

# The Maryland Gazette.

ANNAPOLIS, THURSDAY, DECEMBER 23, 1830.

NO. 51.

PRINTED AND PUBLISHED BY  
**JONAS GREEN,**  
Church-Street, Annapolis.  
PRICE—THREE DOLLARS PER ANNUM.

**DANIEL HART,**  
OFFERS for sale a general assortment of  
GOODS in his line, on the most reasonable  
terms, to wit: A general assortment of  
**GROCERIES, &c.**  
**WINE, &c.**

**TEAS.**  
Imperial, Old Hyson, Young Hyson,  
Superior Black, Hy-on-Skin,  
China, Cuf and Plain Glass, Liver-  
pool & Queensware, Tin & Stone Ware.

**HARDWARE, CUTLERY,**  
Cannings, Wrought and Cut Nails,  
**BUNCH RAISINS, ALMONDS,**  
Fresh Crackers, Sperm and Tallow  
Candles, Sperm Oil.

**BACON, PORK, & LARD.**  
**BEST FAMILY FLOUR.**  
PAINTS, OILS, &c.

**CIDER.**  
In Barrels, on Draught, and in Bottles.  
**GROUND PLAISTER**  
Superior quality. Being agent for the Messrs.  
Sawyers' Mill, his on hand, and intends  
keeping a general supply. He will sell at  
the Baltimore Prices, adding the freight.

**BLANK BOOKS**  
Of every description made to order. MER-  
CHANTS LEDGERS, JOURNALS, and  
RECORD BOOKS, suitable for public offices.  
**BOOK BINDING**  
Executed in the most approved manner.

**NEW GOODS.**  
**BASIL SHEPARD,**  
**MERCHANT TAILOR,**  
Has received from Philadelphia and  
Baltimore, his supply of **GOODS,**  
adapted to the season, consisting of  
**BLACK, BLUE, OLIVE, BROWN AND**  
**GREY.**  
**CLOTHS & CASSIMERES.**  
With a choice selection of the richest and  
latest importations of  
**VESTINGS.**

He will be glad to make them up in the lat-  
est and most approved fashions, or will dispose  
of them unmade to those who prefer.  
ALSO—a neat and more general assort-  
ment than before, of  
**GENTLEMEN'S GLOVES, SOCKS, COLLARS AND**  
**HATS.**

The public are respectfully invited to  
call and examine them.  
Dec 2

**TRUSTEE'S SALE.**  
By virtue of a decree of the Court of Chan-  
cery of the State of Maryland, the sub-  
scribed Trustee, will expose to public sale on  
Friday the seventh day of January next, at  
10 o'clock, M. on the premises, if fair, if not,  
the first fair day thereafter, (Sunday excepted)  
part of the real estate of Thomas Griffith, sit-  
ing all that tract, or part of a tract, or par-  
cel of land, formerly called 'Bappington's Sweep-  
ing' since re-surveyed and called 'Griffith's Pur-  
chase,' containing

**300 ACRES OF LAND.**  
More or less, being and lying on Elk Ridge,  
Anne Arundel County, and between eighteen  
and nineteen miles from the cities of Baltimore  
and Washington, and within a quarter of a  
mile from the Washington Turnpike, and a  
boat three quarters of a mile from the Savage  
Factory, this land is situated in one of the  
most healthy neighbourhoods in the State of  
Maryland; the improvements are:  
A large and comfortable frame  
Dwelling and other out houses, suf-  
ficient for a large family, at present occupied  
by Thomas Griffith. A further description  
of the property is deemed unnecessary, as those  
who wish to purchase will view the premises  
on the day of sale.

**TERMS OF SALE.**  
The purchase money to be paid on the day of sale, or on  
the first day thereafter, by the Chancellor, or on  
the day to which the purchase money is to be paid,  
the Trustee is authorized to execute a deed to  
the purchaser or purchasers thereof.  
**BUSHROD W. MARIOTT, Trustee.**  
Dec 23 1830.

