maids of honour, chamberlain, equerties, &c. &c.—but dreading the ill will and hostility of the prince regent, her English attendants deserted her one after the other, and finally compelled her to establish a court of Italians. Thus situated, her conduct has been closely watched by spies and pensioned agents, and every action has been seized upon and turned to her disadvantage. It is documents thus procured, which now engage the attention of the secret committee, and upon which the king predicates his determination not to permit her to be crowned —She evinces an energy and decision which bears every appearance of innocence, and having a large party with her, it is more than probable that she will ultimately triumph.—George the fourth, in this business seems to have taken Harry the eight as his guide, but there is a vast difference between their characters, as there is in the times and the genius and disposition of the people. Harry the eight was a man of undoubted talents, and gave every encouragement to letters. He was, it is true, equally as licentious as his imitator George the fourth; but although accustomed to marry and bring his wives to trial, there was nevertheless, a spirit of frankness and truth about him, which induced him to admit the worth of her he sought to ruin. Hollingshead in his chronicles, and Shakespeare both make Henry speak of Catherine in the following manner.

"Go thy ways Kate.
That man in the world who shall report he has
A better wife, let him in nought be trusted
For speaking false in that."

New-York, Aug. 15.

From the Commercial Advertiser.

LAW INTELLIGENCE.

We are indebted to the politeness of his honour Chief Justice Spencer, for a manuscript copy of the opinion of the Supreme Court now sitting at Albany, in the case of Robert M. Goodwin. The case is important; and as it has excited great interest in this vicinity, and through the country generally, we hasten to lay it before the public. Our readers will recollect that the case was argued at the May term, in this city, on a motion to discharge the prisoner. The argument of the counsel was reported for, and published in this paper, at that time.

Robert M. Goodwin ads. the People.

A motion has been made to discharge the Defendant on the ground that it appears by the return to the certiorari that he has been once tried, and, therefore, cannot legally be tried again. He was indicted in the sessions in New-York for manslaughter; the trial continued for five days, and the jury having received the charge of the court, retired to consider of their verdict, were kept together seventeen hours, and declaring there was no probability of their agreeing in their verdict, were discharged after eleven o'clock, on the last day in which the court could sit. It appears that the jury had in the mean time between their receiving the charge of the court and their discharge come into court, and on being asked if they had agreed on their verdict, answered through their foreman, that they had agreed, and that they found the prisoner guilty; but recommended him to mercy; but on being polled, the third juror called upon, declared his disagreement to the verdict. These are all the facts material to be noticed in considering the present motion.

The Defendants's counsel rely principally on the fifth article of the amendments to the constitution of U. S. which contains this provision: "Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb." It has been urged by the prisoner's counsel that this constitutional provision operates upon state courts proprio vigore. This has been denied on the other side. I do not consider it material whether this provision be considered as extending to the state tribunals or not; the principle is a sound and fundamental one of the common law, that no man shall be twice put in jeopardy of life or limb for the same offence.—I am, however inclined to the opinion, that the article in question does extend to all judicial tribunals in the U. S. whether constituted by the congress of the U. S. or the states individually. The provision is general in its nature, and unrestricted in its terms; and the sixth article of the constitution declares that that constitution should be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the constitution or laws in any state to the contrary notwithstanding. These general and comprehensive expressions extend the provisions of the constitution of the U. S. to every article which is not confined by the subject matter to the national government, and is equally applicable to the states.—Be this as it may, the principle is undeniable that no person can be twice put in jeopardy of life or limb for the same offence.

The expression, jeopardy of limb was used in reference to the nature of the offence, and not to designate the punishment for any offence; for no such punishment as loss of limb was inflicted by the laws of any of the states at the adoption of the constitution. Punishment by deprivation of the limbs of the offender, would be abhorrent to the feelings and opinions of the enlightened age in which the constitution was adopted, and it had grown into disuse in England for a long period antecedently. We must understand the terms, jeopardy of limb, as referring to offences which in former ages were punishable by dismemberment, and as intending to comprize the crimes denominated in the law, felonies. The crime of manslaughter is undoubtedly a felony; and therefore the prisoner is entitled to the protection afforded by the article of the constitution, whether we regard it as binding upon us by its own force, or as an acknowledged axiom of the common law.

