THE CASE OF WILLIAM L. CHAPLIN.

FROM "THE REPUBLIC."

It will be recollected that on the night of the 8th of September last WILLIAM L. CHAPLIN was arrested in Montgomery county, Maryland, a short distance from the District line, by Captain J. H. Goddard, assisted by officers Handy, Wollard, Cox, and Davis, and Messrs. Cook, Butts, and Smithia, having in his possession two slaves, the property, severally, of the Hon A. H. Stevens and the Hon. Robert Toombs, of Georgia, who were at that time servi g in Congress; that a spirited conflict of arms occurred between the occupants of the carriage and the pursuing parties; and that, on being taken back to the city of Washington, Mr. Chaplin was imprisoned, and then released on giving bail in the sum of $6,000 to appear before the Criminal Court of the District of Columbia to answer for the abduction of the two slaves.

Subsequently, on the requisition of the Governor of Maryland, he was delivered to the sheriff of Montgomery county, Maryland, where he has remained to the present time—a period of about two months.

On the former hearing of this case the power of the magistrate to bail the prisoner was discussed, but the demand was waived by his counsel, and the case again came up on Tuesday, the 12th instant, in the Montgomery county court, before his honor Judge BREWER, Judges Dorsey and Wilkinson being absent.

There appeared for the prosecution, G. R. Richardson, the Attorney General for the State of Maryland, and the Hon. Robert I. Bowie; for the prisoner, Messrs. Charles H. Pitts, of Baltimore; D. Radcliff, of Washington; and John Brewer, of Montgomery county, Maryland.

Mr. PITTS remarked to the Court that there were seven indictments against William L. Chaplin; three, charging an assault and battery with an attempt to kill Messrs. J. H. Goddard, William Smithis, and Richard Butts; two, larceny of the slaves of Messrs. Stephens and Toombs; and two others, charging the prisoner with assisting the slaves to escape from their masters, contrary to the act of Assembly of 1849. The object of the counsel of the prisoner at this time was to ask that he be bailed, and that the amount be fixed. All the cases, except the two last, were simply misdemeanors. The indictments, he believed, were returned to-day; the prisoner had had no time to prepare for his defence; and he asked that bail be allowed as a matter of right; and that the court would, in so doing, take into consideration all the circumstances of the case, including those of the accused.

Mr. BOWIE was instructed to say that the State was now ready for trial. Bail was merely required as secured for the appearance of the prisoner; and they were informed by his counsel that the accused was not ready for trial. He supposed that the most material considerations should form a basis, some foundation, for the request which had been made; such as the belief that a fair trial could not be had, a long delay, or an absence of important witnesses; and then the matter of bail was to be left to the discretion of the court. He could not concur with his friend in saying that bail was a matter of right. The court must hear the testimony—as the amount of bail always depends on the circumstances which surround the crime or the offence charged.

Mr. PITTS had never understood that in any case, such as that which had been presented by the grand jury, bail could not be asked as a matter of right in the State of Maryland. The gentleman on the opposite side said that the State was ready for trial. The indictments were filed in court only today, and therefore it was impossible that the prisoner or his counsel could instantly make preparations to meet the issue. He was not familiar with the practice of this court, and could not speak of it; but the general practice elsewhere was to allow four days to the accused to make preparations for his trial. The case of Chaplin was not now ready for trial, for good and sufficient reasons. Some of the witnesses live in the District of Columbia, and others elsewhere, out of the State of Maryland; and their evidence is material to the defence; and it was material and important to the arrangements that Chaplin's counsel should make preparations. They had supposed that the right to be admitted to bail would not be controverted. Magistrates cannot bail after the parties have been committed to the custody of the court; but cases of misdemeanor, as five of these indictments were, are bailable. The counsel for the defence merely submit the question to the court. If they shall not be ready hereafter for trial, they will show reasons for the continuance of the case. Though the other side are ready, they ought not to call for the encounter so early as this.

Mr. RICHARDSON had only one remark to add. Whatever may be the opinion of the court as to the right of bail, the circumstances of this particular transaction address themselves to the discretion of the court, and it should be assured beyond controversy that the bail is to secure the attendance of the prisoner. The notoriety of this case, the presence of the counsel here, the efforts which have been made to bail the party anterior to the term of this court, and now, when indictments have been found, and counsel are personally present for the purpose of seeing to the interest of this man, a suggestion must arise *whether the proposition to bail him is not, in effect, a proposition for him to escape justice*; and whether he is not paying a bounty for his liberty by fixing the amount of bail, which, beyond all question, is always intended to secure the attendance of the party for trial. He stands indicted for the abduction of two slaves; the larceny and assisting them to escape rest on the same state of facts; but in assisting these two slaves to escape through his instrumentality, he attempted to take the lives of three individuals. Under these circumstances, and in consideration of the facts, the amount of bail should be such as to secure, beyond question, his attendance here for trial.

Mr. PITTS objected to the impropriety of suggesting that the bail asked was intended to be forfeited. He apprehended that the rights of the prisoner stood on the basis assigned to all other persons accused of offences. He is here charged with assault and battery with intent to kill; he is indicted on two other charges, namely: abducting two negroes, the property of Messrs. Stephens and Toombs, and for assisting them to run away. It seemed to him that the Court is not to presume that the intention of the party in asking bail is to escape trial. The party, by law, is innocent of the charges made against him until he be proved guilty; and the finding of the grand jury, on *ex parte* testimony, and the fixing of bail, has no weight and consideration in the trial of this case. We are here to ask bail, and make the application under protest that it is not to be taken as presumption that it is to enable this man to evade a trial, and we cannot acquiesce in any such presumption. We do not object to fixing the bail to the circumstances of the case, and the ability of the accused to give it. The fact that the Government is ready for trial ought not to pass the issue on the accused with no time for preparation, and he appealed to the extensive experience of the State's Attorney to say whether it is not the daily and constant practice to bail after indictments are found, and his most usual practice? After the indictments have been found, it is the practice to fix the amount of bail. We have come to give bail, and are not ready to try this case.

