Lencaster, (Penn.) Aug. 6. DISTRESSING

An unfortunate circumstancehappened on Friday hast at the distillery of Sir. Alexander Patterson, in Rapho township, Mr Patterson being desirous of deepening the well at his distillery for the purpose of obtaining a more pleatiful supply of water, employed George Conway and William Woods, and with them descended into the well, Mr. Patterson left the well, and the workmen after cleansing out the loose stones and dirt, commenced boring the rock at the bettom; while at work, about 8 feet of the lower part of the well suddenly gave way and fell in upon the workmen. This happened about 10 o'clock on the merning of Friday. A number of the neighbours immediately collected at the pot, and Joseph Simpson ven-tured into the well, and upon calling sloud was answered by the two men from helow, who begged assistance. Joseph Simpson immediately commenced filling the bucket with stones. James Long went down to eamade his way out of the well, which he had scarcely effected when the remainder of the walkfell in and buried Simpson about 30 feet deep. The people above immediately com-menced removing the mass of earth and stones that covered their unfortunate neighbours, and persevered until about 10 o'clock at night, when they got so far as to be able to converse with Joseph Simpson; at this time the earth and loose ground from above caved in upon George Earl, George Keffer, a Mr. Grider and a Mr. Barlow, who were engaged in removing the rubbish. Mr. Barlow was instantly killed, the other three were extricated without much difficulty, but considerably bruised. A crib of wood was then formed to sustain the loose earth and stones from caving in again and rendering their labour abortive With great ex it was completed by three on Saturday morning, when the labour of removing the rubbish was recommenced with strong hopes of success. About six o'clock the body of Barlow was found, a bout ten o'clock, they reached Simpson, who was very much cut about the head and bruised about the shoulders, and greatly exhausted by loss of blood. He is however considered at present out of danger. About five o'clock in the afternoon, Wm. Woods was discovered standing upright on the hottom of the well, wedged in with the stones that had fallen around and upon him. Conway was dead Woods says that Conway lived about twelve hours, that he conversed with him until about that time, when poor Conway told him he was gone, that the water was rising upon him and he would be drowned. He telt his hand pressing his leg several times after his speech had failed as if in token that he was still living. When the wall first caved in Conway was sitting in the act of boring, Woods was standing by his side Woods was much cut and bruised but no bones broken, he is likely to Woods was buried 30 hours, 45 feet from the surface; under a mass of stone and earth which on caving in the third time filled the well to the top. It is an extraor-dinary fact that though these men were buried under such a depth of stone and earth, they experienced no difficulty in breathing .- Gazette

THE MACEDONIAN.

S frigate Macedonian has removed from Hampton Roads and anchored in the bite of Craney Island, where she has landed her sick. The Alert store-ship was towed down to Craney Island yesterday to receive on board the healthy part of the crew, until the Macedon an can be proper-ly cleansed.—We understand that several new cases of disease have occured on board the Macedonian since her arrival, and that the number of her sick yesterday morning was sixty Doctor Cowdery of the Navy, has been added to the number of surgeons in attendance on the sick. George Pearce, 1st It died this day on Craney island.

Since our last we have been politely favor

ed with a list of the officers who died on board the Macedonian during her late and unfortunate cruize, which is as follows:
Lieut. George W Isaacs.
Lieut James Clements, (Marine Corps.)
Doctor John Cadle, Surgeon
Midshipmen Isaac H. Rand, Oliver W.
Wood

Christopher T. Emmett, Abraham Hosack. Alexander M. Murray, Herman Rutgers, Mr John I. Siekles, Captain's Clerk.

PITCAIRN'S ISLAND.