The question then recurs—what is the meaning of the rule, that no person shall be subject for the same offence, to be twice put in jeopardy of life or limb? Upon the fullest consideration which I have been able to bestow on the subject, I am satisfied that it means no more than this That no man shall be twice tried for the same offence. Should it be said that we can scarcely conceive that a principle so universally acknowledged, and so interwoven in our institutions, should need an explicit and solemn recognition in the fundamental principles of the government of the United States, we need recur only to the history of that period, and to some other of the amendments, in proof of the assertion, that there existed such a jealousy, or extreme caution, on the part of the state governments, as to require an explicit avowal in that instrument, of some of the plainest and best established principles, in relation to the rights of the citizens and the rules of the common law.—The first article of the amendments prohibits Congress from making any law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and petition government for a redress of grievances. The second secures the right of the people to bear arms; and indeed, without going into them minutely, nearly all the amendments of that instrument indicate either great caution in defining the powers of the national government, and the rights of the people, and the states, or they evince a jealousy and apprehension that their fundamental rights might be impugned so as to leave no doubt that in the article under consideration, no new principle was intended to be introduced. The test by which to decide whether a person has been once tried, is perfectly familiar to every lawyer; it can only be by a plea of antrefois acquit, or a plea of antrefois convict.

The plea of a former acquittal, Judge Blackstone says, (4 Com. 335) is grounded on this universal maxim of the common law of England, that no man is to be brought into jeopardy of his life, more than once for the same offence; and since, he says, it is allowed as a consequence, that where a man is once fairly found not guilty upon an indictment, or other prosecution before any court, having competent jurisdiction, of the offence, he may plead such acquittal in bar of any subsequent accusation for the same crime. The plea of a former conviction depends on the same principle, that no man ought twice to be brought in danger for the same crime. To render the plea of a former acquittal a bar, it must be a legal acquittal by judgment upon trial, for substantially the same offence, by verdict of a petit jury, (I Chitty, Crim. Law, p. 372.) In the present case, it is not pretended that the prisoner has been acquitted, unless the discharge of the jury, without having agreed on their verdict, and without the prisoner's consent, shall amount in judgment of law to an acquittal. This brings us to the question, whether the court of sessions could discharge the jury under the circumstances of this case. If they could not, then I should be of the opinion, that although there could be no technical plea of antrefois acquit, the same matter might be moved in arrest of judgment; and if so, I can see no objection to the discussion of the question in its present shape, on a motion to discharge the prisoner.

In the case of the People vs. Olcott, (2 John, cases 301,) all the authorities then extant upon the power of the court to discharge a jury in criminal cases, and the consequence of such discharge, were very ably and elaborately examined by Mr. Justice Kent, and it would be an unpardonable waste of time to enter upon a re-examination of them. In that case, the jury, after having remained out from 8 o'clock, on Saturday evening, until near 2 o'clock the next day; and having, in the mean time, come into court two or three times for advice, declared that there was no prospect of their agreeing in a verdict, and were discharged without the consent of the prisoner: one of the questions was, whether the discharge of the jury entitled the defendant to be discharged, or whether he could be retried. After examining and commenting on all the authorites, the position of the learned judge was this:—"If the court are satisfied that the jury have made long and unavailing efforts to agree, that they are so far exhausted as to be incapable of further discussion and deliberation, this becomes a case of necessity, and requires an interference."—He observed, "all the authorities admit that when any juror become mentally disabled by sickness or intoxication, it is proper to discharge the jury; and whether the mental disability be produced by sickness, fatigue or incurable prejudice, the application of the principle must be the same." Again he observed, "every question of this kind must rest with the court under all the particular or peculiar circumstances of the case. There is no alternative; either the court must determine when it is requisite to discharge, or the rule must be inflexible, that after the jury are once sworn, no other jury can in any event be sworn and charged in the same cause. The moment cases of necessity are admitted to form exceptions, that moment a door is opened, to the discretion of the court to judge of that necessity, and to determine what combination of circumstances will create one."

