

out, to arms, then, to arms!" and "who floating on the bladder of popularity threatened to make Richmond the centre point of a bonfire." It would be an abuse of the patience of this honorable court, to occupy any part of its time in proving, that the fact intended to be proved by general Blackburn, could not in the slightest degree support or justify such charges as these. This is the account given of the testimony of the absent witnesses, by the affidavit filed as the ground of the motion for a continuance. From a comparison of it with the indictment, it will appear, that out of twenty charges in the indictment, there were but eight, of which any part of the testimony of these witnesses had the most distant allusion; and that of those eight charges there are five, which the testimony, having some allusions to them, could not in the slightest degree support.—Twelve charges therefore, remained without even an attempt to justify them; and seventeen were wholly destitute of any legal or sufficient justification. On these fifteen charges, therefore, the traverser must have been convicted; even if the remaining three had been completely justified by the testimony of the absent witnesses. The conviction on these fifteen charges, or even on one of them, would have put it into the power of the court to fine and imprison the traverser, to the whole extent allowed by the law. If the truth of these three charges, admitting it to be established, could have any effect in mitigating the punishment, which depended on the court and not on the jury, the court in passing sentence might make, and in this case, actually did make, the fullest abatement on that account that the testimony it adduced would warrant.

This testimony, therefore, was in every view immaterial; and had it been material, there existed no ground of reasonable expectation, that it could be obtained at the next term or any future term. For these reasons, and not from those criminal motives, which without the least shadow of proof are ascribed to him, this respondent did overrule and reject the motion for a continuance till the next term: as it was his duty to do, since he had no discretion in the case, but was bound by the rules of law.

But in order to afford every accommodation to the traverser and his counsel, which it was in his power to give, this respondent did offer to postpone the trial for a month or more, in order to afford them full time for preparation, and for procuring such testimony as was within their reach. This indulgence they thought proper to refuse.

On Monday, the second, and Tuesday, the 3d day of June, 1800, when Judge Griffin had taken his seat in court, and was on the bench, the counsel for the traverser, renewed their motion for a continuance, founded on the same affidavit; and after a full hearing and consideration of the argument, the court, judge Griffin concurring, overruled the motion, and ordered the trial to proceed.

If this decision be correct, as he believes and insists that it is, no offence could be committed by him in making or concurring in it. It was a proper and legal performance of his duty as a judge. It is erroneous, still a error, if an honest one, cannot be an offence, much less a high crime and misdemeanor; and as in his colleague it has been considered as an honest error, he confidently trusts it will be considered so in him also.

To the third charge adduced in support of the article now under consideration, the charge of being "unusual, rude and contemptuous expressions, towards the prisoner's counsel," and of "falsely insinuating, that they wished to excite the public fears and indignation, and to produce that infubordination to law, to which the conduct of this respondent did manifestly tend," he cannot answer otherwise than by a general denial. A charge so vague, admits not of precise or particular refutation. He denies that there was any thing unusual or intentionally rude or contemptuous in his conduct or his expressions towards the prisoner's counsel; that he made any false insinuation whatever against them, or that his own conduct tended in any manner to produce infubordination to law. On the contrary, it was his wish and intention, to treat the counsel with the respect due to their situation and functions, and with the decorum due to his own character. He thought it his duty to restrain such of their attempts as he considered improper, and to overrule motions made by them, which he considered as unfounded in law; but this it was his wish to accomplish in the manner least likely to offend, from which every consideration concurred in dissuading him. He did indeed think at that time, and still remains under the impression, that the conduct of the traverser's counsel, whether from intention or not he will not undertake to say, was disrespectful, irritating, and highly incorrect. That conduct which he viewed in this light, might have produced some irritation in a temper naturally quick and warm, and that this irritation might, notwithstanding his end avers to suppress it, have appeared in his manner and in his expressions, he thinks not improbable; for he has had occasions of feeling and lamenting the want of sufficient caution and self-command, in things of this nature. But he confidently asserts, that his conduct in this particular was free from intentional impropriety; and this respondent denies, that any part of his conduct was such as ought to have induced the

traverser's counsel to "abandon the cause of their client," nor does he believe that any such cause did induce them to take that step. On the contrary, he believes that it was taken by them under the influence of passion or for some motive into which this respondent forbears at this time to enquire. And this respondent admits, that the said traverser was convicted and condemned to fine and imprisonment, but not by reason of the abandonment of his counsel; but because the charges against him were clearly proved, and no defence was made or attempted against the greater number of them.