We have been politely favoured with the following extract of a letter from a gentleman in Valparaiso, to his friend in this city,

dated May 5, 1822. American
"I enclose you a sketch from the Journal of Captain Archer, of the whale ship
Russell, of New Bedford —"At daylight saw Pitcairn's Island bearing S by E. 7 or 8 leagues off, stood for it, and while we were within about 3 or 4 miles of the shore, we were boarded by the most interesting crew of ten young men that I had ever seen—at noon we lay aback near the land. From all I had read and learned otherwise respectall I had read and learned otherwise respect-ing inhabitants of Pitcairn's Island, I was induced to have the following notice posted up in the fore part of our ship before we had any communication with the inhabi-

It is the impression of the Russell's owners, that the most part of her company were from respec able families—it is desira-ble that their conduct towards the islanders will verify the opinion; as this island has been hitherto but littlefrequented, they will be less susceptible of fraud than a more general intercourse with world would justity. It is desired that every officer and man will abstain from all licentiousness in word or deed-to treat them kindly, courteously, and with the strictest good faith. As pro-fane swearing has become an unfashionable thing even on board of a man of war, it is quite time it were laid aside by a whaleman, particularly at this time, as these islanders have been taught to adore their maker, and are unaccustomed to hear his name blasphemed-and they were struck with horror when they heard some of the erew of an American ship swear, and said it was against the laws of their God, their country and their conscience."—Ship Sussell, 3 mo. 8th,

"9th at 2 P M went ashore accompanied by Capt Aery In his boat, as the islanders' boat wanted repairing; we took her on deck and before next morning had her done to leranders went ashore in our bosts, ather five. Our landing was much essier effected under the skilful direction of our new offers than could otherwise have been done.

Previous to leaving the ship, bread and but-ter was put on the table and they were invi-ted to yat, but they refused; alledging that ter was put on the tasic and easy were the to just, but they refused; alledging that it was their fast day. However after some importunity and enquiring whether I thought it would be any harm to them, and being assured in the negative, they partook, though slightly, and not until they had implored a blessing; and after their repast was home, and prayer was, preferred finished, a hymn and prayer was, preferred with great devotional propriety. On our landing the Hill of Difficulty

was to be ascended, a task I could not me self have performed in less than two or three hours-it was done in much less time wit the assistance of a steady young man by the name of Robert Young, who helped me al-the surface of the water, having gone up : zig zag path. The boat was almost under us. We were there met by the venerable governor, JOHN ADAMS, (who was attended by most of the women and children of the island.) and were welcomed to their shores in the most artless and dignified man-ner After resting awhile we werethen invited to the village about half a mile distant other trees of a large growth, which made an excellent shade—it is situated on a gentle declivity with a sufficient distance between the houses for the drying and bleach regularity and neatness of their houses, with the joyous and double welcome of its truly hopitable inhabitants made the spot en chanting. Soon after our arrival adinner was served up, consisting of roast pigs, fowls, yams and plantains; but as they declined partaking with us on account of its being their fast day, we concluded to wait till near sundown, at which time they would be at liberty to join us-when they thought it seasonable we all sat down together, but not until the chief of our kind entertainers had asked a blessing in a very impressive manner-the return of thanks appeared no community, which were like olive branches

around the family table.

After spending the evening, if not the feast of reason, we had the flow of soul-beds were prepared for captain Aery and myself, and John Adams having taken a bed in the same chamber, though it was not his house, we conversed till midnight. Early in the morning our kind female friends vere actively employed, getting breakfast for us, which was ready by seven o'clock, consisting of lowls boiled with yams, which made an excellent soup-it was good, and we are heartily; for our dinner we were treated with naked pigs, and roasted goat with a great quantity of yams, plaintains, &c. our people were equally we provided for At three o'clock I returned to the shore to go on hoard, receiving the same kind attention in descending the mountain, as in going up. We got into our boats with feelings of gratitude, which I was una ble to express towards these good people. but not till they had made me promise to go on shore again before we left the island

10th, 11th, and 12th, still laying off and on, a part of the crew ashore relieving each a part of the crew ashore relieving each other by turns; on the 12th I again wenton shore and was received and treated with the same attention -- before noon 1 returned on board after taking a more affectionate leave than I ever did any where except my home: I was accompanied on board by John Adams, Dolly Young, and Mary Ann Chris tian, having before received from them a supply of yams, cocoa nuts and fowls, and made such presents as they wished for, and we could spare from the ship stores; we gave them part of a bolt of light duck, one axe, two hatchets, four boat knives, a bag of bread, a few hottles of wine, a roll of old canvass, a small worn out grind stone, and a watch. Having now accomplished the business for which we came, our friends after wishing us a good voyage, and safe return home, went on shore. Captain Aery not having done watering, concluded to stay another day or two; he was anxious for us to stay until he was ready, but I was applied to the stay until he was ready, but I was unwilling to lose more time.

