

(BY PERMISSION.)
HIGH COURT OF IMPEACHMENT.
TUESDAY, February 12.

Evidence on the part of the Respondent.

William Marshall cross examined.

Questions by Mr. Nicholson.
At the time when Callender was tried, was it not customary for the circuit judges to change?

A. It was.

Q. Who presided at the next term after the trial of Callender?

A. Judge Patterson.

Questions by Mr. Randolph.
You say you are not certain that the marshal accompanied you to the lodgings of Mr. Chase when you saw Mr. Heath there; are you certain that he accompanied you and the judge to the court?

A. I am positive.

Q. You mentioned that the judge expressed a wish that the jury to try Callender should be of a certain political description; did you mention that to the marshal?

A. I never did.

Q. Do you not know that all the jury who tried Callender, were opposed to him in political sentiments?

A. I believe they all were.

Q. Did the capias which issued against Callender, issue before the bill was found?

A. It did.

Q. In the court of the trial, were not the interruptions of counsel more frequent than you have ever seen at any other trial?

A. I have rarely seen a trial where the interruptions were so frequent.

Q. Do you recollect any case?

A. I recollect a case where judge Iredell presided, when the interruptions were more frequent.

Q. Did you see any thing disrespectful on the part of the counsel?

A. The counsel for the traverser appeared to be in a great state of irritation, and there appeared as much decision on the part of the court as I have ever witnessed.

Q. Was there much warmth displayed?

A. There was; but I am unable to say who commenced it.

Questions by Mr. Martin.
What produced the interruptions of the counsel?

A. I cannot give a distinct answer to that question. I frequently heard the judge say that the gentlemen had mistaken the law, and were pressing their mistakes on the court.

Questions by Mr. Harper.
You have stated, sir, that there were not on the jury any of the same political sentiments with Callender; was there none summoned on the panel?

A. There were several that I know of: some of them spoke to me to get them excused, but I declined interfering. Col. Harvie was excused on account of his being sheriff of Henrico county court, which was at that time sitting. Mr. Rudford and Mr. Vandevall were called, but did not answer, nor attend.

Q. Did judge Chase observe, that the gentlemen continued to renew motions after they had been overruled?

A. I think he did.

Q. Was judge Chase sarcastic?

A. I do not recollect that he was.

Q. What was the illustration of a case which he made, and which produced mirth?

A. The judge said that all the charges in the indictment must be proved, or it was useless to prove any; and therefore it was unimportant that any of the traverser's witnesses should be there, provided they could not prove all. He said, "Suppose a man should say that I was a scoundrel, a rogue, and an ugly fellow; he is indicted for it, and pleads not guilty. On the trial he proves that I am a very ugly fellow, will any man say that this will justify him for saying that I was a scoundrel and a rogue?" All this was in good humor.

Q. Was he harsh to the counsel?

A. The judge frequently said, "I am acting under an oath, and bound to give my opinion on the law; but I am a fallible man, and it is possible that I may be in an error, and therefore the whole case may be stated in writing, and I will assist the counsel in making out a writ of error, and allow them to take the case up to the supreme court as soon as possible."

Questions by Mr. Randolph.
Do you speak of colonel John Harvie, of Belvidere?

A. I do.

Q. Do you speak of his politics now, or his politics then?

A. His politics then—common report—and my knowledge of his opposition to the federal law.

Q. Is the William Rudford the person who keeps the Eagle tavern in Richmond?

A. The same.

Q. Do you speak of his politics now, or his politics then?

A. I speak of his politics then.

Q. Do you not know that Marks Vandevall has denied that he was summoned?

A. I have understood it, but not from him.

Q. Did col. Harvie answer when called?

A. He did—and was excused on the ground of his being high sheriff of Henrico county, whose court was sitting.

Q. Is there not a great deal of business transacted in Henrico court?

A. There is at the quarterly court, but that was a monthly court, at which there is not much business transacted.

Q. Are you well acquainted with col. Harvie and Mr. Rudford?

A. I am.

Q. Are you well acquainted with Marks Vandevall?

A. I am not very intimate with him.

Q. Do you not know that Marks Vandevall, at the election for members of the house of representatives in the spring of 1799, voted for your brother, the present chief justice of the United States?

