MARYLAND GAZETTE.

Annapolis, Thursday, May 28.

The Hon. William Pinkney, (late Minister to Russia,) and Family, landed in this City on Saturday last, from the ship Plato, in 39 days from Bremen.

BOSTON, May 14.

A GREAT SEA SERPENT.

The following is a very interesting account of the Sea Serpent, seen on Saturday last. The respectability of the source of the annexed certificates, places the matter beyond a doubt—and we think Capt. Woodward has had a more minute view of this serpent, than it was possible for any one to have had of the one seen last summer off Cape Ann:

AFFIDAVIT.

I Joseph Woodward, master of the schr. Adamant, of Hingham, on my passage from Penobscot to Hingham, on Saturday last, at 2 o'clock, P. M. Agementicus bearing W. N. W. ten leagues distance, discovered something on the surface of the water, apparently about the size of a ship's long boat.—Supposing it to be the wreck of some vessel, I made towards it; and on approaching it, to my surprise and that of my crew discovered it to be a monstrous Sea Serpent—as we approached him, he threw himself into a coil* and darted himself forward with amazing velocity—the wind being ahead, it became necessary to stand on the other tack, and as we approached him again, he threw himself into a coil as before, and came across our bows at not more than sixty feet distance.

Having a gun charged with a ball and shot, I discharged the contents of it at his head.—The ball & shot were distinctly heard to strike him and rebound as though fired against a rock—he, however, shook his head and tail most terribly—he again threw himself into a coil and came towards us with his mouth wide open. In the mean time, I had charged my gun again and intended to have discharged the contents of it into his mouth; but he came so near us, I was fearful of the consequences, and withheld it—he came close under the bows of the schr. and, had she not been kept away, must have came on board of us—he sunk down under the vessel, his head a considerable distance on one side of the vessel and his tail the other—he played around us about 5 hours—I and my crew had probably the best opportunity of seeing him that has occurred—I judge him to be at the least twice the length of my schooner, say 130 feet—his head was about the size of a ship's long boat, say 14 feet—his body below the neck at least 6 feet diameter—his head was large in proportion to his body—his tail was formed like a squid's—his body was of a dark colour, and resembled the joints of a shark's back bone—his gills were about 12 feet from the end of his head, and his whole appearance was most terrific.

His manner of throwing himself into a coil, appeared to be done by contracting his body in a number of places, in perpendicular directions, and placing his tail so as to throw himself forward with great force—he could contract and throw himself in any direction with apparently the greatest ease and most astonishing celerity.

Hingham, May 12, 1818.

JOSEPH WOODWARD.

Having read the above statement of Capt. Woodward, we certify to the correctness of it.

PETER HOLMES.
JOHN MAYO.

Plymouth, ss. May 12, 1818.

Personally appeared, Joseph Woodward, Peter Holmes, & John Mayo, and made oath, that the above statement by them subscribed is just and true—before me,

JOTHAM LINCOLN, Jr.
Just. Peace.

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* The word "coil" does not exactly represent the idea of the Serpent's appearance; but from a more particular description given by Capt. Woodward, it was of an undulatory appearance.

Reported for the Franklin Gazette.

TRIAL OF THE MAIL ROBBERS.

THE UNITED STATES, vs. JOS THOMPSON HARE. } Robbery of the Mail by putting the life of the carrier in jeopardy by the use of dangerous weapons.

Counsel on behalf of the United States.

Mr. Kell said, that it was not his wish to press this matter, but he thought it right and proper, if the jury had any doubt as to the guilt or degree of guilt of the prisoner, to ask the court to give them such instruction on the point of law, as would relieve the jury, and aid them in their decision. He asked of the court to give the following instructions to the jury, which he presented in writing.

It is prayed of the court to give the following instruction to the jury:

That robbing the carrier of the mail of the United States, or other person intrusted therewith, of such mail, by stopping him on the highway, demanding the surrender of the mail, and at the same time shewing weapons calculated to take his life, such as pistols or dirks, putting him in fear of his life, and obtaining possession of the mail by the means aforesaid, against the will of the carrier, is such a robbing of the mail, and such a putting the life of the carrier or person entrusted therewith in jeopardy, by the use of dangerous weapons, as will bring the offence within the following terms of the 19th section of the act of Congress, of the 30th of April, 1810, entitled, "An act regulating the Post Office establishment," to wit: "or if in effecting such robbery of the mail the first time, the offender shall wound the person having the custody thereof, or put his life in jeopardy, by the use of dangerous weapons, such offender or offenders shall suffer death."