Before we leave Pitcairn's Island it will not be improper to make a few observations. The time and manner of its colonization, are to most general readers well known John Adams and six Otaheitean women are all that is left of the bounty Forty
nine have been born on the island, two o whom are dead, which leaves fifty-three persons on the island now, all in good health, without a single exception. There are about eleven active young men who are ready and willing at all times to assist a ship's crew in procuring water or wood, or any thing else the island affords.

John Adams assures us, and from what we ourselves saw, we have no reason to disbelieve him, that the island was inhabited before; though at what time it is difficult to conjecture. They found after their arrival many places where houses had stood &c.

LATE & IMPORTANT

From the Colombian Republic. By the arrivatof the schooner Mary and Ann, Captain Gates, in filteen days from Laguayra, we have received letters and papers from Caracas to the 23d of July inclusive. Fed. Gaz.

WAR of the SOUTH TERMINATED. Gazette Extraordinary of Colombia.

Monday, June 21, 1822.

Government has just received accounts from the head quarters of the Liberator, at Pastos, dated June 8, inclosing the capitu-Pastos, dated June 8, inclosing she captu-lations conceded by the liberating army to the Spaniards, who defended Pestos and Quito, in virtue of which those places were occupied—the first by his Excellency the Liberator. President on the said 8th of the Liberator. President on the said 8th of June, and the second by Gen. Sucre the 25th of May. The prilliant marches made from Bombons and Piehincha, preceding those capitulations, foliged the enemy to surrender, and the liberators of the south were as generous as they were valiant.

The Colombian Guards have augmented.

their reputation, and the warriors of Picha ncha have manifested that their love for therty was paramount to all other conside-

The war of the south has terminated with glory to the arms of Colombia. A million of Americans are thus added to the family of the republic and the conqueror of hundred hattles, the generous enemy of Spain, the creator of Colombia, the immortal Bolivar, has added new lustre to his

immeasurable glory.

There is little else of moment in the papers before us, but a letter from an officer of rank, which we have had the pleasure to peruse, any with junction is about to be formed between the division of Maracayba and that of Southette, when Morales will be attacked and his career terminated.

MARYLAND GAZETTE:

Annapolis, Thursday, Aug. 15.

BANK OFFICERS .- On Monday last Henry H. Harwood, Jonathan Pinkney, Samuel Maynard, Richard M. Chase, Tho-mas Franklin, and James Clary, were severally re-elected officers of the Parmers Bank of Maryland, for the ensuing year.

COUNTY, CANDIDATES.

The people of this county will have a choice of candidates to vote for at the next

election. In addition to the caucus ticked published some months since, ABNER LINTHICUM,

GEORGE HOWARD, of Brice, both democrats) have announced them

selves willing to represent the county in the next legislature, should their fellow citizens think proper to elect them. Dec. Term, 1821.

The State vs. Buchanan and others.
Opinion of Chase, Ch. J.

Delivered at last Term. CHASE, Ch. J. In this case four ques their consideration

1. Whether the State has the right to is sue a writ of error in this case?

2. Whether the record has been legally and properly transmitted?

3. Whether the court has jurisdiction over this case? 4. Whether the facts charged in the in-

dictment constitute the offence of conspira cy at the common law?