**NOTICE.**  
HAVING issued the writs belonging to  
George Wells, Esq. of the County of South Ri-  
vers, all persons who hereby are concerned against  
him, or his estate, are hereby notified, that they  
do, or in any manner, neglect to attend on the  
said writs, or to appear in person, or by their  
attorney, at the time and place therein specified,  
that all such writs, shall be enforced against  
all such persons, as if they were in person.  
**ADAM T. ALLEN.**  
Nov 15

**CONGRESSIONAL.**  
TWENTY-FIRST CONGRESS.  
SECOND SESSION.  
Monday, December 13th, 1830.  
IN SENATE.

A message was received from the President  
of the United States by A. J. Donalson, Esq.,  
his private Secretary.

Mr. KETCHUM, in pursuance of notice given,  
asked and obtained leave, and introduced a  
bill giving an additional compensation of 200  
dollars to the salary of the Marshal of the  
United States, for the District of Rhode  
Island; which was read and ordered to a  
second reading.

Mr. SAWYER presented the petition of the  
passed Midshipmen of the Navy, praying an  
increase of pay; referred to the Committee  
on Naval Affairs.

Mr. KING presented the memorial of Thom-  
as Casey, which was referred to the Com-  
mittee on Public Lands.

Mr. SPRAGUE, in pursuance of notice given,  
asked and obtained leave, and introduced a  
bill for the benefit of Simeon C. Whittier;  
which was read twice, by unanimous consent,  
and referred to the Committee on Finance.

Mr. CURRIE presented the following resolu-  
tion, which was read and agreed to:  
**Resolved,** That the Senate will, at half  
past eleven o'clock, to-morrow, proceed to  
the election of a Chaplain for their part.

Mr. CHAMBERS presented sundry memorials,  
praying indemnity for French spoliations;  
which were referred to a special committee;  
and on motion, the following gentlemen were  
appointed said committee, viz: Messrs. Liv-  
ington, Chambers, Sanford, Silsbee, and  
Holmes.

**TRIAL OF JUDGE PECK.**  
At twelve o'clock, proclamation having  
been made by the Marshal of the District of  
Columbia, the Senate resolved itself into a  
High Court of Impeachment, for the trial of  
James H. Peck, Judge of the District Court  
of the United States, for the District of Missouri.  
The oath to do impartial justice in the case  
before the Court, was then administered by the  
President, (Mr. Smith, of Maryland.) to  
Messrs. Poindeexter, of Mississippi, and Ba-  
ker, of Illinois, who were not members of the  
Court at the last session.

On motion of Mr. Woodbury,  
The Secretary was directed to give notice  
to the House of Representatives, that the Sen-  
ate was in session, as a High Court of Im-  
peachment, were ready to proceed to the tri-  
al of Judge Peck, and that seats were provid-  
ed in the Senate Chamber for the members of  
that House.

Judge Peck, with his counsel, Messrs. Wirt  
and Meredith, then entered and took their  
seats.

A message having been received from the  
House of Representatives, by Mr. Matthew St.  
Clark, their clerk, that that House had  
agreed to a replication, on their part, to the  
plea and answer of James H. Peck, Judge of  
the District Court of the United States for the  
District of Missouri, and had directed their  
Managers to carry the same to the bar of the  
Senate.

Messrs. Buchanan, McDuffie, Wickliffe,  
and Spencer, four of the Managers on the  
part of the House of Representatives, entered  
and took the seats provided for them. (Mr.  
Storrs, of New York, the remaining member  
of the committee of Managers, not having yet  
arrived in the city.)

Mr. Buchanan said, that the Managers were  
ready to proceed to the trial, and submitted  
the following replication, which had been  
agreed on by the House of Representatives.

**CONGRESS OF THE UNITED STATES**  
IN THE HOUSE OF REPRESENTATIVES.  
December 13, 1830.  
REPLICATION by the House of Representa-  
tives of the United States, to the answer and  
plea of James H. Peck, Judge of the District  
Court of the United States for the District of  
Missouri, to the article of impeachment exhib-  
ited against him by the said House of Rep-  
resentatives:

The House of Representatives of the United  
States, having considered the answer and  
plea of James H. Peck, Judge of the District  
Court of the United States for the District of  
Missouri, to the article of impeachment against  
him by them exhibited, in the name of them-  
selves and of all the people of the United  
States, reply that the said James H. Peck, is  
guilty in such manner as he stands impeach-  
ed; and that the House of Representatives  
will be ready to prove their charges against  
him, at such convenient time and place as  
shall be appointed for that purpose.

