

COURT OF APPEALS, W. S.

Monday, June 21—The case of *Exr. vs. Fullon & Starck* (61), was argued by R. B. Mather for the Appellant, and by R. Johnson for the Appellee, and concluded by R. B. Mather for the Appellant, in relation to the *Mitchell vs. Johnson* for the Appellant.

Tuesday, June 22—STEPHEN, J. delivered the opinion of the court in *Exr. vs. The Union Bank* (62), argued at June term last, by Glenn and Taney for the Appellants, and by R. Johnson for the Appellee—Decree affirmed.

WEDNESDAY, J. delivered the opinion of the court in *Adm'r. argued at June term last, by R. Johnson and Wirt* (Attorney General of the U. S.) for the Appellants, and by J. C. Magruder and Taney for the Appellee—Decree reversed in part.

THURSDAY, Ch. J. delivered the opinion of the court in *Brown vs. trustee of Causton*, argued at June term last, by Williams (District Attorney of the U. S.) for the Appellant, and by R. B. Mather for the Appellee—Judgment affirmed.

FRIDAY, Ch. J. also delivered the opinion of the court in *Taylor & M'Neal vs. Phelps*, argued at June term last, by Gill and Moore for the Appellants, and by Meredith for the Appellee—Judgment affirmed.

SATURDAY, J. delivered the opinion of the court in *Sanderson's Exr's*, argued at this term by Williams (District Attorney of the U. S.) for the Appellants, and by C. Dorsey for the Appellee—Judgment reversed, and *procedendo* awarded.

SUNDAY, J. delivered the opinion of the court in *Fennick vs. Floyd's case*, argued at June term last, by Dorsey for the Appellant, and by Williams for the Appellee—Judgment reversed.

MONDAY, J. delivered the opinion of the court in *J. and P. Turvill vs. Jenkins*, argued at this term by J. C. Magruder for the Appellants, and by C. Dorsey for the Appellee—Judgment reversed, and *procedendo* awarded.

TUESDAY, J. delivered the opinion of the court in *Mitchell vs. Johnson* (No. 64), argued at this term last, by Williams (District Attorney of the U. S.) for the Appellants, and by R. Johnson for the Appellee.

WEDNESDAY, June 25—The argument in the last mentioned case was further continued by Williams (District Attorney of U. S.) for the Appellee, and concluded by R. Johnson for the Appellant, in reply. The case of *S. & R. H. Archer vs. Williams* (No. 64) was opened by R. Johnson for the Appellants.

THURSDAY, June 26—The argument in the last mentioned case was further continued by Williams (District Attorney of U. S.) for the Appellee, and concluded by R. Johnson for the Appellant, in reply.

FRIDAY, June 27—DORSET, J. delivered the opinion of the court in *Exr. vs. Saunders's Exr.* (No. 67), argued by Gill for the Appellant, and by Mitchell for the Appellee, and concluded by R. Johnson for the Appellant, in reply.

SATURDAY, June 28—DORSET, J. delivered the opinion of the court in *Exr. vs. Nicholson and others*, argued at June term last, by Williams, District Attorney of U. S. for the Appellants, and by Taney for the Appellee. Judgment reversed and *procedendo* awarded.

SUNDAY, J. also delivered the opinion of the court in *Leadnam's Exr. vs. Nicholson and others*, argued at June term last, by R. Johnson for the Appellant, and by Brewer, Jr. and Mitchell for the Appellee—Appeal dismissed, &c.

MONDAY, J. also delivered the opinion of the court in *Cathell vs. Goodwin*, argued at June term last, by Gill and R. Johnson for the Appellants, and by Meredith and R. B. Magruder for the Appellee—Judgment reversed, and *procedendo* awarded.

TUESDAY, the case of *Hays vs. Richardson* (No. 74), was argued by R. Johnson and Mitchell for the Appellants, and by Gill for the Appellee.

Steamboat Route by way of Cape Henlopen.

Mr. Editor—I observed in your last paper, a column purporting to be an exposition of the above text; for the convenience of the community; and I, perhaps, fancied on the perusal of it, that, in the place of a fair and candid view, which I expected to meet with, it contained the evidences of an exparte representation; and in fact, was neither more nor less than a proscription proclamation against Captain Jones, and against his side of the question agitated; I therefore feel impelled by a sense of justice, to caution the community against the seductive influence of the expositor's logic, eloquence and assumptions, and to wait, with unprejudiced minds, the issue of the case, which will, I am told, as early as possible, be presented with its true merits, before a legal tribunal.