1. As to the first. This is a question which arises on demurrer to the indictment

and is solely and exclusively a question for the court to decide on the legal sufficiency

If the facts charged constitute the crime of conspiracy at the common law, it is misdemeanor, and is punishable by fine and imprisonment. Supposing, for argumen sake, the court below had determined the indictment was sufficient, and the offence : conspiracy at the common law, there can not be a question but that the defendants would have had a right to a writ of error thave the judgment of the court below re viewed, and the law settled. Where th offence is a misdemeanor, it is the right of the party to have a writ of error ex debits justicia-the allowance of the Attorney Ge never refused. In this State the allowance of the Attorney General is not necessary and never applied for. What good reason can be assigned why the State should not have a writ of error? The right ought to be reciprocal, at least in the case of demeanor. In the marquis of Winchester's case, reported in Sir William Jones and Croke Charles, the right of the King to writ of error was not questioned. The right of the party accused to bring a writ of error was taken away by the words of the statute of James 1, ch 3; but the right of the King remained-the King not being named in the statute. The offence charged, was recusancy and a misdemeanor, which sub-jected the party to a fine. This case unquivocally establishes the right of the King demeanor; the court of Kings Bench acted on the record returned under it, and pro-nounced a judgment of reversal. The de fect in the judgment in the court below was the want of the ideo capiatur. The motives

z As to the question whether the record has been legally and properly transmitted. I am of opinion that the record has been legally transmitted, and is properly before the court. The act of 1713, ch 4, provides fully for the transmission of records in all cases civil and criminal, and the mode in all cases ever and criminal, and the mode prescribed by that act has been fully and strictly pursued. The fourth section of that act directs, that the party appealing, or su-ing out such writ of error, shall procure a transcript of the full proceedings of the said court, &c. under the hand of the clerk of the said court, and the seal thereof, and shall cause the same to be transmitted to the court, &c. upon which transcript the said transmission of the record in this case has been made pursuant to the fourth section of the act of 1713, ch. 4, and in strict con-formity to it, and the previous order of the

which induced the King, or the Attorney-General, to issue the writ of error, could

not have been a subject of inquiry in the

Superior court.

court below is by no means necessary.

3. As to the third question, whether the courts of Maryland have jurisdiction over

It is the duty of this court to refrain from and restrain the inferior courts of this State from the exercise of any jurisdiction and power which exclusively belong to the tribunals of the United States. In considering this question, it will be necessary to ascertain the power and jurisdiction of the courts of the United States, and to fix with precision the line of division between them

and the State courts.

By the third article, and first section of the constitution of the General Govern ment, the judicial power of the United States shall be vested in one Supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. By the second section, the judicial power shall extend to all cases in law and equity, arising under the said constitution, the laws of the United States, &c. These sections of the third article comprehend all the powers vested in the judiciary of the United States, so far as respects the question under the consideration of the court.

This is not a question or case arising un det the constitution of the United States, nor under the laws of the United States. The law of the United States, establishing the Bank of the United States, does not create any offence against the United States; and it has been determined by the Supreme court, that the common law of England is not a part of the laws of the United States; and that decision has been since recognized and sanctioned, although some of the judges

expressed a willingness to hear an argument on the question.

It is a position, not to be controverted, I think, that all power not granted by the constitution to the General Government, is still resident in the States, or the people, and is to be exercised in the manner and way the constitutions and laws of the se veral States respectively prescribe. It the offence charged had been committed prior establishment of the constitution

existence of the first Bank of the Uni States, there cannot be a doubt but what is the State in which the offence was com mitted, and punishable according to the laws of such State. I therefore am of opinion, that the courts of this State have jurisdiction over the offence charged in the in-

dictment.

4. Having disposed of the preliminary questions, and all impediments being removed which were supposed to prevent the consideration of the fourth and last question, if shall now endeavour to express my opinion upon it, and shall do it in as, concise and plain a manner as possible, consistent with perspicuity.

The question is important as it concerns

The question is important as it concerns
the state, and the individuals accused, and
has undergone a very full and elaborate discussion, and nothing has been omitted
which splendid talents could urge, or ingenuity invent, to elucidate the subject, and
place the question in every view of which
it is susceptible; but as it appears to me, it it is susceptible; but as it appears to me, it lies within a small compass.