The learned judge inveighs, with force and eloquence, against the monstrous doctrine of compelling a jury to unanimity by the pains of hunger and fatigue, so that the verdict is not founded on temperate discussion, but on strength of body. Although the case of the People vs. Olcott, was a case of misdemeanor, the reasoning is, in my judgment, entirely applicable to cases of felony, and although the opinion was confined to the case under consideration, a perusal of it will shew that it embraces every possible case of a trial for crimes. The opinion was delivered in 1801, and since then, this question has come under consideration in several cases. In the case of the king vs. Edwards, (4 Taunton, p. 309.) the indictment was for a felony, and while the prosecutor was giving his evidence, one of the jurors fell down in a fit; and he was pronounced by a physician, on oath, incapable of proceeding in his duty as a juryman that day.—Whereupon the jury was discharged, and a new jury sworn, and the defendant was convicted. The point whether the prisoner, could be tried after the discharge of the jury without the prisoner's consent was argued before the judges of England, except Mansfield, chief Justice, and Lawrence, justice—all the cases were cited; and the judges, without hearing the counsel for the crown, said that it had been decided in so many cases, it was now the settled law of the country, and gave judgment against the prisoner.—The same course was adopted upon nearly the same state of facts, in Ann Scullent's case (Leach's C. L. p. 700,) and in the case of the king vs. Stevenson, (Leach, 615.) The prisoner fell down in a fit during the trial, and the jury was discharged, and upon his recovery, he was tried and convicted by another jury.

In the case of the U. S. vs. Coolidge, (2d Gallison, p. 364) a witness refusing to be sworn, the trial was suspended during the imprisonment of the witness for the contempt; and Mr. Justice Story held, that the discretion to discharge a jury existed in all cases; but that it was to be exercised only in very extraordinary and striking circumstances. And in the case of the Commonwealth vs. Bowden (9 Mass. Rep. p. 494) upon an indictment for Highway Robbery, the jury, after a full hearing of the case, being confined together during part of the day and a whole night, returned into court and informed the judge they had not agreed on a verdict, and it was not probable they ever could agree; whereupon one of the jurors was withdrawn from the pannel without the defendant's consent, and the jury was discharged; and during the same term, another jury was empannelled for his trial and he was found guilty. On a motion in arrest of judgment, the court refused the motion, saying, that the ancient strictness of the law upon this subject, had very much abated in the English courts, that it would neither be consistent with the genius of our government, or laws, to use compulsory means to effect an agreement among jurors; that the practice of withdrawing a juror where there existed no prospect of a verdict had frequently been adopted in criminal trials in that court.

Upon a full consideration I am of opinion; that although the power of discharging the jury is a delicate and highly important trust, yet that it does exist in cases of extreme and absolute necessity; and that it may be exercised without operating as an acquittal of the defendant; that it extends as well to felonies as misdemeanors, and that it exists and may discreetly be exercised, in cases when the jury, from the length of time they have been considering a case, and their inability to agree, may be fairly presumed as never likely to agree, unless compelled so to do, from the pressing calls of famine or bodily exhaustion. In the present case, considering the great length of time the jury had been out, and that the period for which the court could legally sit as nearly terminated, and that it was morally certain the jury could not agree before the court must adjourn, I think the exercise of the power discreet and legal.

