased, are hereby warned to exhibit the same with the vouchers thereof to the subscribers, or either of them, at or before the 4th day of June next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this third day of December, 1804.

TRISTRAM THOMAS, } Administ. GEO. GILLASSPY, } December 4, 1804.

**Pine Creek Settlement, In Lycoming County, Pennsylvania.**

THIS extensive, fertile and healthy territory, comprises 120,000 acres of land, situate on, and contiguous to, the waters of Pine Creek, having the state road, into the Genesee country passing through it.

The proprietors of it, who reside in Philadelphia, are, Samuel W. Fisher, Isaac Wharton, Jesse and Robert Wain, and James C. Fisher, and in the settlement the subscriber, who has removed there with his family, and the families of about forty other persons. The settlement is now in a rapidly increasing and improving state, and requires only the aid of an additional number of practical farmers, tradesmen and mechanics, to give it all the comforts of the oldest establishments in the state. To all such who will become actual settlers, the greatest encouragement will be given; to the first fifty families (provided they remove in the present season or ensuing spring) the price will not be raised beyond what some of the tracts have actually been sold for, viz. from three to four dollars per acre, according to situation, quality, &c. although the quantity already sold (excepting thirty thousand acres), to persons who have purchased with the only view of residence, has considerably enhanced the value of the remainder.

In the number of purchasers, and of actual or intended residents, are respectable public ministers of the Society of Friends, and Methodists, and a number of respectable persons from England, in connection with the Rev. John Hey whose certificate is annexed to that of other characters equally well known. The views of these, and of the subscriber, are to invite and encourage only such persons as intend to reside in the settlement, and to whom, being of good character, every aid in his power will be given; timber and boards will be furnished at early rates, and every other reasonable encouragement given.

These proposals are now made by the subscriber with a confidence of their giving satisfaction to those who may embrace them, which is derived from an actual residence in the settlement with his family—applications will be received by him, during his stay in Philadelphia, at Jacob S. Wain's, No. 204, Spruce-street, and by Samuel W. Fisher.

BENJAMIN W. MORRIS. Philadelphia, Dec. 5, 1804.

HAVING recently purchased a considerable tract of the above land, with design of forming an immediate settlement, by a number of respectable families from England, some of whom are already arrived in this country; and purposing to establish regular public worship for the edification of such as may settle in the neighbourhood, I beg leave, in addition to the above advertisement, to say, that there is every prospect necessary to encourage well disposed persons to settle on the above mentioned lands.

JOHN HEY.

**PINE CREEK SETTLEMENT.**

THE Subscribers left Delaware and Maryland, for the purpose of viewing the lands advertised by Messrs. B. W. Morris, Samuel W. Fisher and Company, on Pine Creek, in Lycoming County, State of Pennsylvania.

Previous to our departure from our respective homes, we promised several of our friends to transmit them the result of our observations, and it has been thought more advisable to comply with this engagement through the medium of the press.—We have passed thirty miles over the lands, examining with great care such as we have seen, are still employed in exploring others. The view we have taken has afforded us much satisfaction, and determined us all to purchase and settle in this country. Some very respectable people are already settled here, and several little thriving farms are strung along the whole road. Many of the lands are high, with a rich fertile soil covering the greater part of them. In other situations we have met with lower but waving lands, with a deep soil, equalling if not exceeding in richness any thing we have ever seen. The best lands in Lancaster county have frequently been held up, and very desirably, as the criterion of every thing excellent for farms, and we consider these lands as equal, and many of them greatly superior to those. We have seen wheat growing here, which we believe would yield thirty bushels per acre, and yet the seed had been merely barrowed in, the ground never having been ploughed. We have met with fine flax, and in some places the farmers were too unreasonable as to complain that their lands were too rich to bear that plant. The timber every where indicates strong good land, and while in some places it is heavier than one would wish, in others it opposes not more than the usual impediment in clearing. Pine Creek is navigable at all times when the Susquehanna is. Our immediate settlement is near the state road, and in the vicinity of the place where the county town will most probably exist, and about three or four miles from Pine Creek. The whole country appears to be well and sufficiently watered. In addition to the above we need only to observe that we confidently expect that which we much hoped for will be realized, and that we shall find the country remarkably healthy.

(Signed) WILLIAM H. WELLS, JOHN WILD, ABRAHAM RIDGELY, SAMUEL SHARPLES, WILLIAM H. WILMER, JOHN REGISTER, ISRAEL MERRICK, JAMES HARPER. I subscribe entirely to the foregoing and though not certain of removing myself have purchased two farms for my son. WILLIAM WILMER. December 25, 1804.

**TO SETTLERS.**

**FOR SALE.**

A Body of unimproved land of the first quality, situated in Lycoming county, Loyal Sock township, and on the waters of Loyal Sock creek in the state of Pennsylvania.—The tract contains 15,000 acres, and is equal, if not superior to any body of Birch and Maple lands in Lycoming county, or in the state of Pennsylvania.—Large quantities of white walnut, hickory, and chestnut timber, are found on these lands.—There are also two or three salt springs, and a number of excellent mill seats on the tract, and iron ore has recently been found on it, or in its immediate neighbourhood. It lies within about 15 miles of the county town of Lycoming, and about 26 miles from Mr. Benjamin W. Morris's improvements. Other flourishing settlements have been made within 8 miles of this tract. To persons desirous of removing and forming an extensive settlement in Pennsylvania, these lands are an object of the first attention, as also to those who are anxious to possess a fine body of land in a country rapidly progressing in improvement.

The title to these lands is indisputable. For terms apply to Dr. EDWARD EARLE, Easton; or to RICHARD PETERS, Jun. No. 135 Walnut Street, Philadelphia. Nov. 20, 1804.

THE Subscriber having removed from Easton to the Settlement of Pine Creek, has given William Dawson, Confidant, direction to proceed according to law for the recovery of accounts due to the Subscriber generally.—Nevertheless, any person disposed to avoid expense and trouble, may pay their respective accounts to Peter Dimry, Esq. in Easton (with whom the books of the Subscriber remain) and take his receipt—he being fully authorized to receive and discharge the same, by me JAMES IDINGS. Easton, 12th 2nd mo. 1805.

James Celicott RESPECTFULLY informs his friends and the public generally, that he has taken that large and commodious house in Denton, lately occupied by Mr. William Bown, as a PUBLIC HOUSE, and hopes he will be able to render general satisfaction in that line of business to all those who may please to indulge him with their patronage. Denton, February 19, 1805.

**FOR SALE.**

**A very valuable FARM.**

ON the tide water of the River Susquehanna, opposite to Havre-de-Grace, and upon the post road leading from Philadelphia to Baltimore.—It consists of about 600 acres of very valuable land, with a full proportion of woodland, and may very conveniently be divided into two farms of about 300 acres each.—The soil is generally of an excellent quality for either grain or grass, and the situation very desirable. A liberal credit will be given for a considerable part of the purchase money. Any person disposed to purchase, may know the terms and further particulars by applying to Henry Hallyday, esq. near Easton, Maryland, or the subscriber near the premises. GEORGE GALE. Nov. 27, 1804.

**Twenty Dollars Reward.**

RAN AWAY from the neighbourhood of Centerville, some time last Fall, Negro FILLIS, the property of Arthur Bnory, minor. She is a middle sized black woman, large mouth, and has lost several of her teeth, aged about forty, or forty five—she has been accustomed to work in and out of the house. It is supposed that she has made for Philadelphia or the Delaware state, as her husband Negro Moses, belonging to Mrs. Blake, near Centerville, ran off some time before. If taken up out of this State, and secured so that the subscriber gets her, the above reward will be given. If taken in this state and delivered to the subscriber, ten dollars, and all reasonable charges paid by JOHN D. EMORY, Guardian. February 26, 1805.

**Fifty Dollars Reward.**

RAN AWAY some time in December last, a negro woman named RACHEL, about 30 years of age, a middling size woman, pretty black, and has lost one of her fore teeth; her clothing is unknown, as she did not live with me the last year. She took with her three children, all boys.—JIM, about ten years old, TOM, about six years old, and HARRIS, about four years old. Likely she has made into the Delaware state. The above reward will be given, if taken out of this state, and secured so as I get them again; or Twenty Dollars, if taken and secured in this state, so that I get them again, and all reasonable charges paid if brought home. RUTH NORTH. Talbot county, State of Maryland. Land, February 26, 1805.

**To be Rented.**

For the present year, and for as long as may be desired. THAT well known stand for a Country Store, at the Head of Wye River, where Dr. Star Wagon, and his Brother, before him, kept to long a very profitable Retail Store; and where an extensive and industrious man, might do much business, with a vessel and crew, in being the only place of call for the grain in this neighbourhood, affording to the subscriber, and to the subscriber, or John Nicks, esq. who has the premises, 17 1/2 3/4 1/2 1/2. January 29, 1805.





THE TERM OF THE REPUBLICAN STAR ARE TWO DOLLARS AND FIFTY CENTS per annum, payable half yearly, in advance—No paper can be discontinued until the same is paid for.

ADVERTISEMENTS are inserted three weeks for ONE DOLLAR a square; and continued for TWENTY FIVE CENTS per week.

## TRIAL of JUDGE CHASE.

The Senate of the United States, SITTING AS A HIGH COURT OF IMPEACHMENT ON THE

FOURTH DAY OF FEBRUARY, A. D. 1805 The United States, vs. Samuel Chase.

The answer and pleas of SAMUEL CHASE, one of the associate justices of the supreme court of the United States, to the articles of impeachment exhibited against him in the said court, by the honorable the house of representatives of the United States, in support of their impeachment against him, for high crimes and misdemeanors, supposed to have been by him committed.

### ANSWER.

(Continued from this morning's Supplement) portion of it with the indictment, it will appear, that out of twenty charges in the indictment, there were but eight to which any part of the testimony of these witnesses had the most distant allusion; and that of those eight charges there are five, which the testimony having some allusion to them, could not in the slightest degree support. Twelve charges therefore, remained without even an attempt to justify them; and five, were wholly destitute of any legal or sufficient justification. On the fifteen charges, therefore, the fore the traverser, must have been convicted—even if the remaining three had been completely justified by the testimony of the absent witnesses. The conviction on these fifteen charges, or even on one of them, would have put it into the power of the court to fine and imprison the traverser, to the whole extent allowed by the law. If the truth of these three charges, admitting it to be established, could have any effect in mitigating the punishment, which depended on the court and not on the jury, the court in passing sentence might make, and in this case, actually did make, the fullest abatement on that account that the testimony if adduced would warrant.

This testimony, therefore, was in every view immaterial; and had it been material, there existed no ground of reasonable expectation, that it could be obtained at the next term, or any future term. For these reasons and not from those criminal motives, which without the least shadow of proof are ascribed to him, this respondent did overrule and reject the motion for a continuance till next term; as it was his duty to do, since he had no discretion in the case, but was bound by the rules of law.

But in order to afford every accommodation to the traverser and his council, which it was in power to give, this respondent did offer to postpone the trial for a month or more in order to afford them full time for preparation, and for procuring such testimony as was within their reach. This indulgence they thought proper to refuse.

On Monday, the second, and Tuesday, the third day of June, 1800, when Judge Griffin had taken his seat in court, and was on the bench, the counsel for the traverser, renewed their motion for a continuance, founded on the same affidavit; and after a full hearing and consideration of the argument, the court, Judge Griffin concurring, overruled the motion, and ordered the trial to proceed.

If this decision be correct, as he believes and insists that it is, no offence could be committed by him in making or concurring in it. It was a proper and legal performance of his duty as a judge. If it be erroneous, still the error, if it be an honest one, cannot be an offence, much less a high crime and misdemeanor; and in his colleague it has been considered as an honest error, he confidently trusts it will be considered so in him also.

To the third charge adduced in support of the article now under consideration, the charge of using "unusual, rude, and contemptuous expressions, towards the prisoner's counsel," and of "falsely insinuating, that they wished to excite

the public fears and indignation, and to produce that insubordination to law, to which the conduct of this respondent did manifestly tend," he cannot answer otherwise than by a general denial. A charge so vague, admits not of a precise or particular refutation. He denies that there was any thing unusual or intentionally rude or contemptuous in his conduct or his expressions towards the prisoner's counsel; that he made any false insinuation whatever against them, or that his own conduct tended to produce insubordination to law. On the contrary, it was his wish and intention, to treat the counsel with the respect due to their situation and functions, and with the decorum due to his own character. He thought it his duty to refrain such of their attempts as he considered improper, and to overrule the motions made by them, which he considered as unfounded in law; but this it was his wish to accomplish in the manner least likely to offend, from which every consideration concurred in dissuading him. He did indeed think at that time, and still remains under the impression, that the conduct of the traverser's counsel, whether from intention or not he will not undertake to say, was disrespectful, irritating and highly incorrect. That conduct which he viewed in this light, might have produced some irritation in a temper naturally quick and warm, and that this irritation might, notwithstanding his endeavors to suppress it, have appeared in his manner and his expressions. He thinks not improbable, for he has had occasions of feeling and lamenting the want of sufficient caution and self-command, in things of this nature. But he confidently affirms, that his conduct in this particular was free from intentional impropriety; and this respondent denies, that any part of his conduct was such as ought to have induced the traverser's counsel to "abandon the cause of their client," nor does he believe that any such cause did induce them to take that step. On the contrary, he believes that it was taken by them under the influence of passion or for some motive into which this respondent forbears at this time to enquire. And this respondent, admits that the said traverser was convicted and condemned to fine and imprisonment, but not by reason of the abandonment of his defence by his counsel; but because the charges against him were clearly proved, and no defence was made or attempted against far the greater number of them.

The fourth charge in support of this article, attributes to this respondent, "repeated and vexatious interruptions of the said counsel, which at length induced them to abandon the cause of their client, who was therefore convicted, and condemned to fine and imprisonment." To this charge also, it is impossible to give any other answer but a general denial. He avers that he never interrupted the traverser's counsel vexatiously, or except when he considered it his duty to do so. It cannot be denied that courts have power to interrupt counsel, when in their opinion the correctness of proceeding requires it. In this, as in every thing else, they may err. They may sometimes act under the influence of momentary passion or irritation, to which they in common with other men, are liable. But unless their conduct in such cases, though improperly or ill-judged, be clearly shown to proceed, not from human infirmity, but from improper motives, it cannot be imputed to them as an offence, much less as a crime or misdemeanor.

Lastly, this respondent is charged under this article, with an "indecent solicitude, manifested by him for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge, as it was subversive of justice." This is another charge of which it is impossible to give a precise refutation, and to a general denial of which, this respondent must therefore confine himself. He denies that he felt any solicitude whatever for the conviction of the traverser; other than the general wish natural to every friend of truth, decorum, and virtue, that persons guilty of such offences, as that of which the traverser stood indicted, should be brought to punishment, for the sake of example. He has no hesitation to acknowledge, that his indignation was strongly excited, by the atrocious and profligate libel which the traverser was charged with having written and published. This indignation, he believes, was felt by every virtuous and honorable man in the community, of every party

who had read the book in question, or become acquainted with its contents. How properly it was felt, will appear from the book itself, which this respondent has ready to produce to this honorable court; from the parts of it incorporated into the indictment now under consideration; and from some further extracts contained in the paper marked exhibit No. 6, which this respondent prays leave to make part of this answer. He admits, and it can never be to him a subject of self reproach on a cause of regret, that he partook largely in this general indignation, but he denies that it in any manner influenced his conduct towards the traverser, which was regulated by a conscientious regard to his duty and the laws. He moreover contends, that a solicitude to procure the conviction of the traverser, however unbecoming his character as a judge, would not have been an offence, had he felt it; unless it had given rise to some misconduct on his part. Intentions and feelings, unless accompanied by actions, do not constitute crimes in this country; where the guilt or innocence of men is not judged by their wishes and fancies, but by their conduct and its motives. And this respondent thinks it his duty, on this occasion, to enter his solemn protest against the introduction in this country, of those arbitrary principles, at once the offspring and the instruments of despotism, which would make "high crimes and misdemeanors" to consist in "rude contemptuous expressions," in "vexatious interruptions of counsel," and in the manifestation of "indecent solicitude" for the conviction of a most notorious offender. Such conduct is no doubt, improper and unbecoming in any person, and much more so in a judge; but it is too vague, too uncertain, and too susceptible of forced interpretations, according to impulse of passion or the views of policy, to be admitted into the class of punishable offences, under a system of law whose certainty and precision in the definition of crimes, is its greatest glory, and the greatest privilege of those who live under its sway.

In concluding his defence against those charges contained in the fourth article of impeachment, he declares, that his whole conduct in that trial, was regulated by a strict regard to the principles of law, and by an honest desire to do justice between the United States and the party accused. He felt a sincere wish, on the one hand, that the traverser might establish his innocence, by those fair and sufficient means which the law allows; and a determination, on the other, that he should not, by subtleties and frivolous pretences, sport with the justice of the country, and evade that punishment of which, if guilty, he was so proper an object. These intentions, he is confident, were legal and laudable; and if, in any part of his conduct, he swerved from this line, it was an error of his judgment, and not of his heart.

And the said respondent for plea to the said fourth article of impeachment, faith, that he is not guilty of any high crime and misdemeanor, as in and by the fourth article is alleged against him, and this he prays may be enquired of by this honorable court, in such manner as law and justice shall seem to require.

The fifth article of impeachment charges this respondent with having awarded "a capias against the body of the said James Thompson Callender, indicted for an offence not capital, whereupon the said Callender was arrested and committed to close custody, contrary to law in that case made and provided.

This charge is refuted, first, on the act of congress of September 24th, 1789, entitled "an act to establish the judicial courts of the United States," by which it is enacted "that for any crime or offence against the United States, the offender may be arrested, imprisoned, or bailed agreeably to the usual mode of process, in the state where such offender may be found." And 2dly, on a law of the state of Virginia, which is said to provide "that upon presentment by any grand jury, of an offence not capital, the court shall order the clerk to issue a summons against the person or persons so offending, to appear and answer such presentment at the next court." It is contended in support of this charge, that the act of congress above mentioned, made the state law the rule of proceeding, and that the state law was violated by issuing a capias against Callender, instead of a summons.

The first observation to be made on this part of the case is, that the date of

the law of Virginia is not mentioned in the article. A very material omission! For it cannot be contended, that by the act of congress in question, which was passed for establishing the laws of the United States, and regulating their proceedings; it was intended to render those proceedings dependant on all future acts of the state legislatures. The intention certainly was, to adopt, to a certain limited extent, the regulations existing in the states at the time of passing the act. Consequently, a law of Virginia, passed after this act, can have no operation on the proceedings under it. But by referring to the law of Virginia in question, it will be found to bear date on November 13th, 1792; more than three years after this act of congress, by which it is said to have been adopted. But the omission of the date of this law of Virginia, is not the most material oversight which has been made in citing it. Its title is "an act directing the method of proceeding against free persons charged with certain crimes," &c and it enacts, section 28th, "that upon presentment made by the grand jury, of an offence not capital, the court shall order the clerk to issue a summons, or other proper process, against the person or persons so presented, to appear and answer at the next court." It will be observed that these words "or other proper process," which leave it perfectly in the discretion of the court what process shall issue, provided it be such as is proper for bringing the offender to answer to the presentment, are omitted in this article of impeachment.

From these words it is perfectly manifest, that the law of Virginia, admitting it to apply did not order a summons to be issued, but left imperfectly in the discretion of the court to issue a summons, or such other process as they should judge proper. It is therefore, a sufficient answer to this article to say, that this respondent considered a capias as the proper process, and therefore ordered it to issue; which he admits that he did immediately after the presentment was found against the said Callender, by the grand jury.

This he is informed, and expects to prove, has been the construction of this law by the courts of Virginia, and their general practice. Indeed it would be most strange, if any other construction or practice had been adopted. There are many offences not capital, which are of a very dangerous tendency, and on which a very severe punishment is inflicted by the laws of Virginia; and to enact by law that in all such cases, however notorious or profligate the offender might be, the courts should be obliged, after the presentment by a grand jury to proceed against them by summons; would be to enact, that as soon as their guilt was rendered extremely probable, by the presentment of a grand jury, they should receive regular notice, to escape from punishment by flight or concealment.

It will also appear, as this respondent believes, by a reference to the laws and practice of Virginia, into which he has made all the enquiries which circumstances and the shortness of time allowed him for preparing his answer, would permit, that all the cases in which a summons is considered as the only proper process, are cases of petty offences, which on the presentment of a grand jury, are to be tried by the court in a summary way, without the intervention of a petit jury. Therefore, these provisions had no application to the case of Callender, which could be no otherwise proceeded on than by indictment, and trial on the indictment by a petit jury.

It must be recollected that the act of congress of September 24th, 1789, enacts, section 14, "that the courts of the United States, shall have power to issue writs of scire facias, habeas corpus, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of laws." Consequently, the circuit, where the proceedings in question took place, had power to issue a capias against the traverser, on the presentment unless the state law above mentioned governed the case, and contained something to restrain the issuing of that writ in such a case. This respondent contends, for the reasons above stated, that this state law neither applied to the case; nor contained any thing to prevent the issuing of a capias, if it had applied.

Thus it appears that this respondent, in ordering a capias to issue against Callender, decided correctly, as it certainly

was his intention to do. But he claims no other merit than that of upright intention in this decision: for when he made the decision, he was utterly ignorant that such a law existed in Virginia; and declares that he never heard of it, till this article was reported by a committee of the house of representatives, during the present session of congress. This law was not mentioned on the trial either by the counsel for the traverser or by Judge Griffin, who certainly had much better opportunities of knowing it than this respondent, and who, if he would have cited it had they known it, and considered it as applicable to the case. This respondent well knows that in a criminal view, ignorance of the law excuses no man in offending against it; but this maxim applies not to the decision of a judge; in whom ignorance of the law in general would certainly be a disqualification for his office, though not a crime; but ignorance of a particular act of assembly, of a state where he was an utter stranger, must be considered as a very pardonable error; especially as the counsel for the prisoner to whose case that law is supposed to have applied, either omitted to cite it; and as a judge of the state always resident in it, and long conversant with its local laws, either forgot this law; or considered it as inapplicable.

Such is the answer, which this respondent makes to the fifth article of impeachment. If he erred in this case, it was through ignorance of the law, and (surely, ignorance under such circumstances, cannot be a crime, much less a high crime or misdemeanor; for which he ought to be removed from his office. If a judge were impeachable for acting against law from ignorance only, it would follow, that he would be punished in the same manner for deciding against law wilfully, and for deciding against it through mistake. In other words, there would be no distinction between ignorance and design, between error and corruption.

And the said respondent, for plea to the said fifth article of impeachment, faith, that he is not guilty of any high crime and misdemeanor, as in and by the said fifth article is alleged against him; and this he prays may be enquired of by this honorable court, in such manner, as law and justice shall seem to them to require.

The sixth article of impeachment alleges, that this respondent, "with intent to oppress and procure the conviction of the said James Thompson Callender, did at the court aforesaid, rule and adjudge the said Callender to trial, during the term at which he, the said Callender was presented and indicted, contrary to the law in that case made and provided."

This charge also, is founded, 1st, on the act of congress of September 24th, 1789, above mentioned, which enacts, section 34, "that the laws of the several states, except where the constitution, treaties, or statutes of the United States shall otherwise provide, shall be regarded as the rules of decision, in trials at common law, in the courts of the United States, in cases where they apply;" and 2dly, on a law of the state of Virginia, which is supposed to provide, "that in cases not capital, the offender shall not be held to answer any presentment of a grand jury, until the court next preceding that, during which such presentment shall have been made." This law, it is contended, is made the rule of decision by the above mentioned act of congress, and was violated by the refusal to continue the case of Callender till the next term.

In answer to this charge this respondent declares, that he was at the time of making the above mentioned decision, wholly ignorant of any law of Virginia as that in question, that no such law was adduced or mentioned by the counsel of Callender, in support of their motion for a continuance; neither when they first made it, before this respondent sitting alone; nor when they renewed it, after Judge Griffin had taken his seat in court; that no such law was mentioned by Judge Griffin; who concurred in overruling the motion for a continuance and ordering the trial; which he could not have done had he known that such a law existed, or considered it as applicable to the case; and that this respondent never heard of any such law, until the articles of impeachment now under consideration were reported in the course of the present session of congress, by a committee of the house of representatives.

A judge is certainly bound to use all proper and reasonable means of obtaining

(Continued in last page.)



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jury, for the purpose of delivering to the said grand jury an immoderate and inflammatory political harangue, with intent to excite the fears and resentment of the said grand jury, and of the good people of Maryland, against their State government and constitution," and also that this respondent, "under pretence of exercising his judicial right to address the grand jury as aforesaid, did endeavor to excite the odium of the said grand jury, and of the good people of Maryland, against the government of the United States, by delivering opinions which were, at that time and as delivered by him, highly indecent, extra-judicial, and tending to prostitute the high judicial character with which he was invested, to the low purpose of an electioneering parizan."

In answer to this charge this respondent admits, that he did, as one of the associate justices of the supreme court of the United States, preside in a circuit court held at Baltimore in and for the district of Maryland in May, 1803, and did then deliver a charge to the grand jury, and express in the conclusion of it some opinions as to certain public measures, both of the government of Maryland and of that of the United States. But he denies that in thus acting, he disregarded the duties and dignity of his judicial character, perverted his official right and duty to address the grand jury, or had any intention to excite the fears or resentment of any person whatever, against the government and constitution of the United States or of Maryland. He denies that the sentiments which he thus expressed, were "immoderate and inflammatory," either in themselves or in the manner of delivering; that he did endeavor to excite the odium of any person whatever against the government of the United States, or did deliver any opinions which were in any respect indecent, or which had any tendency to prostitute his judicial character to any low or improper purpose. He denies that he did any thing that was unusual, improper or unbecoming in a judge, or expressed any opinions, but such as a friend to his country, and a firm supporter of the governments both of the State of Maryland and of the United States, might entertain. For the truth of what he here says, he appeals confidently to the charge itself; which was read from a written paper now in his possession ready to be produced. A true copy of all such parts of this paper as relate to the subject matter of this article of impeachment, is contained in the exhibit marked No. 8, which he prays leave to make part of this his answer. The part of it which relates to the article now under consideration is in these words: "You know, gentlemen, that our State and national institutions were framed to secure to every member of the society equal liberty and equal rights; but the late alteration of the federal judiciary, by the abolition of the office of the sixteen circuit judges, and the recent change in our State constitution by the establishing universal suffrage, and the further alteration that is contemplated in our State judiciary, (if adopted) will in my judgment take away all security for property and personal liberty. The independence of the national judiciary is already shaken to its foundation; and the virtue of the people alone can restore it. The independence of the judges of this State will be entirely destroyed, if the bill for the abolishing the two supreme courts, should be ratified by the next general assembly. The change of the State constitution by allowing universal suffrage, will in my opinion certainly and rapidly destroy all protection to property, and all security to personal liberty; and our republican constitution will sink into a mobocracy, the worst of all possible governments."

"I can only lament that the main pillar of our State constitution has been thrown down, by the establishment of universal suffrage. By this shock alone, the whole building totters to its base, and will crumble into ruins before many years elapse, unless it be restored to its original state. If the independence of your State judges, which your bill of rights wisely declares to be essential to the impartial administration of justice, and the great security to the rights and liberties of the people, shall be taken away, by the ratification of the bill passed for that purpose, it will precipitate the destruction of your whole State constitution, and there will be nothing left in it, worthy the care or support of freemen."

Admitting these opinions to have been incorrect and unfounded, this respondent denies that there was any law which forbade him to express them, in a charge to a grand jury; and he contends that there can be no offence, with out the breach of some law. The very essence of despotism consists in punishing acts which at the time they were done were forbidden by no law. Admitting the expression of political opinions by a judge, in his charge to a jury, to be improper and dangerous; there are many improper and very dangerous acts, which not being forbidden by law cannot be punished. Hence the necessity of new penal laws; which are from time to time enacted for

the prevention of acts not before forbidden, but found by experience to be of dangerous tendency. It has been the practice in this country, ever since the beginning of the revolution, which separated us from Great Britain, for the judges to express from the bench, by way of charge to the grand jury, and to enforce to the utmost of their ability, such political opinions as they thought correct and useful. There have been instances in which the legislative bodies of this country, have recommended this practice to the judges; and it was adopted by the judges of the supreme court of the United States, as soon as the present judicial system was established. If the legislature of the United States considered this practice as mischievous, dangerous or liable to abuse, they might have forbidden it by law; to the penalties of which such judges as might afterwards transgress it, would be justly subjected. By not forbidding it, the legislature have given to it an implied sanction; and for that legislature to punish it now by way of impeachment, would be to convert into a crime, by an ex post facto proceeding, an act which when it was done, and at all times before, they had themselves virtually declared to be innocent. Such conduct would be utterly subversive of the fundamental principles on which free government rests; and would form a precedent for the most sanguinary and arbitrary prosecutions, under the forms of law.

Nor can the incorrectness of the political opinions thus expressed, have influence in deciding on the guilt or innocence of a judge's conduct in expressing them. For if he should be considered as guilty or innocent, according to the supposed correctness or incorrectness of the opinion, thus expressed by him, it would follow, that error in political opinion, however honestly entertained, might be a crime; and that a party in power might, under this pretext, destroy any judge, who might happen in a charge to a grand jury, to say something capable of being construed by them into a political opinion adverse to their own system.

