

2. In restricting the council for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the United States, which they deemed illustrative of the positions upon which they intended to rest the defence of their client.

3. In debarring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as on the fact, which was to determine his guilt, or innocence, and at the same time endeavouring to wrest from the jury their 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.

ARTICLE II.

That, in consequence of this irregular conduct of the said Samuel Chase, as dangerous to our liberties, as it is novel to our laws and usages, the said John Fries was deprived of the right, secured to him by the eighth article amendatory of the constitution, and was condemned to death without having been heard, by counsel, in his defence, to the disgrace of the character of the American bench, in manifest violation of law and justice, and in open contempt of the rights of juries, on which ultimately rest the liberty and safety of the American people.

ARTICLE III.

That, prompted by a similar spirit of persecution and injustice, at a circuit court of the United States, held at Richmond, in the month of May, 1800, for the district of Virginia, whereat the said Samuel Chase presided, and before which a certain James Thompson Callendar was arraigned for a libel on John Adams, then president of the United States, the said Samuel Chase, with intent to oppress, and procure the conviction of the said Callendar, did over-rule the objection of John Bassett, one of the jury, who wished to be excused from serving on the said 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; and the said Bassett was accordingly sworn, and did serve on the said jury.

ARTICLE IV.

That the evidence of John Taylor, a material witness on behalf of the aforesaid Callendar, was not permitted by the said Samuel Chase to be given in, because 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.

ARTICLE V.

That the conduct of the said Samuel Chase was marked, during the whole course of the said trial, by manifest injustice, partiality and intemperance, viz.

1. In refusing to postpone the trial, although an affidavit was regularly filed, stating the absence of material witnesses on behalf of the accused.

2. In the use of unusual, rude and contemptuous expressions towards the prisoner's counsel; and in insinuating that they wished to excite the public fears and indignation and to produce that insubordination to law, to which the conduct of the judge did at the same time manifestly tend.

3. In repeated and vexatious interruptions of the said counsel, on the part of the said judge, which at length induced them to abandon their cause and their client, who was thereupon convicted and condemned to fine and imprisonment.

4. In an indecent solicitude, manifested by the said Samuel Chase, 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.

ARTICLE VI.

That, at a circuit court of the United States, for the district of Delaware, held at New-Castle, in the month of June, one thousand eight hundred, whereat the said Samuel Chase presided,—the said Samuel Chase, disregarding the duties of his office, did descend from the dignity of a judge and stoop to the level of an informer, by refusing to discharge the grand jury, although entreated by several of the said jury to do so; and after the said grand jury had regularly declared, through their foreman, that they had found no bills of indictment, nor had any presentments to make, by observing to the said grand jury, 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"—but checking himself, as if sensible of the indecorum which he was committing, added—"that it might be assuming too much to mention the name of this person, but it becomes your duty, Gentlemen, to inquire diligently into this matter:" and that with intention to procure the prosecution of the printer in question, the said Samuel Chase did, moreover, authoritatively enjoin on the district attorney of the United States the necessity of procuring a file of the papers to which he alluded, (and which were understood to be those published under the title of "Mirror of the Times and General Advertiser"), and by a strict examination of them to find some passage which might furnish the groundwork of a prosecution against the printer of the said paper: thereby degrading his high judicial functions, and tending to impair the public confidence in, and respect for, the tribunals of justice, so essential to the general welfare.

ARTICLE VII.

And whereas mutual respect and confidence between the government of the United States and those of the individual states, and between the people and those governments, respectively, are highly conducive to that public harmony, without which there can be no public happiness, yet the said Samuel Chase, disregarding the duties and dignity of his judicial character, did, at a circuit court, for the district of Maryland, held at Baltimore, in the month of May, one thousand eight hundred and three, pervert his official right and duty to address the grand jury then and there assembled, on the matters coming within the province of the said jury, for the purpose of delivering to the said grand jury an intemperate 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, a conduct highly censurable in any, but peculiarly indecent and unbecoming in a judge of the supreme court of the United States: and moreover that the said Samuel Chase, then and there, under pretence of exercising his judicial right to address the said grand jury, as aforesaid, did, in a manner highly unwarrantable, endeavour 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, even if the judicial authority were competent to their expression, on a suitable occasion and in a proper manner, 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 electing partisan.