The indictment, after stating the esta-

blishment of the Bank of the United States by an act of Congress, and the relative si-tuation of the accused to the bank and the

stockholders thereof, charges "that the said George Williams, so being one of the direc-tors of the said Bank of the United States, and the said James A. Buchanan, so being president of the said office of discount and deposit of the said bank in the city of Bal-timore, and the said James W. McCulloh, so being cashier of the said office of discity of Baltimore, being evil disposed and dishonest persons, and wickedly devising, contriving and intending, falsely, unlawfully, frandulently, craftily and unjustly, and by indirect means, to cheat and impoverish the said President; Directors and Company, of the Bank of the United States, and to defraud them of their monies, funds, and promissory notes for the payment of money, commonly called Bank notes, and o their honest and fair gains to be derived under and pursuant to the said act of con gress from the use of their said monies, funds and promissory notes for the paymen of morey, commonly called Bank notes, on the eighth day of May, in the year of our Lord one thousand eight hundred and nineteen, at the city of Baltimore aforesaid, with force and arms, &c did wickedly falsely, fraudulemly, and unlawfully con spire, combine, confederate, and agree to gether, by wrongful and indirect means, to cheat, defraud and impoverish, the said President, Directors and Company, of the Bank of the United States, and by subtle fraudulent, and indirect means, and diverartial, unlawful, and dishonest devices an practices, to obtain and embezzle a large amount of money and promissory notes the payment of money, commonly called Bank notes, to wit, of the amount and va lue of fitteen hundred thousand dollars curbeing then and there the property and part of the proper funds of the said President Directors and Company, of the Bank of the United States, from and out of the said office of discount and deposit of the said bank in the city of Baltimore, without the know ledge, privity or consent, of the said Presi dent, Directors and Company, of the Bank of the United States, and also without the privity, consent or knowledge, of the direc tors of the said office of discount and depo sit of the said bank in the city of Baltimore for the purpose of having and enjoying the use thereof for a long space of time, to wit for the space of two months; without paving any interest, discount or equivalent, for the use thereof, and without securing the re payment thereof to the said corporation and the more effectually and securely to perpetrate and conceal the same, that the to time, falsely and fraudusently state, allege and represent, to the said directors of the said office of discount and deposit in the city of Baltimore, that such monies and promis sory notes, so agreed to be obtained and embeszled as aforesaid, were loaned on good, sufficient and ample security, in ca-pital stock of the said bank, pledged and deposited therefor; and also should from time to time, make and fabricate false state ments and vouchers respecting the same and other property and funds of the said corporation, to be laid before and exhibited to the said directors of the said office of discity of Baltimore. And that the said George Williams, James A Buchanan, and James W poration as aforesaid, did then and there, in pursuance of and according to the said unlaw ful, false, and wicked conspiracy and con federacy, combination and agreement afore said, by indirect, subtle, wrongful, fraudu lent, and unlawful means, and by divers artful and dishonest devises and practices, and without the knowledge, privity or consent, 6fo the said President Directors and company, of the Bank of the United States, and withouttheprivity, knowledge or consent, of the Directors of the said office of discount and deposit of the said bank in the city of Baltimore, obtain and embezzle a large amount of monres and of promissory notes for the payment of mo-ney, commonly called Bank notes, these me ney, commonly estimate the proper building the property and part of the proper funds of the said corporation, from and out of their said office of discount and deposit in the city of Baltimore, to wit, of the amount and value of fifteen hundred thousand dol ars current money of the United States, fo the purpose of having and enjoying the use thereof, and did have and enjoy the use thereof, for a long space of time, to wit, for the space of two months, without paying any interest, discount, or equivalent there for, and without securing the repaymen of the said monies, and the said promissory notes for the payment of money, common, ly called Bank notes; and did then and there falsely, graftily, deceitfully, fraudlently, wrongfully and unlawfully, keep & convert the same to their own useand benefit, with out the knowledge, privity or consent, of the said corporation, and without the knowledge, privity or consent, of the directors of the said office of discount and deposit in the city of Baltimors. And did then and there, more effectually to perpetrate and conceal the said conspiracy, confederacy, fraud and embezziement; cause and pri cure false and fraudulent representations, allegations, statements and vouchers, to be made and fabricated, and the same to be exhibited to and laid before the directors of the said office of discount and deposit in the city of Baltimore, by the said Janies W. Bi-Calloh, as cashler of the said office of discount and deposit, respecting the said monies, and the said promissory notes for the payment of money, so obtained and am-bezaled as aforesaid, in which said reprethe General Government, and during the sentations, allegations, statements and you-