There might be some pretence for saying, that for a judge to utter seditious sentiments, with intent to excite sedition, would be an impeachable offence: although such a doctrine would be liable to the most dangerous abuses; and is hostile to the fundamental principles of our constitution, and to the best established maxims of our criminal jurisprudence. But admitting this doctrine to be correct, it cannot be denied that the seditious intention must be proved clearly, either by the most necessary implication from the words themselves, or by some overt acts of a seditious nature connected with them. In the present case no such acts are alleged, but the proof of a seditious intent must rest on the words themselves. By this rule this respondent is willing to be judged. Let the opinions which he delivered be examined; and if the members of this honorable court can lay their hands on their hearts, in the presence of God, and say, that these opinions are not only erroneous but seditious also; and carry with them internal evidence of an intention in this respondent to excite sedition, either against the State or general government, he is content to be found guilty.

In making this examination, let it be borne in mind, that to oppose a depending measure, by endeavoring to convince the public that it is improper, and ought not to be adopted; or, to promote the repeal of a law already past, by endeavoring to convince the public, that it ought to be repealed, and that such men ought to be elected to the legislature as will repeal it, to attempt in fine, the correction of public measures by arguments tending to show their improper nature, or destructive tendency; never has been or can be considered as sedition, in any country, where the principles of law and liberty are respected; but is the proper and usual exercise of that right of opinion and speech, which constitutes the distinguishing feature of free government. The abuse of this privilege, by writing and publishing as facts, malicious falsehoods, with intent to defame, is punishable as libellous in the courts having jurisdiction of such offences; where the truth or falsehood of the facts alleged, and the malice or correctness of the intention, form the criterion of guilt and innocence. But the character of libellous, much less of seditious, has never been applied to the expression of opinions concerning the tendency of public measures, or to arguments urged for the purpose of opposing them, or of effecting their repeal. To apply the doctrine of sedition or of libels to such cases, would instantly destroy all liberty of speech, subvert the main pillars of free government, and convert the tribunals of justice into engines of party vengeance. To condemn a public measure, therefore, as pernicious in its tendency; to use arguments for proving it to be so; and to endeavor by these means to prevent its adoption, if still depending, or procure its repeal in a regular and constitutional way, if it be already adopted; can never be considered as sedition, or in any way illegal.

The first opinion expressed to the

jury on the occasion in question, by this respondent, was that "the late alteration of the federal judiciary, by the abolition of the office of the sixteen circuit judges; and the recent change in our State constitution, by establishing universal suffrage; and the further alteration that was then contemplated in our State judiciary, if adopted," would, in the judgment of this respondent, "take away all security for property and personal liberty." That is, "these three measures, if the last of them, which is still depending, should be adopted, will, in my opinion, form a system whose pernicious tendency must be, to take away the security for our property and our personal liberty," which we have hitherto derived from the salutary restrictions, laid by the authors of our constitution on the right of suffrage, and from the present constitution of our courts of justice." What is this but an argument to persuade the people of Maryland to reject the alterations in their State judiciary which were then proposed; which this respondent as a citizen of that State had a right to oppose; and the adoption of which depended on a legislature then to be chosen? If this be sedition, then will it be impossible to express an opinion opposite to the views of the ruling party of the moment, or to oppose any of their measures by argument, without becoming subject to such punishment as they may think proper to inflict.

The next opinion is, "that the independence of the national judiciary was already shaken to its foundation, and that the virtue of the people alone could restore it." In other words—"the act of congress for repealing the late circuit court law, and vacating thereby the offices of the judges, has shaken to its foundation the independence of the national judiciary, and nothing but a change in the representation to congress, which the return of the people to correct sentiments alone can effect, will be sufficient to produce a repeal of this act, and thereby restore to its former vigor, the part of the federal constitution, which has been thus impaired."

This is the obvious meaning of the expression; and it amounts to nothing more than an argument in favor of that change, which this respondent then thought and still thinks to be very desirable; and argument, the force of which as a patriot, he might feel, and which as a freeman he had a right to advance. The next opinion is, that "the independence of the judges of the State of Maryland, would be entirely destroyed if the bill for abolishing the supreme courts should be ratified by the next general assembly." This opinion, however incorrect it may be, seems to have been adopted by the people of Maryland, to whom the argument against the bill in question was addressed; for at the next session of the legislature this bill, which went to change entirely the constitutional tenure of judicial office in the State, and to render the subsistence of the judges dependent on the legislature, and their continuance in office on the executive was abandoned by common consent.

All the other opinions expressed by this respondent, as above mentioned, bear the same character with those already considered. They are arguments addressed to the people of Maryland, for the purpose of dissuading them from the adoption of a measure then depending; and of inducing them, if possible, to restore to its original state, that part of the constitution relating to the right of suffrage, by a repeal of the law which had been made for its alteration.

Such were the objects of this respondent in delivering those opinions, and he contends that they were fair, proper and legal objects, and that he had a right to pursue them in this way: a right sanctioned by the universal practice of this country, and by the acquiescence of its various legislative authorities. Such he contends, is the true and obvious meaning of the opinions which he delivered, and which he believes to be correct. It is not now necessary to enquire into their correctness; but if incorrect, he denies that they contain any thing seditious, or any evidence of those improper intentions which are imputed to him by this article of impeachment. He denies that in delivering them to the grand jury, he committed any offence, infringing any law, or did any thing unusual, or heretofore considered in this country as improper or unbecoming. If this article of impeachment can be sustained on these grounds, then the liberty of speech on national concerns, and the tenure of the judicial office under the government of the United States, must hereafter depend on the arbitrary will of the house of representatives and the senate, to be declared on impeachment, after the acts are done, which it may at any time be thought necessary to treat as high crimes and misdemeanors.

And the said Samuel Chase, for plea to the said eighth article of impeachment faith, that he is not guilty of any high crime or misdemeanor, as in, and by the said eighth article is alleged against him, and this he prays may be enquired of by this honorable court, in such manner as law and justice shall seem to them to require.

This respondent has now laid before this honorable court, as well as the time allowed him, would permit, all the circumstances of his case, with an humble trust in Providence, and a consciousness that he has discharged all his official duties with justice and impartiality, to the best of his knowledge and abilities; and that intentionally he hath committed no crime or misdemeanor, or any violation of the constitution or laws of his country. Confiding in the impartiality, independence, and integrity of his judges, and that they will patiently hear, and conscientiously determine in this case, without being influenced by the spirit of party, by popular prejudice, or political motives, he cheerfully submits himself to their decision.

If it shall appear to this honorable court, from the evidence produced, that he hath acted in his judicial character with wilful injustice or partiality, he doth not with any favor; but expects that the whole extent of the punishment permitted in the constitution will be inflicted upon him.

If any part of his official conduct shall appear to this honorable court, *stricti juris*, to have been illegal, or to have proceeded from ignorance or error in judgment; or if any part of his conduct shall appear, although not illegal, to have been irregular or improper, or any unworthy motive, he feels confident that this court will make allowance for the imperfections and frailties incidental to man.

He is satisfied that every member of this tribunal will observe the principles of humanity and justice, and will presume him innocent, until his guilt shall be established by legal and credible witnesses, and will in his decision, be the moral and christian rule of rendering that justice to this respondent, which he would wish to receive.

This respondent now stands not merely before an earthly tribunal, also before that awful being whose presence fills all space, and whose all seeing eye more especially surveys the temples of justice and religion. In a little time, his accusers, his judges, and himself, must appear at the bar of Omnipotence, where secrets of all hearts shall be disclosed, and every human being shall answer for his deeds done in the body, and shall be compelled to give evidence, against himself, in the presence of an assembled universe. To his Omnipotent Judge, at the awful hour, he now appeals for the rectitude and purity of his conduct as to all the matters of which he is this day accused.

He hath now only to adjure each member of this honorable court, by the living God, and in his holy name to render impartial justice to him, according to the constitution and laws of the United States. He makes this solemn demand of each member, by all his hopes of happiness in the world to come, which he will have voluntarily renounced by the oath he has taken; if he shall willfully do this respondent injustice, or disregard the constitution or laws of the United States, which he has solemnly sworn to make the rule and standard of his judgment and decision.

SAMUEL CHASE.

A true copy.

Attest, SAMUEL A. OTIS, Secretary.

REPLICATION

By the House of Representatives of the United States, to the preceding answer and pleas of Samuel Chase, one of the associate justices of the supreme court of the United States, to the articles of impeachment exhibited against him by the said House of Representatives—and presented in open court by the managers on Thursday, February 7th, 1805.

The house of representatives of the United States have considered the answer of Samuel Chase, one of the associate justices of the supreme court of the United States, to the articles of impeachment against him, by them exhibited, in the name of themselves and of all the people of the United States and observe,

"That the said Samuel Chase hath endeavored to cover the high crimes and misdemeanors laid to his charge, by evasive insinuations and misrepresentation of facts; that the said answer gives a gloss and coloring utterly false and untrue, to the various criminal matters contained in the said articles, that the said Samuel Chase did in fact, commit the numerous acts of oppression, persecution, and injustice of which he stands accused; and the house of representatives, in full confidence of the truth and justice of their accusation, and of the necessity of bringing the said Samuel Chase to a speedy and exemplary punishment, and not doubting that the senate will use all becoming diligence to do justice to the proceedings of the house of representatives, and to vindicate the honor of the nation, do aver their charge against the said Samuel Chase to be true; and that the said Samuel Chase is guilty in such manner as he stands impeached: and that the house of representatives will be ready to prove their charges against him, at such convenient time and place as shall be appointed for that purpose.

Signed by order and in behalf of the said house. N. MACON, Speaker. Attest, JOHN BECKLEY, Clerk.

EASTON, March 12.

Extract of a letter from an officer on board one of the United States ships, dated

Off Tripoli October 6, 1804.

I embrace the opportunity of writing you by the John Adams, who goes home with the sick and wounded of the fleet. We have lost several brave men off her, among which are your friend, J. W.cott and his capt. We have taken the prizes large ships loaded with powder and ball bound into Tripoli, all which we have sent into Malta where they are condemned. In the course of 12 days, we are to make a general attack, which perhaps will afford a subject for a larger letter. A few days ago we took three of the Philadelphia's late crew in one of the enemy's gun boats, as they and a number more of them have turned Turks. Ships here, Castellation, Constitution, President, Congress and Essex; brigs Syren, Argus, and Vixen; schrs. Experiment and Enterprize.

FOR THE STAR.

Mr. SMITH,

Having read in your paper of last Tuesday a publication signed Alexander Stuart, junr. in which my name is made use of, it seems to be necessary for me in order to prevent any misconceptions, to state that on the 20th day of December 1804, Mr. Alexander Stuart, junr. was at my house with other company; that he then spoke of an intention to settle in Washington county in the State of Pennsylvania; and that I do not recollect of his saying he did not reside in Dover.

When Mr. Stuart called upon me and showed me Mr. Rafin's certificate, I observed to him, generally, that the statement it contained agreed with my recollection on the subject. And upon his requesting that he might make use of my name to that effect, I authorized him to do so. But in doing this Mr. Stuart states that "I permitted him to say the statement made by Mr. Rafin is correct." The expression was ill-chosen. When it is considered that Mr. John Wallis's certificate goes further than that given by Mr. Rafin, this will appear evident. The word *correct*, there used, will be considered by some, only to mean *true*, it may be thought, by others to signify *complete*, or containing all that was said on the subject. To those who take it to mean the latter, it will convey an insinuation or rather an absolute assertion, that the statement of Mr. Wallis is *true*; an idea which no words of mine were ever intended to convey.

By publishing the above, you will correct an inaccuracy, and oblige yours, CORNELIUS COMMEGYS, junr. Kent county, (Md.) March 1, 1804.

LAWS OF THE UNITED STATES.

(BY AUTHORITY.)

AN ACT

For carrying into more complete effect the tenth article of the Treaty of Friendship, Limits, and Navigation with Spain.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts, or within the limits of the United States, and her cargo shall have been unladen in conformity with the provisions of the sixteenth section of the act intitled "An act to regulate the collection of duties on import and tonnage," the said cargo or any part thereof, may, if the said ship or vessel should be condemned, as not sea-worthy, or be deemed incapable of performing her original voyage, afterwards be reloaded on board any other vessel or vessels, under the inspection of the officer who superintended the landing thereof or other proper person. And no duties, charges or fees whatever, shall be paid on such part of the cargo, as may be reloaded and carried away, either in the vessel in which it was originally imported, or in any other whatever.

Sec. 2. And he it further enacted, That the collector of the district of Norfolk, in Virginia, shall be, and he hereby is authorized and required, to refund to the owners or agents of the Spanish brigantine Nancy, (which vessel arrived in distress at that port in the year one thousand eight hundred and four) the amount of the duties secured by him, on such part of her cargo as was re-exported: Provided, that the debenture or debentures issued by the said collector for the drawback of the duties on the exportation of the said cargo, shall be duly surrendered to him and cancelled.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

Vice President of the United States, and President of the senate.

February 14, 1805.

APPROVED,

TH. JEFFERSON.



Extract of a letter from an officer of Commodore Barren's squadron, dated off Trepoli.  
"We left America on the fourth of July, and after a long though pleasant passage we arrived at Malta, a very charming place, where, we received every necessary refreshment. The American consul gratified us with the accounts of the gallant feats performed by our countrymen under Commodore Preble, and very particularly those of my brave friend Lieutenant Trippe, who is now almost well of his many wounds. We soon sailed for our present station, and I have been informed three propositions have been made for a peace, and the liberation of the brave though unfortunate crew of the late frigate Philadelphia; but the British is still to unreasonable in his demands, that we are preparing all hands to knock his whole town down, and bring him to proper terms. We have taken four prizes and a great many prizemans."

FROM WASHINGTON:  
Friday, March 12, 1805.

The court of impeachment sat this day at half after twelve.

Prior to meeting at court, a desultory debate took place in the legislative chamber of the senate, on the mode of putting the question, in court—it was at length decided that the question should be put by the president to each member by name upon each several charge—"Mr. A. how far you, is Samuel Chase, Esq. one of the associate justices of the supreme court, guilty of crimes and misdemeanors in the manner charged in the first article?"

Upon the court being opened and silence ordered on pain of imprisonment and the managers and the members at large of the house of representatives, and the counsel of the judge being seated.

The president said,—"Gentlemen, having heard the evidence produced by the managers of the house of representatives on the charges exhibited against Samuel Chase, Esq. one of the associate justices of the supreme court, you will now have to pronounce him either guilty or not guilty, by your several votes."

The secretary will read the charges. The secretary then read the first charge and,

The president then proceeded to put the questions to each member by name in the above form, proceeding alphabetically—and so with the whole of the eight articles, was the question put to every individual upon each several charge—and the votes were given on each, as in the annexed copy of the tally list.

After the votes on the whole of the charges had been given.

The president said—"gentlemen, you have gone thro' the several articles and pronounced your verdict upon each, is it your pleasure that the names and votes be read over again that no mistake may escape—which being agreed to—"

The secretary read the names and the votes upon each article—the votes in the affirmative together and the votes in the negative together.

The president then declared the result to be as follows.

(n. signifies not guilty—g. guilty.)

ARTICLES.	1	2	3	4	5	6	7	8
SENATORS.								
Adams	n	n	n	n	n	n	n	n
Anderson	g	g	g	g	n	n	n	n
Baldwin	g	n	g	n	n	n	n	g
Bayard	n	n	n	n	n	n	n	n
Bradley	n	n	n	n	n	n	n	n
Breckenridge	g	g	g	n	g	g	g	g
Brown	g	n	g	g	n	n	n	g
Cocke	g	g	g	n	n	g	g	g
Condit	g	g	g	g	n	n	n	g
Dayton	n	n	n	n	n	n	n	n
Ellery	g	g	g	g	n	n	n	g
Franklin	g	n	g	g	n	n	n	g
Gilliam	n	n	n	n	n	n	n	n
Giles	n	g	g	g	n	n	n	g
Hillhouse	n	n	n	n	n	n	n	n
Howland	g	g	g	g	n	g	g	g
Jackson	n	n	g	g	n	n	n	g
Logan	g	n	g	g	n	n	n	g
M. Clay	g	g	g	g	n	g	g	g
Mitchell	n	n	n	n	n	n	n	n
Moore	g	g	g	g	n	n	n	g
Olcott	n	n	n	n	n	n	n	n
Pickering	n	n	n	n	n	n	n	n
Plumer	n	n	n	n	n	n	n	n
Smith, M.	n	n	g	g	n	n	g	g
Smith, N. Y.	n	n	n	n	n	n	n	n
Smith, O.	n	n	n	n	n	n	n	n
Smith, V.	n	n	n	n	n	n	n	n
Stone	g	n	g	g	n	n	g	g
Sumpter	g	g	g	g	n	n	g	g
Tracey	n	n	n	n	n	n	n	n
White	n	n	n	n	n	n	n	n
Worthington	n	g	g	n	n	n	g	g
Wright	g	n	g	g	n	n	g	g
total—guilty	16	10	18	18	9	4	10	19
not guilty	18	24	16	16	34	30	24	15

The president then said—from this statement, then it appears that there is not a constitutional majority on any one article; and it therefore now becomes my duty to declare, that Samuel Chase, Esq. stands acquitted of all the articles of impeachment laid against him.

The court was thereupon dissolved.

WASHINGTON, March 4th, 1805.

THIS DAY at 12 o'clock, THOMAS JEFFERSON, PRESIDENT OF THE UNITED STATES, took the oath of office and delivered the following INAUGURAL SPEECH in the Senate Chamber, in the presence of the two houses, and a large concourse of citizens.

SPEECH.

Proceeding, fellow-citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow-citizens at large, and the zeal with which it inspires me so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My confidence tells me that I have on every occasion acted up to that declaration, according to its obvious import and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice, on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations, as well as individuals, our interests, soundly calculated, will ever be found inseparable from our moral duties. And history bears witness to the fact, that a just nation is trusted on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expences, enabled us to discontinue our internal taxes. These, covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation, which, once entered, is scarcely to be restrained from reaching successively every article of produce and of property. If among these taxes, some minor ones fell, which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid chiefly by those who can afford to add foreign luxuries to domestic comforts. Being collected on our sea board and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask what farmer, what mechanic, what labourer ever sees a tax gatherer of the United States?—These contributions enable us to support the current expences of the government, to fulfil foreign contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue, thereby liberated, may by a just repartition among the states, and a corresponding amendment of the constitution, be applied, in time of peace, to rivers, canals, roads, arts, manufactures, education and other great objects within each state. In time of war, if injustice by ourselves and others must sometimes produce war, increased as the same revenue will be by increased population and consumption, and aided by other resources, reserved for that crisis, it may meet within the year all the expences of the year, without encroaching on the rights of future generations, by burthening them with the debts of the past. War will then be but a suspension of useful works, and a return to the progress of improvement.

I have said, fellow citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the mean time may keep down the accruing interest. In all events it will replace the advances we shall have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory may endanger its union. But who can limit the extent to which the federative principle may operate effectually!—The larger our association, the less will it be shaken by local passions. And in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With

which shall be most likely to live in harmony and friendly intercourse?

In matters of religion I have considered that its free exercise is placed by the constitution, independent of the powers of the general government. I have therefore undertaken, on no occasion to prescribe the religious exercises suited to it; but have left them as the constitution found them, under the direction and discipline of the state or church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries, I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed the stream of overflowing population from other regions directed itself on these shores. Without power to divert, or habits to contend against it, they have been overwhelmed by the current, or driven before it. Now reduced within limits too narrow for the hunter state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which, to bodily comforts, adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use: we have placed among them instructors in the arts of first necessity; and they are covered with the wings of the law against aggressors from among themselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter. They are combated by the habits of their bodies, prejudices of their minds, ignorance, pride and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatever they did must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral or political condition, is pernicious innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger. In short, my friends, among them also is seen the action and counter-action of good sense and of bigotry. They too have their anti-philosophists, who find an interest in keeping things in their present state; who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines, I do not mean, fellow citizens, to arrogate to myself the merit of the measures. That is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures. It is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties. It is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science, are deeply to be regretted inasmuch as they tend to lessen its usefulness, and to sap its safety. They might perhaps have been corrected by the wholesome punishments reserved to, and provided by, the laws of the several states against falsehood and defamation. But public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth? Whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried. You have witnessed the scene. Our fellow citizens have looked on cool and collected. They saw the latent source from which these outrages proceeded. They gathered around their public functionaries:—and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be entrusted with the controul of his own affairs.

No inference is here intended that the laws provided by the states against false and defamatory publications should be enforced. He who has time, renders a service to public morals and public tranquility, in reforming these abuses by the salutary coercions of the law. But the experiment is noted to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press confined to truth, needs no other legal restraint.

The public judgment will correct false reasonings and opinions on a full hearing of all parties, and no other definite line can be drawn between the inextinguishable liberty of the press, and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally as auguring harmony and happiness to our future course, I offer to our country sincere congratulation. With those too not yet relied to the same point the disposition to do so is gaining strength. Facts are piercing thro' the veil drawn over them; and our doubting brethren will at length see that the maxims of their fellow citizens, with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire. That our wish, as well as theirs, is that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved, equality of rights maintained, and that state of property equal or unequal, which results to every man from his own industry or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them. In the mean time let us cherish them with patient affection. Let us do them justice, and more than justice, in all competitions, of interest: and we need not doubt that truth, reason and their own interest will at length prevail, will gather them into the fold of their country, and will complete that entire union, which gives to a nation the blessings of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow citizens have again called me; and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray:—I am sensible of no passion which could seduce me knowingly from the path of justice; but the weakness of human nature, and the limits of my understanding will produce errors of judgment sometimes injurious to your interests. I shall need therefore all the indulgence I have hitherto experienced; the want of it will certainly not lessen with encreasing years. I shall need too the favor of that being in whose hands we are, who led our fathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessities and comforts of life; who has covered our infancy with his providence and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will to enlighten the minds of your servants, guide their councils and prosper their measures, that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship and approbation of all nations.

TH: JEFFERSON.

Corn was sold in Charleston South-Carolina the 11th ult by the cargo at two dollars fifty cents per bushel. The retailing price is said to be three dollars.

For a part of Judge Chase's answer, and advertisements, see Supplement to this morning's Star.

MARRIED—On Thursday evening last by the Rev. Simon Wilmer, Mr. Philomena Downes, of Caroline county, to Miss Harriet McCallum, of this town.

DIED—On Friday the inst. at the Head of Wye, Mrs. Anna Seth, consort of Dr. William E. Seth.

TRIAL OF JUDGE CHASE.

It is the intention of the Editor of the National Intelligencer, to publish in a volume the proceedings on this interesting trial at full length, with as little delay as circumstances will admit.

The extent of the work cannot at present be ascertained with any precision. It will, however, probably exceed 500 pages octavo.

It shall be published in boards, at a price not exceeding 50 cents for a hundred pages.

Gentlemen desirous of securing copies are requested to leave their name with the Editor, and the printers of newspapers will confer a favor by inserting this advertisement a few lines.

Notice.

THE members of the society for the relief of free people of colour, are requested to attend a meeting to be held in the court house on the 16th instant, at 3 o'clock, P. M.

By order  
JOS: BARTLETT, Sec. pro tem.  
12th, 21 mo. 1805.

Land for Sale.

WILL be exposed to sale on Monday the 12th inst. of April next, at Mr. James Denny's in Denton, Caroline county, the following lots or parcels of land, viz:  
Lot No. 1. Part of a tract called Church Cove (formerly Squire's Chance) containing about 260 acres of excellent land, handsomely timbered and conveniently situated in every respect.

No. 2. Part of the same tract and adjoining No. 1, and lands of Messrs. Mitchell, Russell and Anthony Whiteley. It contains upwards of 300 acres—one hundred and twenty of which are cleared, and favorable to the cultivation and growth of wheat and Indian corn. The remainder cleared with wood and well timbered.

No. 3. Part of the same tract and adjoining lands of Messrs. James Andrew, Henry Corbin and David Cook, and at present, in the tenure of B. Whitney. It contains about 300 acres, the cleared part of which is new and in high health. The rest in woods with a large proportion of good timber.

No. 4. Part of ditto contains about 36 acres, and lies contiguous to and interlocked with Mr. David Cook's dwelling plantation. It is a proportion of woodland.

No. 5. Part of a tract called Littleton's Friendship, contains about 38 acres, is high and healthy with a good proportion of woodland and timber; and adjoins the lands of Messrs. Dekar Thompson and Thomas Connolly.

No. 6. A woodland lot, part of the above tract—contains about 186 acres; two thirds of which is large white and red oak timber; and bounds on the main road leading from Hunting Creek Church to Greenborough. It lies adjoining lands of Messrs. R. Wilkes R. Andrew, and the late Coffey, and is a fine tract of land, with a large quantity of timber and woodlands; and will be sold in one or two lots as may suit purchasers.

No. 7. A Farm, near Col. M. X Roads, at present occupied by Mr. George Collins, contains about 400 acres, with a fine quantity of timber and woodlands; and will be sold in one or two lots as may suit purchasers.

A more particular description of the above lands is thought unnecessary, as purchasers will not only view them in person, but are invited to call on Anthony Whiteley (near Hunting Creek) who will show the same.

The above lands are ordered to be sold by the Chancellor, and according to his decree the payments will be in different instalments as the purchasers and trustees may agree.

The conditions will be more fully made known, and plots of the different lots shown, on the day of sale.

ALEXANDER STUART.  
Kent county, Maryland,  
11th March, 1805.

To the Public.

A REFERENCE to my Pamphlet will illustrate my catalogue of misfortunes, for which I presume to tender my services to my school mates, my acquaintance, and my friends, in my old line of business; and I pledge myself to my God, to you, and my country, that the very bit of falsehood that I send every department of the business allotted to my charge; and as I have disclaimed myself from the imputation of negative wealth, and the hypocrisy of great little mankind, my whole time shall be devoted to the advancement of the interests of those who may be pleased to confide in me. And I beg leave to assure my patrons that I am now in a better situation to do them justice than I have been for the last three years; and, in addition to my former business, I am to derive a commission for the sale of Groceries for Messrs. Leavitt & Niles, whose credit, capital and experience, added to the advantages of their stand, will, I hope, induce my friends generally to give those gentlemen a preference, especially as they are determined to extend their business to the supply of every article in the grocery line, which will gratify price, taste and purse. The usual variety of salt will always be on hand, and the receipt of storage will always be accommodated.

SIMON WILMER.

P. S. I embrace with the most lively gratitude, this public opportunity of recording my affectionate considerations to Jacob Gibson, Esq. for having given me his first agency on my restoration to business.

Baltimore, March 6, 1805.

Notice is hereby given,

THAT the Levy Court of Talbot county will meet on Monday the first day of April next, for the purpose of choosing overseers of the roads, and on Monday the fourth day of May next, to choose judges for the election and a collector for the county tax.

By order,  
J. LOCKERMAN, CLK.

12th March, 1805.

Notice.

ALL persons having claims against the estate of Edward Harris late of Talbot county deceased, are warned to exhibit the same properly authenticated for settlement, or they may be barred by law of any benefit of said estate; and all those indebted to said estate are desired to make immediate payment to the subscriber, administrator de bonis non on the personal estate of the said deceased.

CHARLES HENRIKX.  
March 12, 1805.



## APOLLO'S FOUNT.

### THE BOW OF LOVE.

FROM ROSSI.

Prendi, mi disse Amore, &c.

**Q**UOTH to me, dost thou complain  
Of the Bow that caused thy pain?  
I give it to thy vengeance; take it;  
Use thy skill and strength to brake it.  
Find thou means to break the bow,  
Then thine ill their end shall know.  
A hundred various ways I rove,  
To break the fatal bow of Love.  
Alas! all mortal force was weak,  
The fatal bow of Love to break.  
To proud disdain at length I go,  
And ask his aid to break the bow.  
He freely gives the aid I ask,  
And boldly undertakes the task;  
But all his strength he tries in vain,  
And gives me back the bow again.  
To jealousy I next repair,  
That the might ease me of my care.  
In her dry grasp I saw it bend,  
I thought my ill had found their end;  
But all her strength could do more—  
She left it stronger than before.  
Then to Caprice I went, and pray'd  
That he would give his friendly aid.  
He crook'd it, striving with good will,  
But left the bow unbroken still.  
I call'd the Muses then for aid,  
And on their shrine the bow I laid;  
And in their sacred fire I strove  
To burn the fatal bow of Love.  
Alas! I sought their help in vain—  
They only taught me to complain.  
Soon Love returned, my fate to know;  
And when he saw the unconquered bow  
Had baffled all my strength and art,  
He fix'd in me another dart;  
And said, in mockery of my woe,  
Hah! canst thou yet not break the bow?  
Thus past away the wretched years,  
In pain, in sorrow, and in tears,  
Till age came up, advancing slow:  
He smil'd when he beheld the bow;  
And in his wither'd hand he took it,  
And with his feeble arm he broke it.  
At this, in triumph and in joy,  
I looked for that inhuman boy.  
I call'd and call'd; but, from my eyes,  
Swift as the wind, away he flies.  
When I his power no longer fear'd,  
He to another victim steer'd.