Mr. Buchanan then, on the part of the Man-  
agers, asked that the witnesses for the House  
of Representatives might be called over; and  
the Secretary called over the names of the  
following, several of whom were absent, and  
did not answer to their names:  
Luke Edward Lawless, Arthur L. McGin-  
nes, Henry L. Geyer, John Mellanby, Ed-  
ward Charles, Josiah Spalding, Charles Hem-  
pstead, Thomas Horrell, and Geo. H. Muff-  
day.

Mr. Smith, of Maryland, the President,  
having inquired of the Managers if they were  
ready to proceed with the trial.  
Mr. Buchanan said, it was the anxious wish  
of the Managers to proceed with it that morn-  
ing but they were prevented from doing so by  
an unexpected accident. A very material

witness, Mr. Charles S. Hempstead, had un-  
fortunately broken his collar bone by the ap-  
pointing of a stage while travelling in New  
Jersey; and that was not all, for in the endeav-  
our to remove him, it was again broken. He  
was now in Philadelphia, and might be ex-  
pected here in a few days. In addition, he  
might further observe, that one of the Man-  
agers, Mr. Storrs, of New York, had not yet  
arrived in the city, but might be expected here  
to-morrow. He believed the House would be  
ready to go on with the case on Wednesday  
next; for though it was possible that Mr.  
Hempstead might not be so far convalescent  
as to attend on that day, yet he did not see  
any reason why that would lead to any un-  
necessary delay. They might occupy them-  
selves with the preliminary arrangements,  
and the examination of other witnesses, who  
had already arrived, which would probably  
occupy the Court until Mr. Hempstead was  
able to attend.

At the request of Mr. Meredith, one of the  
counsel for Judge Peck, the witnesses for the  
respondent were then called over as follows:  
several of whom were absent, and did not  
answer to their names:  
John B. C. Lucas, Robert Wash, Edward  
Bates, Josiah Spalding, Samuel Merry, Dani-  
el Hough, John Bent, John K. Walker, Wil-  
liam Brimms, John Simonds, jr., Elias T.  
Langham, William L. Carr, Jesse G. Lindell,  
and Marie P. Ledee.

The President of the Court then asked of  
the counsel for the respondent, whether they  
had any objection to the delay proposed by  
the Managers for the House of Representa-  
tives.

Mr. Meredith, after conferring with his fel-  
low counsel, Mr. Wirt, said, that they had  
no objection to the postponement proposed by  
the Managers, although it was their wish to  
proceed to trial as speedily as possible. Nev-  
ertheless, it should be mentioned, that the  
respondent likewise had a request to make,  
which he trusted would be acceded to by the  
Managers. Three of the witnesses of Judge  
Peck, had been elected to the Legislature of  
Missouri, since the last session of Congress—  
two of them to the House of Assembly,  
and one to the Senate of that State. Their  
testimony was of great importance; but those  
gentlemen considered their duty, as Legisla-  
tors in Missouri, paramount to any claim the  
United States had on them for their attend-  
ance here, though the summonses had been  
regularly served upon them. The respondent  
then addressed a memorial to the Governor of  
the State, stating the predicament in which  
he should be placed, from the want of evi-  
dence so material to his case, and prayed  
that the Governor would, availing himself  
of his constitutional power, convene the Legis-  
lature at an earlier period than usual, in or-  
der that those gentlemen might be enabled to  
perform their double duty as legislators and  
witnesses, so that the ends of Justice might  
be fully attained. To this memorial the re-  
spondent received an answer, declining to ac-  
cede to his request. He then presented a se-  
cond memorial to the same effect, and this  
also failing, he then proceeded to take the re-  
quired testimony before a Judge of the United  
States' Circuit Court, conforming as near-  
ly as he could, to the law of the United States  
on that subject. Mr. Lawless, the accusing  
witness, was present at the taking of the de-  
positions, and cross-examined the parties; and  
he (Mr. M.) understood that these depositions  
were now in the hands of the Secretary of the  
Senate. The counsel for the respondent  
would consent to the postponement, if the  
Managers, on their part, would consent that  
those depositions might be read in evidence.  
Should they withhold such consent, he might  
feel it his duty to submit another motion to  
the Court.