Much stress has been placed on the fact that the defendant was in jeopardy, during the time the jury were deliberating. It is true that his situation was critical; and there was danger as regards him, that the jury might agree on a verdict of guilty; but, in a legal sense, he was not in jeopardy, so that it would exonerate him from another trial. He has not been tried for the offence imputed to him.—

To render the trial complete and perfect, there should have been a verdict either for or against him.—A literal observance of the constitutional provision would extend to embrace those cases, where, by the visitation of God, one of the jurors should either die, or become utterly unable to proceed in the trial. It would extend also to a case where the defendant should be seized with a fit, and become incapable of attending to his defence; and it would extend to a case where the jury was necessarily discharged in consequence of the termination of the powers of the court. In a legal sense, therefore, a defendant is not once put in jeopardy until the verdict of the jury is rendered against him. If for or against him, he can never be drawn in question again for the same offence. And I entirely concur in reprobating the proceeding of withdrawing a juror and attempting to subject a person to a second trial because the public prosecutor was not prepared with his proofs. In the case of the people vs. Barrett and Ward (2 Caines, 304) this court considered it equivalent to an acquittal.

The only remaining enquiry is, whether the power of discharging the jury in this case, could be exercised by the sessions.

The Court of General Sessions for the city of New York, are clothed with powers not entrusted to the General Sessions of any other county. It has the power to try for all crimes, (cases affecting life only excepted,) in as full and complete a manner as any court of Oyer and Terminer and Gaol delivery, for the said city and county can hear, determine or adjudge the same (2 Rev. Laws P. 503.) It is not necessary now to decide whether the sessions in New-York, since the statute, can grant a new trial on the merits; but having as full and perfect a jurisdiction as the Oyer and Terminer and Gaol delivery, excepting in cases of life, over all other crimes, no doubt can be entertained, that they possess all the incidents appertaining to the power of trying for these offences; and the right to discharge the jury, [illegible] the facts and circumstances [illegible] case, was an incident to the [illegible] And, upon the whole [illegible] that whenever in cases of [illegible] jury has deliberated so long [illegible] prisoner's case, as to prec[illegible] reasonable expectation that th[illegible] agree in a verdict, without [illegible] compelled to do so from fam[illegible] exhaustion, that it becomes [illegible] of necessity, and that they [illegible] discharged, and the prisoner [illegible] be again tried. In the present [illegible] we consider the discharge o[illegible] jury as a discreet exercise [illegible] powers of that court, either [illegible] ground that the jury had bee[illegible] together so long as to prec[illegible] hope of their agreeing, unless [illegible] pelled by famine or exhausti[illegible] on the ground that the po[illegible] the court were to terminate [illegible] a few minutes, and that it w[illegible] rally certain the jury could no[illegible] within that period; and th[illegible] duced an absolute necessity [illegible] charging them.

In this opinion my breth[illegible] tirely concur; and the conse[illegible] is, that Goodwin must be [illegible] the next sittings; and his r[illegible] zance, and that of his sureti[illegible] be respited until the next [illegible] term. Rule accordingly.

LATE FROM ENGL[illegible]

By the Factor, captain S[illegible] 34 days from Liverpool.

From the London papers.

THE QUEEN.

On Wednesday the 5th J[illegible] Earl of Liverpool moved th[illegible] of pains and penalties for de[illegible] Caroline Queen of England [illegible] rights, privileges, and prero[illegible] should be read a first time, bill, of which the following i[illegible] ral copy was then read by the[illegible]

"Whereas, in the year 18[illegible] majesty, Caroline Amelia El[illegible] then princess of Wales, a[illegible] Queen consort of this realm [illegible] at Milan, in Italy, engaged [illegible] service, in a menial situat[illegible] Bartolomo Pergami, otherw[illegible] tolomo Bergami, a foreigner [illegible] station, who had before serv[illegible] similar capacity:

"And whereas, after the [illegible] tolomo Pergami, otherwise B[illegible] mo Bergami, had so entered [illegible] vice of her Royal Highness, [illegible] princess of Wales, a most [illegible] ing and disgusting intima[illegible] menced between Her Roya[illegible] ness and the said Bartolom[illegible] mi, otherwise Bartolomo B[illegible]