I will only attempt to explain, that the case may not be quite as plain against Captain Jones, as the zeal of the writer would lead the community to suppose.

The words of the expositor are, "there is no difficulty in understanding the case, for the facts are few & simple;" to wit: "where is a public road recorded to lead from Ford's Store to Castle Haven," &c. and he adds, "it is very clear it must run to the water's edge;" and he comes at this conclusion by an argument of the following nature: "a haven is, a harbour, and a harbour must be on the water's edge; and therefore the road to Castle Haven must run (through Captain Jones' farm) to the water's edge."

I believe the community for whom he has written, will not hesitate to pronounce the sophistry of this argument; his premises are defective and fallacious; suppose, for instance, that Captain Jones shall prove before a legal and impartial tribunal, that Castle Haven is the popular name by which his farm has been known from time immemorial; and that the ancient as well as modern custom of describing the limits of public roads, would it not be plain that the expression "to Castle Haven" would be fully gratified by running to and stopping at the gate, at the entrance of the farm, without enquiring into the definition of "haven," or tracing the original and patent name of the tract.

The expositor says that "Castle Haven is not the proper name, but that in the original patent, it is called 'Nowell's Regulation.'" Now, unfortunately for the expositor's plain case, his own quoted description, and the record of one end of his road, absolutely demolishes his point d'appui, at the other end; viz. running from "Ford's Store," &c. &c. I presume it will be conceded that this expression of the beginning "Ford's Store," is the popular, and not the patent name of the place; and so is the point of termination called by the popular name; the one by which it was known in the neighbourhood, because the object was not to trace titles, but to describe the limits of the road by some visible and notorious marks.

He states, too, that the road through the farm is and has been kept up by the county. I am informed that the road has never been kept up beyond the gate at the entrance of the farm, by the county; and that this fact will be proved as far back as the memory of man reaches; and this will afford the best possible evidences of the true construction; hence falls another prop of his argument.

The expositor's remaining pillar of reliance, would seem to be as unstable as the sands on which he has placed it, viz: "that farmers had carted their grain and other produce for thirty years ago to the end of the point" for exportation. The constituent materials of this slip of land, from its base to the end of the point, and for many feet in depth, are notoriously so slippery and fugitive a nature, consisting wholly of that class of earth which geologists have denominated fine silex, as to render a superfluity, at least, to the prudent farmer who has a particle of regard for the well being of his tenants, whose hard and piercing hoofs would infallibly communicate to the imprudent master, by the medium of exhaustion, their fruitless efforts to find a resting place.

The Board of the Maryland Steam boat company, have published an extract from their proceedings on the subject of this contest. This highly respectable board (and some of them professional lawyers) having advised for several months on this question, as prudence and candour dictated, state among other things, "which see in a former Chronicle," and they are satisfied, by the just

complaints of Captain Jones, &c.

But this extract the writer denounces as a "mysterious document, and like other mysteries signifying nothing at all," and elsewhere he says "it is true the Board have considered the road a private one: but they are mistaken;"—here is a bold assumption.

Several cases have occurred in Dorset, where, upon application to the Levy Court, they have ascertained the true intent of a location of a road, and ordered thenceforward a record with similar limitations, as the one now contended for.

A similar case occurred with the late Capt. Tripp; another with the father of the present Capt. Jones: in these cases it was thought doubtful whether the roads were intended to go to, or through their farms, to their houses; upon application to the Levy Court, they ascertained and affixed the construction now contended for, by Capt. Jones.

It cannot be said that the Levy Court altered the roads; it is notorious they had no such powers: they only ascertained and described them in more definite terms.

By act of assembly, 1704, ch. 21, the Justices of the County Court shall ascertain and describe the public roads; by many acts subsequent, and as regards Dorset, by an act dated 1801 chap. 54, the power to ascertain and describe roads was conferred on the Levy Court, which they have often had occasion to exercise: and in this case appears to stand on similar grounds with others in which they have done so, and would seem fair and reasonable, that they should not hesitate, if required, though I should hold it unnecessary.