And the house of representatives, by protestation, saving to themselves the liberty of exhibiting at any time hereafter, any farther articles or other accusation or impeachment against the said Samuel Chase, and also of replying to his answers which he shall make unto the said articles, or any of them, and offering proof to all and every the aforesaid articles, and to all and every other articles, impeachment, or accusation, which shall be exhibited by them, as the case shall require, do demand that the said Samuel Chase may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials and judgments may be thereupon had and given, as are agreeable to law and justice.

Both houses of congress adjourned on Tuesday last, until the first Monday in November next.

BALTIMORE, March 28.

Captain Hills, who arrived at Boston in 24 days from Lisbon, spoke a vessel from Leghorn to Salem, which informed, that the United States frigate Philadelphia was still fast on the rock where she struck, and would not probably be gotten off.

BOSTON, March 20.

FROM LISBON.

Captain Hills, in 24 days from Lisbon, informs, that no expectations were entertained when he sailed, that either Spain or Portugal would be involved in the war. The British consul had arrived at Lisbon from Algiers. He mentioned that commodore Preble was proceeding to make an attempt to burn the Philadelphia, which still remained aground.

DOCUMENTS,

Referred to in captain Bainbridge's letter, published in a former number.

SIR,

We, late officers of the United States frigate Philadelphia, under your command, wishing to express our full approbation of your conduct concerning the unfortunate event of yesterday, do conceive that the charts and soundings, justified as near an approach to the shore as we made, and that after the ship struck every exertion was made and every expedient tried to get her off, and to defend her, which either courage or abilities could have dictated. We wish to add that in this instance, as well as every other since we have had the honour of being under your command, the officer and seaman have distinguished you. Believe us, Sir, that our misfortunes and sorrows are entirely absorbed in our sympathy for you.

We are, Sir, with sentiments of the highest and most sincere respect, your friends and fellow sufferers.

(Signed)

David Porter, J. Jones, Theodore Hunt, Benjamin Smith, lieutenants.

William S. Osborn, lieutenant marines.

John Ridgely, surgeon.

Keith Spencer, purser.

William Knight, sailing master.

Jonathan Cowdery, Nicholas Harwood, surgeon's mates.

Bernard Henry, James Gibbon, Benjamin F. Reed, Wallace Wormley, Robert Gamble, James Biddle, Richard B. Jones, Daniel T. Patterson, William Cutbush, Simon Smith, and James Renshaw, midshipmen.

Joseph Douglafs, sail-maker.

George Hodge, boatswain.

Richard Stevenson, gunner.

William Godby, carpenter.

(COPY.)

List of the officers and men quartered at the American consular house at Tripoli, viz.

William Bainbridge, captain.

David Porter, Jacob Jones, Theodore Hunt, Benjamin Smith, lieutenants.

William S. Osborn, lieutenant marines.

John Ridgely, surgeon.

Jonathan Cowdery, and Nicholas Harwood, surgeon's mates.

Keith Spencer, purser.

William Knight, sailing master.

George Hodge, boatswain.

Bernard Henry, Daniel T. Patterson, James Gibbon, Benjamin F. Reed, William Cutbush, Wallace

Wormley, Robert Gamble, Richard B. Jones, James

Renshaw, James Biddle, and Simon Smith, midshipmen.

Joseph Douglafs, sail-maker.

Richard Stephenson, gunner.

William Godby, carpenter.

William Anderson, captain's clerk.

Minor Forentau, master's mate.

James C. Morris, ship's steward.

Otis Hunt and David Irvine, sergeants marines.

William Leith, cook.

James Casey, master at arms.

Peter Williams, corporal.

John Baptist, Lewis Heckfener, Frederick Lewis

Charles Mitchell, Peter Cooke, Leonard Fessler, William

James, William Gardiner, William Kempfer, seamen—43.