A. I believe that he did not vote at all. Had he voted, my opinion is that he would have voted for my brother.

Question by Mr. Bayard.
Had the venire facias issued to summon the jury before your meeting with Heath?

A. A venire facias did not issue at all. An order was given to summon the jury on the Thursday previous to the trial. I do not remember whether the panel was prepared at the time I saw Mr. Heath at the lodgings of judge Chase, or not.

Question by Mr. Randolph.
Do you know the politics of Thomas Tindly?

A. I do not know what politics he professes. I know he was opposed to the adoption of the constitution of the United States.

The court then adjourned.

SATURDAY, February 16, 1805.

David M. Randolph, sworn and examined by Mr. Harper.

Q. Was you marshal of the district of Virginia at the trial of Callender?

A. I was.

Q. In what mode was the jury summoned to try him?

A. I received notice on Thursday, the 29th of May, to summon a jury to try Callender on Monday, the second of June. I proceeded to summon them immediately, but did not complete the panel until after the court had met on Monday.

Q. Did you ever shew the panel to judge Chase?

A. I never did in any case that I recollect of, except the panel of the grand jury, in order to appoint a foreman.

Q. Did judge Chase ever tell you to strike off a certain description of people "or creatures" called democrats?

A. Never at any time or place I am certain. The panel was never completed until after the court met on Monday, and I had no opportunity of shewing it to judge Chase, even had I wished to do it.

Question.
Did any gentleman apply to be excused from serving on the jury?

Answer. Several. At the moment when I received orders to summon the jury, I applied to my two deputies and directed each of them to summon such characters as I designated to them. They proceeded to summon immediately, and each put down one, two or three names. I looked around and summoned several gentlemen, but did not put down their names. On Monday when the court met, finding that my deputies had not summoned as many jurors as was necessary, I went down to look for them, and found them in the act of looking out for jurors. Mr. Mosby, one of my deputies was then in conversation with colonel Vandevall. At this time I saw Mr. Basset coming into town—I went up to him and informed him that he had been noted for not attending on the grand jury and that he must serve on the petit jury, and he would then have an opportunity of making his excuse to the court for not serving on the grand jury.

When I returned to the capitol my deputies made a return of a number of jurors which they had summoned, on little slips of paper, and from them I made out the panel. Mr. Lewis and Mr. Blakely applied to me to be discharged. I heard something on the part of Mr. Lewis that he was prejudiced, and I discharged him. Mr. Blakely was under the age of twenty-five, and we let him off. I went out and saw Mr. Samuel Morse, and summoned him. He applied to be discharged, but I refused. He then told me that he knew I would let him off, and stooping down assured me that he was prejudiced against Callender. I informed him that I would let him off, but requested him not to mention it, lest others might feign the same excuse. I then went down to the counting room of Pickett, Pollard and Johnson, and informed Mr. Pollard that he must serve. He informed me that he had been summoned, but could not attend. I told him that there was but one reason which would induce me to excuse him, and he not giving that I refused to discharge him; he then went up to the court and they excused him. Colonel Harvie requested to be let off and informed me that he was high sheriff of Henrico court which was then sitting. I told him that the high sheriff generally did nothing at court, and he must serve: he then applied to the court and was released. Mr. Rudford was in court and made some objection to serving. He might have said that he differed in politics with me. When he was called he did not answer.