Perhaps he ought to say, he was desirous by  
the respondent to state, that the process for  
the attendance of the witnesses mentioned,  
was served on them before their election to  
the Legislature.

Mr. Spencer, of New York, said, that with  
respect to the reasons given to account for  
the non-attendance of the three witnesses, he  
must certainly say, that they appeared to the  
Managers very unsatisfactory. They ought  
to have been present on so important an oc-  
casion, and in his opinion, no excuse should  
be admitted for their absence. However, as  
it was not the wish of the Managers to throw  
any impediment in the way of arriving at a  
speedy decision of the case, if the counsel  
for the respondent would furnish them with  
the depositions of those witnesses, the Man-  
agers would confer upon the subject and give  
in their answer, as to whether they should be  
read in evidence, or whether the personal at-  
tendance of the witnesses, would be requir-  
ed.

Mr. Meredith, here rose and remarked,  
that he understood he had been mistaken  
when he stated that the depositions were in  
the hands of the Secretary of the Senate. He  
had been given to understand since, that they  
were in the possession of the Judge before  
whom they were taken, and who was now in  
Court, as a witness in the case.

Judge Wm. C. Carr, of Missouri, was then  
called and sworn. He handed to the Secre-  
tary a sealed packet, which he stated contain-  
ed the depositions taken before him, and which  
he had sealed up at the time, and kept in  
that state until the present period.

The President directed that the papers  
should be given to the Managers, which was  
accordingly done by the Secretary.

On motion of Mr. King, of Alabama, the  
Court adjourned over to Monday next, it hav-  
ing been previously agreed, that both parties  
should be supplied with copies of the deposi-  
tions.

On motion of Mr. Chambers,  
The Senate then adjourned till to-morrow.

**HOUSE OF REPRESENTATIVES.**  
Monday December 13th.  
The House assembled at eleven o'clock.  
Petitions and memorials were presented by  
Messrs. Jarvis, McIntyre, and Anderson, of  
Maine; Mr. Hubbard, of New Hampshire;  
Messrs. Baily, and Richardson, of Massachu-  
setts; Mr. Pearce of Rhode Island; Messrs.  
Barber, Ingersoll, Young, Huntington, Storrs,  
and Ellsworth, of Connecticut; Mr. Cahoon,  
of Vermont; Messrs. White, Cambreleng,  
Verplank, Finch, Earl, Maxwell, and Magee,  
of New York; Mr. Swann, of New Jersey;  
Messrs. Scott, McCree, and Sill, of Penn-  
sylvania; Mr. Washington, of Maryland;  
Messrs. J. S. Barnhill, and Loyall, of Vir-  
ginia; Messrs. Barnwell, Davis, and Tucker,  
of S. Carolina; Mr. Carson, of N. Carolina;  
Messrs. Lumpkin, and Haynes, of Georgia;  
Messrs. Letcher, Wickliffe, and Yancey, of  
Kentucky; Mr. Lea, of Tennessee; Messrs.  
Fendley, Russell, and Thompson, of Ohio;  
Messrs. Gurley, and Overton, of Louisiana;  
Mr. Duncan, of Illinois; Mr. Lewis of Ala-  
bama; Mr. Pettis of Missouri; Mr. Biddle, of  
Michigan; and Mr. Hinds of Mississippi.

Mr. Buchanan, from the Committee of Man-  
agers appointed to conduct the impeachment  
of James H. Peck, Judge of the District  
Court of the United States for the District of  
Missouri, submitted a report, with a replica-  
tion to his answer to the article of impeach-  
ment exhibited against him by the House.