I have, sir, offered these remarks merely to show that the expositor may occasionally misapprehend a plain case, and that justice would dictate the impropriety of forestalling the public mind with doubtful and perhaps fallacious notions, to the detriment of an individual who may be unfortunately involved in a dispute with his neighbour; and in all cases of litigation, plain or complex, of suspending our judgments and of counteracting that prejudice, and those passions of the mind, which so frequently interfere with reason, and justice, to the annoyance of that worthy community, for whose good, "A Citizen of Dorchester county," appears to be, and no doubt is so extremely solicitous.

FAIR PLAY.

Editors who have inserted "A Citizen of Dorchester County," and all others who wish to promote the cause of justice, will please to insert the above.

Court of King's Bench, May 14.

E. G. Wakefield and his brother, W. Wakefield, were brought up this morning for judgment. Lord Tenterden having taken his seat, Mr. Sergeant Cross moved the court for judgment against the prisoners, who had been convicted at the last assizes for Lancaster, of a conspiracy to carry away Ellen Turner, without the knowledge or consent of her father.

Mr. Justice Bailey delivered the judgment of the court, in doing which the learned judge recapitulated the evidence, and commented on it as he proceeded, and pointed out the total disregard for truth manifested by both defendants, and concluded a very feeling and impressive address with the following words:—"This is a case in which a person not young, acquainted with marriage duties, acquainted with what ought to be expected from a husband, and what may be expected from a wife, proposes to marry a wife infinitely younger than himself. The court has carefully considered the circumstances of this case, and it does order and adjudge, that for this offence, you Edward Gibbon Wakefield be imprisoned in his Majesty's goal of Newgate, for the space of three years; and that you William Wakefield be imprisoned in his Majesty's goal of Lancaster for the same space."

ROBBERY.

The shop window of M. Le Mot dealer in fancy stuffs, &c. in the vicinity of Leicester-square, was robbed of a number of fashionable boxes, principally bearing highly finished portraits of the ex-members of the cabinet. The unfortunate proprietor was inconsolable at his loss, till Wednesday, when he received the following doggerel Epistle of Condolescence by the twopenny poet:—"Dear Monsieur Le Mot, We've taken a lot, Which all know too long kept their station; Therefore do not grieve, But this counsel receive, Let thy losses teach thee resignation!"

PENNSYLVANIA.—The Indiana and Jefferson Whig of the 11th inst. says, "We believe Gen. Jackson is at this time, more than at any other period, the favourite of the people of Indiana and Jefferson counties and state generally; and that his integrity, patriotism, and important public services entitle him to the confidence of every true hearted republican."

From the Am. Sentinel of June 21. DELAWARE.—At the annual meeting of the democrats of Newcastle county, the friends of General Jackson were the majority, and appointed delegates to meet the democratic delegates from the other counties of the state, to form a Congress ticket. Major Bennett, a soldier of the revolution, and a democrat of the Jefferson school, was in the chair. The friends of Mr. Adams seceded, but did not appoint delegates. They merely protested against the proceedings of the regular meeting, because it was said, that the meeting was to turn on the question of Jackson or Adams. The federalists of Newcastle county also had their annual meeting a few weeks ago. The friends of Jackson among them were as ten to one—Jackson delegates were of course appointed.

Newcastle is the democratic county of Delaware. In the other two counties, there is a majority of federalists.

From the results of these meetings, the state of Delaware may, we think, be fairly set down for General Jackson.—So we go.

JACKSON CONVENTION.

We have perused with unfeigned pleasure the address published by the Republican Convention of Maryland in favour of the Hero of New-Orleans for the presidency. It is a document which should be carefully read by every friend to the liberty of his country.—It exposes in a clear manner the arts which were practiced by Mr. Clay to prevent an election by the people—the hostility which existed between him and Mr. Adams previous to the late election by Congress—the hypocrisy of Mr. Adams in pretending to entertain sentiments in relation to amending the Constitution and other matters, which he either never believed in, or has since, from personal interest, abandoned. It also exposes to a clear light, the corrupt intrigue by which these two sworn enemies, Messrs. Adams and Clay, formed a coalition, for the purpose of dividing the spoils of office and perpetuating their ill gotten power over the American people—and it comments with discrimination on the danger resulting from such a coalition. The address is too long for publication in our columns, yet if we can find room we will give it to our readers. Boston Statesman.