Q. Did you go in person and apprehend Callender?

A. I did.

Q. Did you meet with Mr. Hay in Peterburgh?

A. I did.

Q. Was there any thing said, tending to dissuade you from apprehending Callender.

A. I had proceeded twelve miles above Peterburgh in consequence of wrong information. On my return Mr. Hay came up to me and we entered into conversation. I told him that I had been solicited in my endeavors to find Callender, but that I was determined to see whether he was not in Peterburgh. Mr. Hay appeared to interest himself in persuading me to abandon the pursuit. I replied that I should do my duty. He said that he did not know where Callender was, but that if he did he would not tell me, and added that Callender could not or would not be taken that term—I told him that perhaps he was too fanguine and he must not be surprized if I carried Callender to court with me. He then politely asked me to go to his house and lodge, which I refused, wishing to see some of my friends in Peterburgh.

Q. Did Mr. Hay assign any reasons for your abandoning the pursuit?

A. He offered a number; one was that Callender, if taken, could not be defended and would be imprisoned, but that if not taken at that time, at the next court he would surrender himself.

Q. You have said that you completed the panel after the meeting of the court?

A. I have said so.

Q. Did you ever submit any other panel to judge Chase except the panel of the grand jury?

A. I never did.

David M. Randolph, cross examined by Mr. Randolph.

Q. Did you summon Marks Vandevall yourself or not.

A. He was not summoned by me, but he was by my order. Mr. Mosby my deputy told me that colonel Vandevall was averse to serving. I told him that it lay with him to let him off, and he informed me that he had not.

Q. Have you not heard that Mr. Vandevall has denied that he was summoned?

A. I have seen it in a newspaper and called Mr. Mosby's attention to it, who said it was unfounded.

Q. Had you any conversation with Mr. Chase on the subject of the grand jury?

A. Not one word that I recollect.

Q. Was William Rudford the man who keeps the Eagle tavern?

A. The same.

Q. Did he mention to you that his politics were different from yours?

A. I do not remember whether he expressed it in words, but I understood that he meant to convey that idea.

Q. Did you understand his politics to be different from yours at that time?

A. I was not certain what his politics were.

Q. When did you shew the judge a panel of the grand jury?

A. It was after the court met on the first day of the term, I handed the panel to the judge to appoint a foreman.

Question by Mr. Campbell.
Did you ever meet Mr. Heath at the lodgings of judge Chase?

A. I have no recollection of seeing Mr. Heath during the session of the court, but upon hearing Mr. Marshall's testimony, I suppose I must have seen Mr. Heath in Richmond during the term, as I know him very well; but I have not the slightest recollection of seeing him at the lodgings of judge Chase at any time.

Q. Did you ever receive any instructions from the judge, relative to the summoning of the grand jury?

A. Never.

[To be continued.]

REMOVALS.

Calhoun & Lamont

HAVE removed to 190 1-2, Baltimore-street, immediately opposite the Globe Inn, where they have now on hand, and will continue to receive regular importations of BRITISH and GERMAN GOODS. march 6 drot eotot

Cornelius and John Comegys

HAVE removed to 193, Baltimore-street, adjoining the warehouse of Mess. Calhoun & Lamont—They have on hand, an extensive assortment of BRITISH GOODS, which they will continue regular importations of.

George Grundy & Nephew

HAVE removed to 183 1-2, Baltimore-street, two doors above Mess. Thornburg and Miller's, where they offer for sale as usual, DRY GOODS and HARDWARE.

For Rent,

The WAREHOUSE lately occupied by them in Roger's alley.

Salt-Petred Hams.

Isaac Phillips & Co.

Have on Hand, for Sale, A QUANTITY of Salt-Petred Hams, of their own curing, in nice order for exportation, or family use. ALSO: 500 lbs. 1st and 2d quality Rye Flour Borden No. 1 Pork New York prime Beef, &c. &c. 2d quality Butter, in good order for exportation 2000 bushels Turks Island Salt Red Clover Seed, Whiskey, Apples and Peaches. Brandy, &c. march 18 saw 6t

City of Baltimore.

(BY AUTHORITY)

(No. IX)

AN ADDITIONAL SUPPLEMENT To the Ordinance, intitled, 'An Ordinance for the inspection of salted provisions imported into, and exported from the city of Baltimore.'