### SONG.

While women, like soft music's charms,  
So sweetly blifs diffuse,  
Some favorite part each fair performs,  
In the concert of the senses.  
Love, great first fiddle in the band,  
Each passion quells and raises,  
Exploring, with a master's hand,  
Nice Modulation's maizes;  
Till the wrapt soul, supremely blest,  
Peams brightly in each feature,  
And lovely women stands confest,  
The harmony of nature.  
Hark! with the pensive, in duet,  
The sprightly horn it mingles;  
The Prude's the flute, and the Coquette  
The lively harp that tingles!  
One boldly sweeps the yielding strings,  
While plaintive, softer prates it;  
Like Caesar, this to vict'ry springs—  
Like Fabius, that awaits it,  
With various gifts to make us blest,  
Love skills each charming creature;  
Thus, lovely woman stands confest  
The harmony of nature.  
Maids are of virginals the type,  
Widows the growling tymbal,  
Scolds are the shrill and piercing pipe,  
Flirts are the wiry cymbal.  
All wives piano-fortes are,  
The base how old maids thump it—  
The bagle-horn are archers fair—  
An amazon's a trumpet.  
Thus, with rare-gifts to make us blest,  
Love skills each favorite creature,  
And thus sweet woman stands confest  
The harmony of nature.

A Roman Catholic Curate, to free himself from the great labor of confession in Lent, gave notice to his parishioners, that on Monday he would confess the liars; on Tuesday, the misers; on Wednesday, the slanderers; on Thursday the thieves; on Friday, the libertines; and on Saturday, the bad-women. His scheme, succeeded—none attended.

### Fifty Dollars Reward.

**R**UN AWAY some time in December last, a negro woman named RACHEL, about 30 years of age, a middling size woman, pretty black, and has lost one of her fore teeth; her clothing is unknown, as she did not live with me the last year. She took with her three children: all boys—JIM, about ten years old, TOM, about six years old, and HARRIS, about four years old. Likely she has made into the Delaware state. The above reward will be given, if taken out of this state, and secured so as I get them again; or Twenty Dollars, if taken and secured in this state, so that I get them again, and all reasonable charges paid it brought home.

RUTH NORTH.

Talbot county, State of Mary-  
land, February 26, 1805. } 39

### To be Let,

For the remainder of the present year,  
**THE HOUSE, GARDEN, &c.** lately in the occupation of Mrs. Rice, pleasantly situated on Wye river. For particulars enquire of WILLIAM DUNN, Esq. near the Head of Wye, Talbot county.  
February 26, 1805. } 39

(Continued from first page.)

ing a knowledge of the laws which he is appointed to administer: but after the use of such means, to overlook, misunderstand or remain ignorant of some particular law, is at all times a very pardonable error. It is much more so in the case of a judge of the supreme court of the United States, holding a circuit court in a particular state, with which he is a stranger, and with the local laws of which he can have enjoyed but very imperfect opportunities of becoming acquainted. It was foreseen by congress, in establishing the circuit courts of the United States, that difficulties and inconveniences must frequently arise from this source, and to obviate such difficulties it was provided, that the district judge of each state, who having been a resident of the state, and a practitioner in its courts, had all the necessary means of becoming acquainted with its local laws, should form a part of the circuit court in his own state. The judge of the supreme court is expected, with reason, to be well versed in the general laws; but the local laws of the state from the peculiar province of the district judge, who may be considered as particularly responsible for their due observance. If in the case in question, this respondent overlooked or misconstrued any local law of the state of Virginia, which ought to have governed the case, it was equally overlooked and misunderstood, not only by the prisoner's counsel who made the motion, and whose peculiar duty it was to know the law and bring it into the view of the court, but also by the district judge, who had the best opportunities of knowing and understanding it, and in whom, nevertheless, this oversight or mistake is considered as a venial error, while in this respondent it is made the ground of a criminal charge.

This respondent further states, that after the most diligent enquiry, which the time allowed for preparing this answer would permit, he can find no law of Virginia which expressly enacts, that "in cases not capital, the defendant shall not be held to answer any presentment of a grand jury, until the court next succeeding that during which such presentment shall have been made." This principle he supposes to be an inference drawn by the authors of the articles of impeachment, from the law of Virginia mentioned in the answer to the preceding article, the law of November 15th, 1792, which provides "that upon presentment made by the grand jury of an offence not capital, the court shall order the clerk to issue a summons, or other proper process, against the person or persons so presented, to appear and answer such presentment at the next court." This law he conceives does not warrant the inference so drawn from it, because it speaks of presentments and not of indictments, which are very different things; and is, as he is informed, confirmed by practice and construction in the state of Virginia, to cases of small offences, which are to be tried by the court itself upon the presentment, without an indictment or the intervention of a petit jury. But for cases, like that of Callender, where an indictment must follow the presentment, this law made no provision. Further, the state laws are directed by the above mentioned act of congress, to be the rule of decision in the courts of the United States, only "in cases where they apply." Whether they apply or not to a particular case, is a question of law, to be decided by the court where such case is pending, and an error in making the decision is not a crime, nor even an offence, unless it can be shown to have proceeded from improper motives. This respondent is of opinion, that the law in question did not apply to the case of Callender, for the reasons stated above; and therefore that it would have been his duty to disregard it, even had it been made known to him by the counsel for the traverser.

And in the last place he contends, that the law of Virginia in question, is not adopted by the above mentioned act of congress as the rule of decision, in such cases as that now under consideration. That does indeed provide, "that the laws of the several states, except where the constitution, treaties or statutes of the United States shall otherwise provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply." But this provision, in his opinion, can relate only to rights acquired under the state laws, which came into question on the trial; and not to forms of process or modes of proceeding, anterior or preparatory to the trial. Nor can it, as this respondent apprehends, have any application to indictments for offences against the statutes of the United States, which cannot with any propriety be called "trials at common law." It relates merely, in his opinion, to civil rights acquired under the state laws; which by virtue of this provision are, when they come in question in the courts of the United States, to be governed by the laws under which they accrued.

If in these opinions this respondent be incorrect, it is an honest error; and he contends that neither such an error in the construction of a law, nor his igno-

rance of a local state law which he had no opportunity of knowing, and of which the counsel for the party whose case it is supposed to have affected were equally ignorant, can be considered as an offence liable to impeachment, or to any sort of punishment or blame.

And for plea to the said sixth article of impeachment, the said Samuel Chase saith, that he is not guilty of any high crime or misdemeanor, as in and by the said article is alleged against him; and this he prays may be enquired of by this honorable court, in such manner, as law and justice shall seem to them to require.

The seventh article of impeachment relates to some conduct of this respondent in his judicial capacity, at a circuit court of the United States held at New-Castle in the state of Delaware, in June 1800. The statement of his conduct made in the article is altogether erroneous; but if it were true, this respondent denies, that it contains any matter for which he is liable to impeachment. It alleges that "disregarding the duties of his office, he did defend from the dignity of a judge, and stoop to the level of an informer." This high offence consisted, according to the article, 1st, in "refusing to discharge the grand jury although intreated by several of the said jury to do so." 2dly, in "observing to the said grand jury, after the said grand jury had regularly declared through their foreman, that they had found no bills of indictment and had no presentments to make, that he the said Samuel Chase understood 'that a highly seditious temper had manifested itself in the state of Delaware, among a certain class of people, particularly in New Castle county, and more especially in the town of Wilmington, where lived a most seditious printer, unrestrained by any principle of virtue, and regardless of social order, that the name of this printer was—'" 3dly, "in then checking himself as if sensible of the indecorum he was committing." 4thly, in adding "that it might be assuming too much, to mention the name of this person; but it becomes your duty gentlemen, to enquire diligently into this matter," or words to that effect." And 5thly, in authoritatively enjoining on the district attorney, of the United States, with intention to procure the prosecution of the printer in question, the necessity of procuring a file of the papers to which he alluded, and by a strict examination of them to find some passage, which might furnish the ground work of a prosecution against the printer."

These charges amount in substance to this; that this respondent refused to discharge a grand jury on their request, which is every day's practice, and which he was bound to do, if he believed that the due administration of justice required their longer attendance: that he directed the attention of the grand jury to an offence against a statute of the United States, which he had been informed was committed in the district; and that he desired the district attorney to aid the grand jury, in their enquiries concerning the existence and nature of this offence. By these three acts, each of which it was his duty to perform, he is alleged "to have degraded his high judicial functions, and tended to impair the public confidence in, and respect for, the tribunals of justice, so essential to the general welfare."

That this honorable court may be able to form correctly its judgment, concerning the transaction mentioned in this article, this respondent submits the following statement of it, which he avers to be true, and expects to prove.

On the 27th day of June, 1800, this respondent, as one of the associate justices of the supreme court of the United States, presided in the circuit court of the United States, then held at New-Castle, in and for the district of Delaware, and was assisted by Gunning Bedford, esq. then district judge of the United States for that district. At the opening of the court on that day, this respondent according to his duty and his uniform practice, delivered a charge to the grand jury, in which he gave in charge to them several statutes of the United States, and among others an act of congress passed July 14th 1798, entitled "an act in addition to the act for the punishment of certain crimes against the United States," and commonly called the "sedition law." He directed them to enquire concerning any breaches of those statutes, and especially of that commonly called the sedition law, within the district of Delaware.

On the same day before the usual hour of adjournment, the grand jury came into court, and informed the court that they had found no indictment or presentment, and had no business before them, for which reasons they wished to be discharged. This respondent replied that it was earlier than the usual hour of discharge a grand jury; and that business might occur during the sitting of the court. He also asked them if they had no information of publications within the district that came under the sedition law, and added, that he had been informed, that there was a paper called the "Mirror," published at Wilmington, which contained libellous charges against the

government and president of the United States: that he had not seen that paper, but it was their duty to enquire into the subject; and that if they had not turned their attention to it, the attorney for the district would be pleased to examine a file of that paper, and if he found any thing that came within the sedition law, would lay it before them." This is the substance of what the respondent said to the grand jury on that occasion, and he believes nearly his words on morning of the next day, that they came into the court and declared they had no presentments or indictments to make, on which they were immediately discharged. The whole time, there, for which they were detained, was twenty-four hours, far less than is generally required of grand juries.

In these proceedings, the respondent acted according to his sense of what the duties of his office required. It certainly was his duty to give in charge to the grand jury all such statutes of the United States as provided for the punishment of offences, and among others, that called the sedition act; into all offences against which act, while it continued in force, the grand jury were bound by their oaths to enquire. In giving it in charge, together with the other acts of congress for the punishment of offences, he followed moreover the example of the other judges of the supreme court, in holding their respective circuit courts. He also contends, and did then believe, that it was his duty, when informed of an offence, which the grand jury had overlooked, to direct their attention towards it, and to request for them, and even to require if necessary, the aid of the district attorney in making their enquiries. In thus even if he committed an error in so considering it, he denies that he committed or could commit any offence whatever.

With respect to the remarks which is charged by this article with having made to the grand jury, relative to "a highly seditious temper, which he had understood to have manifested itself in the state of Delaware, among a certain class of people, particularly in New-Castle county, and more especially in the town of Wilmington," and relative to "a most seditious printer, residing in Wilmington, unrestrained by any principle of virtue, and regardless of social order," this respondent does not recollect or believe, that he made any such observation. But if he did make them, it could not be improper in him to tell the jury that he had received such information, if in fact he had received it; which was probably the case, though he cannot recollect it with certainty at this distance of time. That this information, if he did receive it, was correct, so far as it regarded the printer in question, will fully appear, from a file of a paper called "Mirror of the Times," &c. published at Wilmington, Delaware, from February 5th to March 19th, 1800, inclusive, which he has lately obtained and is ready to produce to this honorable court when necessary, and some extracts from which are contained in the exhibits severally marked No. 7, which he prays leave to make part of this his answer.

And for plea to the said seventh article of impeachment, the said Samuel Chase saith, that he is not guilty of any high crime or misdemeanor, as in and by the said seventh article is alleged against him, and this he prays may be enquired of by this honorable court, in such manner as law and justice shall seem to them to require.

The eighth article of impeachment charges, that this respondent, disregarding the duties and dignity of his official character did at a circuit court for the district of Maryland, held at Baltimore, in the month of May, 1803, pervert his official right to address the grand jury then and there assembled on the matters coming within the province of the said

(Concluded in second page.)

### This is to give Notice,

THAT the subscribers have obtained from the Orphan's Court of Kent County, in the State of Maryland—Letters of Administration on the personal estate of William Geddes, &c. late of the city of Philadelphia, deceased.—All persons having claims against the said deceased, are hereby warned to exhibit the same with the vouchers thereof to the subscribers, or either of them, at or before the 4th day of June next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this third day of December, 1804.

TRISTRAM THOMAS,

Esq.

GEO: GILLASPY,

Philadelphia.

December 4, 1804.

### This is to give Notice,

THAT the subscriber hath obtained from the Orphan's Court of Caroline county, in Maryland, letters of administration on the personal estate of John Fountain, late of Caroline aforesaid, 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 20th day of August next, they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 19th day of February 1805.

DEBORAH FOUNTAIN,

Administratrix of John Fountain.

### Valuable Farm for Sale.

THE Subscriber offers at PRIVATE SALE, his valuable FARM, in Queen Ann's county, lying on the Pot-road to Philadelphia, within one mile of Centerville; and the same distance from the belt navigation on Corlica creek. This property contains upwards of nine hundred acres, of which, there are four hundred and fifty of well timbered land; and fifty of superior meadow, the remainder arable land, of an excellent quality, an excellent apple orchard, of latter fruit. The advantages of watering which this property has, but few can surpass, having two never failing streams passing entirely through the arable land, in such a manner as to water every different field; and several springs of excellent water, convenient to the house. There are on the premises, a two story brick dwelling, with four rooms and eight feet passage on a floor, with extensive and convenient cellars; a brick kitchen, with an entry 12 by 18 feet; and milk house 12 by 16 feet; an overseer's house; large and convenient negro quarters; brick smoke house, barn, granary, carriage-house, two corn-houses, stables, and several other convenient out houses, &c. The subscriber thinks any further description unnecessary, as he presumes those who wish to purchase will first view the premises. I will sell the whole, or a part as may suit the purchaser. Terms made known by

CHARLES S. SEWELL.

Residing on the premises.

P. S. Possession given on the 1st of January 1805, with privilege of feeding wheat, next fall. There will be ground prepared for the reception of one hundred and fifty bushells of fall grain.

C. S. S.

Queen-Ann's county, Md. }

February 12, 1805. }

COLUMBIAN INN—CONTINUED.

Isaac Causten

RESPECTFULLY informs his friends and the public, that he has leased for a term of years, this extensive well known house, the COLUMBIAN INN, one door above the corner of Howard, in Baltimore street.

To those acquainted with the superior convenience and situation of this valuable property nothing need be said. To strangers it may be necessary to observe, that it is situated in the most pleasant and healthy part of the city, and surrounded with respectable mercantile houses, therefore obvious to the convenience of country merchants, travellers, &c.

To this establishment I. CAUSTEN solicits the patronage of his friends and a generous public, and begs leave to assure them every thing on his part shall be exerted to merit and secure their approbation. Baltimore, February 26, 1805.

Baltimore and Frederick

TURNPIKE ROAD.

THE Subscribers being appointed to receive subscriptions, under the act of assembly "for incorporating a company for making a turn-pike road from Baltimore through Frederick-town to Boonsborough," do hereby give notice, that subscription books will be opened at the office of the Maryland Insurance Company in South street, and at Mt. William Evans's tavern, Market-street, on Monday the 1st of April, from the hour of 9 until 1 o'clock, and will continue open during the same hours the two following days, unless the capital stock should be earlier subscribed. The stock is divided into shares of twenty dollars each, and every person must pay down one dollar on each share at the time of subscribing—not more than twenty five shares can be subscribed for on the first day by any one person, nor more than fifty on the second day.

(Signed)

JAMES CAREY.

LUKE TIERNAN.

GEORGE F. WARFIELD.

FRANCIS HOLLINGSWORTH.

N. B. Subscription Books will be opened at Frederick, Middle-Town, and Hager's-Town, for shares in the above road, by the commissioners named in the law.

February 26, 1805. }

I twenty Dollars Reward.

**R**UN AWAY from the neighbourhood of Centerville, some time last Fall, Negro PHILLIS, the property of Arthur Emory, minor. She is a middle sized black woman, large mouth, and has lost several of her teeth, aged about forty, or forty five—she has been accustomed to work in and out of the house. It is supposed that she has made for Philadelphia, or the Delaware state, as her husband Negro Moses, belonging to Mrs. Blake, near Centerville, ran off some time before. If taken up out of this state, and secured so that the subscriber gets her, the above reward will be given. If taken in this state and delivered to the subscriber, ten dollars, and all reasonable charges paid by

JOHN D. EMORY, Guardian.

February 26, 1805. }

### Notice.

TO FACILITATE to Claimants under the 7th article of the treaty with Great Britain, the receipt of the third instalment due on the 15th July next, in instances in which they have not constituted the public agent in London, their special attorney, it has been thought proper to draw to the United States all such monies of the above description as may not be drawn from him by the individuals themselves prior to the first of September next. The agent is accordingly instructed to cease paying them after that date; but after the 1st of November next, they will be again payable at the City of Washington, to those who have right, or to their attorneys duly authorized.

DEPARTMENT OF STATE, }

February 4, 1805. }

NOTE. The Printers of the Laws of the United States are requested to insert the above four times in their Gazette.

February 26, 1805. }





EASTON—(MARYLAND) Printed and Published every Tuesday Morning, by THOMAS PERRIN SMITH, printer of the Laws of the U. States.

[VOL. 3....6.]

TUESDAY MORNING, MARCH 12, 1805.

[NO. 28....288.]

THE TERMS OF THE REPUBLICAN STAR ARE TWO DOLLARS and FIFTY CENTS per annum, payable half yearly, in advance—No paper can be discontinued until the same is paid for.

ADVERTISEMENTS are inserted three weeks for ONE DOLLAR a square; and continued for TWENTY-FIVE CENTS per week.

## TRIAL of JUDGE CHASE.

The Senate of the United States,  
SITTING AS A  
HIGH COURT OF IMPEACHMENT  
ON THE  
FOURTH DAY OF FEBRUARY, A. D. 1805.  
*The United States, vs. Samuel Chase.*

The answer, and pleas of SAMUEL CHASE, one of the associate justices of the supreme court of the United States, to the articles of impeachment exhibited against him in the said court, by the honorable the house of representatives of the United States, in support of their impeachment against him, for high crimes and misdemeanors, supposed to have been by him committed.

## ANSWER.

(Continued from last Tuesday Star.)

As to the third, "whether Mr. Adams had not voted against the sequestration of British property, and the suspension of commercial intercourse with Great Britain," it has already been shown to be altogether improper; on the ground that such votes, if given by Mr. Adams, were no evidence whatever of his having been "faithful and serviceable to the British interest." If he had been so, provided it were, in his opinion, at the same time useful to the interests of his own country, which it well might be, and the contrary of which is not alleged by this part of the publication, taken separately, it was no offence of any kind; and to charge him with it was not a libel. The charge was, therefore, immaterial and no evidence for or against it could properly be received. And finally, if the charge had been material, and the giving of these votes had been legal evidence to prove it, that fact was on record in the journals of the senate, and might have been proved by that record, or an official copy of it. As this evidence was the highest of which the case admitted, no inferior evidence of it, such as oral proof is well known to be, could be admitted.

For these reasons, this respondent did concur with his colleague, the said Cyrus Griffin, in rejecting the three above mentioned questions; but not any other testimony that the said John Taylor might have been able to give. In this he infists, that he acted legally and properly, according to the best of his ability. If he erred, it is impossible for the reasons stated by him in the beginning of his answer to this article, to suppose that he erred willfully; since he could have had no possible motive for a piece of misconduct so shameful, and at the same time so well calculated to give offence. In a point so liable to misapprehension and misrepresentation, and so likely to be used as a means exciting public odium against him, it is far more probable, that he had been capable of bending his opinion of the law to other motives, he would have admitted illegal testimony; which taken in its utmost effect, could have had no tendency to thwart the plans of vengeance against the traverser, under the influence of which he is supposed to have acted.

If this error was an honest one, which as his colleague also fell into, it might in charity be supposed; and, as there is not a shadow of evidence to the contrary, must in law be presumed; he cannot, for committing it, be convicted of any offence, much less a high crime and misdemeanor, for which he must on conviction be deprived of his office.

And for plea to the said third article of impeachment, the said Samuel Chase faith, that he is not guilty of high crime or misdemeanor, as in and by the said third article is alleged against him; and this he prays may be enquired of by this honorable court, in such manner, as law and justice shall seem to them to require.

The fourth article of impeachment alleges, that during the whole course of the trial of James Thompson Callender, above mentioned, the conduct of this respondent was marked by "manifest injustice, partiality, and intemperance;" and five particular instances of the "in-

justice, partiality and intemperance" are adduced.

The first confists, "in compelling the prisoner's counsel to reduce to writing and submit to the inspection of the court, for that admission or rejection, all questions which the said counsel meant to propound to the above mentioned John Taylor, the witness."

This respondent in answer to this part of the article now under consideration, admits that the court confisting of himself and the above mentioned Cyrus Griffin, did require the counsel for the traverser, on the trial of James Thompson Callender above mentioned, to reduce to writing the questions which they intended to put to the said witnesses. But he denies that it is more his act than the act of his colleague, who fully concurred in this measure. The measure, as he apprehends and infists was correct, legal and proper; his reasons for adopting it, and he prefaces those of his colleague, he will submit to this honorable court, in order to shew that if he, in common with his colleague, committed an error, it was an error into which the best and wisest men might have honestly fallen.

It will not be denied, and cannot be doubted, that according to our laws, evidence, whether oral or written, may be rejected and prevented from going before the jury, on various grounds. 1st. For incompetency: where the source from which the evidence is attempted to be drawn, is an improper source: as if a witness, were to be called who was infamous or interrelated in the event of the suit; or a paper should be offered in evidence, which was not between the same parties, or was not executed in the forms prescribed by law. 2d. For irrelevancy: when the evidence offered is not such, as in law will warrant the jury to infer the fact intended to be proved, or where that fact, if proved is immaterial to the issue. For these reasons, and perhaps others which might be specified evidence may properly be rejected, in trials before our courts.

As little can it be doubted, that according to our laws, the court, and not the jury, is the proper tribunal for deciding all questions relative to the admissibility of evidence. The effect of the evidence when received, is to be judged of by the jury; but whether, it ought to be received, must be determined by the court. This arises from the very constitution of the trial by jury, one fundamental principle of which is, that the jury must decide the case, not according to vague notions, secret impressions, or general belief, but according to legal and proper evidence, delivered in court. So strictly is this rule observed that if one juror have any knowledge of the matter in dispute, it may influence his own judgment, but that of his fellow jurors, unless he state it to them on oath in open court; and nothing is more common than for our courts after all the evidence which the party can produce had been offered and received, to tell the jury that there is no evidence to support the claim, or when proof is offered of a certain fact, to determine that such fact is not proper to be given in evidence.

Hence it results, and is every day's practice, that when a witness is produced, or a writing is offered in evidence, the opposite party having a right to object to the evidence if he should think it improper, requires to be informed what the witness is to prove, or to see the writing, before the first is examined, or the second is read to the jury. The court has the same right, refusing necessarily from its power to decide all questions relative to the admissibility of evidence. This right our courts are in the constant habit of exercising; not only when objections are made by the parties, but when there being no objection, the court itself has reason to suspect that the testimony is improper. In most cases, but not in all, consent by the opposite party removes all objections to the admissibility of evidence, and courts sometimes infer consent from silence; but as it is their duty to take care that no improper or illegal evidence goes to the jury, unless the objection to it be removed by consent of parties; it is consequently their duty, in all cases where they see reason to suspect that the evidence offered is improper, to ascertain whether has been given, or whether the seeming acquiescence of the opposite party has proceeded from inattention. This is more particularly their duty in criminal cases, where they are bound to be counsel for the government, as well as for the party accused.

It being thus the right and duty of a court before which a trial takes place, to inform itself of the nature of the evidence offered, so as to be able to judge whether such evidence be proper; it results necessarily that they have a right to require, that any question intended to be put to a witness, should be reduced to writing, for that is the form in which their deliberation upon it may be most perfect, and their judgment will be most likely to be correct. In the case now under consideration, the court did exercise this right. When the testimony of John Taylor was offered, the court enquired of the traverser's counsel what that witness was to prove. The statement of his testimony, given in answer, induced the court to suspect that it was irrelevant and inadmissible. They, therefore, that they might have an opportunity for more careful and accurate consideration, called upon the counsel to state in writing, the questions intended to be put to the witness.

This is the act done by the court, but concurred in by the respondent which has been selected and deduced to one of the proofs and instances of "manifest injustice, partiality and intemperance" on his part. He owes an apology to this honorable court, for having occupied so much of its time with the refutation of a charge which has no claim to serious consideration except what it derives from respect due to the honorable body by which it was made, and the high character of the court, where it is preferred.

The circumstance stated by the article now under consideration, as an instance and proof of "manifest injustice, partiality, and intemperance" in the respondent, is his refusal to postpone the trial of the said James Thompson Callender, "although an affidavit was regularly filed stating the absence of material witnesses on behalf of the accused, and although it was manifest that with the utmost diligence, the attendance of such witnesses could not have been procured at that term."

This respondent, in answer to this part of the charge, admits, that in the above mentioned trial, the traverser's counsel did move the court, while this respondent sat in it alone, for a continuance of the case until the next term; not merely a postponement of the trial, as the expression used in this part of the article would seem to import; and did file as the ground work of their motion, an affidavit of the traverser, a true and official copy of which marked exhibit No. 5, this respondent herewith exhibits, and begs leave to make part of this answer; but he denies that any sufficient ground for a continuance until the next term, was disclosed by this affidavit; as he trusts will clearly appear from the following facts and observations.

The trial of an indictment at the term when it is found by the grand jury, is a matter of course, which the prosecutor can claim as a right, unless cause can be shewn for a continuance. The prosecutor may consent to a continuance, but if he withholds his consent, the court cannot grant a continuance without legal cause. Of the insufficiency and legality of this cause, as of every question of law, the court must judge; but it must decide on this as on every other point, according to the fixed and known rules of law.

One of the legal grounds, and the principal on which such a continuance may be granted, is the absence of competent and material witnesses, whom the party cannot produce at the present term, but has a reasonable ground for expecting to be able to produce at the next term. Analogous to this is the inability to procure at the present term, legal and material written testimony, which the party has a reasonable expectation of being able to procure at the next term.

These rules are as reasonable and just in themselves as they are essential to the due administration of justice, to the punishment of offences on the one hand, and to the protection of innocence on the other. If the continuance of a cause, on the application of the party accused, were a matter of right, it is manifest that no indictment would be brought to trial until after a delay of many months. If, on the other hand, the granting of a continuance depended not on fixed rules but on the arbitrary will of the court, it would follow that weakness or partiality might induce a court on some occasions, to extend a very improper indulgence to the party accused; while on others, passion, or prejudice might deprive him of the necessary means of making his de-

fence. Hence the necessity of fixed rules, which the judges are bound to expound and apply, under the solemn sanction of their oath of office.

The true and only reason for granting a continuance, is that the party accused may have the best opportunity that the laws can offer to him, of making his defence. But incompetent or immaterial witnesses, could not be examined if they were present; and consequently, their absence can deprive the party of no opportunity which the laws afford to him, of making his defence. Hence the rule, that the witness must be competent and material.

Public justice will not permit the trial of offenders to be delayed on light or unfounded pretences. To wait for testimony which the party really wished for, but did not expect to be able to produce within some definite period, would certainly be a very light pretence; and to make him the judge, how far there was reasonable expectation of obtaining the testimony within the proper time, would put it in his power to delay the trial, on the most unfounded pretences. Hence the rule, that there must be reasonable ground of expectation, in the judgment of the court, that the testimony may be obtained within the proper time.

It is therefore a settled and most necessary rule, that every application for a continuance, on the ground of obtaining testimony, must be supported by an affidavit, disclosing sufficient matter to satisfy the court, that the testimony wanted "is competent and material," and that there is reasonable expectation of procuring it within the time prescribed. From a comparison of the affidavit in question with the indictment, it will soon appear how far the traverser in this case, brought himself within this rule.

The absent witnesses, mentioned in the affidavit, are William Gardner, of Portsmouth, in New Hampshire; Fench Cox, of Philadelphia, in Pennsylvania; Judge Bee, of some place in South Carolina; Timothy Pickering, lately of Philadelphia, in Pennsylvania, but of what place at that time, the deponent did not know; William B. Giles, of Amelia county, in the state of Virginia; Stephens Thompson Mafon, whose place of residence is not mentioned in the affidavit, but was known to be of Loudon county, in the state of Virginia; and General Blackburn, of Bath county, in the said state. The affidavit also states, that the traverser wished to procure, as material to his defence, authentic copies of certain answers made by the president of the United States, Mr. Adams, to addresses from various persons; and also a book entitled "an Essay on Canon and Feudal Law," or entitled in words to that purport, which was ascribed to the president, and which the traverser believed to have been written by him; and also, evidence to prove that the president was in fact, the author of that book.