Maryland Politics.—We lay before our readers, this day, the proceedings and address of the Jackson Convention of Maryland. We invite to it, the attentive perusal of all. Let not its length appal any reader. It affords matter for serious reflection, and is one of the most just and luminous expositions of the presidential controversy which we have seen.—Fayetteville Journal.

FRUITS.

Peaches and water-melons appeared in the market of Augusta, Geo. on the 14th inst. and green corn has already been exhibited in Norfolk, Virginia.

HAVANA.—The advices from Havana are to the 11th inst. at which time we regret to learn, there was much sickness, particularly among the shipping. It seems that the rumours respecting the appearance of a Colombian fleet off the Island of Cuba, are without foundation. They originated from the circumstance of two U. States vessels of war having been mistaken for Colombians.

FROM GIBRALTAR.

Gibraltar papers to the 19th ultimo, received at New-York, contain the following paragraphs:—Tunis, April 16. On the 23d ult. died at the place of the Bardo, her Highness Lilla Fatima, sole consort of the Bashaw Bey of Tunis. At her funeral sixteen hundred slaves received their freedom.

Extract of a letter dated 7th April, from H. M. Consul-General at Tripoli. "I have received sad news from, or more properly speaking, of my son-in-law (Major Laing) in the interior; but as it is merely verbal report conveyed from Bambara to Timbuctoo, to Tuat, to Godamah, to Tripoli, I trust in God it may prove erroneous."

ELOPEMENT.—An account of an elopement has just come to our ears. It occurred in a ward in the city which shall be nameless; henceforth we recommend the aldermen to do their duty better in future. A young Lothario of sixty-five years and two months, ran away with a bud of bashfulness of fifty summers suns with a half a dozen moons or thereabouts. The elopement threw their relatives in great consternation. Lothario had six teeth in his mouth—two above and four below. The silver hairs which trembled on his crown were precious from their scarcity. He limped a little occasionally, but an old cain with a buckshorn head gave velocity to his step. His dress was valuable. His coat would command fifty dollars from any museum keeper for its very antiquity, and his breeches were beyond all price. The lady—oh! how shall we speak of her! The lady was a picture of maiden innocence. Her form was tall and majestic as the Maypole. Her countenance as expressive as an eye and a half could permit it. Her hair was beautiful, being newly bought for the occasion; and her two rows of fresh pearls, occasionally seen as she simpered, would do honour to any dentist's window. A cat and three kittens followed her in her flight, until she turned the first short corner. It is surmised that this case resembles the great Wakefield case in England. If so, Lothario will no doubt be indicted by the next Grand Jury for the abduction of an innocent maiden. N. York Nat. Adv.

A Faithful Lover.

The following anecdote is given in a Paris paper, as received from a country correspondent:—About 20 years ago a young man, violently in love with a young Provincial, not being able to obtain the consent of her family to their union, he enlisted as a soldier. In the campaign of 1812, he was taken prisoner by the Russians, and sent into Siberia, whence he escaped, and joined a horde of Tartars, then at war with China. He was a second time made prisoner, but more fortunate than in his first captivity, he insinuated himself into the good graces of his conquerors, and gradually rose to the dignity of a Mandarin. His affection did not, however, change with his good fortune; he despatched a vessel to Europe to convey the object of his first love to China; this vessel has just arrived at Marseilles, and will return as soon as the object of its mission shall have been executed.

Valuable Invention.

From the Stockbridge, (Mass.) Star of the 14th inst. Among the useful improvements in the mechanic arts, the one we are about to mention, invented by our respected townsman, Mr. Richard P. Morgan, stands pre-eminent. It has been fairly tested by actual experiment.

This invention is an improved Railway Carriage, which so reduces friction, that one horse may draw, with perfect ease, upon a level road, fifty tons.—Mr. Morgan has proved this fact both upon a small model, and upon a wagon capable of carrying the usual weight of a common wagon, and if any advantage was had, it was in favour of the latter. We believe, in all the experiments made by Mr. Tredgold, with the pulley and weight, he never succeeded in moving more than 150 lbs. with one pound. One pound attached to this carriage, and suspended over a pulley, moved quickly seven hundred pounds!