chery is was their and there false in frequentially represented, alleged a children's that the Land montes and brome roces for the payment of maney we glosse on good as inclust and simple results for the payment of maney we glosse on good as inclust and simple results for the last therefore with his fact has the said broke and therefore with his fact has the said freeze of the said broke and in the said capital stock of the said broke and in the said freeze of the said broke as the said freeze or britisms. James of Annan and James W. M. Callet, there will knew hind that the said freeze with the will knew hind that the said freeze of the said freeze of the said freeze of the said false, wicked in lawful, and fraudulent acts done in home ance thereof, above set forth weit these manes thereof, above set forth weit the said theorie Williams, James James W. M. Callet, in above 18 James James W. M. Callet, in the said they get williams, James Jam ish, cheat and derraud, the said Freshing Directors and Company, of the Bank of the United States, to the great damage of the said President, Directors and Company, is the evil example of all others in like the said of the ner offending, and against the peace, are offending, and against the peace, are vernment and dignity of the State of Maryland, &c. The indictment also chiff set us accused with "being evil disposed and inhonest persons, and wickedly deriving, and contriving, and intending, falsely, unlawfully, fraudulently, craftily & unjustly, and by indirect means, to cheat and impossible indirect means, to cheat and important the said President, Directors and Compa the said President, Directors and Company, of the Bank of the United States, and to defraud them of their monies, funds, and to defraud them of their montes, runds, and promissory notes for the payment of money, commonly called bank notes, and of their honest and fair gains to be derived under and pursuant to the said act of congress der and pursuant to the said act of congress from the use of their said monies, funds, and promissory notes for the payment of money, commonly called bank notes; of terwards, to wit, on the eighth day of May, in the year of out Lord, one thousand eight hundred and nineteen, at the city of Bahimore aforesaid, with force and arms, &c. did wickedly, falsely, fraudulently and unlawfully, conspire, combine, confederat lawfully, conspire, combine, confederate, and agree together, by wrongful and indirect means, to cheat, defraud and imporerish, the said President, Directors and Company of the Bank of the United States, and by subtle, fraudulent, and indirect means, and divers artful, unlawful, and dishonest devices and practices, to obtain and emberzle a large amount of money, and of pro-missory notes for the payment of money, commonly called Bank notes, to wit, of the amount and value of fifteen hundred thou-sand dollars current money of the United States, the same being then and there the property and part of the proper funds of the said President, Directors and Company, of the Bank of the United States, from add out of the said office of discount and deposit of the said hank in the state of Parking President. the said bank in the city of Baltimore, without the knowledge, privity or consent, of the said President, Directors and Company, of the Bank of the United States, and also without the privity, consent or know-ledge, of the directors of the said office of discount and deposit of the said bank in the city of Baltimore, for the purpose of having and enjoying the use thereof for a long space of time, to wit, for the space of two months, without paying any interest, discout or equivalent, for the use thereof, and

ment and dignity, of the state of Maryland, To this indictment there is a general demurrer, by which the facts set forth in the indictment are confessed and admitted by the accused to be true, for the purpose of submitting the question to the decision of the court, whether the facts charged constitute any offence indictable and punishable according to the common law of Est land?

without securing the repayment thereof to

the said corporation. And that the said false, wicked, unlawful, and fraunulent conspira-

cy, confederacy and agreement, above meir-

perpetrated, by the said George Williams, James A Buchanan and James W. McCul-

James A Buchanan and James F. McGuloh, in abuse and violation of their duty, and the trust reposed in them, and the oaths taken and lawfully sworn by them respec-

tively as such officers of the said corporati on as aforesaid, to the great damage of the said president, directors and company, to

the evil example of all others in like manner offending, and against the peace, govern-

In order to determine this question, it becomes necessary to consider what is the common law of England as respects this case, and whether the common law of England is the law of this State?