It is not stated that the traverser had any reasonable ground to expect, or did expect, to procure this book or evidence, or those authentic copies, or the attendance of any one of these witnesses, at the next term. Nor does he attempt to shew in what manner the book or the copies of answers to addresses, were material, so as to enable the court to form a judgment on that point. Here then the affidavit was clearly defective. His believing the book and copies to be material, was of no weight, unless he shewed to the court, sufficient grounds for entertaining the same opinion. Moreover he does not state, whether he supposes that this book, and those authentic copies, may be found: so as to enable the court to judge, how far a reasonable expectation of obtaining them, might be entertained. On the ground of this book and the copies, therefore, there was no pretence for a continuance. As to the witnesses, it is manifest, that, from their distant and dispersed situation, there existed no ground of reasonable expectation, that their attendance could be procured at the next term, or at any subsequent time. Indeed, the idea of postponing the trial of an indictment, till witnesses could be convened at Richmond, from South Carolina, New Hampshire, and the western extremities of Virginia, is too chimerical to be seriously entertained. Accordingly, the traverser, though in his affidavit he stated them to be material, and declared that he could not procure their attendance at that term, could not venture to declare on oath, that he expected to procure it at the next or at any other time; much less that he had any reasonable ground for such expectation. On this ground,

therefore, the affidavit was certainly insufficient, and it was consequently the duty of the court to reject such application.

But the testimony of these witnesses, as stated in the affidavit, wholly immaterial; and therefore, their absence was no ground for a continuance, had there been reasonable ground for expecting their attendance at the next term.

William Gardner and Fench Cox, were to prove, that Mr. Adams had turned them out of office, for their political opinions or conduct. This applied to that part of the publication, which constituted the matter of the third charge in the indictment, in these words, "the same system of persecution extended all over the continent. Every person holding an office, must either quit it, or think and vote exactly with Mr. Adams." Judge Bee, was to prove, that Mr. Adams had advised and requested him by letter, in the year 1799, to deliver Thomas Nash, otherwise called Jonathan Robbins, to the British consul, in Charleston. This might have had some application to the matter of the seventh charge; which alleged that "the hands of Mr. Adams, were reeking with the blood of the poor, friendless, Connecticut sailor." Timothy Pickering was to prove, that Mr. Adams, while president, and while congress was in session, was many weeks in the possession of important dispatches, from the American minister at France, without communicating them to congress. This testimony was utterly immaterial; because admitting the fact to be so, Mr. Adams was not bound, in any respect, to communicate those dispatches to congress unless in his discretion, he should think it necessary; and also, because the fact, if true, had no relation to any part of the indictment. There are, indeed, three charges, on which it might at first seem to have some slight bearing. These are the eighth, the words furnishing the matter of which are, "every feature in the administration of Mr. Adams, forms a distinct and additional evidence that he was determined at all events, to embroil this country with France;" the fourteenth, the words stated in which, allege that "by sending these ambassadors to Paris, Mr. Adams and his British faction, designed to do nothing but mischief," and the eighteenth, the matter of which states, "that in the midst of such a scene of profligacy and usury, the president persisted as long as he durst, in making his utmost efforts, for provoking a French war," are charges which surely cannot be supported or justified, by the circumstance of his "keeping in his possession, for several weeks, while congress was in session, dispatches from the American minister in France, without communicating them to congress," which he was not bound to do, and which it was his duty not to do, if he supposed that the communication, at an early period, would be injurious to the public interest. The testimony of William B. Giles and Stephens Thompson Mafon, was to prove, that Mr. Adams had uttered in their hearing, certain sentiments, favorable to aristocratic or monarchical principles of government.

This had no application except to a part of the twelfth charge; which has been already shewn to be wholly immaterial if taken separately, and wholly incapable of a separate justification, if considered as a part of an entire charge. And, lastly, it was to be proved by general Blackburn, that in his answer to an address, Mr. Adams avowed "that there was a party in Virginia which deserved to be humbled into dust and ashes before the indignant brows of their injured, insulted, and offended country." There were but two charges in the indictment to which this fact, if true, had the most distant resemblance. These are the fifteenth and sixteenth, the words forming the matter of which, call Mr. Adams "an hoary headed libeller of the government of Virginia, who with all the fury, but without the propriety or sublimity of Homer's Achilles, bawled out, to arms, then, to arms!" and "who floating on the bladder of popularity, threatened to make Richmond the centre point of a bonfire." It would be an abuse of the patience of this honorable court, to occupy any part of its time in proving, that the fact intended to be proved by general Blackburn, could not in the slightest degree support or justify such charges as these. This is the account given of the testimony of the absent witnesses, by the affidavit filed as the ground of the motion for a continuance. From a com-

(Continued in next page.)



# TO SETTLERS.

## FOR SALE.

A Body of unimproved land of the first quality, situated in Lycoming county, Loyal Sock township, and on the waters of Loyal Sock creek in the state of Pennsylvania. The tract contains 15,000 acres, and is equal, if not superior to any body of Birch and Maple lands in Lycoming county, or in the state of Pennsylvania.—Large quantities of white walnut, hickory, and chestnut timber, are found on these lands.—There are also two or three salt springs, and a number of excellent mill seats on the tract, and iron ore has recently been found on it, or in its immediate neighbourhood. It lies within about 18 miles of the county town of Lycoming, and about 26 miles from Mr. Benjamin W. Morris's improvements. Other flourishing settlements have been made within 8 miles of this tract. To persons desirous of removing and forming an extensive settlement in Pennsylvania, these lands are an object of the first attention, as also to those who are anxious to possess a fine body of land in a country rapidly progressing in improvement.

The title to these lands is indisputable. For terms apply to Dr. EDWARD EARLE, Bailor; or to  
**RICHARD PETERS, Jun.**  
 No. 130 Walnut Street, Philadelphia.  
 Nov. 20, 1804. tf

## FOR SALE.

### A very valuable FARM.

ON the tide water of the River Susquehanna, opposite to Havre-de-Grace, and upon the post road leading from Philadelphia to Baltimore.—It consists of about 600 acres of very valuable land, with a full proportion of woodland, and may very conveniently be divided into two farms of about 300 acres each.—The soil is generally of an excellent quality for either grain or grass, and the situation very desirable. A liberal credit will be given for a considerable part of the purchase money. Any person disposed to purchase, may know the terms and further particulars by applying to **Henry Holaday, esq.** near Easton, Maryland, or the subscriber near the premises.  
**GEORGE GALE.**  
 Nov. 27, 1804. tf

## To be Rented.

For the present year, and Possession given immediately.

THAT well known stand for a Country Store, at the Head of Wye River, where Doctor Wilson, and his Brother before him, kept so long a very profitable Retail Store; and where an enterprising, industrious man, might do much business, with a vessel and grain, it being the route of most of the grain in that neighbourhood, passing to market. For terms apply to the subscriber, or **John Nabb, esq.** who lives on the premises.  
**JACOB GIBSON.**  
 January 29, 1805. tf

## Public Sale.

IN virtue of an order of the orphans court of Talbot county, will be sold at Public Vendue on Friday the 15th, inst. if fair, if not the next fair day, at St. Michaels in Talbot county, all the personal property of Dr. James Bordley late of the said county deceased, consisting of valuable Negro Men, Women and Children, a Coach, a small Chair, horses, cattle, household and kitchen furniture, two lots with the improvements thereon, on a lease of ninety nine years renewable for ever, a parcel of good Bricks, and a parcel of Medical Books and Medicine, &c. &c. A credit of six months will be given on all sums above eight dollars, the purchaser giving bond or bill with approved security, bearing interest from the day of sale. Attendance will be given by  
**HUGH SHERWOOD,**  
 of Huntington, Adm'r.

## This is to give Notice.

THAT the subscriber of Talbot county, hath obtained from the orphans court of said county in Maryland, letters testamentary on the estate of John Sheppard, late of Talbot county aforesaid 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 sixteenth day of September next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this 5th day of March, 1805.

**CHARLES EMORY, Executor.**  
 of John Sheppard.

ALL persons having claims against the estate of Major Thomas Mafon, late of Caroline county deceased, are desired to bring them in to the subscriber properly authenticated for settlement, on or before the first day of May next; and all those indebted to said estate, are desired to make immediate payment.

**TH. MASON, Administrator.**  
 Caroline county,  
 March 5th, 1805.

## Jesse Hollingsworth & Son

### HAVE FOR SALE.

FOURTH PROOF COGNAC BRANDY, in pipes; Swedish and country flint Bar-iron and Rod-iron; Millington, Crawley, German and Country Steel; Castings; Nova-Scotia Plaster, ground and in lumb; Clover Seed; Cologne Mill Stones, of all sizes and dimensions; Potatoes, by the barrel; Tar & Salt, of every kind; Sugar, by the hoghead and barrel, &c. &c.  
**County Wharf, Baltimore.**  
 February 26, 1805.

## A LIST

OF the tracts and lots of land in Allegany county, held by persons not residents of said county, the amount of the taxes thereon respectively due for the years 1803 and 1804, with the names of the persons respectively chargeable with the payment of the same. The taxes thereon being now due and unpaid, and no personal property can be found in Allegany county, liable for, or chargeable with the payment of the same.

Persons names and names of tracts and numbers of lots.	Tax due 1803.	Tax due 1804.
Wm. Amos, 1071, 340,		1 4 1/2
Zachariah Allen, 75, 471,		1 4 1/2
John Sth Brooks, 12,		3 5
Wm. Bennymann, 1877,		8 1/2
Michael Boyer, 297, 436,		1 4 1/2
Aquilia Brown, 489,		8 1/2
Valentine Brother, 913,		8 1/2
Benjam Black, 15,		8 1/2
John Boyd, 313,		8 1/2
Bailey E. Clark, 3600, 3601, 3602,		2 8 1/2
3349,		9
Elias Critchley, 1291,		15 10
Peter Casenaves' heirs, 1773, 52,		8 1/2
1918, 1304, 1944,		8 1/2
1616, 2019, 1942,		8 1/2
966, 894, 1780,		8 1/2
441, 1842, 1048,		8 1/2
1000, 1972, 2018,		8 1/2
1160, 342, 1330,		8 1/2
27, 124, 1700,		8 1/2
Saml Davis, 3163,		8 1/2
John Doyle, 3049,		8 1/2
3038, 3166,		8 1/2
Thos. Donaldson, 1134, 4157, 4156,		8 1/2
123, 859, 3098,		8 1/2
84, 130, 2083,		8 1/2
3632, 1165, 1325,		8 1/2
1125, 1168, 469,		8 1/2
1912, 250, 1131,		8 1/2
439, 443, 30, 2500,		8 1/2
25, 1900, 440, 444,		8 1/2
442, 189, 447,		8 1/2
311, 448,		8 1/2
George Frosts, 3313, 1423,		8 1/2
Philip Ford, 404,		8 1/2
William Ferguson, 255,		8 1/2
Richard Fleming, 1963,		8 1/2
Solomon Geer, 3126, 1780, 2022,		8 1/2
Archibald Golder, 1124,		8 1/2
James Greenleaf, part of Spruce Springs,		8 1/2
Robert Gover, 3129, 2425, 1325,		8 1/2
1425, 4055, 1317,		8 1/2
2548, 1009, 248,		8 1/2
833, 96, 360,		8 1/2
1334, 1704,		8 1/2
August Gambrell, 1930,		8 1/2
Henry Huntsman, 3 lots number unknown,		8 1/2
Elisba Hall, 197,		8 1/2
1305,		8 1/2
John Hamm, 1386,		8 1/2
T. B. Hugo, 1784,		8 1/2
Thomas Hewitt, 909,		8 1/2
James G. Howard, 273,		8 1/2
Adam Hope, 2582,		8 1/2
2583, 2506, 2587,		8 1/2
James Johnson, Bear Creek Meadows,		8 1/2
Elisba Jarrett, 135,		8 1/2
21, 4036, 1935,		8 1/2
56, 131, 932, 2536,		8 1/2
241, 1167,		8 1/2
Bennett Jarrett, 3158, 921, 923,		8 1/2
Samuel Jay, 216,		8 1/2
492, 167, 170,		8 1/2
810, 290, 1010,		8 1/2
1834, 1121,		8 1/2
Lloyd & Paea, Small Meadows, Hunting Ground, Buck Bones, Rich Glades, George H. Meyers, 2 lots,		8 1/2
188, and — Peter Mantz, 2709,		8 1/2
2710, 2719, 2720,		8 1/2
James R. Morris, 11, 1147,		8 1/2
Gilbert Murdock, 885, 931,		8 1/2
James Miller, 416,		8 1/2
1350, 359, 929,		8 1/2
257, 487,		8 1/2
Greenberry Neale, 1538,		8 1/2
Samuel Norwood, Norwood's Farm, 1603, 4096,		8 1/2
4097, 1734, 3046,		8 1/2
John Pollard, 105,		8 1/2
1413, 2029, 1244,		8 1/2
850,		8 1/2
Pearseall & Rodgers, Bull Pasture, George Roffe 334,		8 1/2
John Ritchie, Constitution Vale, Addition to Hunting Ground, Rich Glade, Potatoe Garden, Elk Lick 3151, 1392, 1493,		8 1/2
1344,		8 1/2
John Randal, 2383, 2384, 2385,		8 1/2
1380,		8 1/2
Thomas B. Randall, 950, 945, 885,		8 1/2
1950, 1130, 130,		8 1/2
John Rols, 4158,		8 1/2
John Schley, 1237,		8 1/2
James Shaw, 3065,		8 1/2
Robert C. Stanley, 842, 858, 930,		8 1/2
1172, 1373,		8 1/2
Philip Swaters, 3036,		8 1/2
John H. S one, 1382, 173, 20,		8 1/2
1545, 70, 37,		8 1/2
286, 405, 4211,		8 1/2
931, 1482, 446,		8 1/2
378, 1915, 1923,		8 1/2
2539, 164, 465,		8 1/2
2038, 1132, 1801,		8 1/2
951, 1830, 342,		8 1/2
1703, 858, Addition to hotel,		8 1/2
Gustavus Scott's heirs, Roby's Delight, Orm's Attention, Chelms Grove, Now or Never, Hard Struggle, 2487,		8 1/2
Benj. Stodder, New Carthage 96 acres, Mount Pleasant 718 acres, Addition 322, Caledonia, 200,		8 1/2
John Thompson, 1326, 1136, 1325,		8 1/2
Thomas and Samuel Turner, 2615, 2616, 2617, 2618,		8 1/2
Abraham Van Bibber, Diadem, part of Good and Bad, Ormes' Delight, Ormes' Choice, the General's With, Friendship, Elk Garden, Ormes' Discovery, 1335,		8 1/2
1388, 3449, 50, 1, 2, 3, 4, 5, 6, and 8,		8 1/2
John Willson, 445,		8 1/2
Edward Wright, 217, 3037, 1280,		8 1/2
2540, 1190, 118,		8 1/2
4064,		8 1/2
P. L. Webster, 283,		8 1/2
1435, 375, 1466,		8 1/2
James West, jun. 2081, 1005,		8 1/2
Wm. Wood, 2732,		8 1/2
2713, 2735, 2723,		8 1/2
Charles Wayman, 82,		8 1/2
John Warfield, 266,		8 1/2
George Emory, Colemine, Hannan Stidger, part Good and Bad Wm. Stidger, part Allegany, Wm. and J. Scott, Wm. and Joseph's Amendment, Richard Johns, House and Lot, Cresap Town, Sen. Black, Parker's Neglect, Margaret Chew, 3, 110, 111, 141, 171,		8 1/2
72, 174, 180, 167,		8 1/2
163, in Cumberland and Town, Blackburn and Breen, 8 unimproved lots, Cumberland Stephen Deakons, No. 2, Cumberland town, Elijah Evans, 42 do.		8 1/2
Wm. King, 67, 168 ditto		8 1/2
James M. Lingam, 29, ditto		8 1/2
John M'Pherson, 1 lot Cumberland, Thomas Price, 1/2 lot, No. 7, do.		8 1/2
Anthony Reintzell No. 99, do.		8 1/2
Francis Thomas, No. 33, do.		8 1/2
Owner unknown, lot 3470, 3471, 3472, in upper Old Town Hundred, Abraham Arthur, 1 House and Lot, No. 10, in Addition to Cumberland, Goshottle, lots No 14 and 15, in Blocker's Addition to Cumberland, Jacob Ruffa, 1 lot, Cumberland Rob. Selby's heirs, No. 11, in Brod-hog's Addition to Cumberland, Joseph Tomlinson 1 lot, Cumberland, Contention, Amendment, Peter Willer, No. 5, 1/2 acre lot Cumberland, John Watts, lot No. 13, lot do.		8 1/2
Thos. Beatty, Republican, Reason Miller's Delight, Fort Lip and Refurvery, Flowery Meadows, Charles Beatty, 50 acres land in Cumberland Hundred, Jacob's Laddie, Last Shift, James Greenleaf, Durham, Richard Ridgeley, Friendship Refurveyed,		8 1/2

George Reilly, Red Bird Thicket, Samuel Ridgeley, part Richard's Discovery Amended, Gabl. Jacob, part Blooming Plains, Beckwith's Disappointment, Hickory Bottom, Fat Baron, Refurvey on Fat Baron, J. C. Jones's heirs Horse Pasture, Robt. Jacob, Calf Pasture, Wm. M. Manay, dier, Chance, Ozburn Sprigg, executor to James Sprigg, part Refurvey on Good Hope, John F. Bawling, Horse Lick, Nathan Gregg, New Addition, George Mann's heirs, Buckingham Hunting Ground Refurveyed, Folly, Robinson's Fancy, Hope and Buihy Ridge, Three Springs and White Oak Plains, Town Ridge and Deer Park, Pleasant Flight, Tracts United, What you Will, Ebenezer M. Key, Partnership, Aaron Potts, Phe-tia, Henry Redburn, part Olson's Purchase, Russell's heirs, Rabbit Range, Charles A. Warfield, Far Enough, Miry Pitt, Buck Path,

## Notice is hereby given,

THAT unless the county tax, proportion of advertising, and other legal charges due on the lands aforesaid, shall be paid to W. M. Mahon or Thomas Thistle, collectors of Allegany, on or before the fourteenth day of August next, the lands so charged or such part thereof as may be necessary to raise the sum due thereon, shall be sold to the highest bidder for the payment of the same. By order of the Commissioners of the Tax for Allegany county,  
**AQUILA A. BROWNE, Ck.**  
 Allegany county, Dec. 8, 1804.  
 For the letter (h) add a half penny.

## Cash Sale.

By virtue of a Decree of the Chancellor of Maryland, will be sold at auction, on Friday, the twelfth day of April next, at Prince's Tavern, in Eastern,

THE FARM now in the occupation of John R. Brownell, containing about four hundred acres of LAND. This property is convenient to several places of public worship, to two mills, and a Smith's shop; and is about four miles from Easton. It is presumed the soil and improvements will be examined by every person wishing to purchase. The sale will commence at 3 o'clock in the evening, and the purchaser will have it at his option to pay the money to the Trustee on the day of sale, or in the Chancery Office on the day of the ratification thereof.  
**JAMES EARLE, junr. Trustee.**  
 March 5, 1805.

One, Two and Three Years, ON Tuesday the 25th inst. will be sold at public sale, several VALUABLE LOTS, lying on the road leading from Easton to the Landing—A credit of one, two and three years will be given, the purchaser giving bond and security, with interest from the day of sale. The sale will commence at 2 o'clock on the premises, and the property will be conveyed when it is paid for.  
**JAMES EARLE, junr.**  
 March 5, 1805.

This is to give Notice, THAT the subscriber hath obtained from the Orphans Court of Dorchester county, State of Maryland, letters of administration de bonis non, on the personal property of Henry Trippe, late of Dorchester county, deceased, all persons having claims against the said deceased, are hereby warned to exhibit the same for payment with the proper vouchers thereof, on or before the 30th day of August next—Otherwise they may by law be excluded from all benefit arising from said estate. Given under my hand this 27th day of February, 1805.  
**JAMES TRIPPE, junr.**  
 Administrator de bonis non.

Wants to Purchase A FEW LIKELY SLAVES, of both sexes; and would prefer buying them in families. Any person wishing to dispose of any, can hear of a purchaser by directing a letter to A. B. Easton Street Office, February 12, 1805. 2007

## Pine Creek Settlement,

In Lycoming County, Pennsylvania.

THIS extensive, fertile and healthy territory, comprises 120,000 acres of land, situate on, and contiguous to, the waters of Pine Creek, having the state road, into the Genesee country passing through it. The proprietors of it, who reside in Philadelphia, are, Samuel W. Fisher, Isaac Wharton, Jesse and Robert Waln, and James C. Fisher, and in the settlement the subscriber, who has removed there with his family, and the families of about forty other persons. The settlement is now in a rapidly increasing and improving state, and requires only the aid of an additional number of practical farmers, tradesmen and mechanics, to give it all the comforts of the oldest establishments in the state. To all such who will become actual settlers, the greatest encouragement will be given; to the first fifty families (provided they remove in the present season or ensuing spring) the price will not be raised beyond what some of the tracts have actually been sold for, viz. from three to four dollars per acre, according to situation, quality, &c. although the quantity already sold (exceeding thirty thousand acres) to persons who have purchased with the only view of residence, has considerably enhanced the value of the remainder.

In the number of purchasers, and of actual or intended residents, are respectable public ministers of the Society of Friends, and Methodists, and a number of respectable persons from England, in connexion with the Rev. John Hey whose certificate is annexed to that of other characters equally well known. The views of these, and of the subscribers, are to invite and encourage only such persons as intend to reside in the settlement, and to whom, being of good character, every aid in his power will be given; lumber and boards will be furnished at easy rates, and every other reasonable encouragement given.

These proposals are now made by the subscriber with a confidence of their giving satisfaction to those who may embrace them, which is derived from an actual residence in the settlement with his family—applications will be received by him, during his stay in Philadelphia, at Jacob S. Waln's, No. 204, Spruce Street, and by Samuel W. Fisher.

**BENJAMIN W. MORRIS.**  
 Philadelphia, Dec. 5, 1804.

HAVING recently purchased a considerable tract of the above land, with design of forming an immediate settlement, by a number of respectable families from England, some of whom are already arrived in this country; and purposing to establish regular public worship for the edification of such as may settle in the neighbourhood, I beg leave, in addition to the above advertisement, to say, that there is every prospect necessary to encourage well disposed persons to settle on the above mentioned lands.

**JOHN HEY.**

## PINE CREEK SETTLEMENT.

THE Subscribers left Delaware and Maryland, for the purpose of viewing the lands advertised by Messrs. B. W. Morris, Samuel W. Fisher and Company, on Pine Creek, in Lycoming County, State of Pennsylvania.

Previous to our departure from our respective homes, we promised several of our friends to transmit them the result of our observations, and it has been thought more advisable to comply with this engagement through the medium of the press.—We have passed thirty miles over the lands, examining with great care such as we have seen, are still employed in exploring others. The view we have taken has afforded us much satisfaction, and determined us all to purchase and settle in this country. Some very respectable people are already settled here, and several little thriving farms are sprung along the whole road. Many of the lands are high, with a rich fertile soil covering the greater part of them. In other situations we have met with lower but waving lands, with a deep soil, equaling if not exceeding in richness any thing we have ever seen. The best lands in Lancaster county have frequently been held up, and very desirably, as the criterion of every thing excellent for farms, and we consider these lands as equal, and many of them greatly superior to those. We have seen wheat growing here, which we believe would yield thirty bushels per acre, and yet the seed had been merely harrowed in, the ground never having been ploughed. We have met with fine flax, and in some places the farmers were so unreasonable as to complain that their lands were too rich to bear that plant. The timber every where indicates strong good land, and while in some places it is heavier than one would wish, in others it opposes not more than the usual impediment in clearing. Pine Creek is navigable at all times when the Susquehanna is. Our immediate settlement is near the state road, and in the vicinity of the place where the county town will most probably exist, and about three or four miles from Pine Creek. The whole country appears to be well and sufficiently watered. In addition to the above we need only to observe that we confidently expect that which we much hoped for will be realized, and that we shall find the country remarkably healthy.

(Signed)  
 WILLIAM H. WELLS,  
 JOHN WILD,  
 ABRAHAM RIDGELY,  
 SAMUEL SHARLESS,  
 WILLIAM H. WILMER,  
 JOHN REGISTER,  
 ISRAEL MERRICK,  
 JAMES HARPER.

I subscribe entirely to the foregoing and though not certain of removing myself, have purchased two farms for my sons.  
**WILLIAM WILMER.**  
 December 25, 1804. 1207





EASTON—(MARYLAND) Printed and Published every Tuesday Morning, by THOMAS PERRIN SMITH, printer of the Laws of the U. States.

[VOL. 3....6.]

TUESDAY MORNING, MARCH 19, 1805.

[NO. 29....289.]

THE TERMS OF THE REPUBLICAN STAR ARE TWO DOLLARS AND FIFTY CENTS per annum, payable half yearly, in advance—No paper can be discontinued until the same is paid for.

ADVERTISEMENTS are inserted three weeks for ONE DOLLAR a square; and continued for TWENTY FIVE CENTS per week.

Copy of a letter from Commodore Preble to the Secretary of the navy.

[Accompanying the President's message inserted in the foregoing columns.]

SIR,

I had the honour to write you from Messina, under the date of the 5th of July; I then expected to have sailed the day following, but was detained by bad weather until the 9th, when I left it with two small bomb vessels under convoy, and arrived at Syracuse; where we were necessarily detained four days.—On the 14th I sailed; the schooners Nautilus and Enterprize in company, with six gun boats and two bomb vessels, generously loaned us by his Sicilian majesty. The bomb vessels are about thirty tons, carry a thirteen inch brass mortar, and forty men. Gun boats twenty-five tons; carry a long iron twenty-four pounder in the bow, with a complement of thirty-five men. They are officered and manned from the squadron, excepting twelve Neapolitan bombardiers, gunners and sailors attached to each boat; who were shipped by permission of their government. This step I found necessary, as every vessel in the squadron was considerably short of complement. The gun boats are constructed for the defence of harbours; they are flat bottomed and heavy, and do not sail or row even tolerably well. They were never intended to go to sea, and I find cannot be navigated with safety, unless assisted by row-ropes from larger and better sailing vessels; nor even then in very bad weather. However, as they were the best I could obtain, I have thought it for the good of our service to employ them, particularly as the weather in July and August is generally pleasant, and without them my force was too small to make any impression on Tripoli.

On the 16th of July we arrived at Malta, where we were detained by contrary gales until the 21st, when we left it and arrived in sight of Tripoli the 25th and were joined by the Siren, Argus, Vixen and Scourge. Our squadron now consisted of the Constitution, three brigs, three schooners, two bombs and six gun-boats—our whole number of men 1060. I proceeded to make the necessary arrangements for an attack on Tripoli, a city well walled, protected by batteries judiciously constructed, mounting 115 pieces of heavy cannon, and defended by 25,000 Arabs and Turks, the harbour protected by 19 gun boats, two gallees, two schooners, of eight guns each, and a brig mounting ten guns, ranged in order of battle, forming a strong line of defence at secured moorings, inside a long range of rocks and shoals, extending more than two miles to the eastward of the town, which form the harbour, protects them from the northern gales, and renders it impossible for a vessel of the Constitution's draft of water to approach near enough to destroy them, as they are sheltered by the rocks and can retire under that shelter to the shore, unless they choose to expose themselves in the different channels and openings of the reefs for the purpose of annoying their enemies. Each of their gun boats mounts a heavy 18 or 26 pounder in the bow and two brass howitzers on their quarters, and carry from 30 to 50 men. The gallees have each 100 men; schooners and brigs about the same number.