It will be exhibited in Boston. Friction is obviated at the axles, by means of four additional wheels, which operate as rollers on the ground axle—the friction wheels move once round, only, in going a quarter of a mile. We have seen this invention in operation, and fully believe that it will place Rail Roads on a ground where Canals can no longer come in competition with them.

We conceive this to be one of the most important improvements ever invented, and we think it is not too much to say, will eventually supply the place of Steam on level roads in all countries; as the expense of this Railway Carriage is, comparatively, very small.

It is intimated in the Smyrna paper, that arrangements are making at Constantinople, through the mediation of Russia, for a commercial understanding between the United States and the Sublime Porte, in consequence of which the two powers will interchange resident ministers. It is supposed that the increase of our commerce in the Levant, renders such an arrangement desirable. N. Y. Spectator.

FROM RIO DE JANEIRO.

By an arrival at Bridgeport, Conn. advices from Rio de Janeiro, to the 29th April, are received. A letter of the 27th, says—"The Buenos Ayrean army is said to have possession of the better part of the Province of Rio Grande, and to have driven off 40,000 head of cattle.—There are rumours of peace, but we place no reliance in them—the war will yet last some months."

FROM BATAVIA.

The ship Janus, Bridges, has arrived at Salem, from Batavia, which place she left on the 8th of March. We have been furnished by our correspondents of the Gazette and Observer, with the following information:—

The ships of Java, when the Janus left Batavia, remained in a critical position; during the three months previous the rebels had advanced upon the colonists, much increased in power and numbers. On the first of March they were but 30 or 40 miles from Samarang. The force that the government could oppose to them at this time could not be great at any particular point, from the necessity of dividing their troops to occupy many military posts, as the rebellion is so general through a large part of the island. Numerous plantations of coffee and sugar have been entirely destroyed by the rebels.

COLOMBIA.—By the schooner Eclipse, at New York from Laguyra, we learn that Bolivar remained at Caracas, (June 6,) and it was not known when he would depart for the interior. A letter from Laguyra, of the 3d, says:—"We have intelligence, that by direction of the executive, all the guns and ammunition in the different forts of Porto Cavallo, have been removed, and that the only castle now remaining in that place, is to be demolished. Subject of these proceedings is not unknown to us." It is reported here, that the congress has accepted the resignation of Bolivar."

GREEKS AND TURKS.

Intelligence from Corin of April 10, mentions that some sharp fighting had taken place before Athens, on the 4th, 6th and 9th, but in whose favour the conflict terminated had not been ascertained.

Commodore Porter arrived at Vera Cruz, on the 18th of May, a passenger in the sloop Greyhound, from Key West. The object of his visit was understood to be to bring Mexican vessels of war, viz. the brig Guerrero, Victoria, and Herminia, then lying at Vera Cruz, to act in concert with the Colombian squadron, in pursuit of a Spanish privateer said to be off Campeche.

Public Sale.

By virtue of an order from the Orphans Court of Anne Arundel county, the subscriber will offer at public sale, on Friday the 13th July next, at the late residence of Samuel N. Simmons, deceased.

The Personal Estate

Of the said deceased, consisting of Horses, Cattle, Hogs, Farming Utensils, &c. Terms of Sale—For all sums of five dollars and upwards, a credit of six months, the purchaser giving bond, with security, with interest from the date; under five dollars, cash. Sale to commence at 11 o'clock. John Wood, Adm'r.

Valuable Property For Sale.

The subscriber will offer for sale, at Williamson's Hotel, on Thursday the fifth day of July, several Lots of Ground

In the City of Baltimore, situated on that part of the city called Whetstone Point. Lot No. 50 containing six acres and a half and ten perches. No. 53 containing five acres and twenty-seven perches. The sale for Cash. Approved Checks on the Farmers Bank of Maryland will be received. Jeremiah Towley Chase.

Maryland Greys.

You are ordered to meet at the Company's Parade Ground, (State House Hill) on the 4th of July next, at 10 o'clock, A. M. with six rounds of blank cartridges. By order, John Disney, O. S.

Attention!

First Annapolis Sharp Shooters. You are ordered to parade at your usual parade ground; with arms and accoutrements in soldier-like order, with 10 rounds of blank cartridges, on the 4th of July next, at 10 o'clock A. M. A punctual attendance is required. James Dunn, O. S.