Ind is the law of this State?

The common law of England is derived from immemorial usage and custom, originating from acts of parliament not recorded, or which are lost, or have been destroyed. It is a system of jurisprudence founded on the immutable principles of justice, and de-nominated by the great luminary of the law of England, the perfection of reason. The the law, the judicial records and adjudica-tions of the courts of justice in England.

the law, the judicial records and adjunctions of the courts of justice in England.

The people of Maryland have not only recognized the common law of England as the law of the State, but by the Declaration of Rights made by them in Codventies in 1776, claimed and asserted a right tate common law of England as it was then and derstood in Maryland, and had been transmitted to us by the reports of adjudged cate decided by the courts of England, and adderstood by learned men of the profession who had written on that subject. The common law of England, as it was understood at the time of the Deckaration of Rights, without restraint or modification. Whether people of Maryland, as it was understoosed the time of the Deckaration of Rights, without restraint or modification. Whether particular parts of the common taw are applicable to our local circumstances and situation, and our general code of hws and jurisprudence, is a question that comes within the province of the courts of justice, and is to be decided by them. The common law, like our acts of Assembly, are justice, and is to be decided by them. The common law, the control and modification of the legislature, and may be abrogated or changed the General Assembly may think most conductive to the general welfars; so this segreat inconvenience, if any, can refull from the power being deposited with the justiciary to decide what the common law the insists approaching to the circumstances of the State, and what part has become absolute from non user or other cause.

1 think it, may be assumed, as a position which cannot be controverted, and is free from doubt, that the common law of the local ration of Rights, was the law of the replaced; and it was understood at the time of the relation of Rights, was the law of the relation of Rights.

1 . . .

clear, that is must be ascertained by the principal jearned mort of the provisions by the jodicial records and induced bases of the courts of England.

The questions, now occur, do the jacin contained in the indictment cohesitate the crime or effences of completely and in some or offences of completely and in some interesting and offences of completely and in some interesting or offences of completely and in some interesting of the provision of

crime or eligics, of conspiracy, and it sonspirates an offence of common law, Indictable and punishable as substitution.

Sergeant Lioudina, in his pleas of the common law, makes pie of strong and explicit language, and says there can bown doubt but that all confederacies whatcover, doubt but that all confederacies whiteverer, erongfully to prejudice a third person, are highly criminal at common laws as where divers persons confederate together by indirect means to impoverish a third person. direct means to improve the and supported by adjudged cases in the courts in England, and especially in the courts in England, and especially in the courts fully 555; The King to Sterling and others, brewers of London, information for unlawfully conspiring to impoverish the excisemen by making orders that no small beer, called gallon beer

hould be made for a certaintime, &c. The whole court concurred in opinion, and gave judgment for the King.
The statute 33 Edw. 1 de conspiratoribus, was made in affirmance of the common law, and is a final definition of the instances or cases of conspiracy mentioned in it; but certainly it does not comprehend all the cases of conspiracy at the common law, which s most apparent from the adjudged cases of

he courts of England on that sublect. I consider the adjudications of the courts of England, prior to the era of the independence of America, as authority to shew what the common law of England was in the opinion of the judges of the tribunals of that country, and since that time, to be respected as the opinions of enlightened

judges of the jurisprudence of England.