The weather was not favorable for anchoring until the 28th, when, with the wind E. S. E. the squadron stood in for the coast, and at 3 P. M. anchored per signal, Tripoli bearing south 2 1-2 miles distant. At this moment the wind shifted suddenly from E. S. E. to N. N. W. and from thence to N. N. E. at five o'clock it blew strong with a heavy sea, setting directly on shore. I made the signal to prepare to weigh—At six the wind and sea having considerably increased, the signal was made for the squadron to weigh and gain an offing; the wind continued veering to the eastward, which favored our gaining sea room, without being obliged to carry so great a press of sail, as to lose any of our gun boats, although they were in great danger. The gale continued varying from N. E. to E. S. E. without increasing much, until the 31st, when it blew away our reefed

forefall and close reefed maintop sail; fortunately the sea did not rise in proportion to the strength of the gale or we must have lost all our boats. August the 1st, the gale subsided and we stood towards the coast; every preparation was made for an attack on the town and harbor. August the 3d, pleasant weather, wind east, stood in with the squadron towards Tripoli; at noon we were between two and three miles from the batteries, which were all manned; and observing several of their gun boats and gallees had advanced in two divisions without the rocks, I determined to take advantage of their temerity: at half past 12 o'clock, I wore off shore, and made the signal to come within hail, when I communicated to each of the commanders my intention of attacking the enemy's shipping and batteries. The gun and mortar boats were immediately manned and prepared to call off; the gun boats in two divisions of three each: the first division commanded by captain Somers in No. 1, lieutenant Decatur in No. 2, and lieutenant Blake in No. 3. The second division commanded by captain Decatur, in No. 4, lieutenant Bainbridge in No. 5, and lieutenant Trippe in No. 6. The two bombards were commanded by lieutenant commandant Dent, and Mr. Robinson, first lieutenant of this ship. At half past one o'clock, having made the necessary arrangements for the attack, wore ship and stood towards the batteries; at 2, signal made to call off the boats; at quarter past 2, signal for bombs and gun boats to advance and attack the enemy: at half past 2, general signal for battle; at 3 1/4 past 2 the bombs commenced the action by throwing shells into the town. In an instant the enemy's shipping and batteries opened fire, which was promptly returned by the whole squadron within grape shot distance, at the same time the second division of three gun boats, led by the gallant captain Decatur, was advancing with sails and oars, to board the eastern division of the enemy, consisting of nine boats. Our boats gave the enemy showers of grape and musket balls as they advanced, they however, soon loomed, when the pistol, fabre, pike, and tomahawk, were made good use of by our brave tars. Captain Somers being in a dull failer, made the best use of his sweeps, but was not able to fetch far enough to windward to engage the same division of the enemy's boats, which captain Decatur fell in with; he, however, gallantly bore down with his single boat on five of the enemy's western division, and engaged within pistol shot, defeated and drove them within the rocks in a shattered condition, and with the loss of a great number of men. Lieut. Decatur, in No. 2, was closely engaged with one of the enemy's largest boats, of the eastern division, which struck to him, after having lost a large proportion of men, and at the instant that brave officer was boarding her, to take possession, he was treacherously shot through the head, by the captain of the boat that had surrendered, which base conduct enabled the paltrion (with the assistance he received from our boats) to escape. The third boat of captain Somers' division, kept to windward, firing at the boats and shipping in the harbor; had the gone down to his assistance, it is probable, several of the enemy's boats would have been captured in that quarter. Captain Decatur, in No. 4, after having with distinguished bravery, boarded and carried one of the enemy, of superior force, took his prize in tow and gallantly bore down to engage a second, which, after a severe and bloody conflict, he also took possession of. These two prizes had 33 officers and men killed, and 27 made prisoners; 19 of which were badly wounded. Lieutenant Trippe, of the Vixen, in No. 6, ran along side of one of the enemy's large boats, which he boarded, with only midshipman John Henley and nine men; his boat falling off before any more could get on board; thus was he left compelled to conquer or perish, with the odds, of 30 to 11. The Turks could not withstand the ardor of this brave officer and his assistants; in a few minutes the decks were cleared, and her colours hauled down. On board of this boat 14 of the enemy were killed and 22 made prisoners, seven of which were badly wounded, the rest of the boats retreated within the rocks. Lieutenant Trippe received eleven fabre wounds, some of which very severe; he speaks in the highest terms of Mr. Henley and those who followed him. Lieutenant Bainbridge in No. 5, had his latteen yard shot away early in the action, which prevented his getting along side of the

enemy's boats; but he galled them by a steady and well directed fire within musket shot; indeed he pursued the enemy until his boat grounded under the batteries; he was fortunately soon got off. The bomb vessels kept their stations although covered with the spray of the sea, occasioned by the enemy's shot; they were well conducted by lieutenants Dent and Robinson, who kept up a constant fire from the mortars and threw a great number of shells into the town. Five of the enemy's gun boats and two gallees composing the centre division, and stationed within the rocks as a reserve, joined by the boats that had been driven in and supplied by fresh men from the shore to replace those they had lost, twice attempted to row out to endeavour to surround our gun boats and their prizes, I as often made the signal to cover them, which was promptly attended to by the brigs and schooners, all of which, were gallantly conducted, and annoyed the enemy exceedingly; but the fire from this ship kept their flotilla completely in check. Our grape shot made great havoc among their men, not only on board their shipping, but on shore. We were several times within two cable's length of the rocks, and within three of their batteries; every one of which, in succession, were silenced so long as we could bring our broadside to bear upon them. But the moment we passed a battery it was reanimated and a constant heavy fire kept up, from all that we could not point our guns at. We suffered most when wearing or tacking; it was then I most sensibly felt the want of another frigate. At half past four the wind inclining to the northward, I made the signal for the bombs and gun boats to retire from action, and immediately after, the signal to tow off the gun boats and prizes, which was handsomely executed by the brigs, schooners, and boats of the squadron, covered by a heavy fire from the Constitution. At three quarters past 4 P. M. the light vessel gun boats and prizes being out of reach of the enemy's shot, I hauled off to take the bomb vessels in tow. We were two hours under the fire of the enemy's batteries, and the only damage received in this ship, is a 24 pound shot nearly through the centre of the main-mast, 30 feet from the deck, main royal yard and sail shot away; one of our quarter deck guns damaged by a 32 pound shot, which at the same time shattered a marine's arm. Two lower shrouds and two back stays were shot away, and our sails and running rigging considerably cut; we must impute our getting off thus well, to our keeping so near that they overshot us, and to the annoyance our grape shot gave them; they are however but wretched gunners. Gun boat No. 5, had the main yard shot away; and her rigging and sails of the brigs and schooners were considerably cut. Lieutenant Decatur was the only officer killed, but in him the service has lost a valuable officer: he was a young man who gave strong promise of being an ornament to his profession; his conduct in the action was highly honorable, and he died nobly. The enemy must have suffered very much in killed and wounded both among their shipping and on shore. Three of their gun boats were sunk in the harbor, several of them had their decks nearly cleared of men by our shot, and a number of shells burst in the town and batteries, which must have done great execution. The officers, seamen, and marines of the squadron, behaved in the most gallant manner.—The Neapolitans in emulating the ardor of our seamen answered my highest expectations. I cannot but notice the active exertions and officer like conduct of lieutenant Gordon, and the other lieutenants of the Constitution. Mr. Harriden, the master gave me full satisfaction, as did all the officers and ship's company. I was much gratified by the conduct of Captain Hall, and lieutenant Greenleaf, and the marines belonging to his company in the management of six long 26 pounders on the spare deck, which I placed under his direction. Lieutenant Decatur speaks in the highest terms of the conduct of lieutenant Thain, and midshipman McDonough of No. 4, as does captain Somers, of Midshipmen Ridgely and Miller attached to No. 1. Annexed is a list of killed and wounded, and inclosed a copy of my general orders on this occasion.

Killed—gun boat, No. 2, lieutenant James Decatur.

Wounded—Constitution, one marine. Do.—gun boat No. 4, captain Decatur, flight, one sergeant of marines, and two seamen.

Do.—gun boat, No. 6, lieut. Trippe,

severely, one boatwain's mate, and two marines.

Do.—gun boat No. 1, two seamen. Do.—gun boat No. 2, two seamen.

Total—one killed and thirteen wounded.

August 5th. We were at anchor with the squadron about two leagues north from the city of Tripoli, the Argus in chase of a small vessel to the westward, which the moon came up with, and brot within hail. She proved to be a French privateer of 4 guns, which put into Tripoli a few days since for water, and left it this morning. I prevailed on the captain for a consideration, to return to Tripoli, for the purpose of landing 14 very badly wounded Tripolitans, which I put on board his vessel with a letter to the prime minister, leaving it to the option of the bashaw, to reciprocate this generous mode of conducting the war. The sending of these unfortunate men on shore to be taken care of by their friends, was an act of humanity on our part, which I hope will make a proper impression on the minds of the barbarians—but I doubt it. All hands were busily employed altering the rig of the three prizes, from latten vessels to sloops, and preparing for a second attack. Observed one of the enemy's schooners and the brig two corsairs) in the harbor to be dismasted, was informed by the French captain, that the damage these vessels received in the action of the 3d, had occasioned their masts being taken out.

The 7th the French privateer came out, and brought me a letter from the French consul, in which he observes, that our attack of the 3d instant had disposed the Bashaw to accept of reasonable terms; and invited me to send a boat to the rocks with a flag of truce, which was declined, as the white flag was not hoisted at the Bashaw's castle. At 9 A. M. with a very light breeze from the Eastward, and a strong current, which obliged the Constitution to remain at anchor, I made the signal for the light vessels to weigh, and the gun and bomb boats to call off and stand in shore towards the Western batteries, the prize boats having been completely fitted for service, and the command of them given to lieutenant Crane, of the Vixen, Thorn, of the Enterprize, and Caldwell, of the Syren,—the whole advanced with sails and oars. The orders were for the bombs to take a position in a small bay to the westward of the city, where but few of the enemy's gun boats could be brought to bear upon them, but from whence they could annoy the town with shells. The gun boats, to silence, a battery of seven heavy guns, which guarded the approach to that position, and the brigs and schooners to support them, in case the enemy's flotilla should venture out, at half past 1, P. M. a breeze from N. N. E. I weighed with the Constitution, and stood in for the town, but the wind being on shore made it imprudent to engage the batteries with the ship, as in case of a mast being shot away, the loss of the vessel would probably ensue, unless a change of wind should favor our getting off. At half past 2, P. M. the bomb and gun boats having gained their stations, the signal was made for them to attack the town and batteries. Our bombs immediately commenced throwing shells, and the gun boats opened a sharp and well directed fire on the town and batteries within point blank shot which was warmly returned by the enemy. The seven gun battery in less than two hours was silenced, except one gun—I presume the others were dismounted by our shot, as the walls were almost totally destroyed. At a quarter past 3, P. M. a ship hove in sight to the northward, standing for the town; made the Argus signal to chase.—At half past 3 one of our prize gun boats was blown up by a hot shot from the enemy, which passed through her magazine. She had on board 28 officers, seamen and marines; 10 of whom were killed, and 6 wounded. Among the killed were James R. Caldwell, first lieut. of the Syren, and midshipman John S. Dorley, both excellent officers; midshipman Spence and 11 men were taken up unhurt.—Captain Decatur, whose division this boat belonged to, and who was near her at the time she blew up, reports to me that Mr. Spence was superintending the loading of the gun at that moment, and notwithstanding the boat was sinking, he and the brave fellows surviving, finished charging, gave three cheers as the boat went from under them, and swam to the nearest boats, where they assisted during the remainder of the action. The enemy's gun boats and gallees (15 in number) were all in motion close under the

batteries, and appeared to meditate an attack on our boats; the Constitution, Nautilus and Enterprize were to windward, ready at every hazard to cut them off, from the harbor, if they should venture down; while the Syren and Vixen were near our boats to support and cover any of them that might be disabled.—The enemy thought it most prudent, however, to retire to their snug retreat behind the rocks, after firing a few shots. Our boats, in two divisions, under captains Somers & Decatur, were well conducted, as were our bomb vessels, by lieuts. Dent and Robinson. The town must have suffered much from this attack, and their batteries, particularly the seven gun battery, must have lost many men. At half past 5, P. M. the wind began to freshen from the N. N. E. I made the signal for the gun and bomb boats to retire from action, and for the vessels to which they were attached, to take them in tow. The Argus made signal that the strange sail was a friend. In this day's action No. 4 had a 24 pound shot through her hull; No. 6 had her latten yard shot away; No. 8 a 24 pound shot through her hull, which killed two men. Some of the other boats had their rigging and sails considerably cut. We threw 43 shells, and about 500 24 pound shot into the town and batteries. All the officers and men engaged in the action behaved with the utmost intrepidity. At half past 6 all the boats were in tow, and the squadron standing to the N. W. At 8 the John Adams, captain Chauncey, from the U. States, joined company.—At 9 the squadron anchored, Tripoli bearing S. E. 5 miles distant. Gun boat No. 3 was this day commanded by Mr. Brooks, master of the Argus, and No. 6 by lieut. Wadsworth of the Constitution. Annexed is a return of our loss in this attack.

Killed—Gun boat No. 9, 1 lieutenant, 1 midshipman, 1 boatwain's mate, 1 quarter gunner, 1 sergeant of marines, and 5 seamen. Ditto gun boat No. 8, 2 seamen.

12 total. Wounded—gun boat No. 9, 6 seamen, two of which mortally.

Captain Chauncey brought me the first positive information that any reinforcement was to be expected. By him I was honored with your letters of the 7th, 22d and 31st of May, informing me that four frigates were coming out under commodore Barrow, who is to supersede me in the command of our naval forces in these seas, at the same time, approving my conduct, and conveying to me the thanks of the president for my services; I beg you, sir, to accept my warmest thanks for the very obliging language in which you have made these communications, and to assure the president, that to merit the applause of my country, is my only aim, and to receive it, the highest gratification it can bestow.

Captain Chauncey informed me that the frigates might be expected every moment, as they were to sail from Hampton Roads 4 days after him; in consequence of this information, and as I could not bring the John Adams into action, the having left all her gun carriages for her gun deck, except 8, on board the Congress and Constitution a day or two previous to her sailing, I determined to wait a few days for the arrival of Commodore Barrow before another attack, when, if he should arrive, the fate of Tripoli must be decided in a few hours, and the Bashaw completely humbled. Had the John Adams brought out her gun carriages, I should not have waited a moment, and can have no doubt but the next attack would make the arrival of more ships unnecessary for the termination of the Tripoline war. I gave captain Chauncey orders to remain on the station, that we might be benefited by the assistance of his boats and men, as nearly half the crews of the Constitution, brigs and schooners, are taken out to man the bombs, guns and ship boats when prepared for an attack.

(To be continued.)

BLANKS AND HANDBILLS. The Editor of the Star informs his customers and the public in general that he has on hands a good stock of PRINTING-PAPER; and is now ready to execute their orders, in the best manner, at the shortest notice. Star Office, March 12, 1805.



## Latest Foreign Intelligence.

LONDON, January 14.

The Gazette of Saturday night contains an order in council granting general reprisals and letters of marque against Spain. This being the usual form of declaring war, some of our contemporaries entertained an expectation that it would be accompanied with a specification of all the reasons. The order of council contains one that is as good as ten thousand, it states, that Spain has declared war against us—among the signatures to this order is that of viscount Sidmouth. This is the first public act of his lordship in his new capacity.

### Letters of Marque and Reprisal.

At the court of the queen's palace, the 11th of January, 1805, present the king's most excellent majesty in council.

Whereas his majesty has received information that the king of Spain has issued a declaration of war against his majesty, his subjects and people; his majesty, therefore being determined to take such measures as are necessary for vindicating the honour of his crown and for vigorous prosecution of the war in which he finds himself engaged, is pleased by and with the advice of his privy council to order, and it is hereby ordered, that general reprisals be granted against the ships, goods, and subjects of the king of Spain, so that as well as his majesty's fleets and ships, as also all other ships and vessels that shall be commissioned, by letters of marque or general reprisals, or otherwise, by his majesty's commissioners for executing the office of lord high admiral of Great Britain, shall and may lawfully seize all ships, vessels, and goods belonging to the king of Spain, or his subjects, or others inhabiting within the territories of the king of Spain, and bring the same to judgment in any of the courts of admiralty within his majesty's dominions; and, to that end, his majesty's advocate-general, with the advocate of the admiralty, are forthwith to prepare the draft of commission, and present the same to his majesty at this board, authorizing the commissioners for executing the office of lord high admiral, or any person or persons by them empowered or appointed, to issue forth & grant letters of marque and reprisals to any of his majesty's subjects or others whom the said commissioners shall deem fitly qualified in that behalf for the apprehending, seizing and taking the ships, vessels, and goods belonging to Spain, and the vessels and subjects of the king of Spain, or any inhabitants within his countries, territories, or dominions, and that such powers and clauses be inserted in the said commission, as have been usual, and are according to former precedents, and his majesty's said advocate-general, with the advocate of the admiralty, are also forthwith to prepare the draft of a commission, and present the same to his majesty at this board, authorizing the said commissioners for executing the office of lord high court of admiralty of Great-Britain, and the lieutenant and judge of the said court, his surrogate or surrogates, as also the several courts of admiralty within his majesty's dominions, to take cognizance of, and judicially proceed upon all and all manner of captures, seizures, prizes, and reprisals of all ships and goods that are or shall be taken and to hear or determine the same, and according to the courts of admiralty and the laws of nations, to adjudge and condemn all such ships, vessels, and goods as shall belong to Spain, or the vassals and subjects of the king of Spain, or to any others inhabiting within any of his countries, territories, and dominions; and that such powers and clauses be inserted in the said commission as have been usual, and are according to former precedents; and they are likewise to prepare and lay before his majesty at this board, a draft of such instructions as may be proper to be sent to the court of admiralty in his majesty's foreign governments and plantations for their guidance herein; as also another draft of instructions for such ships as shall be commissioned for the purpose aforementioned.

Eldon C. Hawkebury,  
Montrose, Ellenborough,  
Camden, W. Pitt,  
Melville, W. Grant,  
Sidmouth, Charles Morgan,  
Castlereagh, Evan Nepean,  
Mulgrave,

Whatever was the object of his mission, the French messenger is returned to France in the *Immortalité*.

Without pretending to vouch for the authenticity of the fact it asserts, we insert literally, the following letter received this morning from Dover.

"Dover, Jan. 10, 1805.

Sir—The Frenchman who was taken up and put on board the *Utrecht* in the Downs, was certainly, however you may doubt it, the bearer of dispatches from France; he is certainly sent back without any answer to what he brought. This you may rely upon."

January 15.

Last night we received a number of Paris papers which complete our sets from the 25th ult. to the 6th instant,

and also Dutch Journals to the same date. The former contain an account of the opening of the legislative body on the 27th ult. with a speech of Bonaparte on that occasion. The speech is in that sort of abrupt style which characterizes most of his productions.

### HIS MAJESTY'S SPEECH.

This day his majesty went in the usual state to the house of peers, and opened the session of parliament with the following most gracious speech from the throne:

"My Lords and Gentlemen,

"Since the end of the last session, the preparations of the enemy for the invasion of this kingdom have been continued with incessant activity; but no attempt has been made to carry their repeated menaces into effect.

"The skill and intrepidity of my navy—the respectable and formidable state of my army and militia—the unabated zeal and improved discipline of a numerous volunteer force, and the general ardour manifested by all classes of my subjects, have indeed been sufficient to deter them from so presumptuous and desperate an enterprise. While this spirit continues to animate the country, and its voluntary exertions for its own defence subsist in their full vigour, we need not fear the consequences of the most powerful efforts on the part of the enemy. But let us never forget that our security has arisen from the resolution with which we have met and provided against the danger, and that it cannot be preserved only by steady performance and unremitting activity.

"The conduct of the court of Spain, evidently under the predominant influence and controul of France, compelled me to take prompt and decisive measures to guard against the effects of hostility I have, at the same time, endeavoured, as long as it was possible, to prevent the necessity of a rupture: but in consequence of the refusal of a satisfactory explanation, my minister quitted Madrid; and war has since been declared by Spain against this country.

"I have directed a copy of the manifesto which I have caused to be prepared on this occasion, to be laid before you, together with such papers as are necessary to explain the discussions which have taken place between me and the court of Madrid. You will, I trust, be convinced by them that my forbearance has been carried to the utmost extent which the interests of my dominions would admit; and while I lament the situation of Spain involved in hostilities contrary to its true interests, I rely with confidence on your vigorous support in a contest, which can only be attributed to the unfortunate prevalence of French counsels.

"The general conduct of the French government on the continent of Europe has been marked by the utmost violence and outrage, and has shewn a wanton defiance of the rights of neutral territories, of the acknowledged privileges of accredited ministers, and of the established principles of the law of nations.

"Notwithstanding these transactions, so repugnant to every sentiment of moderation and justice, I have recently received a communication from the French government, containing professions of a pacific disposition.

"I have, in consequence, expressed my earnest desire to embrace the first opportunity of restoring the blessings of peace on such grounds as may be consistent with the permanent safety and interests of my dominions; but I am confident you will agree with me, that those objects are closely connected with the general security of Europe. I have therefore not thought it right to enter into any more particular explanation, without previous communication with those powers on the continent with whom I am engaged in confidential intercourse and connection, with a view to that important object, and especially with the Emperor of Russia, who has given the strongest proofs of the wife and dignified sentiments by which he is animated, and the warm interest he takes in the safety and independence of Europe.

"Gentlemen of the House of Commons,

"I have directed the estimates for the public service to be laid before you. I regret the necessity of any additional burdens being imposed on my people: but I am sure you will be sensible how much their future safety and happiness depends on the vigour of our exertions, and that in the mode of raising the supplies, you will continue to shew your anxiety for the support of the public credit, and for restraining as much as possible, the accumulation of the national debt.

"My Lords and Gentlemen,

"In considering the great efforts and sacrifices which the nature of the contest requires, it is a peculiar satisfaction to me to observe the many proofs of the internal wealth and prosperity of the country. It will, I am sure, be your great object to maintain and improve these advantages, and at the same time to take all such measures, as by enabling me to prosecute the war with vigour, may afford the best prospect of bringing it to a safe and honorable termination."

January 18.—Seldom a day passes without hearing of some rich capture

from the Spaniards. Another Spanish ship, richly laden, from the Havana has been sent into Plymouth, and more are expected; upwards of forty sail from the Havana having been spoken 16 days ago, off the Western Isles. They had not the least idea of war.

The Spanish ship taken by the *Liverly* is arrived at Cove; her name is the *San Miguel* from Honduras, and her cargo consists of indigo, and 78 boxes, containing 200,000 dollars, besides several boxes of wrought gold and silver, valued together at 200,000l. sterling.

Messengers, we believe, have been sent off to Petersburg, Berlin, and Stockholm, with the information of the pacific overture from France, and with copies of his majesty's speech: and the addresses of both houses of parliament. The speeches and the intelligence that both houses had unanimously agreed to address his majesty upon it, were, as we stated yesterday, sent off to Paris immediately after the rising of the two houses on Tuesday evening. In the despatch from M. Talleyrand, it is understood that a copy of Bonaparte's speech upon opening the legislature, was inclosed.

It is not difficult to predict what the answer to our communication to the courts of Petersburg and Berlin will be. They will advise negotiations. But the answer cannot be expected to be received in less than two months. In the mean time it is extremely probable that Bonaparte will either notice our answer to him in the *Moniteur*, or will transmit another despatch to us.

Jan. 19.—Price of Stocks this day at one o'clock: Cons. for money 61 1-2 5-6—Do, for Jan. 61 5-8 3-4—For Feb. 92 1-2 14. Reduced 80 1-2 5-8.

Private letters from Spain state that the people are very much dissatisfied with the conduct of their government, and that the Prince of Peace becomes every day more obnoxious, not only to the multitude, but to the nobility, who consider him the servile agent of Bonaparte in Spain.

One of these communications state that the prince of Asturias, aided by the old Castilian nobles, has determined to oppose the baleful influence of the Prince of Peace in the state; and that the latter, being of course supported by the French interest, had determined to make a grand stand against his Royal Highness.

By accounts received from off Brest, it appears that there are twenty five sail of the line besides frigates, now lying at that harbour, completely fitted and ready for sea.

Yesterday morning died, at an advanced age, the Right Hon. John Moore, Lord Archbishop of Canterbury, Primate of all England.

### Speech of Mr. J. Randolph,

On the opening of the Impeachment against SAMUEL CHASE.

Saturday, Feb. 9.

Mr. Randolph.—Mr. President, it becomes my duty to open this cause on behalf of the prosecution. From this duty, however incompetent I feel myself to its performance, at all times, and more especially at this time, as well from the very short period which has been allowed us to consider the long and elaborate plea of the respondent, as from the severe pressure of disease, it does not become to shrink. The station in which I have been placed calls for the discharge of an important public trust at my hands. It shall be performed to the best of my ability, inadequate as I know that ability to be. When I speak of the short period which has been allowed us I hope not to be understood as expressing, on our part, any dissatisfaction at the course which has been pursued, or any wish to prolong the time which has been allotted for trial. We are sensible of a disposition in this honorable court to grant us every indulgence which we ought to ask, and when their attention is called to the precipitate hurry of our preparation, it is only to offer, on behalf of an individual, perhaps a weak apology for the weak defence which he is about to make of the cause confided to his care. A desire for the furtherance of justice and the avoidance of delay, but, above all, an unshaken conviction that we stand on impregnable ground, induce us on this short notice to declare that we are ready to substantiate our accusation, to prove that the respondent is guilty in such manner as he stands impeached.

It is a painful but indispensable task which we are called upon to perform: to establish the guilt of a great officer of government, of a man, who, if he had made a just use of those faculties which God and Nature bestowed upon him, would have been the ornament and benefactor of his country, would have rendered services as eminent and useful, as he has inflicted upon her outrages and wrongs deep and deadly. A character endowed by nature by some of her best attributes, cultivated by education, placed by his country in a conspicuous station, invested with authority whose righteous exercise would have rendered him a terror to the wicked, whilst it endeared him to the wife and good—such a character, presented to the nation in the

light in which he now stands, and in which his misdeeds have made it our duty to bring him forward, forms one of the saddest spectacles which can be offered to the public eye. Bafe is that heart which could triumph over him.

I will now proceed to state the principal points on which we mean to rely—and which we expect to establish by the clearest evidence. In doing this I shall be necessarily led to notice many of the leading statements of the respondent's answer. We will begin with the first article. (Here Mr. R. read that article.) The answer to the first of these charges is by evasive insinuation and misrepresentation, by an attempt to wrest the accusation from its true bearing, the manner and time of delivering the opinion, and the intent with which it was delivered, to the correctness of the opinion itself, which is not the point in issue.—And here permit me to remark, that if the managers of this impeachment were governed only by their own conviction of the course which they ought, necessarily, to pursue, and not by the high sense of duty which they owe to their eminent employers, they would have felt themselves justified in resting their accusation on the admissions of the respondent himself. It is not for the opinion itself, that the respondent is impeached; it is for a daring inroad upon the criminal jurisprudence of his country—by delivering that opinion at a time and in a manner (in writing) before unknown and unheard of. The criminal is to be inferred from the boldness of the innovation itself, as well as from the overt acts charged in this article.—The admission of the respondent ought to secure his conviction on this charge. He acknowledges that he did deliver an opinion in writing, on the question of law (which it was the right and duty of the jury to determine, as well as the fact) before counsel had been heard in defence of John Fries, the prisoner. I must beg the assistance of one of the gentlemen with whom I associated, to read this part of the answer. (Mr. Clark accordingly read the reply of Mr. Chase to this charge.) We charge the respondent with a gross departure from the forms, and a flagrant outrage upon the substance of criminal justice, in delivering a written, prejudicated opinion on the case of Fries, tending to bias the minds of the jury against him before counsel had been heard in his defence. (The respondent page 12, of the answer) admits the fact, for he knew that we were prepared to prove it. But he artfully endeavors to shift the argument from the real point in contest, to the soundness of the opinion itself, which, however questionable (and of its incorrectness I entertain no doubt) it is not our object, at this time, to examine.—For the truth of this opinion, and, as it would seem, for the propriety of this proceeding, the respondent takes shelter under a precedent. He tells you, sir, this doctrine had been repeatedly decided, on solemn argument and deliberation, twice in the same court, and once in that very case. What is this but a confession, that he himself hath been the first man to venture on so daring an innovation on the forms of our criminal jurisprudence. To justify himself for having given a written opinion before counsel had been heard for the prisoner, he refers to the example set by his predecessors, who had delivered the customary verbal opinion, after solemn argument and deliberation. And what do these repeated arguments and solemn deliberations prove, but that none of his predecessors ever arrogated to themselves the monstrous privilege of breaking in upon those sacred institutions, which guard the life and liberty of the citizen from the rude inroads of powerful injustice. The learned and eminent judges to whose example he appeals for justification, decided after, and not before a hearing. They exercised the acknowledged privilege of the bench in giving an opinion to the jury on the question of law, after it had been fully argued, by counsel, on both sides.—They never attempted by previous and written decisions, to wrest from the jury their undeniable right, of deciding upon the law as well as the fact, necessarily involved in a general verdict, to usurp this decision to themselves, or to prejudice the minds of the jurors against the defence. I beg the honorable court never to lose sight of the circumstance, that this was a criminal truth, for a capital offence, and that the offence charged was treason. The respondent also admits, that the counsel for Fries, not meaning to contest the truth of the facts, charged in the indictment, rested their defence altogether upon the law, which he declared to have been settled in the cases of Vigol and Mitchell: a decision which although it might be binding on the court, the jury were not obliged to respect, and which the counsel had a right to controvert before them, the sole judges, in a case of that nature, both of the law and the fact. I do not deny the right of the court to explain the sense of the law, to the jury, after counsel have been heard; but I do deny that the jury are bound by such exposition. If they verily believed that the overt acts charged in the indictment, did not amount to treason, they would not wish-

out a surrender of their consciences into the hands of the court, without a flagrant violation of all that is dear and sacred to man, bring in a verdict of guilty. I repeat that in such a case the jury are not only the sole judges of the law, but that where their verdict is favorable to the prisoner, they are the judges without appeal. In civil cases indeed the verdict may be set aside and a new trial granted—but in a criminal prosecution, the verdict (if not guilty) is final and conclusive. It is only when the finding of the jury is unfavorable to the prisoner, that the humane provisions of our law, always jealous of oppression when the life, or liberty, of the citizens is at stake, permits the verdict to be set aside, and a new trial granted to the unhappy culprit. When I concede the right of the court to explain the law to the jury in a criminal, and especially in a capital case, I am penetrated with the conviction that it ought to be done, if at all, with great caution and delicacy. I must beg leave to state before this honorable court, what appears to my unfettered judgment, to be a strong and obvious distinction. There is in my mind, a material difference between a naked definition of law, the application of which is left to the jury, and the application, by the court, of such definition to the particular case, upon which the jury are called to find a general verdict. Surely, there is a wide and evident distinction between an abstract opinion upon a point of law, and an opinion applied to the facts admitted by the party accused, or proven against him. But it is alleged, on behalf of this respondent, that the law in this case was settled, and upon this he rests his defence. Will it be pretended by any man that the law of treason is better established than the law of murder? What is treason as defined by the constitution? Levying war against the United States, or adhering to their enemies, giving them aid and comfort. What is murder? Killing with malice aforethought, a definition at least as simple and plain as the other. And because what constitutes murder has been established and settled through a long succession of ages and adjudications, has any judge for that reason, been ever daring enough to assert that counsel should be precluded from endeavoring to convince the jury that the overt act charged in the indictment, did not amount to murder? Is a court authorized to say, that because killing with deliberate malice is murder, therefore the act of killing, admitted by the prisoner's counsel, or established, by evidence, was killing with malice prepense, and did constitute murder. I venture to say, that an instance cannot be adduced, familiar as the definition of murder is even to the most ignorant, numerous as have been the convictions for that atrocious crime, where counsel have been deprived of their unquestionable right to address the jury on the law, as well as on the fact. Much less can an instance be produced, in any trial for a capital offence, where they have found themselves anticipated in the question of law by a written opinion, to be taken by the jury out of court, as the land mark by which their verdict was to be directed. I have always understood, that, even in a civil case, when the jury carried out with them a written paper, relating to the matter in issue, and which was not offered, or permitted to be given in evidence to them, it was sufficient to vitiate their verdict, and good ground for a new trial. This written opinion of the court, delivered previous to a hearing of the cause, is a novelty to our laws and usages. It would be reprehensible in any case; but in a criminal prosecution for a capital offence and that offence treason, (where, above all, oppression and arbitrary proceedings on the part of courts are most to be dreaded and guarded against) it cannot be too strongly reprobated, or too severely punished.