"And whereas her royal [illegible] not only advanced the said [illegible] mo Pergami, otherwise B[illegible] Bergami, to a high situatio[illegible] royal highness's household, [illegible] ceived him into her service [illegible] in high and confidential s[illegible] about her royal highness's [illegible] but bestowed upon him oth[illegible] and extraordinary marks o[illegible] and distinction, obtained [illegible] orders of knighthood and [illegible] honour, and conferred upo[illegible] pretended order of kn[illegible] which her royal highness h[illegible] upon herself to institute [illegible] any just or lawful authori[illegible]

"And whereas her said r[illegible] ness whilst the said Barto[illegible] gami, otherwise Bartolomo [illegible] was in her said service, f[illegible] mindful of her exalted ra[illegible] tion, and of her duty to yo[illegible] ty, and who ly regardless o[illegible] honour and character, c[illegible] herself towards the said B[illegible] Pergami, otherwise Barto[illegible] gami, and in other respe[illegible] public and private, in the [illegible] places and countries which [illegible] al highness visited, with [illegible] and offensive familiarity [illegible] dom, and carried on a licen[illegible] graceful, and adulterous in[illegible] with the said Bartolom[illegible] mi, otherwise Bartolomo [illegible] which continued for a long [illegible] time during her royal high[illegible] dence abroad, by which [illegible] her said royal highness's g[illegible] dal and dishonour have be[illegible] upon your majesty's fami[illegible] kingdom. Therefore, to [illegible] our deep sense of such [illegible] disgraceful, and vicious c[illegible] the part of her said m[illegible] which she has violated th[illegible] owed to your majesty, an[illegible] dered herself unworthy o[illegible] ed rank and station of que[illegible] of this realm, and to evi[illegible] regard for the dignity of [illegible] and the honour of this n[illegible] your majesty's most d[illegible] loyal subjects, the lords [illegible] and temporal and commons [illegible] ment assembled, do here[illegible] your majesty that it may [illegible] and be it enacted by the [illegible] excellent majesty, by an[illegible] advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, that her said majesty Caroline Amelia Elizabeth, from and after the passing of this act, shall be and is hereby deprived of the title of queen, and of all the prerogatives, rights, privileges, and exemptions appertaining to her as queen consort of this realm; and that her said majesty shall, from and after the passing of this act, for ever be disabled and rendered incapable of using, exercising and enjoying the same, or any of them; and moreover that the marriage between his majesty and the said Caroline Amelia Elizabeth be, and the same is her by from henceforth forever wholly dissolved, annulled and made void to all intents, constructions and purposes whatsoever."

The Queen, it appears, has now taken the resolution to pass her future life in England; which fact was announced to the livery of London yesterday week by Mr. Alderman Wood.

MARYLAND GAZETTE.

Annapolis, Thursday, August 24.

FEDERAL REPUBLICAN NOMINATIONS.

For Calvert County.
Thomas Blake, | Joseph W Reynolds,
Gustavus Weems, | Samuel Turner.

For Prince-George's.
Col. Francis M Hall, | George Semmes,
Thos. T Somerville, | Capt Josiah Jones.

For Frederick.
Alexander Warfield, | Rob't. G. M'Pherson
Ignatius Davis, | Lewis Motter.

For [illegible]ter.
Benj W. Lecompte, | Michael Lucas,
Edward Griffith, | Dr. Wm. Jackson.

For Worcester.
Ephraim K. Wilson, | William P. Selby
Thomas N. Williams, | Charles Parker.

For Talbot.
John Goldsborough, | Nich's Goldsborough
Robert Banning, | Wm. H. Tilghman.

For Caroline.
Gen. Wm. Potter, | James Houston,
Maj. R'd. Hughlett, | Thos. Goldsborough

For Allegany.
William Hilleary, | William Reid,
Thomas Blair, | John Scott.

For Montgomery.
Ephraim Gaither, | Benjamin S Forrest,
William Darnes, | Henry Harding.

For Cecil.
George B. Milligan, | Nichs. Hyland of St.
Henry Stump, | James Janney.

JOHN H. D. LANE,

Will be supported as a Candidate to represent Anne-Arundel county in the next General Assembly of Maryland.

B[illegible] VOTERS.

Anne Arundel county, August 14.