The better opinion appears to be, that a conspiracy to do an unlawful act is an indictable offence, although the object of the conspiracy is not executed. In this case conspiracy to cheat, defraud and im ppropriating the monies, promissory notes and funds of the bank to the use of the ac cused, has been proved by the admission and confession of the defendants, and a con ammation of all the overt acts has been ful

r established. The Poulterer's case, 9 Coke, 56,57 -The falsa alligantia is a false binding, each to the other, by hond or promise to execute some unlawful act. Before the unlawful act. executed, the law plinishes the coadjunction, confederacy or false alliance, to the end to prevent the unlawful act quia quando aliquid prohibetur, prohibetur ct id per quad persenitur ad illud. Et effectus punitur lictt non sequatur effectus; and in these esses the common law is a law of mercy, for the prevents the malignant from doing misthe, and the innocent from suffering it The defendants were punished by fine nd imprisonment.
I think it is established by the decisions

of the courts of England, that a conspiracy to cheat is an offence indictable and no ishable at common law-Rox vs. Wheatly Eishable at common saw—not us. Principle 2 Burr. 1125. A cheat or imposition by one person only is not indictable at common law, but a conspiracy to cheat by two or more is indictable at common law, be cause ordinary care and caution is no guard against it Indictment against Macarty and others, for a combination to cheat in imposing on the prosecutor stale beer mixed with rinegar, for port wine—6 Mod. 301. In-letment against Cope and others, for a conspiracy to ruin the trade of the prosecu or by bribing his apprentices to put grease must the paste which had spoiled his cards -1 Strange 144. Indictment against Kin tersley and Moore, for a conspiracy to harge Lord Sunderland with endeavouring commit sodomy with said Moore, in or rocktort money from Lord Sunderland he whole court gave judgment in support tine, imprisonment, &c. and sentenced prisonment and to give security for his ood behaviour-1 Stra 193, 196. In ictment against Rispul, 3 Burr. 1320. The lictment sets forth, that Rispal, and two thers, did wickedly and unlawfully conhn Chilton with having taken a quantit a bag, &c. for the or prose of exacting and exterting money from the said John Chilton. The court were fopinion, that the indictment was well laid, nd that the gist of the offence is the unlaw d conspiring to injure Chilton by this false

A combination among labourers or mehazics to raise their wages is a conspiracy t common law, and indictable (8 Mod. 10,) though lawful for each separately to raise

I consider the doctrine so firmly estalished by the decisions of the courts of Cissed by the decisions or the courts of Esgland, prior to the era of our indepen-dence, that a combination or confederacy lo do an unlawful act, is a conspiracy in dictable and punishable at common law, that I have deemed it unnecessary to refer to all the cases relative to this question, and therefore have contented myself with titing some of those which appear to me apposite.

The opinion of Lord Ellenberough, in 13 Ess. 230, does not impugn, but strongly inctions and confirms this doctrine. He tays the cases of conspiracy have gone far mengh—he should be sorry to push them cill further. The charge in the mictment was a careful transpare. He the committing a civil trespass. He ho says, all the cases in conspiracy protect on the ground that the object of the conjuracy is to be effected by some falsity. I am of opinion that the judgment be resed, and the demurrer overruled.

CAPE MESURADO.

CAPE MESURADO.

The schr. Calypso, arrived at Baltimore in 65 days from the United States Colony at Cape Mesurado, having on board Doctor Aires and Mr. Wittberger, agents of the colonisation Society. Dr. Ayres gives very favourable accounts of the present affate of the colony—the people are contented a the colony—the people are contented and py—the country healthy and fertile, and lew of the colonists who were disposed to stangely a disaffected, have retired to the miths settlements. The natives are very readly to the colony—and all its concerns at in the most prosperous condition—Two mendy to the colony and all lis concerns in in the most prosperous condition—I'wo it the tolonites, Joseph, Blake and Zera hill, beth of Philadelphila, have retorned to the out that families. Blake's family suited lately for Merurally, and he unfortunity missed them in coming to this country, we learn that Daniel Coker has reind from the Colony, beaoms a British solicit, and is engaged teaching a school a Situra Leone. erra Laona. Fed. Gaz.