(To be continued.)

### PHILADELPHIA, March 7.

Extract of a letter from a gentleman in Kentucky, to his friend in this city, dated February 15.

"The oldest inhabitants in this country, do not recollect a winter so severe as the present.

"The Ohio broke up about the 10th ultimo, and the damage sustained is incalculable. It was my misfortune to be an eye-witness to nearly all of it; in the course of one day I saw no less than eight flatbottomed and four keel boats, some of which were loaded, ten ferry-boats, between sixty and eighty canoes, and a house descending the river among the ice.

"To fee trunks, bales, boxes, &c. with people frozen to death, floating down, was sufficient to melt the stoutest heart.

"Three families from Virginia and Maryland, moving to this country, thirty-one souls in one boat, had it stove, and every soul perished. Two boats more were stove about two miles above where I was; boats, cargoes, and crews all lost. I lost my boat, in every other respect sustained very little damage."



STAR  
O R  
E'n. Shore General Advertiser  
EASTON, Tuesday Morning  
March 19, 1805.

APPOINTMENTS.

APPROVED BY THE SENATE.  
Robert Smith, Attorney-General of the United States, in the room of Levi Lincoln, resigned.

Jacob Crowinshield, Secretary of the Navy, in the room of Robert Smith, appointed Attorney-General.

General Hull, Governor of the territory of Michigan.

We understand these appointments received the unanimous sanction of the Senate.

The resolution of Thomas Jefferson to the Presidency has been celebrated with much distinction at New York, Philadelphia, Richmond and Petersburg, also to the eastward.

The President of the United States, left the city of Washington on Thursday the 14th instant, on a visit to Monticello.

On Friday the first instant, after the decision of the high court of impeachment in the case of Judge Chase, had been made, Mr. J. Randolph, in the house of representatives, introduced the following motion:

[Wash. Med.]

"Resolved, by the Senate and House of Representatives of the United States of America, in Congress assembled, two thirds of both houses concurring, That the following article be submitted to the legislatures of the several states, which when ratified and confirmed by the legislatures of three fourths of the said states, shall be valid and binding as a part of the constitution of the United States:

"The judges of the supreme and all other courts of the United States shall be removed by the president on the joint address of both houses of congress requesting the same, any thing in the constitution of the United States to the contrary notwithstanding."

Upon motion that it be referred to the consideration of a committee of the whole house, it was agreed to—yeas 68—nays 43—and afterwards it was made the order of the day for the first Monday in December next.

And on the same day, Mr. Nicholson made the following motion, which was referred to a committee of the whole house—yeas 53—nays 46—and made the order of the day for the first Monday in December next.

"Resolved, That the following article, when adopted by two thirds of both houses of congress and by the legislatures of three fourths of the respective states, shall become a part of the constitution of the United States, viz.

"That the legislature of any state may, whenever the said legislature shall think proper, recall at any period whatever, any senator of the United States, who may have been elected by them, and whenever a vote of the legislature of any state vacating the seat of any senator of the United States, who may have been elected by the said state, shall be made known to the senate of the United States, the seat of such senator shall thenceforth be vacated."

Senate of the United States.

After Mr. Burr had retired, Mr. White submitted the following resolution, which was passed unanimously:—

"Resolved unanimously, That the thanks of the Senate be presented to Aaron Burr, in testimony of the impartiality, dignity and ability with which he has presided over their deliberations, and of their entire approbation of his conduct in discharge of the arduous and important duties assigned to him as President of the Senate.

Ordered, That Mr. Smith of Maryland, and Mr. White, be a committee to communicate to him this resolution."

In Senate of the United States,

March 3d, 1805.

Answer of Mr. Burr.

"Gentlemen,  
"Next to the satisfaction derived from the consciousness of having discharged my duty, is that which arises from the favorable opinion of those who have been the constant witnesses of my official conduct; and the value of this flattering mark of their esteem is greatly enhanced by the promptitude and unanimity with which it is offered.

"I pray you to accept my respectful acknowledgments and the assurance of my inviolable attachment to the interests and dignity of the Senate.

A. BURR.

To the Senate of the United States,

March 3d, 1805.

EXPORTS OF THE U. STATES.

According to the statements we have

published it appears that the total exports of the last year exceed those of the preceding year in the sum of 21,899,041 dollars.

The following will shew the relation of the exports of the one year to those of the other.

The total exports,  
In the year ending Sept.  
30th, 1803—were 55,800,033  
In the year ending Sept.  
30th, 1804, 77,699,074

Increase the last year 21,899,041  
Domestic produce exported  
In the year ending Sept.  
30th, 1803, 42,205,961  
In the year ending Sept.  
30th, 1804, 41,467,477

Decrease the last year 738,484  
Foreign produce exported  
In the year ending Sept.  
30th, 1803, 13,594,072  
In the year ending Sept.  
30th, 1804, 36,231,597

Increase the last year 22,637,525

It will be observed that the decrease in the exportation of domestic produce is about a thirtieth part of the increase of the exportation of foreign produce—On an estimate being made of the gain derived from the latter, compared with the diminution of the former, it will be found that there is a considerable positive gain. The profit on the exportation of foreign merchandise may be computed at fifteen per cent, which will give a profit of about

dolls. 3,395,000  
From which take the decrease of domestic productions, 738,000

And there remains 2,657,000  
Which may be considered as the relative advance of our exports for the last year.

It would be doing injustice to our own ideas, as well as to the enlightened character at the head of our finances, to omit a particular notice of the interesting statements, marked A. and B. which accompany the secretary's report. They present views, which we believe are entirely new, at once of the power of arrangement, and of the great pillars, on which the prosperity of our country rests.—They exhibit, in a small compass, what may be called the spirit of our exports; from which it appears that three-fourths of the whole are the products of agriculture.

During the last year, according to the numerous classification of the secretary, there was produced from the

Dollars.  
Sea 3,420,000  
Forestry 4,630,000  
Agriculture 30,890,000  
Manufactures 2,100,000  
Uncertain 430,000  
Nat. Intel.

The following is a copy of a letter from captain Stephen Decatur to the secretary of the navy, dated United States ship Congress, Syracuse, 15th November 1804.

SIR,  
I have had the honor of receiving by the John Adams, your most flattering letter of the 22d of May, enclosing a captain's commission from the president. I find my services have been far over-rated, and I feel myself entirely at a loss for words sufficient to express my gratitude to the president and to yourself on the present occasion.

As you have directed, I have given the thanks of the president to the officers and men employed on this service, each of whom feels sensibly the honor conferred on them, and I return their thanks to the president with assurances of their highest regard; I also beg leave to request you to convey to the president my thanks for the very distinguished honor he has conferred on me, assurances that I shall look forward with impatience for an opportunity to do away part of the obligation I owe my country.

I have the honor to be with respect,  
Sir, your obedient servant.

STEPHEN DECATUR, Jun.

LIST OF ACTS

Passed at the Second Session of the Eighth Congress—March 3, 1805.

1. An act making a farther appropriation for carrying into effect the treaty of amity, commerce and navigation between his Britannic majesty and the United States of America.

2. An act making an appropriation to supply a deficiency in an appropriation for the support of government during the present year, and making a partial appropriation for the same object, during the year one thousand eight hundred and five.

3. An act concerning drawbacks on goods, wares and merchandize.

4. An act for the disposal of certain copies of the laws of the United States.

5. An act declaring Cambridge, in the state of Massachusetts, to be a port of delivery.

6. An act to divide the Indiana territory into two separate governments.

7. An act authorizing the corporation of George-town to make a dam or cause-

way from Mason's island to the western shore of the river Potomac.

8. An act for the relief of Charlotte Hazen, widow and relict of the late brigadier general Moses Hazen.

9. An act making appropriations for the support of the navy of the United States, during the year one thousand eight hundred and five.

10. An act making an appropriation for completing the fourth wing of the capitol, at the city of Washington; and for other purposes.

11. An act for carrying into more complete effect the tenth article of the treaty of friendship, limits and navigation with Spain.

12. An act to provide for completing the valuation of lands and dwelling houses, and the enumeration of slaves in South Carolina; and for other purposes.

13. An act supplementary to an act, intitled "An act to regulate the collection of duties on import and tonnage."

14. An act for the relief of John Steele.

15. An act for the relief of Alexander Murray.

16. An act authorizing the post-master general to make a new contract for carrying the mail from Fayetteville, in South Carolina, to Charleston, in North Carolina.

17. An act concerning the mode of surveying the public lands of the U. States.

18. An act making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and five.

19. An act making appropriations for the support of government, for the year one thousand eight hundred and five.

20. An act to continue in force "An act declaring the consent of congress, to an act of the state of Maryland, passed the twenty-eighth day of December, one thousand seven hundred and ninety-three, for the appointment of a health-officer."

21. An act to amend the act, entitled "An act further to amend the act, entitled "An act to lay and collect a tax within the United States."

22. An act to appropriate a sum of money for the purpose of building gunboats.

23. An act to authorize the erection of a bridge across a mill pond and marsh in the navy yard belonging to the United States, in the town of Brooklyn, in the state of New-York.

24. An act further to amend an act, intitled "An act regulating the grants of land; and providing for the disposal of the land of the United States, south of the state of Tennessee."

25. An act for ascertaining and adjusting the titles and claims to land within the territory of Orleans, and the district of Louisiana.

26. An act to amend the act, entitled "An act for the government and regulation of seamen in the merchants' service."

27. An act for the relief of the widow and orphan children of Robert Elliott.

28. An act authorizing the discharge of John York from his imprisonment.

29. An act to authorize the secretary of war to issue military land warrants; and for other purpose.

30. An act to amend the charter of Georgetown.

31. An act further providing for the government of the territory of Orleans.

32. An act to amend an act, entitled, "An act for imposing more specific duties on the importation of certain articles; and also, for levying and collecting light money of foreign ships or vessels."

33. An act to provide for the accommodation of the president of the U. States.

34. An act to establish the district of Genessee, of Buffalo creek, and of Miami; and to alter the port of entry of the district of Erie.

35. An act to regulate the clearance of armed merchant vessels.

36. An act further to alter and establish certain post-roads; and for other purposes.

37. An act for the relief of Richard Taylor.

38. An act supplementary to the act, intitled "An act making provision for the disposal of the public lands in the Indiana territory; and for other purposes."

39. An act making provision for the accommodation of the president of the United States.

40. An act making provision for the widow and orphan children of Thomas Flinn.

41. An act for the relief of George Scoone and Alexander Cameron.

42. An act making appropriations for carrying into effect certain Indian treaties, and for other purposes of Indian trade and intercourse.

43. An act "to provide for a light-house on Watch-hill point, in the state of Rhode Island."

44. An act to revive and make permanent the act to prescribe the mode of taking evidence on cases of contested elections for members of the House of Representatives of the United States, and

to compel the attendance of witnesses, passed the third day of January one thousand seven hundred and ninety-eight, and in addition to the same.

45. An act "for the more effectual preservation of peace in the ports and harbors of the United States, and in the waters under their jurisdiction."

46. An act "to extend jurisdiction in certain cases to the territorial courts."

47. An act "for the relief of Robert Patton and others."

Joint Resolution, expressive of the thanks of Congress to Commodore Edward Preble, the officers, seamen, and marines of his squadron.

FOR THE STAR.

MR. SMITH,

In my publication in your paper, relative to the dispute between Mr. Jervis Spencer and myself, I was as indulgent towards Mr. John Wallace, as circumstances would permit; but in your paper of the 12th current, I have seen a quibbling production of Mr. Cornelius Comings, jun. which makes it necessary for me to be more explicit.

I will not attempt with Mr. Comings, a scrutiny into the etymology of the word "correct;" but must observe, that by his language he has yielded in the following words every thing essential for my purpose; his words are "when Mr. Stuart called upon me and showed me Mr. Rafin's certificate, I observed to him, generally, that the statement it contained agreed with my recollection on the subject." What do these words mean but an acknowledgment that the certificate of Mr. Rafin was "correct"? Or that it was true, which is the same thing.

Mr. Comings's desire, to appear in a news-paper; or some other motive more unworthy, has prompted him to write about nothing. However as the latter part of his learned disquisition, contains an implied admission of the truth of Wallace's certificate; I have only to say that he is a prevaricating fool, and the said John Wallace a mean contemptible liar. ALEX: STUART, jun. Dever, Del. March 14, 1805.

For sale or exchange.

THE subscriber offers to sell or exchange for other land a small tract of land in the state of Kentucky, consisting of 300 acres, about 115 of which are cleared and in grass or cultivation, and the rest in wood.

This land is situated in Scott county, about 3 miles from Georgetown (the county town) twelve miles from Lexington, the largest most populous and flourishing town in the state, and about 20 miles from Frankfort, at present the seat of government. The situation is in a populous, handsome and healthy part of the country, within one and a half miles of the Main Branch of the Elk-Horn River, a distinguished stream in that country, some of whose waters run through and are contiguous to the above land. About the same distance from it are two or three grist mills, one of which is a capital merchant mill, and an excellent saw mill. At the distance of two or three miles further, there are a paper mill, fulling mill, hemp mill and two or three other grist mills. The land is all of the first quality in the state, or what is generally called there the first rate land. The surface is beautifully wavy, equally remote from what might be called a level or hilly one. Every acre of this land would produce excellent timothy and red clover without the aid of manure, as several years experience have evinced.—There are at present about fifteen or twenty acres of it set in these grasses. The soil is rich and deep and excellently adapted to the produce of wheat, Indian corn, hemp and tobacco, and indeed of any species of crop, usually cultivated in this climate.—Twenty five bushels of wheat and fifty bushels of Indian corn per acre, under good tillage, have been known to be an average crop for many succeeding years.

There are on this farm a young, thriving, but bearing apple orchard containing about 300 choice fruit trees, also a bearing peach orchard of the same number of trees, good fruit.

On this land are also a great number of choice sugar trees conveniently situated to form into camps for making sugar, of which article, with a moderate share of labour, 500 weight have been made in one season.

It is well furnished with timber consisting principally of large ash, locust, and walnut. And an abundance of hickory and other wood for firing.

The terms on which the subscriber wishes to dispose of the above land, are, either in money, one half to be paid at the time of sale and the residue in two equal annual payments, giving bond therefor with approved security; or by exchange for other land lying on or near the salt water, either in this county, on Kent Island, or in Queen Ann's or Kent counties.—Any person purchasing might have an opportunity of sowing a crop of winter grain the ensuing season, and possession given him at the end of the year. Further particulars may be known by applying early to the subscriber, who designs to set off on a visit to this land, in Kentucky, in about four weeks from the present time.

SAM. Y. KEENE.

Talbot county, March 19, 1805. if

To be sold.

BY public vendue on Friday the nineteenth of April, in Georgetown, Kent county, the houses and lots belonging to the subscriber.—A good title will be given, and the terms made known on the day of sale, by R. ELLIOTT. March 19, 1805.

NOTICE TO SPORTSMEN.  
VINGT-UN.

WAS got by the imported horse Diomed, out of the dam of Maria, Maria's dam was got by Clockfast, (brother to Jimerack) out of Mr. John Burwell's noted mare Maria, who was got by Dunmore's Regulus.

Vingt-un will cover the ensuing season, at the stable of the subscriber, at 25 dollars the season, and fifty cents to the groom. Good pasturage will be provided for mares at fifty cents per week by the subscriber; but he will not be answerable for accidents. The money to be paid on the first of September next.

Vingt-un is a dark bay, fifteen hands high, remarkably well formed, and in every point deserving the attention of sportsmen. He inherits from Clockfast the honesty and invincible bottom of the Medley's, and from Diomed he combines the blood of the speediest strain of horses ever imported into Virginia. The only winners in Virginia last season (with a few exceptions) were his half brothers, and one of them has shewn himself so much superior in speed to every thing that has lately appeared on the turf, that his owner values him at 2000 dollars. Vingt-un's performances at three years old was equal to the performance of any other colt in America; he won the Washington Cup, bearing five colts, most of them horses of reputation, running the four miles in eight minutes, five seconds. He was unfortunately broke down in his next training, and in consequence of which he is now suffered to cover. The subscriber thinks it unnecessary to give a further description of him, as his blood and size are sufficient recommendations.

EDWARD LLOYD.

Wye House, Talbot county, }  
March 19, 1805. }

The beautiful, high bred horse

Cock-Fighters.

WILL cover mares the ensuing season on Tuesdays, Wednesdays and Thursdays in Easton, and the remainder of the week at the subscribers stable, at ten dollars the season, and fifty cents to the groom. The money to be paid on the first of September next. As Cock-fighters pedigree was published at length last spring, it is unnecessary to repeat it here; as some of his colts will be shewn with him at Easton, the subscriber thinks it unnecessary to say any thing in his praise, as they will be found equal to any in the state.

EDWARD LLOYD.

Wye House, Talbot county, }  
March 19, 1805. }

CANADIAN.

WILL stand the ensuing season at the farm of Mr. Richard Tilghman 5th, where the subscriber now resides, at the moderate price of five dollars for each mare, and a quarter of a dollar to the groom; to be paid on the last day of August: if not then paid, the price will be six dollars for each mare, and an half of a dollar to the groom. Canadian is a genuine country horse, was bred in Chester county, Pennsylvania, and is eight years old—He is an elegant dappled grey, tall fifteen hands high, remarkably compact, and well turned in all his points, fine tempered, and is a certain foal getter. He is from a Chickasaw horse out of a Canadian mare; by those who have seen him he is allowed to be far superior to any country horse that has stood in this county for many years.

THOMAS LESAGE.

Queen Ann's county, }

March 19, 1805. }

N. B. The season to commence the first of April, and to end the eleventh of August.

Easton & Baltimore Packet.

THE subscriber respectfully returns his thanks to his friends, and the public, for the very friendly patronage he has received since he commenced running a Packet between Easton and Baltimore; and takes this method of informing them, that his Packet is now in complete order for the reception of freights and passengers, and will continue running regularly on Saturdays and Wednesdays—leaving Easton every Saturday afternoon at 3 o'clock, and Baltimore on Wednesdays at 9 o'clock in the morning.

Every attention will be paid to the orders confided to him, as he intends going regularly in the Packet himself.

Letter bag left at Mr. Melay's store in Easton.

CLEMENT VICKARS.

Easton, March 19, 1805.

This is to give notice.

THAT the subscribers of Worcester county, have obtained from the orphans court of Worcester county in Maryland, letters of administration on the personal estate of Hezekiah Wright, late of Worcester county deceased—all persons having claims against the said deceased are hereby warned to exhibit the same with the vouchers thereot to the subscribers, at or before the 15th day of October next, they may otherwise by law be excluded from all benefit of the said estate.

Given under our hands this 19th day of March, Anno Domini, 1805.

WM. RILEY, Admr.

3 ELIZ. WRIGHT, Admr.

Notice.

THE commissioners of the tax for Talbot county, will meet at the courthouse in Easton on Tuesday the 23d day of April next, for the purpose of receiving the clerk of the county and register of the land office, lists agreeable to law.

By order,

JOHN HARWOOD.

Clk to the commissioners.  
Easton, March 19, 1805.



## TO SETTLERS. FOR SALE.

A Body of unimproved land of the first quality, situated in Lycoming county, Loyalsock township, and on the waters of Loyalsock creek in the State of Pennsylvania. The tract contains 15,000 acres, and is equal, if not superior to any body of Birch and Maple lands in Lycoming county, or in the State of Pennsylvania. Large quantities of white walnut, hickory, and chestnut timber, are found on these lands. There are also two or three salt springs, and a number of excellent mill seats on the tract, and iron ore has recently been found on it, or in its immediate neighbourhood. It lies within about 18 miles of the county town of Lycoming, and about 26 miles from Mr. Benjamin W. Morris's improvements. Other flourishing settlements have been made within 8 miles of this tract. To persons desirous of removing and forming an extensive settlement in Pennsylvania, these lands are an object of the first attention, as also to those who are anxious to possess a fine body of land in a country rapidly progressing in improvement.

The title to these lands is indisputable. For terms apply to Dr. EDWARD EARLE, Bailor; or to  
**RICHARD PETERS, Jun.**  
No. 130 Walnut Street, Philadelphia.  
Nov. 20, 1804.

## FOR SALE.

### A very valuable FARM,

ON the tide water of the River Susquehanna, opposite to Havre-de-Grace, and upon the post road leading from Philadelphia to Baltimore. It consists of about 600 acres of very valuable land, with a full proportion of woodland, and may very conveniently be divided into two farms of about 300 acres each. The soil is generally of an excellent quality for either grain or grass, and the situation very desirable. A liberal credit will be given for a considerable part of the purchase money. Any person disposed to purchase, may know the terms and further particulars by applying to **Henry Holaday, esq.** near Easton, Maryland, or the subscriber near the premises.  
**GEORGE GALE.**  
Nov. 27, 1804.

## To be Rented,

For the present year, and Possession given immediately.

THAT well known stand for a Country Store, at the Head of Wye River, where Doctor Wilson, and his Brother before him, kept so long a very profitable Retail Store; and where an enterprising, industrious man, might do much business, with a vessel and grain, it being the route of most of the grain in that neighbourhood, passing to market. For terms apply to the subscriber, or **John Nubb, esq.** who lives on the premises.  
**JACOB GIBSON.**  
January 29, 1805.

## Notice.

TO FACILITATE to Claimants under the 7th article of the treaty with Great Britain, the receipt of the third instalment due on the 15th July next, in instances in which they have not constituted the public agent in London, their special attorney, it has been thought proper to draw to the United States all such monies of the above description as may not be drawn from him by the individuals themselves prior to the first of September next. The agent is accordingly intrusted to cease paying them after that date; but after the 1st of November next, they will be again payable at the City of Washington, to those who have right, or to their attorneys duly authorized.

DEPARTMENT OF STATE,  
February 4, 1805.

NOTE. The Printers of the Laws of the United States are requested to insert the above four times in their Gazettes.  
February 6, 1805.

## This is to give Notice,

THAT the subscriber of Talbot county, hath obtained from the orphans court of said county in Maryland, letters testamentary on the estate of John Sheppard, late of Talbot county aforesaid 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 sixteenth day of September next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand, this 5th day of March, 1805.

**CHARLES EMORY, Executor,**  
of John Sheppard.

ALL persons having claims against the estate of Major Thomas Mason, late of Caroline county deceased, are desired to bring them in to the subscriber properly authenticated for settlement, on or before the first day of May next; and all those indebted to said estate, are desired to make immediate payment.

**TH: MASON, Administrator.**  
Caroline county,  
March 5th, 1805.

**Jeffc Holingsworth & Son**  
HAVE FOR SALE,

FOURTH PROOF COGNAC BRANDY, in pipes; Swedish and country skin Bar-iron and Red-iron; Millington Crowley, German and Country Steel; Castings; Nova-Scotia Plaster; ground and lump; Clover Seed; Cologne Mill Stone of all sizes and dimensions; Pork, by the barrel; Tar; Salt, of every kind; Sugar, by the hoghead and barrel, &c. &c.  
County Wharf, Baltimore.  
February 26, 1805.

## A LIST

OF the tracts and lots of land in Allegany county, held by persons not residents of said county, the amount of the taxes thereon respectively due for the years 1803 and 1804, with the names of the persons respectively chargeable with the payment of the same. The taxes thereon being now due and unpaid, and no personal property can be found in Allegany county, liable for, or chargeable with the payment of the same.

Persons names and names of tracts and numbers of lots.

Tax due 1803.

Tax due 1804.