The fourth charge in support of this article, attributes to this respondent "repeated and vexatious interruptions of the said counsel, which at length induced them to abandon the cause of their client, who was therefore convicted, and condemned to fine and imprisonment." To this charge also, it is impossible to give any other answer but a general denial. He avers that he never interrupted the traverser's counsel vexatiously or except when he considered it his duty to do so. It cannot be denied that courts have power to interrupt counsel, when in their opinion the correctness of proceeding requires it. In this, as in every thing else, they may err. They may sometimes act under the influence of momentary passion or irritation, to which they in common with other men, are liable. But unless their conduct in such cases, though improper or ill-judged, be clearly shown to proceed, not from human infirmity, but from improper motives, it cannot be imputed to them as an offence, much less as a crime or misdemeanor.

Lastly, this respondent is charged under this article with an "indecent solicitude, manifested by him, for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge, as it was subversive of justice. This is another charge of which it is impossible to give a precise refutation and to a general denial of which, this respondent must therefore confine himself. He denies that he felt any solicitude whatever for the conviction of the traverser; other than the general wish natural to every friend of truth, of order and virtue, that persons guilty of such offences, as that of which the traverser stood indicted, should be brought to punishment, for the sake of example. He has no hesitation to acknowledge, that his indignation was strongly excited, by the atrocious and profligate libel which the traverser was charged with having written and published. This indignation, he believes, was felt by every virtuous and honorable man in the community, of every party, who had read the book in question, or become acquainted with its contents. How properly it was felt, will appear from the book itself, which this respondent has ready to produce to this honorable court; from the parts of it incorporated into the indictment now under consideration; and from some further extracts contained in the paper marked exhibit No. 6, which this respondent prays leave to make part of this answer. He admits, and it can never be to him a subject of self reproach or a cause of regret, that he partook largely in this general indignation, but he denies that it in any manner influenced his conduct towards the traverser, which was regulated by a conscientious regard to his duty and the laws. He moreover contends, that a solicitude to procure the conviction of the traverser, however unbecoming his character as a judge, would not have been an offence, had he felt it, unless it had given rise to some misconduct on his part. Intentions and feelings, unless accompanied by actions do not constitute crimes in this country; where the guilt or innocence of men is not judged of by their wishes and futilities, but by their conduct and its motives. And this respondent thinks it his duty, on this occasion, to enter his solemn protest against the introduction in this country of those arbitrary principles, at once the offspring and the instruments of despotism, which would make "high crimes and misdemeanors" to consist in "rude and contemptuous expressions" in "vexatious interruptions of counsel" and in the manifestation of "indecent solicitude" for the conviction of a most notorious offender. Such conduct is no doubt improper and unbecoming in any person, and much more so in a judge; but it is too vague, too uncertain, and too susceptible of forced interpretations according to the impulse of passion or the views of policy, to be admitted into the class of punishable offences, under a system of law whose certainty and precision in the definition of crimes, is its greatest glory, and the greatest privilege of those who live under its sway.

(To be continued)

MONDAY, February 11.

The court was opened at 12 o'clock, and continued sitting till 5 o'clock.—The whole time was occupied in the examination of Edward Tilghman, Wm. S. Battle, Wm. Rawle and Geo. Hay, witnesses on the part of the House of Representatives.

TUE DAY, February 12.

The court was opened at half past 12, and continued sitting till 4 o'clock. Geo. Hay's examination was finished; and Philip N. Nicholas, John T. Mason and Heath, were likewise examined on the part of the House of Representatives.

American.

SATURDAY, February 16, 1805.

The following interesting law case, from a late London paper, has been handed us for publication by a gentleman of bisexity. The decision, on the case, determines the fate of all Mr. A. Brown's Bills, on Messrs. Raikes, up to the 1st of December 1801.

WYNN V. RAIKES.

This was an action of considerable consequence to the individual, as well as to the public; to the former, as it was connected with a Bill of upwards of \$500, amount, and to the latter, as it materially affected the law of Exchange. The Bill was at six days date, was drawn by Mr. Aquila Brown, of North America; and Messrs. Andrews and Butler, of the same Continent, were the Payees, from whom it devolved into the hands of the Plaintiff. A Verdict had been obtained for the Plaintiff, subject to the opinion of the Court, in a case which came on now to be argued; the material facts were these:—When the bill was drawn, the Defendant refused acceptance, not having sufficient effects in his hands, partly from an attachment of Messrs. Melish and Co. on some property of Aquila Brown, and partly from the damage sustained by the ship Chesapeake, on board which some consignments were made by Aquila Brown to the Defendant. In the sequel, the account of Brown with the Defendant had a more favourable appearance; the damage in the Chesapeake was not so considerable as was expected; some bills of Aquila Brown were paid by Mr. Mangin, and Messrs. Melish and Co. had been induced to withdraw the attachment. In consequence of these circumstances, the Defendant wrote to Aquila Brown, that the outstanding bills would be duly honoured. The Plaintiff was the holder of one of these bills, and contrary to this notice to the drawer, on its maturity, payment was refused. The question then before the Court was, whether this declaration, sent prior to the coming due of this bill, and received in America subsequent to its so becoming due, rendered the Defendant liable to the payment?