He did not mean to trouble the jury with any remarks, as to whether the facts proved came within the statement he presented, but merely to ask the court for their direction; he would however take up a short time in enquiring what was meant by that part of the act of congress, which relates to the putting of life in jeopardy by the use of dangerous weapons." He presumed that the court in coming to a decision, must view the instrument made use of, the manner in which the men proceeded, & every circumstance relating to the transaction. In the present instance, the mail carrier was met at night, and accosted by the declaration, "We are high-way robbers, come to rob the mail, armed with dirks and pistols." They were so armed, and the pistols were actually cocked; and it must be considered, that the presentation of weapons of this description, and the use that was made of them in obtaining the mail from the carrier, was a complete jeopardizing of the life of the carrier.

He contended that it was not necessary to a conviction under this law, that the mail carrier should have thought his life in jeopardy, although in this case he has avowed it was, He left his waggon, and went with the robbers, because he did not know at what time they would take his life. But the life was jeopardised, whether the carrier was conscious of it or not, and he considered that the prayer that he made for instruction to the jury, gives the greatest benefit to the prisoner that he can lay claim to.

He remarked that in this case such instruments were used as were calculated to jeopardize life, and although an occasion did not offer to use those weapons, yet they were prepared to be made actual use of if there had been any resistance. There was no mode of ascertaining the degree of danger; but no one could deny that a man's life was in jeopardy, to whose breast a loaded pistol was presented, and that the use of such a weapon as mentioned in the law, could not contemplate its actual discharge.

Mr. Winder, appeared as amicus curiæ. It was true he had, but a few hours before, withdrawn from the defence; but such a strong impression had been made on his mind, that the prisoner had committed a capital offence that he could not refrain, as a friend of the court, to give them his impressions. The act of congress says, that to make the offence of robbing the mail capital, it is requisite that the life of the carrier should be put in actual jeopardy; it was not any apprehension of danger that would constitute the crime, but there must be actual jeopardy of life by some act of the prisoner. That some men's fears may be as great when no danger existed, as others would be, where there was the most eminent peril; this crime, therefore, was not to depend on the fears of any man. He contended that the facts in evidence in this case, were the only circumstances from which danger can be inferred; and if there was no act done to put life in jeopardy, there could be no jeopardy; threats could not create jeopardy of life, or danger, and the presentation of a weapon, without using it, is no more than a threat—there must be an actual attempt to take life. If I tell a man he shall be shot, unless he does a particular thing, and he does that thing, his life is not in danger, for I have only made a conditional threat.

If a person lifts up a weapon in a threatening attitude, and says, I do not mean to use it, there is no offence.

Suppose the pistol had remained in the pocket of the prisoner, and he had said to the carrier, if you stir we will shoot you, would that amount to a capital offence? When, I would ask, did danger exist? Could such a case bring the prisoner within the provision of the act relating to jeopardy of life, in such manner as to make his offence capital? And yet as much danger would exist where the pistol is kept in the pocket, as in the case now proved before the court. Will the shewing of a weapon calculated to take life, endanger life? No—it will put a man in fear, but not in jeopardy.

Again, a weapon cannot be said to have been used, unless such use is made of it, as was originally intended from its structure, or unless that use is in the ordinary way in which it would be dangerous—if it is a sword, then a blow must be struck with it; if a pistol, there must be a snapping of it, this is the only use of either of these dangerous weapons that could jeopardize life. The jeopardy by dangerous weapons is considered by this law as a higher grade of offence than wounding; nothing therefore, can make the party guilty, but wounding the carrier, or actually jeopardizing his life.

Mr. Findlay remarked, that he felt so much responsibility in having abandoned this cause, and on finding that there was a point in it, on which the life of the prisoner would be saved or forfeited, that he could not refrain from making some few observations.

He contended, that wounding and jeopardizing the life of the mail driver were convertable terms. That by the original Post Office law, the phraseology, was "much wound the driver," which has been altered by the present law; that in drafting laws, the highest offence is put last; that of the smallest degree is placed first. That Congress did not intend that the punishment of death should be inflicted if a slight wound were given. He then proceeded to shew the different laws relating to robbery of mails in England & France, and remarked that in England, where the robbery of the mail, is punished by death, whether an injury is done to the mail carrier or not, the carrier is always murdered, that there may be no evidence against the culprit. In France if the carrier is not murdered, the mail robber only suffers imprisonment; and there the mail carrier always escapes unhurt. He therefore tho't that the policy of the law would lead to such a construction as would prevent murder attending the robbing of the mail; and it was a sound principle of law that the most favourable construction should be given, in favorem vitæ.