WILLIAM WARFIELD,

Will be a candidate to represent Anne-Arundel county in the next Legislature of Maryland.

Aug 26.

Extract of a letter from [illegible]derick County, dated August [illegible] 1820.

"You ask me to give you some information respecting the political state of this county, and the probable result of the next election.—In complying with your request I am happy in having it in my power to give you such information as I have no doubt will be highly acceptable to you. The success of the federal ticket in this county, at the next election, I consider as certain—we have now no schisms to distract our party—we are all united heart and hand, and no lukewarmness is to be found in the federal ranks. The appointments made by the executive have given great dissatisfaction here, and the horrible violations of the Constitution by the democratic house of delegates in the investigation of the Calvert election, have excited universal indignation. You will perceive by the papers that a violent paper warfare is carrying on between the friends of Mr. Nelson and Mr. Worthington, candidates for Congress—these are family quarrels and the federalists meddle not with them.

We have just received very favourable accounts from Allegany—we are assured that the federal ticket will succeed by an overwhelming majority—the democrats deem it scarcely worth their while to continue the opposition.

I am much pleased to find that in most of the counties the federalists have nominated their candidates—but why is not this example followed by Anne-Arundel and Annapolis? it is a lasting stigma and reproach to your county and city that you should tamely yield the victory without a contest. While their political friends throughout the state are making [illegible] most strenuous exertions, the f[illegible] rundel and A[illegible] the very victi[illegible] with their a[illegible] the contest w[illegible] indifference—to be."

For the [illegible]

To the Fre[illegible]

A statemen[illegible] of the last H[illegible] Maryland, in[illegible] contested ele[illegible] lished in a pa[illegible] an anonymou[illegible] duction, but a[illegible] compiled fro[illegible] ments of the [illegible] and sanction[illegible] twenty-one m[illegible] members of [illegible] truth of the [illegible] tains, these [illegible] their charac[illegible] they have pr[illegible] and they wis[illegible] has been p[illegible] distributio[illegible] may wish t[illegible] on applicati[illegible] a most valu[illegible] gentlemen w[illegible] deserve the [illegible] nity for the [illegible] It contains [illegible] position of [illegible] ceedings in [illegible] election, a[illegible] judicious a[illegible]

It is des[illegible] view of it, [illegible] tion of th[illegible] may be aro[illegible] during viol[illegible] on, and on [illegible] upon their [illegible] has ever [illegible] country.

The pa[illegible] some extra[illegible] by which [illegible]

1st. "T[illegible] liberty is [illegible] participat[illegible]

2d. "T[illegible] age of 21 [illegible] sidence of [illegible] and six m[illegible] right to v[illegible] tatives to[illegible]

—3d. "T[illegible] titled to [illegible] law."

4th. "[illegible] deprived [illegible] leges, bu[illegible] peers, or [illegible]

5th. "[illegible] pelled to [illegible] self."

6th. "[illegible] slave, wh[illegible] against t[illegible] titled to [illegible] be confi[illegible] against h[illegible] witnesse[illegible] nesses fo[illegible]

The p[illegible] tracts f[illegible] made, w[illegible] The re[illegible] them in [illegible]

After [illegible] narrativ[illegible] mous c[illegible] pears, t[illegible] Calvert [illegible] Weems [illegible] Reynol[illegible] votes, a[illegible] Daniel [illegible] an eq[illegible] course [illegible] gentlem[illegible] county [illegible] present[illegible] gentlem[illegible] e the [illegible] who the [illegible] be th[illegible] cause [illegible] votes, [illegible] his se[illegible] agreea[illegible] three [illegible] by th[illegible] seems [illegible] Kent [illegible] cision [illegible] admitt[illegible] they c[illegible] electe[illegible] day of [illegible] two d[illegible] these [illegible] to the [illegible] to be [illegible] Calve[illegible] is the [illegible] a com[illegible] of ele[illegible] Dec. [illegible] repor[illegible] tion [illegible] view [illegible] into [illegible] tion