Mr. BOWIE read from Blackstone's Commentaries to show that bail in certain grave offences was not a matter of right, but a matter of favor, addressed to the discretion of the court.

The COURT said that the case required consideration, and that its decision on the application for bail would be made known on the ensuing morning.

On the meeting of the Court on Wednesday morning, Judge BREWER said that he had considered the application for bail made by the counsel of Wm. L. Chaplin on Tuesday. According to the practice of the court, bail could be allowed at any time before cases are ready for trial. It was, however, discretionary. But indictments have been found against the prisoner, and, unless some reasonable cause be assigned, the court could not entertain the application at present. The court would, however, as was customary, allow time to the counsel of the accused to prepare for trial, (they having asserted that they were not now ready,) and he was willing to listen to any suggestions why there should be postponement or delay.

There was a large number of persons in attendance. Excitement to the degree anticipated was not prevalent.

During the trial of an appeal case—

The prisoner, Mr. Chaplin, was brought into the court-room, accompanied by a Mr. and Mrs. Smith, of the Society of Friends, from New York, and by Mr. Cameron and Miss Gilbert. There was much confusion at this stage, the spectators rushing forward to get a view of the prisoner, who advanced to the desk of the clerk, and deposited with the officer seven several declarations, in the following words, viz:

"STATE OF MARYLAND VS. WM. L. CHAPLIN.

"*In Montgomery County Court, November Term*, 1850.

"Indictment for ——.

"And the said William L. Chaplin comes into Court and suggests to the Court that he cannot have a fair and impartial trial of the case in this court. He therefore prays the court to order and direct the record of its proceedings in the said case to be transmitted to the court of some adjoining county for trial.

"On this 13 h day of November, 1850, personally appeared in court the said Wm. L. Chaplin, and solemnly and sincerely declared and affirmed that the matters set forth in the aforgoing suggestion are true, to the best of his knowledge and belief. A. L. STONESTREET, Clerk."

The prisoner likewise asked for a change of venue on the other six cases, which was granted; and he then retired with his friend.

Mr. PITTS, of counsel for William L. Chaplin, said that the trial could not take place until the next spring term; and he again made application to the court to fix the amount of bail.

Mr. RICHARDSON, for the State, would merely make a suggestion as to the amount of bail. This case was one, he said, which not only excites this part of the country, but excites other parts of the country; and it being a question of great excitement, what would be bail under ordinary circumstances would not be bail on this occasion. An individual is brought before court with sparse and slender means, and another is brought before court with large and ample means. What, he repeated, would be bail in the one case would not be bail in the other. There was a grave reason for this: one case was more important than the other, and the bail given might be forfeited by the prisoner for the sake of his liberty; therefore sounder discretion should be exercised by the court. The question is, whether this case is one of that character; and he apprehended that the court would look, not to the means of this individual, but to the weighty consequences involved. There are in this country fanatics who think that they are doing God service by stealing away the property of others. And with this feeling, and acting with these fanatics, this man has not only hazarded his liberty, but has involved the fortunes of those who are anxious for his release. Mr. Richardson suggested this as a question which ought to be considered in fixing the amount of bail. It was not the *man*, but the *case*; and in bailing the *case*, the feelings of this section of the country are largely interested.

Mr. PITTS remarked that it was not necessary to make any suggestion as to the bail, as he had said yesterday. And he now repeated this morning, that the case stands precisely as other cases stand under the laws of Maryland; and the prosecution on the part of the State had no right to bring into the consideration of this case conjectural circumstances elsewhere to influence the position which this man occupies. The prisoner has been indicted for three misdemeanors—assault committed on persons who attempted his arrest; for two other misdemeanors—alleged assistance rendered slaves to escape; and for two larcenies of the negroes. He would say to his friends on the other side, and with due deference to the Court, that the question is, what amount of bail (looking to the circumstances of the party, and these misdemeanors under the laws of Maryland) should be demanded to secure the attendance of the accused for trial. There was no evidence which would lead the Court to believe that the application for bail is made in bad faith. This man's means are limited; it may be that they are greater than those of others who are brought hither for trial; but because a man has friends who are willing to aid him in recovering his liberty, and to make preparations for the day of trial, is the bail to be accumulated so as to prevent him from obtaining it? Is it within the spirit of the constitutional declaration that excessive bail shall not be demanded? And shall the amount required be beyond the means of the party to give? And is it to be said, because this man has stolen, or attempted to steal, one kind of property, the offence is greater than if he had stolen another kind of property? And that because persons in other parts of the country sympathize with him, the combined capital of the North is to be brought to his aid? Is the Court to be told that, because the offence is against a particular institution, the amount of bail must be excessive, to gratify those in another region who entertain contrary sentiments? No; bail should always be proportioned to the extent of the offence charged, without looking to the prejudices or predilections of any other part of the country. You are to look to the law of the land and the means of the party, and then determine the bail, having in view the principle that excessive bail shall not be demanded.

The Court suggested that the venue be changed to Howard District, in the adjoining county.

The counsel for the prisoner expressed themselves perfectly satisfied. Therefore the trial of Chaplin is designed to take place (not earlier than the next March term) in the Howard District Court, at Ellicott's Mills.

The witnesses for the State gave bail, $3,500 each, for their appearance at the March term of the court.

We did not remain in Rockville until the Judge announced the amount of bail required to be given for the appearance of the prisoner, but learn from a friend that it was fixed at nineteen thousand dollars; and that there was no indication that bondsmen were in attendance. They may, however, be procured at an early day.