He urged, that apprehension of danger would not create such an offence under the act of congress to make it a capital crime. Otherwise it would depend on the timidity, or fearlessness of the person attacked, whether the criminal would suffer a forfeiture of his life, or merely imprisonment. In this case, the mail carrier had not been sworn that the pistols were presented to him. They were presented to Mr. Ludlow, but unless the mail carrier was in jeopardy, the offence was not committed. But the carrier never was in fear until one of the prisoners said, "what shall we do with them?" and this was while they were stripping the letters; then the carrier felt alarmed; but it was only his fear, for nothing was attempted to be done.

Mr. Wirt, (Attorney General, U. States.) The counsel has presented himself in a very imposing character, as amicus curiæ. A few hours since he was counsel for the prisoner, and I doubt whether he could have thus soon disengaged himself from the cause. He has shewn the zeal of counsel and not that of amicus curiæ. Mr. W. said he could with as much propriety as the gentlemen who had spoken, call himself amicus curiæ, for if he doubted the law, he should have abandoned the cause.

The gentlemen have not found the key which unlocks the true construction of the act of congress now under discussion. If an act makes use of terms known to the common law, you must refer to the common law for an explanation of those terms. The first phrase used in the act was "robbery;" the definition of which is to be found in the English common law: compare it with this act, and you will find that the provisions of the act, and those of the common law are precisely similar.

Robbery by the common law may be effected in three ways:

1. By the use of violence.
2. By the use of threats.
3. By the use of weapons.

Robbery by violence, may be committed without jeopardy or danger of life, to the person robbed. Such as the tearing an ear-ring from a lady's ear. Robbery by threats, is committed where the person makes use of such threats as produce an apprehension in the mind of the party threatened, that his life is in danger unless he gives up his property.

Robbery by weapons, is where such instruments are used by the robber as produce fear; which instruments are calculated to endanger life: and this is such a robbery as places life in jeopardy.

In England, the sole controversy is as to the dangerous character of the weapons used in effecting a robbery. Putting life in jeopardy is similar to the provisions of the common law, where the person robbed is put in bodily fear; and we must look to the common law for a correct construction. There are two distinct offences enacted by the act, the disjunctive conjunction is used, which makes one offence by wounding; the other by jeopardizing life. This law is stronger than the original act. That was "much wounding." This act creates an offence, let the wound be ever so slight.—When the highway robber says, (holding a pistol in his hand,) give me the mail or I will take your life, he certainly gets the mail through jeopardy of life. If a man surrenders his purse to save his life, his life has been put in jeopardy. Suppose the driver had been killed, there would have been no jeopardy, that would have been an awful certainty. The construction, therefore, for which the counsel contend, could not, under any circumstances, be a jeopardy of life. It would amount to this—if a pistol is fired off, and the party killed, there is no jeopardy; if it is not fired, there is no jeopardy; and thus the law is to be made a mere dead letter.

Mr. Wirt asked what is to be the evidence of actual jeopardy? Can we come to a just conclusion without referring to the common law? Must there be a blow in a particular manner, to prove that there was a jeopardy? If holding a weapon in the hand, calculated to kill, & saying, "if you do not surrender the mail, I will kill you," is not jeopardizing a man's life, it will be difficult to say what jeopardy means.

He observed, that the policy of the law was for congress to consider of, at the time of its passage; it was the duty of the court and jury to put that law in execution. He then asked the court to instruct the jury according to the terms of the paper presented by his colleague, which had been drawn up from the evidence of the mail carrier, and from the testimony of Mr. Ludlow, as had been suggested.

The Court then delivered their opinion.

They observed, that the jury had the privilege and right, to decide as to the case and facts exhibited to them; that having been called upon to deliver their opinion on the law which was presented in the cause, they were bound to comply. They concurred in the construction given to the act of congress by the counsel concerned for the United States, and that the life of the mail carrier was put in jeopardy by the use of dangerous weapons.

VIRDICT GUILTY.

THE UNITED STATES. vs. JOHN ALEXANDER. } Mail Robbery.