264 men and boys in the bashaw's palace.

307 Total of the crew.

April 2.

The British frigate Leander, of 50 guns, anchored in Hampton Roads, from a cruise. Off the Cape of Virginia, she fell in with the French frigate Pursuivante; but not sailing well, could not bring her to action.

By virtue of a writ of fieri facias, to me directed out of the general court, will be SOLD, at the

WILLIAM CATON'S, in Annapolis, the third Monday in April, 1804,

THIRTY acres of land, called SHIPLEY'S ADVENTURE; taken as the property of Deacon

Shipley, to satisfy a debt due Philip B. Key, and

Burton Whetcroft, Esquires.

J. E. TILLY, Sheriff of Anne-Arundel county.

March 30, 1804.

By virtue of an order from the orphans court of Anne

Arundel county, the subscriber will EXPOSE TO

SALE, on Thursday the 26th instant,

SEVEN NEGROES, to wit: one man, the

women, and four children, the property of the

late ROBERT WARD, jun. deceased; they will be

fold on a credit of three months. Bond and good

security will be required.

WILLIAM WARD, Administrator, p. r. s.

April 3, 1804. 100/7/0

THOMAS SHAW

Has on hand, and offers for sale, at his store opposite Messrs. Ridgely and Weems, the following

Articles,

MAHOGANY knife cases, portable desks, liquor

cases, satin wood tea caddies, silver

shells for ditto, prints of Washington, Jefferson,

the Washington family, japanned dressing cases,

bread, snuffer, and tea trays, tea cannisters, pruning

and penknives, writing and letter paper, quills, writing

ink-powder, ink-stands, sand boxes, sealing wax,

Reeve's water colours, in boxes, ditto in cakes, black

ink, slates, slate pencils, black lead ditto, ditto

silver cases, India rubber, camel hair pencils, engraved

copy books, playing cards, ivory, tortoise, horn and

iron combs, razors, razor strops, shaving boxes, watch

balls, Windsor and violet shaving soaps, essences, perfumery

sorted, curling irons, court plaster, tooth brushes,

head ditto, tooth picks, bodkins, pocket books, Malacca

rocco purses, ditto spectacle cases, watch keys, keys,

key rings, cloaths, shoe, and sweeping brushes, knee

buckles, pearl sleeve buttons, common buttons,

segar boxes, looking glasses, dressing and pocket

portable, chamber, and entry lamps, figured paper,

commode handles, cloak and hat pins, iron rim, drawers,

cupboard, and desk locks, brass and iron hinges,

curtain rings, silver thimbles, chisels, hatchets,

bolts, hatchets, hammers, planes, wood laws, planes,

and brass candlesticks, plate warmers, screw

carpet rods, boot hooks, garden rakes and hoes, fire

niture brushes, house bells, flat iron stands, tin

buckets, coal hods, cut and plain glass decanters,

tumblers, wine and punch glasses, mustard and

pots, salts, cruet, &c. pearl barley, mace, nutmeg,

pepper, allspice, fig blue, starch, tea, sugar, chocolate,

brandy, rum, spirit, whiskey, &c.

Annapolis, April 5, 1804.

TO BE LET,

THE large and commodious HOUSE, in the

city, at present in the tenure of RICHARD

RINGEY, Esquire. Possession will be given in the

beginning of next month, and the cultivation of the

garden may in the mean time be commenced.

Also to be let, the house in which the late Altham

Quynn, Esq; many years resided, and the one formerly

occupied as a tavern by Mrs. Clarke, Thomas

Graham, &c. As the first mentioned of these

houses is in some degree, and the other very much

out of repair, it would be most agreeable to let them

to persons who would undertake to make the necessary

repairs in payment of their rent. A blacksmith's

shop, with necessary implements, would also be

rented. For terms apply to

JOHN KILTY,

Annapolis, April 2, 1804.

FOUND,

A GOLD SEAL, weighing five pennyweight

five grains, ciphered J.G.D. The owner

requested to apply at the printing-office.