Wm. Amos, 1071, 140,  
Zachariah Allen, 75, 471,  
John Sth Brooks, 12,  
Wm. Bennyman, 1877,  
Michael Boyer, 297, 436,  
Aquila Brown, 489,  
Valentine Brother, 913,  
Benjam Black, 15,  
John Boyd, 313,  
Bailey E. Clark, 360, 3601, 3602, 3349,  
Elias Critchley, 1291,  
Peter Cafenaves, heirs, 1773, 52,  
1918, 1304, 1944,  
1616, 2019, 1942,  
966, 894, 1780,  
441, 1842, 1048,  
1000, 1972, 2018,  
1160, 342, 1330,  
27, 124, 1700,  
Saml Davis, 3163,  
John Dyle, 3049,  
3038, 3166,  
Thos. Donaldson, 1134, 4157, 4156,  
123, 859, 3098,  
84, 130, 2088,  
3632, 1165, 1325,  
1125, 1168, 469,  
1912, 250, 1131,  
419, 443, 30, 2500,  
25, 1900, 440, 444,  
442, 189, 447,  
311, 448,  
George Frofs, 3313, 1423,  
Philip Kord, 404,  
William Ferguson, 255,  
Richard Fleming, 1963,  
Solomon Geer, 3126, 1720, 2022,  
Archibald Golder, 1124,  
James Greenleaf, part of Spruce Springs,  
Robert Gover, 3129, 2425, 1325,  
1425, 4055, 1317,  
2548, 1009, 248,  
833, 96, 360,  
1334, 1704,  
August, Gambil, 1930,  
Henry Huntsman, 3 lots number unknown,  
Eliza Hall, 197,  
135,  
John Hamm, 1386,  
T. B. Hugo, 1784,  
Thomas Hewitt, 909,  
James G. Howard, 273,  
Adam Hope, 2532,  
2583, 2506, 2587,  
James Johnson, Bear Creek Meadows,  
Eliza Jarrett, 135,  
21, 4, 36, 1935,  
56, 131, 932, 2536,  
241, 1167,  
Bennett Jarrett, 3158, 921, 923,  
Samuel Jay, 216,  
492, 167, 170,  
810, 290, 1010,  
1834, 1121,  
Lloyd & Paea, Small Meadows,  
Hunting Ground, Buck Bones, Rich Glydes, George H. Meyers, 2 lots, 188, and —  
Peter Mantz, 2709,  
2710, 2719, 2720,  
James R. Morris, 11, 1147,  
Gilbert Murdock, 885, 931,  
James Miller, 416,  
1350, 359, 929,  
257, 487,  
Greenberry Neale, 1558,  
Samuel Norwood, Norwood's Farm, 1603, 406,  
4097, 1734, 3046,  
John Pollard, 105,  
1413, 2029, 1244,  
850,  
Pearfall & Rodgers, Bull Pasture,  
George Roffe, 334,  
John Ritchie, Constitution Vale,  
Addition to Hunting Ground, Rich Clide, Potroee Garden, Elk Lick, 151, 192, 1493,  
1314,  
J. Randal, 2383, 2384, 2385,  
2386,  
Thomas B. Randal, 950, 945, 835,

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1 4 1/2

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2 8 1/2

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3 7 1/2

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1 4 1/2

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9 7 1/2

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6 11

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6 2 1/2

1 4 1/2

2 9

1 4 1/2

1 4 1/2

4 1 1/2

8 1/2

3 6

2 9

8 1/2

2 5 1/2

2 9

1950, 1130, 130,  
John Reis, 4158,  
John Schley, 1237,  
James Shaw, 3065,  
Robert C. Stanley, 842, 858, 939,  
1172, 1373,  
Philip Sweater, 3036,  
John H. S. one, 1382, 173, 20,  
1545, 70, 337,  
286, 455, 4211,  
931, 1482, 446,  
378, 1915, 1923,  
2539, 164, 465,  
2038, 1132, 1801,  
951, 1830, 342,  
1703, 858, Addition to hotel,  
Gustavus Scott's heirs, Roby's Delight, Orm's Attention, Chesnut Grove, Now or Never, Harc Struggle, 2487,  
Benj. Stodiert, New Carthage 96 acres, Mount Pleasant 7.8 acres, Addition 322, Calcutta, 200,  
John Thompson, 1326, 1136, 1325,  
Thomas and Samuel Turner, 2615,  
2616, 2617, 2618,  
Abraham Van Bibber, Diadem, part of Good and Bad, Ormes' Delight, Ormes' Choice, the General's Wife, Friendship, Elk Garden, Ormes' Discovery, 1335,  
1388, 3449, 50, 1,  
2, 3, 4, 5, 6, and 8,  
John Wilson, 4045,  
Edward Wright, 217, 3037, 1280,  
2540, 1190, 118,  
4064,  
P. L. Webster, 289,  
1433, 375, 1466,  
James West, Jun., 2081, 1005,  
Wm. Woods, 2732,  
2713, 2735, 2723,  
Charles Wayman, 85,  
John Warfield, 266,  
George Emory, Colemine,  
Hannan Stidger, part Good and Bad Wm. Stidger, part Allegany,  
Wm. and J. Scott, Wm. and Joseph's Amendment,  
Richard Johns, House and Lot, Cretap Town,  
Ben. Black, Par- ket's Negl. & Margaret Chev. 8,  
110, 111, 141, 171,  
72, 174, 180, 167,  
168, in Cumberland and Town,  
Blackburn and Brent, 8 unimproved lots, Cumberland land,  
Stephen Deakons, No. 2, Cumberland town,  
Elijah Evans, 43 do,  
Wm. King, 67, 168 ditto,  
James M. Lingan, 29, ditto,  
John McPherson, 1 in Cumberland,  
Thomas Price, 1 lot, No. 7, do,  
Anthony Reintzell, No. 99, do,  
Francis Thomas, No. 33, do,  
Owner unknown, lot 3470, 3471, 3472, in upper Old Town Hundred,  
Abraham Arthur, 1 House and Lot, No. 10, in Addition to Cumberland land,  
Gibbsville, lots No 14 and 15, in Blocker's Addition to Cumberland,  
Jacob Ruffa, 1 lot, Cumberland,  
Rob. Selby's heirs, lot no. 11, in Brod-hog's Addition to Cumberland,  
Joseph Tomlinson, 1 lot, Cumberland,  
Contention, Amendment,  
Peter Willer, No. 5, 1/2 acre lot Cumberland,  
John Watts, lot No. 13, lot do,  
Thos. Beatty, Republican, Reason Miller's Delight, Fort Lip and Refurvey, Flowery Meads,  
Charles Beatty, 50 acres land in Cumberland Hundred,  
Jacob's Laddie, Last Shift,  
James Greenleaf, Durham,  
Richard Ridgeley, Friendship Refurveyed,

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George Reily, Red Bird Thicket, Samuel Ridgeley, part Richards Discovery Amendment, 3 6, Gahl, Jacob, part Blooming Plains, Beckwith's Disappointment, Hickory Bottom, Fat Baron, Refurvey on Fat Baron, J. C. Jones's heirs, Harc Pasture, Robt Jacob, Calf Pasture, Wm M. Manay, dier, Chance, Ozburn Sprigg, executor to James Sprigg, part Refurvey on Good Hope, John F. Bawling, Horfe Lick, Nathan Gregg, New Addition, George Mann's heirs, Buckingham Hunting Ground, Refurveyed, Folly, Robinson's Fancy, Hope and Bushy Ridge, Three Springs and White Oak Plains, Town Ridge and Deer Park, Pheasant Flight, Trade U. rited, What you Will, Ebenezer M. Key, Partnership, Aaron Potts, Phe-tia, Henry Redburn, part Olson's Purchase, Rueffell's heirs, Rabbit Range, Charles A. Warfield, Far Enough, Miry Pitt, Buck Path,

Notice is hereby given, THAT unless the county tax, proportion of advertising, and other legal charges due on the lands aforesaid, shall be paid to W. M. Mahon or Thomas Thistle, collectors of Allegany, on or before the fourteenth day of August next, the lands so charged or such part thereof as may be necessary to raise the sum due thereon, shall be sold to the highest bidder for the payment of the same. By order of the Commissioners of the Tax for Allegany county,  
**AQUILA A. BROWNE, Clk.**  
Allegany county, Dec. 8, 1804.  
For the letter (h) add a half penny.

Cash Sale. By virtue of a Decree of the Chancellor of Maryland, will be sold at auction, on Friday, the twelfth day of April next, at Prince's Tavern, in London, THE FARM now in the occupation of John R. Brownwell, containing about four hundred acres of LAND. This property is convenient to several places of public worship, to two mills, and a Smith's shop; and is about four miles from Easton. It is presumed the soil and improvements will be examined by every person wishing to purchase. The sale will commence at 3 o'clock in the evening, and the purchaser will have it at his option to pay the money to the Trustee on the day of sale, or in the Chancery Office on the day of the ratification thereof.  
**JAMES EARLE, junr. Trustee.**  
March 5, 1805.

One, Two and Three Years, ON Tuesday the 25th inst. will be sold at public sale, several VALUABLE LOTS, lying on the road leading from Easton to the Landing—A credit of one, two and three years will be given, the purchaser giving bond and security, with interest from the day of sale. The sale will commence at 2 o'clock on the premises, and the property will be conveyed when it is paid for.  
**JAMES EARLE, junr.**  
March 5, 1805.

This is to give Notice, THAT the subscriber hath obtained from the Orphans Court of Dorchester county, State of Maryland, letters of administration de bonis non, on the personal property of Henry Trippe, late of Dorchester county, deceased, all persons having claims against the said deceased, are hereby warned to exhibit the same for payment with the proper vouchers thereof, on or before the 30th day of August next—Otherwise they may by law be excluded from all benefit arising from said estate. Given under my hand this 27th day of February, 1805.  
**JAMES TRIPPE, junr.**  
Administrator de bonis non.

This is to give Notice, THAT the subscriber hath obtained from the Orphans Court of Dorchester county, letters of administration de bonis non, on the estate of Daniel Trippe, late of said county deceased—All persons having claims against the said deceased, are hereby warned to exhibit the same for payment with the proper vouchers thereof, on or before the 30th day of August next—Otherwise they may by law be excluded from all benefit arising from said estate. Witness my hand this 27th day of Feb. 1805.  
**JAMES TRIPPE, junr.**  
Administrator de bonis non.

Wants to Purchase FEW LIKELY SLAVES, of both sexes; and would prefer buying them in families. Any person wishing to dispose of any, can hear of a purchaser by directing a letter to A. B. Easton Star Office, February 12, 1805. eow7

## Land for Sale.

WILL be exposed to sale on Monday the fifteenth of April next, at Mr. Benjamin Denny's in Denton, Carroll county, the following lots or parcels of land, viz.

Lot No. 1. Part of a tract called Church Grove (formerly Squire's Chance) containing about 260 acres of excellent land, hand-somely timbered and conveniently situated in every respect.

No. 2. Part of the same tract and adjoining No. 1, and lands of Messrs. Mitchell Ruffum and Anthony Whitley. It contains upwards of 300 acres—one hundred and twenty of which are clear, and favorable to the cultivation and growth of wheat and Indian corn. The remainder cleared with wood and well timbered.

No. 6. Part of the same tract and adjoining lands of Messrs. James Andrew, Henry Corkin and David Cisk, and at present, in the tenure of B. Whitley. It contains about 300 acres, the cleared part of which is new and in high health.—The rest in woods with a large proportion of good timber.

No. 8. Part of ditto contains about 36 acres, and lies contiguous to and interlocked with Mr. David Cisk's dwelling plantation. It has a proportion of woodland.

No. 3. Part of a tract called Littleton's Friendship—contains about 38 acres, is high and healthy with a good proportion of woodland and timber; and adjoins the lands of Messrs. Dekar Thompson and Thomas Connely.

No. 4. A woodland lot, part of the above tract—contains about 186 acres, two thirds of which is large white and red oak timber; and bounds on the main road leading from Hunting Creek Church to Green-borough. It lies adjoining lands of Messrs. R. Wilkes R. Andrew, and the late Covey, and Balon, deceased—pipe, hoghead, barrel staves and heading; planks, knees, and other timber suitable for ship building may be got in vast quantities on this lot, and conveniently transported to market, which connected with the enhanced price, and great demand for the above articles in Baltimore must make it as desirable as profitable a purchase to an industrious man.

No. 6. Part of the same, contains about 30 acres, a few of which are cleared, with a small tenement; the rest in wood.

No. 7. A Farm, near Collins X Roads, at present occupied by Mr. George Collins. It contains about 400 acres, with a sufficient quantity of timber and woodland; and will be sold in one or two lots as may suit purchasers. A more particular description of the above lands is thought unnecessary, as purchasers will not only view them previously, but are invited to call on Anthony Whitley (near Hunting Creek) who will show them the same.

The above lands are ordered to be sold by the Chancellor, and according to his decree the payments will be in different instalments as the purchasers and trustees may agree.

The conditions will be more fully made known, and plots of the different lots shown, on the day of sale.

**ALEXANDER STUART.**  
Kent county, Maryland,  
11th March, 1805.

## Valuable Farm for sale.

THE Subscriber offers at PRIVATE SALE, his valuable FARM, in Queen Anne's county, lying on the Post-road to Philadelphia, within one mile of Centerville; and the same distance from the best navigation on Conica creek. This property contains upwards of nine hundred acres, of which there are four hundred and fifty of well timbered land; and fifty of superior meadow, the remainder arable land, of an excellent quality, an excellent apple orchard, of latter fruit. The advantages of watering which this property has, but few can surpass, having two never failing streams passing entirely through the arable land, in such a manner as to water every different field; and several springs of excellent water, convenient to the house. There are on the premises, a two story brick dwelling, with four rooms and eight feet passage on a floor, with extensive and convenient cellars; a brick kitchen, with an entry 12 by 18 feet; and milk house 12 by 16 feet; an overflea's house; large and convenient negro quarters; brick smoke house, barn, granary, carriage-house, two corn houses, stables, and several other convenient out houses, &c. The subscriber thinks any further description unnecessary, as he presumes those who wish to purchase will first view the premises. I will sell the whole, or a part as may suit the purchaser. Terms made known by  
**CHARLES S. SEWELL.**  
Residing on the premises.

P. S. Possession given on the 1st of January 1806, with privilege of feeding wheat, next fall. There will be ground prepared for the reception of one hundred and fifty bushels of fall grain.  
**C. S. S.**  
Queen-Anne's county, Md.,  
February 12, 1805.

## This is to give Notice,

THAT the subscribers have obtained from the Orphan's Court of Kent County, in the State of Maryland—Letters of Administration on the personal estate of William Geddes, esq. late of the city of Philadelphia, deceased;—All persons having claims against the said deceased, are hereby warned to exhibit the same with the vouchers thereof to the subscribers, or either of them, at or before the 4th day of June next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this third day of December, 1804.  
**TRISTRAM THOMAS,**  
Easton,  
**GEO: GILLASPEY,**  
Philadelphia.  
December 4, 1804.





EASTON—(MARYLAND) Printed and Published every Tuesday Morning, by THOMAS PERRIN SMITH, printer of the Laws of the U. States.

[VOL. 3....6.]

TUESDAY MORNING, MARCH 26, 1805.

[NO. 30....290.]

THE TERMS OF THE REPUBLICAN STAR ARE TWO DOLLARS and FIFTY CENTS per annum, payable half yearly, in advance—No paper can be discontinued until the same is paid for.

ADVERTISEMENTS are inserted three weeks for ONE DOLLAR a square; and continued for TWENTY FIVE CENTS per week.

Copy of a letter from Commodore Preble to the Secretary of the Navy.

Accompanying a message from the President.

(Concluded from our last.)

August the 5th we were engaged supplying the bombs and gun boats with ammunition and stores, and getting every thing in readiness for an attack the moment commodore Barron should arrive and make the signal. I cannot but regret that our naval establishment is so limited, as to deprive me of the means and glory of completely subduing the haughty tyrant of Tripoli, while in the chief command, it will however afford me satisfaction to give my succor all the assistance in my power. At 3 P. M. I went on board the Argus for the purpose of reconnoitering the harbor of Tripoli, we stood in towards the town, and were near being sunk by the enemy's fire—One of their heaviest shot which struck about three feet short of the water line, raked the copper off her bottom under water, and cut the plank half through. In the evening the wind blew strong from the N. N. E. the squadron weighed and kept under sail all night. The day following we anchored, Tripoli bearing S. S. W. 6 miles distant. At 10 A. M. the French consul hoisted a white flag at his flag staff under the national colors, which was a signal that the Bashaw was ready to treat. I sent a boat into the harbor and took this opportunity to forward captain Bainbridge and his officers, letters from their friends; the boat was not allowed to land, but returned in the afternoon and brought me a letter advising that the Bashaw was ready to receive 500 dollars for the ransom of each of the prisoners, and terminate the war without any consideration for peace or tribute; this is 350,000 dollars less than was demanded previous to the action of the third instant. These terms I did not hesitate to reject, as I was informed by captain Chauncey that it was the expectation of our government on the arrival of four frigates, to obtain the release of the officers and crew of the Philadelphia without ransom and dictate the terms of peace. I enclose you copies of our correspondence which will convince you that our attacks have not been made without effect.

16th. No news of the frigates, and but short allowance of water in the squadron. I sent the Enterprise to Malta, with orders to the agent there, to hire transports and send off immediately a supply of fresh water, provision and other stores which have become necessary, as some of the squadron have now been five months in sight of this dismal coast, without once visiting a friendly port: those vessels as well as the gun boats receive their supply of water and provisions from the Constitution.

18th. As the season is fast approaching when we may expect bad weather, and no news of the frigates, I have determined to make an attack as soon as the wind proves favorable. At 8 P. M. I sent captains Decatur and Chauncey in two small boats to reconnoiter the harbor, and observe the disposition of the enemy's flotilla at night: they returned at midnight, and reported that they were anchored in a line abreast, from the Mole to the Bashaw's castle, with their heads to the eastward, for the defence of the inner harbor. At day light the wind shifted suddenly from the N. E. to N. N. W. and brought a heavy sea on shore, which obliged us, for greater safety, to weigh and stand to sea.

20th. We had gained an offing of 9 or 10 leagues, still blowing hard. We met with the ketch Intrepid, from Syracuse, with a cargo of fresh water stock, and vegetables for the squadron.

22d. Fell in with a ship from Malta, with water and live stock for the squadron. These cargoes arrived very opportunely, as we have for some time pined on short allowance of water. The wind having moderated, we stood in, and anchored with the squadron 6 miles N. E. by N. from Tripoli; all the boats were engaged in discharging the transports. The Enterprise arrived from Malta, but brought no intelligence of the long expected frigates.

24th. With a light breeze from the N. E. we stood in with the squadron prepared for action, intending to attack the town and shipping in the night. At 8 in the evening anchored about two and an half miles from the batteries. At midnight it fell calm. I sent the bomb vessels under the protection of the gun boats, to bombard the town; the boats of the squadron were employed in towing them in. At 2 A. M. the bombardment commenced, and continued until day light, but with what effect is uncertain. At six all the boats joined us, and were taken in tow by the squadron, which was under weigh, and standing off. At seven anchored four miles north of the town. The weather for several days proved unfavorable for approaching the shore.

28th. We were favored with a pleasant breeze from the eastward. At 3 P. M. we weighed, and stood in for Tripoli. At 5 anchored the Constitution two miles E. by E. from fort English, and 2 and an half from the Bashaw's castle; the light vessels ordered to keep under weigh. We were employed until 8 P. M. in making arrangements for attacking the town; a number of the officers, and many of the seamen of the Constitution being attached to the bomb, gun, and ship's boats; captain Chauncey with several of his officers, and about 70 seamen and marines volunteered their services on board the Constitution. All the boats in the squadron were officered and manned, and attached to the several gun boats; the two bomb vessels could not be brought in to action, as one was leaky, and the mortar bed of the other had given way. The John Adams, Scourge, transports and bombos, were anchored seven miles to the northward of the town. Lieutenant commandant Dent, of the Scourge, came on board the Constitution, and took charge on the gun deck; lieutenant Izard of the Scourge also joined me. Lieut. Gordon commands gun boat No. 2, and lieutenant Lawrence of the Enterprise, No. 5—these are the only changes. At half past 1 A. M. the gun boats in two divisions, led by captains Decatur and Somers were ordered to advance, and take their stations close to the rocks, at the entrance of the harbor, within grape shot distance of the Bashaw's castle. The Siren, Argus, Vixen, Nautilus, Enterprise, and boats of the squadron accompanied. At 3 A. M. the boats anchored with springs on, within pistol shot of the rocks, and commenced a brisk firing on the town, batteries, and Bashaw's castle, which was warmly returned, but not a well directed; the ship's boats remained with gun boats, to assist in boarding the enemy's flotilla, if it should venture out; while the brig and schooners kept under weigh ready for the same service, or for annoying the enemy as occasion might present. At day light perceiving that the gun boats had nearly expended their ammunition, we weighed with the Constitution and stood in for the harbor. Fort English, the Bashaw's castle, crown, and mole batteries kept up a heavy fire on us as we advanced. At half past 5, I made the signal for the gun boats to retire from action; and for the brig and schooners to take them in tow. We were then within two cable's length of the rocks, and commenced a heavy fire of round and grape on thirteen of the enemy's gun boats and galleys, which were in pretty close action with our boats. We sunk one of the enemy's boats, at the same time two more disabled, ran on shore to avoid sinking; the remainder immediately retreated. We continued running in, until we were within musket shot of the crown and mole batteries, when we brought to, and fired upwards of three hundred round shot besides grape and cannister into the town, Bashaw's castle and batteries. We silenced the castle and two of the batteries for some time. At a quarter past 6 the gun boats being all out of shot and in tow, I hauled off, after having been three quarters of an hour in close action. The gun boats fired upwards of 400 round shot, besides grape and cannister, with good effect. A large Lunian galley was sunk in the mole; a Spanish ship which had entered with an ambassador from the grand seignior, received considerable damage. The Tripoline galleys and gun boats lost many men and were much cut.

The Bashaw's castle and town have suffered very much, as have their crown and mole batteries. Captains Decatur and Somers conducted their divisions of gun boats with their usual firmness and address; and were well supported by the officers and men attached to them. The brig and schooners were also well conducted during the action, and fired a number of shot at the enemy; but their guns are too light to do much execution. They suffered considerably in their sails and rigging. The officers and crew of the Constitution behaved well, I cannot in justice to captain Chauncey, omit noticing the very able assistance I received from him on the quarter deck of the Constitution, during the whole of the action. The damage which we have received is principally above the hull; three lower shrouds, two spring stays, two topmasts back stays, trusses, chains and lifts of the main yard shot off. Our sails had several cannon shot through them and beside considerably cut by grape; much of our running rigging cut to pieces, one of our anchor stocks and our larboard cable shot away; and a number of grape shot were sticking in different parts of the hull; but not a man hurt! A boat belonging to the John Adams, with a master's mate (Mr. Creighton) and 8 men, was sunk by a double headed shot from the batteries, while in tow of the Nautilus, which killed three men and badly wounded one, who with Mr. Creighton, and the other four, were picked up by one of our boats. The only damage our gun boats sustained, was in their rigging and sails, which were considerably cut with the enemy's round and grape shot.

At 11 A. M. we anchored with the squadron 5 miles N. E. by N. from Tripoli, and repaired the damage received in the action. 29th and 30th, preparing the bomb vessels for service; supplying the gun boats with ammunition, &c. 31st, a vessel arrived from Malta with provisions and stores; brought no news of commodore Barron, or the frigates. We discharged this vessel's cargo and ordered her to return. September the 2d, the bomb vessels having been repaired and ready for service, lieutenants Dent and Robinson, resumed command of them. Lieutenant Morris of the Argus took command of No. 3; and lieutenant Fripp of the Enterprise, having nearly recovered from his wounds, resumed the command of No. 6, which he gallantly conducted the 3d ultimo. Captain Chauncey, with several young gentlemen, and sixty young men from the John Adams, volunteered on board the Constitution. At 4 P. M. made the signal to weigh; kept under sail all night. At 11 P. M. a general signal to prepare for battle; a Spanish polacre in ballast came out of Tripoli, with an ambassador of the grand seignior on board, who had been sent from Constantinople to Tripoli to confirm the Bashaw in his title; this ceremony takes place in all the Barbary regencies, every five years. The captain of this vessel informed us, that our first and shells had made great havoc and destruction in the city, and among the shipping, and that a vast number of people have been killed; also informs us that three of the boats which were sunk by our shot, in the actions of the 3d and 28th ult. had been got up, repaired and fitted for service.

3d. At 2 P. M. Tripoli bore S. S. W. 2 1/2 miles distant, wind E. by N. At half past 2 the signal was made for the gun boats to cast off, advance and attack the enemy's galleys and gun boats, which were all under weigh in the eastern part of the harbor, whither they had for some time been working up against the wind. This was certainly a judicious movement of theirs, as it precluded the possibility of our boats going down to attack the town without leaving the enemy's flotilla in their rear; and directly to windward. I accordingly ordered the bomb vessels to run down within proper distance of the town and bombard it, while our gun boats were to engage the enemy's galleys and boats to windward. At half past 3, P. M. our bombs having gained the station to which they were directed, anchored and commenced throwing shells into the city. At the same time our gun boats opened a brisk fire on the galleys and within point blank shot, which was warmly returned by them and fort English and by a new battery, little to the eastward; but as soon as our boats arrived within good musket shot of their galleys and boats, they gave way and retreated to the shore within the rocks and under cover of musketry from fort English. They were followed by our boats and by the Siren, Argus, Vixen, Nautilus and Enterprise as far as the reefs would permit them to go with prudence. The action was then divided. One division of our boats with the brig and schooners attacked fort English, while the other was engaged

with the enemy's galleys and boats. The Bashaw's castle, the Mole Crown, and several other batteries kept up a constant fire in our bomb vessels which were well conducted, and threw shells wisely into the town—but from their situation, they were very much exposed, and in great danger of being sunk. I accordingly ran within them with the Constitution to draw off the enemy's attention, and amuse them whilst the bombardment was kept up. We brought to within reach of grape, and fired 11 roadides in the Bashaw's castle, town and batteries in a situation where more than 70 guns could bear upon us. One of their batteries was silenced. The town, castle, and other batteries considerably damaged. By this time it was half past four o'clock. The wind was encreasing, and inclining rapidly to the northward. I made the signal for the boats to retire from action, and for the brig and schooners to take them in tow, and soon after hauled off with the Constitution to repair damages. Our maintop sail was totally disabled by a shell from the batteries, which cut away the each rope and several cloths of the sail. Another shell went through the fore top sail and one through the jib. All our sails considerably cut—two top masts backstays shot away, main sheet, fore tacks, lifts, braces, bow lines, and the running rigging generally very much cut, but no shot in our hull, excepting a few grape. Our gun boats were an hour and fifteen minutes in action. They disabled several of the enemy's galleys and boats, and considerably damaged fort English. Most of our boats received damage in their rigging and sails. The bomb vessel No. 1 commanded by Lieut. Robinson was disabled; every shroud being shot away; the bed of the mortar rendered useless and the vessel near sinking. She was however towed off. About fifty shells were thrown into the town, and our boats fired 400 round shot, besides grape and cannister. They were led in to action by captains Decatur and Somers with their usual gallantry. The brig and schooners were handsomely conducted, and fired many shot with effect in fort English, whither they were near enough to reach with their cannonades. They suffered considerably in their rigging, and the Argus received a 32 pound shot in the hull forward, which cut off a lower cable as it entered. We kept under weigh until 11 P. M. when we anchored, Tripoli bearing S. S. W. three leagues. I again with pleasure acknowledge the services of an able and active officer in captain Chauncey, serving on the quarter deck of the Constitution. At sun rise I made the signal for the squadron to prepare for action. The carpenters were sent on board the bombs to repair damages, and our boats employed in supplying the bombs and gun boats with ammunition, and to replace the expenditures.

Devious of annoying the enemy by all the means in my power, I directed to be put into execution a long contemplated plan of sending a fire ship, or infernal, into the harbor of Tripoli, in the night, for the purpose of endeavoring to destroy the enemy's shipping, and shatter the Bashaw's castle and town. Captain Somers, of the Nautilus, having volunteered his services, had, for several days before this period, been directing the preparation of the ketch Intrepid assisted by lieutenants Wadsworth and Israel. About two barrels of powder and 150 fixed shells, were apparently judiciously disposed of on board her. The fuzes leading to the magazine, where all the powder was deposited, were calculated to burn a quarter of an hour.

September 4th. The Intrepid being prepared for the intended service, captain Somers and Lieut. Wadsworth made choice of two of the fastest rowing boats in the squadron, for bringing them out. After reaching their destination and firing the combustible materials, which were to communicate with the fuzes, captain Somers' boat was manned with 4 seamen from the Nautilus, and Lieut. Wadsworth's with 6 from the Constitution. Lieut. Israel accompanied them. At eight in the evening, the Intrepid was under sail, and standing for the port with a leading breeze from the eastward. The Argus, Vixen, and Nautilus conveyed her as far as the rock. On entering the harbor, several shot was fired at her from the batteries. In a few minutes after, when she had apparently nearly gained the intended place of destination, she suddenly exploded, without their having previously fired a room filled with spirits and other combustibles which was intended to create a blaze, in

order to deter the enemy from boarding, whilst the fire was communicating to the fuzes, which led to the magazine. The effect of the explosion awed their batteries into profound silence, with astonishment. Not a gun was afterwards fired for the night. The shrieks of the inhabitants informed us that the town was thrown into the greatest terror and consternation by the explosion of the magazine, and the bursting and falling of shells in all directions. The whole squadron waited with the utmost anxiety to learn the fate of the adventurers, from a signal previously agreed on in case of success, but waited in vain; no sign of their safety were to be observed. The Argus, Vixen, and Nautilus hovered round the entrance of the port until sunrise, when they had a fair view of the whole harbor. Not a vestige of the ketch or boats were to be seen. One of the enemy's largest gun boats was missing, and three others were seen very much shattered and damaged; which the enemy were hauling on shore. From these circumstances, I am led to believe, that those boats were detached from the enemy's flotilla to intercept the ketch, and without suspecting her to be a fire ship, the missing boat had suddenly boarded her, when the giant Somers and heroes of his party, observing the other three boats surrounding them, and no prospect of escape, determined at once to prefer death and the destruction of the enemy, to captivity and torturing slavery, put a match to the train leading directly to the magazine, which at once blew the whole into the air, and terminated their existence. My conjectures respecting this affair are founded on a resolution, which captain Somers, lieutenants Wadsworth and Israel had formed, neither to be taken by the enemy, nor suffer him to get possession of the powder on board the Intrepid. They expected to enter the harbor without discovery, but had declared, if they should be disappointed, and the enemy should board them, before they reached the point of destination, in such force as to leave them no hopes of a safe retreat, that they would put a match to the magazines and blow themselves and their enemies up together—determined, as there was no exchange of prisoners, that their country should never pay ransom for them, nor the enemy receive a supply of powder through their means. The disappearance of one of the enemy's boats, and the shattered condition of three others confirm me in my opinion that they were an advanced guard, detached from the main body of the flotilla on discovering the approach of the Intrepid, and that they attempted to board her, before she had reached her point of destination, otherwise the whole of their shipping must have suffered, and perhaps would have been totally destroyed. That the was blown up before she had gained her station is certain, by which the service has lost three very gallant officers. Captain Somers, and lieutenants Wadsworth and Israel were officers of conspicuous bravery, talents and merit—they had uniformly distinguished themselves in the several actions—were beloved and lamented by the whole squadron.

September the 5th. We were employed in supplying the gun boats with ammunition, &c. and repairing the bomb vessels for another attack, but the wind shifting to the N. N. E. a heavy swell setting on shore; and other indications of bad weather, determined us for greater safety to take the guns, mortars, shot and shells out of the boats into the Constitution and John Adams, which was accordingly done. The weather continuing to wear a threatening aspect until the 7th, and our ammunition being reduced to a quantity not more than sufficient for three vessels to keep up the blockade; no intelligence of the expected reinforcement, and the season so far advanced as to render it imprudent to hazard the gun boats any longer on the station—I gave orders for the John Adams, Siren, Nautilus, Enterprise and Scourge to take the bombs and gun boats in tow, and proceed to Syracuse with them, the Argus and Vixen to remain with the Constitution to keep up the blockade.