BE it enacted and ordained by the mayor and city council of Baltimore. That a person of good repute and skilful in the goodness, quality and well curing of salted beef and pork, shall be appointed inspector of beef and pork, whose duty it shall be, after the first day of May next, to inspect all the beef and pork brought, imported into, or put up in the city of Baltimore for sale, agreeably to the regulations respecting beef and pork contained in the ordinance to which this is a supplement.

Sec. 2. And be it enacted and ordained, That a person of good repute and skilful in the goodness, quality and well curing of salted fish, shall be appointed inspector of fish, whose duty it shall be, after the first day of May next, to inspect all the salted fish packed in barrels or half barrels, and brought to the city of Baltimore for sale, agreeably to the regulations contained in the ordinance to which this is a supplement.

Sec. 3. And be it enacted and ordained, That from and after the first day of May next, no inspector of salted beef and pork or fish, that shall be inspected in the city of Baltimore, under the penalty of forfeiting and paying for each and every offence five dollars, one half to the informer and the other half to the use of the city.

Sec. 4. And be it enacted and ordained, That so much of the ordinance, intitled, "A supplement to the ordinance respecting the licensing of certain officers," passed the 22d March 1803, as requires the inspector of salted provisions to obtain from the mayor a licence, under the seal of the corporation, shall be, and the same is hereby repealed.

Sec. 5. And be it enacted and ordained, That the inspector of salted beef and pork, and the inspector of salted fish, shall, after the first day of May next, take out and obtain from the mayor a licence, under the seal of the corporation, and for every such licence that shall or may be granted, as aforesaid, shall pay to the register for the use of the city one hundred dollars; and the said licence shall be renewed annually.

Sec. 6. And be it enacted and ordained, That the inspector of beef and pork and the inspector of salted fish, shall severally keep an exact account of the number of casks of beef, pork and fish by them respectively inspected, and once in every three months make a return thereof, on oath or affirmation, to the mayor, who is hereby authorized and directed to cause the same to be published in one or more newspapers of the city of Baltimore.

Sec. 7. And be it enacted and ordained, That so much of the ordinance to which this is a supplement, as is repugnant to, or inconsistent with this ordinance, be and the same is hereby repealed.

BALTZER SHAEFFER, President Of the first branch of the city council.

JAS. CALHOUN, President Of the second branch of the city council.

APPROVED, March 9, 1805.

THOROWGD. SMITH, Mayor Of the city of Baltimore.

(No. X)

AN ORDINANCE

To establish a fish market, and for other purposes, therein mentioned.

BE it enacted and ordained by the mayor and city council of Baltimore, That Michael Dissendier, Joseph Townsend and Thomas M'Eldey, be, and they are hereby authorized and empowered, with the approbation of the mayor, to erect a wharf at the east end of Fall's market space and pave said market from said wharf, to centre market space, thirty feet wide in the centre and build and complete a fish market house on said paved space, beginning at the intersection of market space and extending one hundred feet east and covering thirty feet in breadth with a sufficient height, and that a sum not exceeding two thousand five hundred dollars be appropriated for the purposes aforesaid.

Sec. 2. And be it enacted and ordained, That the said commissioners, with the approbation of the mayor, be, and they are hereby authorized and empowered to negotiate and borrow two thousand five hundred dollars for the purposes aforesaid.

Sec. 3. And be it enacted and ordained, That the corporation of the city of Baltimore do hereby guarantee the payment of said loans, with legal interest thereon, to the person or persons who shall advance the same and shall and will indemnify the said commissioners; and the revenue of the city is hereby pledged for the payment of the same, on or before the year eighteen hundred and ten.

Sec. 4. And be it enacted and ordained, That Emanuel Kent, Jacob Hoffman and Jacob Small, be, and they are hereby appointed commissioners under the direction of the mayor, for the purpose of purchasing a parcel of ground, adjoining the Hanover market house, which was here-

before a part of said market and sold to individuals, on which a roof is already erected suitable for a market house, and that a sum not exceeding three thousand nine hundred dollars, with interest accruing thereon until said sum be paid, be, and hereby is appropriated for the purchase of the same.