The trial of John Alexander, one of the three mail robbers, came on at Baltimore on Monday last. The same evidence as to the attack on the driver and the rifling the mail was given, as on the trial of Joseph T. Hare, already published in this Gazette. The same argument also took place on the construction of the act of congress, as on the former trial. The following is a summary of the additional testimony given on Alexander's trial:

That in consequence of information received from one of the accomplices, caught in Philadelphia, a plan was laid to arrest Alexander, who was [illegible] evening of Tuesday the 11th March, that on his being brought before the Alderman, (and the tools, found on the ground where mail was robbed, being presented him) he requested a conference with the District Attorney in presence of his counsel, and immediately confessed, without any promise of pardon, the part he took in the robbery. At this confession, and at subsequent periods, he stated, that the plan of robbing the mail was formed in Philadelphia, between himself, the Hare, Lewis Hare, and Joseph T. Hare; that the pistols were purchased for the expedition, and a [illegible] knife prepared like a dirk, by shaping the back and making a point to it; that they had provided gunpowder, with which they blackened their faces by dissolving it in water; and that the plan of building the fence across the road, was agreed upon before they set out; that the four persons left Philadelphia on Saturday; but Thomas Hare being unwell, they prevailed on him to return, after proceeding about [illegible] miles, telling him that three persons were sufficient to take the mail, and that he should have a portion of the booty; that their design was to rob the mail on the side of the Susquehanna near Philadelphia, but when they arrived there, they thought they could effect their escape better by robbing it on the side of the river near Baltimore; that they accordingly crossed the river, built the fence in the road, cut open the portmanteau containing the letters, and after rifling them, rode on the mail horses to the neighbourhood of Bush near Baltimore; that there they secreted themselves in the woods, remained the ensuing day, and divided the spoil, that Alexander's portion amounted to about 4,000 dollars, and the two others to near 4,000 dollars each, in bank notes, which they thought were negotiable; and that Alexander gave up to the Hares all drafts, lottery tickets, &c. that whilst in the woods, one of the Hares sewed a note for $1000 in the button of his pantaloons, and a draft on Boston for $600 in the collar of his coat; that the next night they walked into Baltimore, and Alexander hearing of the arrest of the Hares on the morning of their arrival, took passage in the Steamboat for Philadelphia that afternoon, when in Philadelphia, he passed some notes, by giving them to another person, whom he accompanied to the broker's office, remaining at a distance from the office, whilst the person went in and exchanged the money, and was arrested the day after he arrived in that city.

He acknowledged putting $65[illegible] behind the looking glass, which were the proceeds of the exchanged notes, also a 500 dollar note, under the handle of an old chest in the garret, 150 dollars behind the mantle piece, and 2300 dollars under a step of the stairs, and this last sum had been taken from that place by Thomas Hare. Fourteen hundred dollars of the last sum, were recovered from Thomas Hare, and the whole of the other sums were found in the places where Alexander stated he had put them. He acknowledged also, that it was their intention to have put an end to the existence of any person accompanying the mail, provided they made resistance.

The trial occupied nearly the whole day; the jury retired at 4 o'clock, and at 7 o'clock returned into court.

VERDICT GUILTY.

Tuesday, May 12, 1818.

THE UNITED STATES. vs. LEWIS HARE } Mail Robbery.

In consequence of the youth of this prisoner, (aged 20 years,) the attorney generally suggested that if it could be done with propriety, he would consent to the plea of guilty being entered on the 3d count of the indictment, which would subject the prisoner to imprisonment only. After some conversation at the bar, a difficulty was suggested as to the right of the district attorney to enter a nolle prosequi on the other two counts, which would subject the prisoner to the sentence of death, if he were convicted of them.

The attorney general then suggested the propriety, of laying the case before the jury, and remarked, that should the prisoner be convicted on all the counts of the indictment, an application would be made to the President to enter a nolle prosequi on the two first counts previous to sentence being past, as that eventually the sentence against the prisoner would be on the third count.

The same witnesses were then examined as in the case of Joseph Thompson Hare.

Mr. Huffman, Counsel for prisoner.

It is conceded by the prisoner at the bar, that he was one of the persons concerned in robbing the mail, In the present instance, there is no evidence that there was any weapon used that would put life in jeopardy. Under the arrangement entered into it is understood, that the jury were sworn pro forma, and that the verdict should be guilty on the third count, and not guilty on the first and second counts.

Mr. Wirt, attorney general. It was our belief that the purposes of public justice would be as well answered by the intended arrangement in this case, provided that arrangement could legally have been entered into, but as it could not, we have thought proper to put the case before the jury without deeming it necessary to make any further remarks.

The jury retired for a few minutes, & returned a verdict GUILTY on all the counts in the indictment.

After the verdict, Mr. Hoffman stated to the court, that the money concealed about the persons of the prisoners, had been given up to the counsel immediately on the prisoners being committed to jail, and had been deposited the same day in the bank. It consisted of a 1000 dollar note of the bank of the United States, payable to the order of S. & A. B. Arnold, by Samuel Frothingham; one 600 dollar note, payable to W. S. Johnston, endorsed by him to the order of John and Daniel Hindsdale, and two 200 dollar notes of the bank of Alexandria. He mentioned this, that it might be publicly understood, that the counsel never had received one cent from the prisoners, for professional services, but on the contrary, had refused to receive any compensation whatever, and had placed in the bank to be delivered to the proper owners, all the money that had been given to them by the prisoners.