September the 10th. The United States ship President, commodore Barron, and the Constitution, capt. Campbell, bore in sight and soon joined company, when the command of the squadron was surrendered to commodore Barron, with the usual ceremony. I continued in company with the squadron until the 12th, when three strange ships came in sight standing direct for Tripoli. Chase was given, and two of them

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boarded and taken possession of by the Constitution, the President in company with four lieutenants from Tripoli, but not more than five miles from the land;—while the Constellation and Argus were in chase of the third. The two boarded by the Constellation were loaded with about sixteen thousand bushels of wheat—Tripoli is in a state of starvation, and there can be no doubt those cargoes were meant as a supply and relief to our enemies.

Considering the season too far advanced and weather too uncertain to hazard any further operations against Tripoli at present, commodore Barron determined that the prizes should be sent to Malta, under convey of the Constitution, it being necessary she should go into port to be recaulked and refitted.—I notified commodore Barron it was my wish to return to the United States in the frigate John Adams, capt. Chauncey; this readily and in the handsomest manner, met his acquiescence. I shall accordingly return in that ship. The services in this quarter, cannot suffer from this arrangement, as captain Decatur is at present without a ship, and my return will immediately place him in the exercise of the duties attached to that commission, which he so gallantly earned, and his country generously bestowed. I shall feel a pleasure in leaving the Constitution under the command of that officer, whose enterprising and manly conduct I have often witnessed, & whose merits eminently entitle him to so handsome a command.

The other commanders merit the highest commendations for their prompt obedience to orders on all occasions, and for the zeal, spirit and judgment which they displayed in the several attacks on the enemy's shipping and batteries, as well as for the general good order and discipline at all times observed on board their respective vessels. The officers of the squadron have conducted themselves in the most gallant and handsome manner;—and the conduct of the different ship's companies has merited my warmest approbation since I have had the honor to command them.

It affords me much satisfaction to observe, that we have neither had a duel nor court martial in the squadron since we left the United States.

I most sincerely regret the loss of our gallant countrymen who have sacrificed their lives to the honor of the service, and that it has not been in my power consistent with the interest and expectation of our country, to liberate captain Bainbridge and the unfortunate officers and crew of the Philadelphia. Be assured, sir I have incessantly endeavored to effect this desirable object. I have no doubt but my successor will be able to effect their release, and establish peace on such terms as will reflect the highest honor on himself and his country.

September the 17th. Arrived at Malta with the detained Greek vessels.—We experienced very bad weather, but had the satisfaction to learn that the bombs and gun boats had arrived safe at Syracuse on the fifteenth of September without accident. Each of the Tripoline gun-boats which we have captured has two brass howitzers abaft, and a handsome copper gun in the bow which carries a 22 pound shot, is 1 and a half feet long, and weighs 6600 pounds.

I send you a plan of the town and harbor of Tripoli, with the disposition of our squadron, and the enemy's flotilla, at the time of the several attacks, with sundry other papers.

I have the honor to be,  
With the highest respect,  
Sir

Your most obedient servant,  
EDWARD PREBLE.

United States Ship Constitution,  
Malta harbor, Sept. 18, 1804.  
Honorable Secretary of the U. S. Navy,  
Washington.

Speech of Mr. J. Randolph,

On the opening of the Impeachment against  
SAMUEL CHASE.

Saturday, Feb. 9.

(Concluded from our last.)

What would be said of a judge who in a trial for murder, where the facts were admitted (or proved) should declare from the bench that whatever argument counsel had to offer, in relation to the facts, may be addressed to the jury, but that they should not attempt to convince the jury that such facts came not within the law, or did not amount to murder, but every thing which they had to say upon the question of law, should be addressed to the court only. Can you figure to yourselves a spectacle more horrible?

We are prepared to prove, what the respondent has in part admitted that he restricted the counsel of Fries from citing such English authorities as they believed apposite, and certain statutes of the United States, which they deemed material to their defence;—that the prisoner was debarred by him, from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as the fact, involved in the verdict which they were required to give—and that he attempted to wrest from the jury

their undeniable right to hear argument, and (consequently) to determine upon the question of law which in a criminal case it was their sole and unquestionable province to decide. These last charges, [except so far as relates to the laws of the United States] are impliedly admitted by the respondent. He confesses that he would not permit the prisoner's counsel to cite certain cases, "because they could not inform but might deceive and mislead the jury." Mr. President, it is the noblest trait in this inestimable trial, that, in criminal prosecutions, (where the verdict is general) the jury are the sole judges, and (where they acquit the prisoner) the judges without appeal, both of law and fact. And what is the declaration of the respondent, but in admission that he wished to take from the jury their indisputable privilege to hear argument and determine upon the law, and to usurp to himself that power, which belonged to them, and to them only? It is one of the most glorious attributes of a jury trial, that in criminal cases particularly such as are capital) the prisoner's counsel may (and they often do) attempt "to deceive and mislead the jury." It is essential to the fairness of the trial, that it should be conducted with perfect freedom. It is congenial to the generous spirit of our institutions to lean to the side of an unhappy fellow creature, put in jeopardy of limb, or life, liberty. The free principles of our governments, individual and federal, teach us to make every humane allowance in his favor, to grant him with a liberality unknown to the narrow and tyrannous maxims of most nations, every indulgence not inconsistent with the due administration of justice. Hence, a greater latitude is allowed to the accused, than is permitted to the prosecutor. The jury, upon whose event it is staked, are presumed to be men capable of understanding what they are called upon to decide, and the attorney for the state, a gentleman learned in his profession, capable of detecting and exposing the attempts of the opposite counsel to mislead and deceive. There is more over a court, to which, in case of difficulty, recourse might be had.—But what indeed is the difficulty arising from the law in criminal cases, for the most part? What is to hinder an honest jury from deciding, especially after the aid of an able discussion, whether such an act was a killing with malice premeditated, or such other overt acts set forth in an indictment, constituted a levying of war against the United States—and to what purpose has treason been defined by the constitution itself, if overbearing arbitrary judges as permitted to establish among us the odious and dangerous doctrine of constructive treason? The acts of congress which had been referred to on the former trial, but which the respondent said he would not suffer to be cited again, tended to show that the offence committed by Fries did not amount to treason. That it was a misdemeanor, only, already provided for by law and punishable with fine and imprisonment. The respondent indeed denies this part of the charge, but he justifies it even (as he says) if it be proved upon him. And are the laws of our own country (as well as foreign authorities) not to be suffered to be read in our courts, in justification of a man whose life is put in jeopardy.

I will now proceed to the second article—the case of Bassett, whose objections to serve on Callender's jury were overruled by the judge, who stands arraigned before this honorable court. In the 9th page of the respondent's answer it is stated, that a new trial was granted to Fries, "upon the ground (as this respondent understood and believes) that one of the jurors, after he was summoned, but before he was sworn, had made some declaration unfavorable to the prisoner." It will be remembered that both the trials of Fries preceded that of Callender.—Upon what principle then, could the respondent declare Bassett a good jurymen, when he was apprized of the previous decision in the case of Fries, by his brother judge, whom he professes to hold in such high reverence, he must have held himself bound? For surely the same exception to a jurymen, which would furnish ground for a new trial, ought to be cause of setting aside such juror, if it be taken, previous to his being sworn.

From the respondent's own shewing [page 31, of the answer] it appears, that the question put to the jurymen generally, and to Bassett among others, was, whether they "had formed and delivered any opinion upon the subject matter then to be tried, or concerning the charges contained in the indictment." And here let me refer the court to the question which the respondent put to the jurors in the case of Fries, (p. 24.) It was, "whether they had ever formed or delivered any opinion as to his guilt or innocence, or that he ought to be punished?" How is this departure from the respondent's own practice, this inconsistency with himself to be reconciled? In the one case the question is put in the disjunctive; "have you formed or delivered?" In the other it is in the conjunctive, "formed and delivered;" besides other material difference in the terms and import of the two questions. Where-

fore, I repeat, this contradiction of him self? But, Mr. President, we shall be prepared to prove that the words "subject matter then to be tried" were not comprised in the question propounded to Bassett, or to any of the other jurors.—The question was as will be shewn in evidence—have you ever formed and delivered any opinion concerning the charges contained in the indictment? and it is remarkable that the whole argument of the respondent upon this point, goes to justify the question which was actually put, and which he probably expected we should prove that he did put, rather than which he himself declares to have been propounded by him. Such a question must necessarily have been answered in the negative. Bassett could never have seen the indictment;—and although his mind might have been made up on the book, whatever opinion he might have formed and delivered as to the guilt of Callender, or however desirous he might have been of procuring his conviction and punishment, still, not having seen the indictment, he could not divine what passages of the book were made the subject of the charges, and by the criterion established by the judge, he was a good juror. But if the juror's mind was thus prejudiced against the book and the writer, was he, merely because he had not seen the indictment, competent to pass between him and his country on the charges contained in it, and extracted out of the book? And even if the question had been such as the respondent states, yet being put in the conjunctive, the most inveterate foe of the traverser who was artful, or cautious enough to forbear the expression of his enmity, would thereby have been admitted as competent to pass between the traverser and his country in a criminal prosecution.

The 3d article relates to the rejection of John Faylor's testimony. This fact also is admitted, and an attempt is made to justify it, on the ground of its "irrelevancy," on the pretext that the witness could not prove the whole of a particular charge. By recurring to "the Prospect Before Us," a book, which with all its celebrity, I never saw till yesterday, I find this charge consists of two distinct sentences. Taken separately the respondent asserts that they mean nothing; taken together, a great deal. And because the respondent undertook to determine (without any authority as I can learn) that col. Taylor could not prove the whole, that is both sentences, he rejected his evidence entirely, for "irrelevancy." Might not his testimony have been relevant to that of some other witness, on the same, or on another, charge? I appeal to the learning and good sense of this honorable court, whether it is not an unheard of practice (until the present instance) in a criminal prosecution, to declare testimony inadmissible because it is not expected to go to the entire exculpation of the prisoner? does it not daily occur in our courts, that a party accused, making but a part of his defence by one witness and establishing other facts by the evidence of other persons, does it not daily occur that the testimony of various witnesses sometimes to the same, and sometimes to different, facts, does to relieve and support the whole case, as to leave no doubt of the innocence or guilt of the accused, in the minds of the jury, who, it must never be forgotten, are, in such cases, the sole judges both of the law and the fact.—Supposing for instance that the testimony of witnesses would establish all the facts, but that each of those facts are not known by either of them. According to this doctrine the evidence of both might be declared inadmissible, and a man whose innocence, if the testimony in his favor were not rejected, might be clearly proved to the satisfaction of the jury, may thus be subjected by the verdict of that very jury to an ignominious death. Shall principles so palpably cruel and unjust be tolerated in this free country? I am free to declare that the decision of Mr. Chase, in rejecting col. Taylor's testimony, was contrary to the known and established rules of evidence, and this I trust will be shewn by my learned associates, to the full satisfaction of this honorable court, if indeed they can require further satisfaction on a point so clear and indisputable. But this honorable court will be astonished when they are told (and the declaration will be supported by undeniable proof) that at this very time neither the traverser, his counsel, or the court, knew the extent which col. Taylor's evidence would go. They were apprized, indeed, that he would shew that Mr. Adams was an aristocrat and that he had proved serviceable to the British interest, in the sense conveyed by the book,—but they little dreamt that his evidence if permitted to have been given in, would have thrown great light upon many other of the charges. There is one ground of defence taken by the respondent, which I did not suppose a gentleman of his discernment would have sedulously avoided. That although the traverser had justified nineteen out of the twenty of the charges, contained in the indictment, if he could not prove the truth of the twentieth, it was of little moment, as he was "thereby put in the power of the court."

Gracious God! Sir, what inference is to be drawn from this horrible insinuation. In justification of the charges contained in the fourth article, the respondent, unable to deny the fact, confesses, (p. 41) that he did require "the questions intended to be put to the witness to be reduced to writing, and submitted to the court," in the first instance (as we shall prove) and before they had been verbally propounded. And this requisition he contends, it was "the right and duty of the court" to make. It would not become me, elsewhere, or on any other occasion, to dispute the authority of the respondent, on legal questions, but I do aver that such is not the law, at least in the state in which that trial was held, nor do I believe that it is law anywhere. I speak of the United States. Sir, in the famous case of Logwood, whereat the chief justice of the United States presided, I was present, being one of the grand jury who found a true bill against him. It must be conceded that the government was as deeply interested in arresting the career of this dangerous and atrocious criminal, who had aimed his blow against the property of every man in society, as it could be in bringing to punishment a weak and worthless scribbler. And yet, although much testimony was offered by the prisoner, which did, by no means, go to his entire exculpation, although much of the testimony was of a very questionable nature, none of it was declared inadmissible; it was suffered to go to the jury, who were left to judge of its weight and credibility, nor were any interrogatories to the witnesses required to be reduced to writing. And I will go farther, and say that it never has been done before, or since Callender's trial in any court of Virginia, (and I believe I might add in the United States) whether state or federal. No sir, the enlightened man who presided in Logwood's case knew that, although the basest and vilest of criminals, he was entitled to justice, equally with the most honorable member of society. He did not avail himself of the previous and great discoveries in criminal law, of this respondent;—he admitted the prisoner's testimony to go to the jury; he never thought it his right, or his duty, to require questions to be reduced to writing;—he gave the accused a fair trial, according to law and usage, without innovation, or departure, from the established rules of criminal jurisprudence, in this country.

The respondent also acknowledges his refusal to postpone the trial of Callender, although an affidavit was regularly filed stating the absence of material witnesses on his behalf; and here again the ground of his defence, is, in my estimation, good cause for his conviction. The dispersed situation of the witnesses, which he alleges to have been the motive for his refusal, is, to my mind, one of the most unanswerable reasons for granting a postponement. The other three charges, contained in this article, will be supported by unquestionable evidence. The rude and contemptuous expressions of the judge to the prisoner's counsel;—his repeated and vexatious interruptions of them; his indecent solicitude and predetermined resolution to effect the conviction of the accused.—This predetermination we shall prove to have been expressed by him, long before, as well as on his journey to Richmond, and whilst the prosecution was pending, besides the proofs the trial itself afforded.

The 5th article is for the respondent's having "awarded a capias against the body of James Thompson Callender, indicted for an offence not capital, whereupon the said Callender was arrested and committed to close custody, contrary to law in such case made and provided;" that is, contrary to the act of the assembly of Virginia, recognized (by the act of congress passed in 1789, for the establishment of the judicial courts of the United States) as the rule of decision in the federal courts, to be held in that state until other provision be made.—The defence of the respondent embraces several points: That the act of Virginia was passed posterior to the act of congress, (viz. in 1792) and could not be intended, by the latter, to be a rule of decision. Fortunately, there is no necessity to question (which we might well do) the truth of this position. It may be necessary to inform some of the members of this court that, about twelve or thirteen years ago, the laws of Virginia underwent a revision; all those relating to a particular subject, being condensed into one, and the whole code, thereby, rendered less cumbersome and perplexed. Hence many of our laws, to a casual and superficial observer,—would appear to take their date so late as the year, 1792, although their provisions were, long before, in force.—The 28th section of this very act on which we rely, the court will perceive to have been enacted in 1788, one year preceding the act of congress. (Virginia laws, chap. LXXIV. sec. 28, page 106, note b. Pleasant's edition.) Here Mr. Randolph read the act referred to.—Upon presentment made by a grand jury of an offence not capital, the court shall order the clerk to issue a summons, or other proper process, against the per-

son so presented, to appear, and answer such presentment at the next court," &c.

But the respondent aware no doubt of this fact, asserts that the act not being added, he was not bound to know of its existence, and that he ought not to be censured for the omissions of the traverser's counsel, whose duty it was to have cited it on behalf of their client; and this objection, with the preceding ones, which I have endeavored to answer will equally apply to the 6th article. Sir, when the counsel for the traverser were told by the judge at the outset, when they referred to a provision of this very law, "that such may be your local state laws here in Virginia, but that to suppose them as applying to the courts of the United States is a wild notion," would it not indeed have been a wild experiment, in them to cite the same law with a view of influencing the opinion of a man, who had scornfully scouted the idea that he was to be governed by it. Unwilling however to rest himself now, on the ground which he then took, the respondent justifies himself by declaring that he complied, although ignorantly, with this law by issuing that other proper process, of which it speaks, that is a capias. But that other process must be of the nature of a summons, notifying the party to appear at the next term; and will any man pretend to say, that a capias taking him into close custody and obliging him to appear not at the next but at the existing term, is such process as that law describes? Sir, not only the law but the uniform practice under it, as we are prepared to shew by evidence, declares the capias not to be the proper process. But it is said, that this would be nothing more than notice to the party accused to abscond, and therefore ought not to be law. Sir, we are not talking about what ought to have been the law; that is no concern of ours—the question is, what was the law. But the impolicy of this mode of proceeding is far from being ascertained. It is a relief to the innocent who may be in a state of accusation. It saves the expence of imprisoning the guilty, and they should prefer voluntary exile to standing a trial, it is so very clear that the state is thereby more injured than by holding them to punishment, after which they would remain in her bosom to perpetrate new offences. Remember, this proceeding is against petty offenders, not felons. It does not apply to capital cases; to felonies, then, capital, for which our law has, since, commuted the punishment of death into that of imprisonment at hard labour.

For further defence against the 6th article, the respondent takes shelter under this position: That the provision of the law of the U. States establishing the judicial courts relate only to rights acquired under state laws, which come into question on the trial, and not to forms of process before the trial, and can have no application to offences created by statute, which cannot with propriety, be termed trials at "common law." We are prepared to shew that the words, "trials at common law" are used in that statute, not in their most restricted sense, but to contra-distinguish a certain description of cases from those arising in equity, or under maritime, or civil law.

I will pass over the seventh article of impeachment, as well because I am nearly exhausted, as being content to leave it on the ground where the respondent himself has placed it. It would be impossible for us to put it in a stronger light, than has been thrown upon it by his own admission.

The 8th and last article remains to be considered. (Article read) I ask this honorable court whether the prostitution of the bench of justice to the purposes of an hullings is to be tolerated? We have nothing to do with the politics of the man. Let him speak and write and publish as he pleases. This is his right in common with his fellow citizens.—The press is free. If he must electioneer and abuse the government under which he lives, I know no law to prevent or punish him, provided he seeks the wanted theatres for his exhibition.—But shall a judge declaim on these topics from his seat of office. Shall he not put off the political partizan when he ascends the tribune—or shall we have the pure stream of public justice polluted with the venom of party violence? In short, does it follow that a judge carries all the rights of a private citizen, with him upon the bench and that he may, there, do every act, which, as a freeman, he may do elsewhere, without being questioned for his conduct?

But, sir, we are told that this high court is not a court of errors and appeals, but a court of impeachment, and that however incorruptly the respondent may have conducted himself, proof must be adduced of criminal intent, of wilful error to constitute guilt. The *quo animo* is to be inferred from the facts themselves; there is no other mode by which in any case it can be determined, and even the respondent admits that there are acts of a nature so flagrant that guilt must be inferred from them, if the party be of sound mind. But this conclusion is quibbled by the monstrous pretension that an act to be impeachable, must be indictable. What? in the fe-

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dowed despair and the wealling voice of the orphan do not plead to Heaven for justice on the oppressor's head. But for that intervention, self accusation before that dread tribunal would have been needless. On that awful day the blood of a poor, ignorant, friendless, unlettered German, murdered under the semblance and color of law, sent without pity to the scaffold, would have risen in judgment at the throne of grace, against the unhappy man arraigned at your bar. But the president of the United States by a well timed act, at once of justice and of mercy, (and mercy like charity covereth a multitude of sins,) wrested the victim from his grasp, and saved him from the countless horrors of remorse, by not suffering the pure ermine of justice to be dyed in the innocent blood of John Fries.

ber living in Ealton. SAM: ELBERT.  
Ealton, March 26, 1880.



# FOR SALE

## A very valuable FARM,

ON the tide water of the River Susquehanna, opposite to Havre-de-Grace, and upon the post road leading from Philadelphia to Baltimore.—It consists of about 600 acres of very valuable land, with a full proportion of woodland, and may very conveniently be divided into two farms of about 300 acres each.—The soil is generally of an excellent quality for either grain or grass, and the situation very desirable. A liberal credit will be given for a considerable part of the purchase money. Any person disposed to purchase, may know the terms and further particulars by applying to *Henry Holliday*, Esq. near Easton, Maryland, or the subscriber near the premises.

GEORGE GALE.

Nov. 27, 1804.

## TO SETTLERS.

### FOR SALE.

A body of unimproved land of the first quality, situated in Lycoming county, Loyal Sock town ship, and on the waters of Loyal Sock creek in the state of Pennsylvania. The tract contains 15,000 acres, and is equal, if not superior to any body of Birch and Maple lands in Lycoming county, or in the state of Pennsylvania.—Large quantities of white walnut, hickory, and chestnut timber, are found on these lands.—There are also two or three salt springs, and a number of excellent mill seats on the tract, and iron ore has recently been found on it, or in its immediate neighbourhood. It lies within about 18 miles of the county town of Lycoming, and about 26 miles from Mr. Benjamin W. Morris's improvements.—Other flourishing settlements have been made within 8 miles of this tract. To persons desirous of removing and forming an extensive settlement in Pennsylvania, these lands are an object of the first attention, as also to those who are anxious to possess a fine body of land in a country rapidly progressing in improvement.

The title to these lands is indisputable. For terms apply to Dr. EDWARD EARLE, Easton; or to

RICHARD PETERS, Jun.

No. 130 Walnut Street, Philadelphia.

Nov. 20, 1804.

## To be Rented,

For the present year, and Possession given immediately.

THAT well known stand for a Country Store, at the Head of Wye River, where Doctor Wilson, and his Brother before him, kept for long a very profitable Retail Store; and where an enterprising, industrious man, might do much business, with a vessel and grain, it being the route of most of the grain in that neighbourhood passing to market. For terms apply to the subscriber, or John Nabb, Esq. who lives on the premises.

JACOB GIBSON.

January 29, 1805.

Jesse Hollingsworth & Son

## HAVE FOR SALE,

FOURTH PROOF COGNAC BRANDY, in pipes; Swedish and country Rum Bar Iron and Rod Iron; Millington, Crowley, German and Country Steel; Castings; Nova Scotia Plaster, ground and in lumb; Clover Seed; Cologne Mill Stones of all sizes and dimensions; Pork, by the barrel; Tar; Salt, of every kind; Sugar, by the hoghead and barrel, &c. &c.

Country Wharf, Baltimore.

February 26, 1805.

## Notice.

ALL persons having claims against the estate of Edward Henrix late of Talbot county deceased, are warned to exhibit the same properly authenticated for settlement, or they may be barred by law of any benefit of said estate; and all those indebted to said estate are desired to make immediate payment to the subscriber, administrator de bonis non on the personal estate of the said deceased.

CHARLES HENRIX.

March 12, 1805.

## Baltimore and Frederick

### TURNPIKE ROAD.

THE Subscribers being appointed to receive subscriptions, under the act of assembly "for incorporating a company for making a turn-pike road from Baltimore through Frederick-town to Boonshorough," do hereby give notice, that subscription books will be opened at the office of the Maryland Insurance Company in South street, and at Mr. William Evans's tavern, Market-street, on Monday the 1st of April, from the hour of 9 until 1 o'clock and will continue open during the same hours the two following days, unless the capital stock should be earlier subscribed. The stock is divided into shares of twenty dollars each, and every person must pay down one dollar on each share at the time of subscribing—not more than twenty-five shares can be subscribed for on the first day by any one person, nor more than fifty on the second day.

(Signed)

JAMES CAREY.

LUKE TIERNAN.

GEORGE F. WARFIELD.

FRANCIS HOLLINGSWORTH.

N. B. Subscription Books will be opened at Frederick, Middle-Town, and Hagerstown, for shares in the above road, by the commissioners named in the law.

February 26, 1805.

## BLANKS

### FOR SALE.

# A LIST

OF the tracts and lots of land in Allegany county, held by persons not residents of said county, the amount of the taxes thereon respectively due for the years 1803 and 1804, with the names of the persons respectively chargeable with the payment of the same. The taxes thereon being now due and unpaid, and no personal property can be found in Allegany county, liable for, or chargeable with the payment of the same.

Persons names and numbers of lots.

Tax due 1803.

Tax due 1804.

Wm. Amos, 107 1/2

140,

Zachariah Allen,

75, 47 1/2

John S'th Brooks,

12,

Wm. Bennymann,

1877,

Michael Boyer,

297, 436,

Aquila Brown, 489

Valentine Brother,

913,

Benjamin Black, 15,

John Boyd, 313,

Bailey E. Clark,

3600, 3601, 3602,

3349,

Elias Critchley,

1291,

Peter Cafenaves'

heirs, 1773, 52,

1918, 1804, 1944,

1616, 2019, 1942,

966, 894, 1780,

441, 1842, 1048,

1000, 1972, 2018,

1160, 342, 1330,

27, 124, 1700,

Saml Davis, 3163,

J. H. Dyle, 3049,

3038, 3166,

Thos. Donaldson,

1134, 4157, 4156,

123, 859, 3098,

84, 130, 2088,

3632, 1165, 1325,

1125, 1168, 469,

1912, 250, 1131,

439, 443, 30, 2500

25, 1920, 440, 444

442, 189, 447,

311, 448,

George Pross,

3313, 1423,

Philip Ford, 404,

William Ferguson,

255,

Richard Fleming,

1963,

Solomon Geer,

3126, 1720, 2022,

Archibald Golder,

1124,

James Greenleaf,

part of Spruce

Springs,

Robert Gover,

3129, 2425, 1325,

1425, 4055, 1317,

2548, 1009, 248,

833, 96, 360,

1334, 1704,

Anguit. Gambrell,

1950,

Henry Huntsman,

3 lots number un-

known,

Elitha Hall, 197,

13 5,

John Hamm, 1386

T. B. Hugo 1784,

Thomas Hewett,

979,

James G. Howard,

273,

Adam Hope, 2582

2583, 2506, 2587,

James Johnson,

Bear Creek Mea-

dows,

Elitha Jarrett 135,

21, 4 36, 1935,

56, 131, 932, 2536

241, 1167,

Bennett Jarrett,

3158, 921, 923,

Samuel Jay, 216,

492, 167, 170,

810, 290, 1010,

1834, 1121,

Lloyd & Paces,

Small Meadows,

Hunting Ground,

Buck Bones, Rich

Glades, George H.

Meyers, 2 lots,

188, and —

Peter Mantz, 2709

2710, 2719, 2720,

James R. Morris,

11, 114,

Gilbert Murdock,

885, 931,

James Miller, 416,

1350, 359, 929,

257, 487,

Greenberry Neale,

1558,

Samuel Norwood,

Norwood's Farm,

1603, 4096,

4097, 1734, 3046,

John Pollard, 165,

1413, 2029, 1244,

850,

Pearfall & Rodg-

ers, Bull Pasture,

George Roffe 334,

John Ritchie,

Constitution Vale,

Addition to Hunt-

1950, 1130, 130,

John Rols, 4158,

John Schley, 12, 7

James Shaw, 3065,

Robert C. Stanley,

842, 858, 930,

1172, 1373,

Philip Swearer,

3036,

John H. Sone,

1382, 173, 20,

1, 45, 70, 37,

286, 405, 4211,

931, 1482, 446,

378, 1915, 1923,

2539, 164, 465,

2038, 1132, 1801,

951, 1830, 342,

1703, 858, Addition

to hotel,

Gustavus Scott's

heirs, Roby's De-

light, Orm's At-

tention, Chestnut

Grove, Now or

Never, Hard

Struggle, 2487,

Benj. Stodiert,

New Carriage 96

acres, Mount Pica-

sant 718 acres, Ad-

dition 322, Cale-

donia, 200,

John Thompson,

1326, 1136, 1325,

Thomas and Sa-

muel Turner, 2615

2616, 2617, 2618,

Abraham Van Bib-

ber, Diadem, part

of Good and Bad,

Oimes' Delight,

Ormes' Choice, the

General's With,

Friendship, Elk

Garden, Ormes'

Discovery, 1335,

1388, 3449, 50, 1,

2, 3, 4, 5, 6, and 8

John Wilcox, 4, 45

Edward Wright,

217, 3037, 1280,

2340, 1190, 118,

4064,

P. L. Webster, 283

1435, 375, 1466,

James Well, Jun.

2081, 1005,

Wm. Woods, 2732,

2733, 2735, 2723,

Charles Wayman,

82,

John Warfield, 266

George Emory,

Colemine,

Hannn Stidger,

at Good and Bad

Wm. Stidger, part

Allegany,

Wm. and J. Scott,

Wm. and Joseph's

Amendment

Richard Johns,

House and Lot,

Cresap Town,

Ben. Black, Par-

ker's Negle, 8,

Margaret Chew, 82

110, 111, 141, 171

72, 174, 180, 167

168, in Cumber-

land Town,

Blackburn and

Brent, 8 unimpro-

ved lots, Cumber-

land

Stephen Deakons,

No. 2, Cumber-

land town,

Elijah Evans, 42

do.

Wm. King, 67, 168

ditto