Mr. Pearce submitted the following resolu-  
tion, which was ordered to lie on one day on the  
table:  
**Resolved,** That the Secretary of the Navy  
be directed to communicate to this House,  
the following reports of surveys, made under  
the authority of the United States, of the  
ports and harbours thereof, in reference to the  
establishment of naval depots, to wit: the re-  
port of Brigadier Gen. Swift, made August  
26th, 1815; of Captain Samuel Evans, made  
the 26th November, 1815; of Capt. Wm.  
Bainbridge, made the 18th of October, 1817;  
and the joint report of General Joseph G.  
Swift, and Captain Samuel Evans, and O.  
H. Perry, made the 30th of October, 1817.

**DUTIES ON SUGAR.**  
Mr. Haynes submitted the following resolu-  
tion:  
**Resolved,** That the Committee of Ways &  
Means be instructed to inquire into the ex-  
pediency of repealing the duty on sugar im-  
ported from foreign countries into the United  
States.

Mr. Southerland moved for the immediate  
consideration of this resolution; and on this  
question.

A message was received from the Presi-  
dent of the United States, transmitting copies  
of a convention between the United States  
and Denmark, concluded the 28th day of  
March, 1830, which, on motion of Mr. Arch-  
er, was referred to the Committee on For-  
eign Affairs.

The annual letter of the Comptroller of  
the Treasury transmitting a list of balances  
on the books of the Register, was received,  
laid upon the table, and directed to be print-  
ed.

The following letter was announced by the  
Speaker, read, and on motion of Mr. Spen-  
cer, of New York, referred to the Committee  
on Agriculture.

**PHILADELPHIA, Dec. 7th, 1830.**  
SIR—You will receive with this letter a silk-  
en flag, bearing the colours of the United  
States. This flag is made entirely of Ameri-  
can silk, reeled from the cocoons, prepared  
and woven by Mr. John D. Homergue, silk  
manufacturer. The colouring has been done  
by the best artist he could procure in the  
city of Philadelphia, he himself not professing  
to be a dyer.

The staff of this flag, with the eagle, mea-  
sure about fifteen feet; the flag itself is twelve  
feet and a half long, and six feet wide. It is  
woven all in one piece, without a seam.

I beg, Sir, that you will be so good as to  
present this flag, most respectfully, in my  
name, to the honourable House over which  
you preside, as a sample of American manu-  
facture, for the first time, to the  
most valuable of American productions; and  
as a result of the effort they have made, dur-  
ing the last five years, for the promotion of  
the important branch of agriculture to which  
we owe the rich material of which this flag is  
composed.

I have the honour to be, with the highest  
respect, Sir, your most obedient and most  
humble servant,  
**PETER S. DUPONCEAU.**  
Hon. ANTHONY SWANWICK,  
Speaker of the House of Representatives.

A message was received from the Senate,  
by Mr. Lowrie, their clerk; announcing that  
they had agreed to the resolutions of the  
House, in relation to the election of Chap-  
lain, and the appointment of a Joint Com-  
mittee on the library; and that they have re-  
solved themselves into a High Court of Impeach-  
ment, on the case of Judge Peck, and were  
prepared to receive any communication on  
that subject from the House of Representa-  
tives.

On motion of Mr. Taylor, the House then  
proceeded to the election of a Chaplain.

Messrs. Archer, Whittlesey, and Forward,  
were appointed tellers; and Mr. Archer nomi-  
nated the Rev. Reuben Post; Mr. Forward,  
nominated the Rev. Luther Thomas; Mr.  
Whittlesey nominated the Rev. Mr. Gurley;  
and Mr. Hubbard, the Rev. Mr. Palfrey.  
On the first ballot there appeared 180 votes,  
requiring 91 votes for a choice, as follows:

Mr. Post,	85
Mr. Thomas,	12
Mr. Gurley,	46
Mr. Palfrey,	34
Blanks,	5

On the second ballot, there appeared:

For Mr. Gurley,	57
Post,	81
Palfrey,	33
Thomas,	1

On the third ballot, there were:

Mr. Gurley,	76
Post,	76
Palfrey,	20
Scattering,	6

On the fourth ballot, there were:

For Mr. Gurley,	91
Post,	73
Scattering,	4

So Mr. Gurley was declared to be duly ec-  
lected.