Sec. 5. And be it enacted and ordained, That the said commissioners, with the approbation of the mayor, be, and they are hereby authorized and empowered to negotiate and borrow a sum of money, not exceeding three thousand nine hundred dollars for the purpose aforesaid.

Sec. 6. And be it enacted and ordained, That the corporation of the city of Baltimore do hereby guarantee the payment of said loan or loans, with legal interest thereon, to the person or persons who shall advance the same, and shall and will indemnify the said Emanuel Kent, Jacob Hoffman and Jacob Small; and the revenue of the city is hereby pledged for the payment of the same, on or before the year eighteen hundred and ten.

Sec. 7. And be it enacted and ordained, That the commissioners named in this ordinance shall, before they enter upon the discharge of the duties required of them, give bond to the mayor and city council of Baltimore in double the sum authorized to be raised by this ordinance, conditioned that the sums by them respectively obtained on loan shall be applied and expended in the manner and for the purposes by this ordinance directed.

BALTZER SHAEFFER, president Of the first branch of the city council.

JAS. CALHOUN, president Of the second branch of the city council.

APPROVED, March 20, 1805.

THOROWGD. SMITH, Mayor Of the city of Baltimore

From the FEDERAL GAZETTE.

Messrs. Printers,

Several publications have been made in your paper, respecting the turnpike roads; and indeed, from the absolute necessity there is, to have something done to our roads, it would appear almost superfluous to say any thing: It is certainly obvious to every inhabitant of this city, and it is feelingly so to every person who is compelled to travel the roads, that they are now, and have been for some years, in a state that would disgrace any other civilized people; being, for most part of the time, impassable with any reasonable degree of safety. But the citizens of this place ought to feel peculiarly interested in the roads; it is through this medium all our internal commerce is carried on with a very extensive western country, perhaps greater in extent than falls to the share of any other city in the union, New York excepted; and if we do not improve those advantages which nature has been so good as to throw into our lap, the fault is ours, and at our door must it lie. If other cities rob us of what is our just natural right, it is because we have not the spirit to step forward and defend it. At the present and for a long time past, it is a fact not to be disputed, that the road from Fredericktown to this city has been the worst of any portion of the road between this and Kentucky. It is to be wondered, then, that that portion of produce which ought to come to this market, has to seek and find other avenues to other markets? No, it certainly is not; for, with all the disposition to come here, they find themselves unable to perform the task. With the roads in their present condition, for the purposes of commerce, this city might almost as well be situated on the most southern point of the Eastern Shore.

Independent, however, of the motive of interest to the holders of property in this city, by increasing the value of it, there is another, that of a good per centum, which ought to induce them to come forward and take stock in the roads. That on the Frederick road is to be opened on the first of April next; and from calculations made, which have been founded on accurate observation of the travelling of it, it is believed that the tolls imposed in the law will yield the interest of ten per cent per annum allowed by it, with great ease.

A Friend to Baltimore.

To Rent.

AS I intend declining the retail Grocery business, for the present, I will Rent the HOUSE in which I now live, as a good tenant. The situation is equal, it not superior to any in this city, for the wholesale retail Wet or Dry Goods business. The store is large and convenient, and a cellar under the whole of the house.

KENNEDY LONG

N. B. If I rent my house, I will sell you stock on reasonable terms.

march 9

Notice.

In pursuance of the Last Will and Testament, of the late William Spalding, deceased, will be sold by auction, on Friday the 18th April next, at 6 o'clock in the afternoon, on the premises.

A THREE story brick House, with good back buildings and yard, late the residence of the deceased, in Fayette-street. The terms of payment will be four cash, the other three fourths in 2, 4 and 6 months—This upon the last payment being made. For any information previous to the sale, apply at the store of Spalding & Elder.

BASIL S. ELDER, Auctioneer.

KDWD JENKINS, Auctioneer.

march 21