Mr. LITTLEDALE, for the Plaintiff, contended on these facts. He said it was not necessary that there should be an acceptance on the face of the bill. It might be in a collateral writing, or it might be even by parole; and this principle he supported on the cases of Johnson and Collins, 1 East, 98, and of Clarke and Cook, 4 East, 57. He said the letter of the Defendant to the drawer constituted such an acceptance, that this communication to the parties where the bill originated must legally render the Defendant liable to every holder into whose hands the bill should devolve.

Mr. FULLEN, for the Defendant, said, that this letter did not amount to an acceptance, for this obvious reason, because it was not such an acknowledgment of the validity of the bill as could influence a third person to give it credit.

Lord ELLENBOROUGH: "I should be very glad to throw the law to an actual writ upon the bill itself, but the authorities are irresistible. I have been settled, that an acceptance by collateral writing is sufficient, and this appears to be so collateral writing. Lord Hardwicke has said, that a promise to the drawer, without communication to the holder, is an available acceptance. This case seems to run on all fours towards the present, but as it appears only upon one of our Reports, it may be right to see if it be accurately stated."—Judgment deferred.

LAW REPORT.

COURT OF KING'S BENCH, Nov 27, 1804. At nine o'clock it is morning, Lord ELLENBOROUGH sat at Guildhall, where verdicts were taken in a few undefended causes; and at eleven his Lordship proceeded to Westminster Hall. The business of the hearings opened with the judgement in the case of WYNN versus RAIKES; in which the decision went for the Plaintiff. This determination has established, that the acceptance of a Bill of Exchange by letter, is sufficient, although the letter be addressed to the Drawer, and no communication be made of such intended honor, to the holder of the bill.

The following is a list of vessels which were lying at Annapolis, on the 13th instant.

Ship	Serpent, Hayes, city of St. Domingo	
	Pacchus Davy, Muscat	
	Nancy, Williams, Mocha	
	Pamela, Taylor, Jude	
	Birmingham Lewis, Cadix	
	Ern. Stevenfon, Lisbon	
	London Packet, Strafford, Amster-	
	dam	
	Harrist, Pierce, do.	
	Brig Alliance, Cathil, Jeremie	
	Polly and Nancy, Groome, Jade	
	Two Brothers, Anderson, Varel	
	Carriac, Hall, do.	
	Fanny Bounds, St. Domingo	
	Argo, Copeland, Bolton	
	Betsy, Chatfield, Jamaica and	
		Savannah
	Alciabades Licyties, Bremen	
	Snow Charlotte, Moset, St. Martins	
	Comet, Banbury, Demerara	

Sch'r. Antelope, Gould, L'Anceveau
Sally and Betty, Aldrige, Bolton
Montferat, Mader, St. Pierres
St. Tamany, Wright, Meragoane
Felicity, West, Jeremie
Plato, Gould, Cape Franco's
Victory, Howe, Jeremie
John Bartlet, do.
Sally B. Windsor, Alluce, Bolton
Two Sillers, Cotton, Campeachy
Hannah Maria, Ford, L'Anceveau
Delight, Boone, Charlellon

For Sale,

A STOUT healthy NEGRO MAN, who has been accustomed to plantation work. Enquire of the printers. February 16 604t

Red Clover Seed & Spring Rye.

Just received from Lancaster, (Penn.) QUANTITY of first quality Red Clover Seed. Also from Frederickburg (Va.) A few bushels of the celebrated Spring Rye, which has been sown as late as April and reaped in July, and yielded a better crop than the Fall Rye, and offered for sale by JOHN DIFFENDERFER, No. 65, M'Eldey's wharf. February 16 60601t

Notice is hereby given,

THAT agreeably to the instructions of the supervisor, the sale of Lands in Baltimore county, on which the Direct Tax remains unpaid will commence on THURSDAY, the 19th day of March next, at 11 o'clock, at the Court House in the city of Baltimore, and be there continued until the whole is completed. ISAAC DICKSON, Collector. February 16 6061t