The Managers of the impeachment of Judge  
Peck, having returned from the Senate Cham-  
ber, and reported.

Mr. Johnson, of Kentucky, said, that there  
existed some diversity of opinion, as to whether  
the House should not be in attendance on  
the Senate, during the progress of the trial.  
The resolution of the House on this subject,  
passed during the last session, was, he believ-  
ed, to that import. He merely asked for in-  
formation on that subject; and, with that view,  
requested the reading of the resolution in  
question.

It was accordingly read by the Clerk.

Mr. Buchanan said, it would afford him  
pleasure to give the explanation which it ap-  
peared his friend from Kentucky wished, as to  
the conduct pursued by the Members. They  
had carefully examined all the precedents of  
the attendance of the House of Representa-  
tives in the Senate, on occasions of impeach-  
ment, and had pursued the course which they  
conceived to be the one pointed out as the line  
of their duty. There were but three instan-  
ces of impeachments since the adoption of the  
Federal Constitution; the first of which was  
that Mr. Blount, a Senator from the State of  
Tennessee; the second, that of Judge Pick-  
ering, of New-Hampshire; and the third, was  
the memorable case of Judge Chase. In the  
first two cases, the House of Representatives  
did not attend; and in the third, although they  
had attended, their attendance was only in  
pursuance of a resolution to that effect. In  
the present case, none of the Managers had  
deemed it necessary for the legislative func-  
tions of the House to be suspended, and they  
had, therefore, he repeated, taken what they  
had conceived to be the proper course for them  
to pursue. They had looked also into other  
precedents which the legal annals of another  
country furnished them with. He (Mr. B.)  
had then before him, a book which contained  
an account of the proceedings on the cele-  
brated trial of Warren Hastings, before the  
British House of Lords, and although he had  
not had time to look over it with sufficient  
attention, (as it had been but just put into his  
hands,) he believed that the House of Com-  
mons attended the House of Lords on that  
occasion, only at the commencement of the  
trial. He knew, however, that on the trial  
before the House of Lords, for perjury, the  
House of Commons, although the accused party  
was Lord High Chancellor of England, did  
not attend the trial until their presence was  
required, even after his conviction by an un-  
animous vote, and then, only in order to de-  
mand judgment upon him. Even in that case,  
said he, they appeared simply by reason that  
a message had been sent to them by the other  
House. For his own part, Mr. B. continued,  
he had no reason to advocate or oppose the  
attendance of the members of the House gen-  
erally in the Senate, during the trial; but  
himself and the other Managers, had a spe-  
cific duty to perform, viz: the prosecution of  
the impeachment, and the resolution of the  
House to that effect, restricted the perform-  
ance of that duty to a single day. There had  
been no motion submitted that the House  
should proceed to the Senate Chamber in a  
body.

Mr. Johnson, of Kentucky, replied, and  
observed that, his only object had been to ob-  
tain the necessary information, and to give  
the Managers an opportunity of explaining.  
For his own part, he should prefer any course  
which would facilitate the progress of the  
public business.

There being no resolution before the House,  
on motion of Mr. Condit,  
An adjournment took place.

**Tuesday Dec. 14th, 1830.**  
IN SENATE.

The President pro. tem. presented the  
memorial of the Baltimore and Ohio Rail Road  
Company, praying the privilege of passing  
through the District of Columbia with a  
lateral branch of their road, at such points as they  
may deem convenient; referred to the Com-  
mittee on Roads and Canals.

Mr. Bagley presented the petition of Mrs.  
McLean, widow of the late Lieut. McLean,  
of the United States' Army, praying that the

rights of her late husband should be restored.

On motion of Mr. Taylor, the House then  
proceeded to the election of a Chaplain.

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