(This money was the same that Alexander confessed to have been sewed up in the collar and button of one of the Hares; and was cut out by them after they were committed.)

From the Milledgeville Journal.

Copy of a letter from Judge Strong to the Governor, dated Hartford, 27th April, 1818.

Sir,

On my route to the Telfair and back, immediately on the frontier, I took much pains to ascertain the disposition of the towns below Chehaw, and from a variety of corroborating facts, I have no doubt but that a majority of their warriors are hostile, and have done most of the recent mischief on our borders. A part if not all the Chehaw towns are also hostile, some were painted, and the cattle of different citizens found there, which had been driven off by the Indians. The recent occurrences there, puts their disposition out of the question—there can be no doubt they will do us all the injury they can. As an individual I therefore feel desirous, that ample means should be placed in capt. Wright's or some other officers hands, to fight and beat the Indians below Chehaw, and destroy their towns. In haste from the Bench.

Yours respectfully,

C. B. STRONG.

Messrs. Grantlands,

I find some people are misled, or under wrong impressions, as to the late expedition to the nation, supposing the town destroyed by capt. Wright's detachment (acting under the orders of the executive) was actually friendly. As an officer commanding a volunteer corps, on that occasion, I feel it my duty to state, that when the army, or rather the advance, appeared within half a mile of the town, we found an Indian herding cattle, the most of which appeared to be white people's marks and brands. A Mr. McDuffee, of Telfair, attached to my corps, swore to one cow as the property of his father, & taken from near where the late depredation on the frontier of Telfair was committed. We found in the town a rifle gun, known to be the one taken from a man by the name of Burch, who fell in the before mentioned skirmish. When we determined to attack the town, positive orders were given, to spare the women and children, and all such as claimed protection; which was strictly enforced by the officers so far as was practicable, or came within my observation. My troop was

directed so adv[illegible] the town, which On our approac[illegible] of my company dians, from a s[illegible] path we were m[illegible] or 15 guns at n[illegible] were distinctly slightly felt by men. Some of the town were evinced a disp[illegible] cape. We kill[illegible] burnt the town. A considerable tish muskets, ca[illegible] stroyed; in ne[illegible] there were exp[illegible] der. The Indi[illegible] cattle informed sided there and town. I am n[illegible] he was slain or of the last Indi[illegible] painted red, wa[illegible] one from col. M[illegible] major Minton, general Gaines[illegible] were broken.

JAC[illegible]

April 30th, [illegible]

D[illegible]

HAI[illegible]

On Thursda[illegible] was visited by The cloud app[illegible] W. and seeme[illegible] time over the the direction of[illegible] half past five o[illegible] suddenly from the hail descen[illegible] lence for about in size from th[illegible] mon hickory was more than the ground. on the north a houses were al[illegible] lished, except which, from th[illegible] glass, and the set, (it being b[illegible] convex surfac[illegible] injured. It is fruit trees hav[illegible] We have not a space it emb[illegible]

A[illegible]

Tremen[illegible]

Last eveni[illegible] o'clock, our t[illegible] most tremend[illegible] came on from about 20 minu[illegible] earth was co[illegible] stones measur[illegible] circumference[illegible] did not drive destruction i[illegible] have been imp[illegible] however, was[illegible]

Republic[illegible]

A priva[illegible] Paris, d[illegible] quarter, whi[illegible] generally co[illegible] has been form[illegible] club under t[illegible] General Lafay[illegible] its members [illegible] 36. It is no[illegible] like that of t[illegible] Lafitte, Perri[illegible] a club emine[illegible] the highest [illegible] discussed.

"Among t[illegible] are mentione[illegible] and the Duc[illegible] France, the D[illegible] Bhauvelin, [illegible] Bignon, the [illegible] min Constant[illegible] Aignau.

"In one o[illegible] this club, th[illegible] advantages o[illegible] ment, like th[illegible] it was unmi[illegible] was the best [illegible] far superior [illegible] government [illegible] mention it w[illegible] forced to con[illegible] Peace Party ma[illegible] gress in Fran[illegible] Paris."

Importa[illegible]

We have h[illegible] questionable [illegible] now in Lon[illegible] the French [illegible] for the pur[illegible] not only the [illegible] part over w[illegible] the whole Is[illegible]

From th[illegible]

ANOT[illegible]

On Sunda[illegible] Storm, and