To the Voters

Of the City and County of Baltimore. THE subscriber having been appointed Clerk of the Court of Oyer and Terminer and Goal Delivery, for Baltimore county, begs leave to make his most grateful acknowledgements to his friends in particular, and the voters of Baltimore county in general, for their friendship manifested towards him whilst he was a candidate for the office of Sheriff; and informs them that in consequence of said appointment, he has declined offering as a candidate for the next Sheriffship, but anticipates the pleasure of being serviceable to them in a different department. He remains, with the greatest regard and esteem, Their obedient servant, February 16 Wm. S. SUMMERS. 6064t

To the Voters

Of the City and County of Baltimore. GENTLEMEN, HENRY TRAPPNALL, at the last Election, was placed on the return by the disinterested approbation of his friends and well-wishers, and acknowledges, with grateful sensibility, the obligation he is under for their liberality and humanity, exerted in his favor; and he again begs leave to offer himself a candidate for the important Office of SHERIFF of Baltimore county, at the next election to be held for that purpose—respectfully soliciting the favor and suffrages of the public generally, and also a continuation of that friendly disposition so lately manifested towards him; and he pledges himself, that should he be designated as your choice, he will render that satisfaction compatible with the duties required. February 16 6064t

To the Voters of the city and county of Baltimore.

HAVING been encouraged by many of my friends in the city and county, to offer myself as a candidate to be put in nomination for the office of SHERIFF, at the ensuing election, I hope it will not be deemed improper thus early to signify my intention, and to solicit the patronage of my friends generally, and the voters of the city and county at large. Those who have not a personal knowledge of me, will, on enquiry, find that I have been bred to business, and have been conversant in mercantile transactions from early life—Should my fellow-citizens think proper, at the expiration of the time of the present sheriff, to bestow on me the office, I trust my conduct therein will be such as will give satisfaction, if a diligent attention and a faithful discharge of the duties thereof, are capable of doing the same. WILLIAM MERRYMAN, Corner of Baltimore and Frederick-streets. February 16 6064t

To the Voters

Of the City and County of Baltimore. GENTLEMEN, BEING solicited by many friends, both in the city and county, to offer myself a candidate for the Office of SHERIFF, I have taken the liberty of soliciting your suffrages at the ensuing election, as I conceive myself qualified (from long experience as assistant to the present and two preceding sheriffs) to discharge the important duties attached to that office.—My engagements will continue to prevent a personal application to each individual, whose approbation I am ambitious to possess; but if correctness, diligence, and every degree of humanity, consistent with the interest due to an indulgent public, are becoming requisites.—I hope the want of a personal interview will be no material objection against the Public's humble servant, February 16 JOHN HUNTER. 6064t

ROMAN

Catholic Cathedral Church. LOTTERY TICKETS. GEORGE DOBBIN respectfully informs the public, that TICKETS and SHARES in the above Lottery, may be had of him at No. 6, Baltimore-street, at the following Prices, viz: WHOLE TICKETS 12 00 Dollars. HALF Do. 6 50. QUARTER Do. 3 50. A Regular Numerical Check Book of each day's drawing is kept as above, where tickets are examined and registered, and every information given on reasonable terms. February 13 6064t

Doctor Coulter

THINKS it expedient respectfully to notify all those who have accounts standing on his books, that payments are to be made to him, only, or to his order from the date hereof. F. Point, February 14 (15) 606t

Book Auction.

THIS EVENING, The 16th instant, will be offered for sale, at our auction room, next door to Bryden's coffee-house, A large and general assortment of BOOKS, chiefly London editions. Catalogues may be had, and the books viewed any time during the day. Sale, to commence at half past 6 o'clock, precisely. SOWER & S. COLE, auc'trs. Stated sales every Monday, Wednesday and Saturday evenings. February 16

Sale by Auction.

ON MONDAY, The 18th inst. at 11 o'clock, at the auction room at the head of Gay street dock, will commence the sale of A VARIETY OF DRY GOODS. Consisting of Cotton shawls, warranted hosiery, India muslins, Irish linens, &c. After which at 12 o'clock, 24 hhds. Muscovad sugar 16 pipes Borderun brandy 10 pipes Tenerife and Port wine 16 bags coffee 6 seroons best indigo A few hhds. clayed sugar, &c. LEMMON & CAMPBELL, auc'trs. February 16

Public Sale.

Will be sold on THURSDAY next, the 21st instant, at 12 o'clock, on the premises, on terms that will then be made known, THREE vacant LOTS of GROUND, fronting 22 feet each on Liberty-street, and running back 60 feet: one of these lots is on the corner of Liberty and Conawago-streets. ALSO One other lot situated in Conawago-street, and fronting the same 21 feet, and running back 66 feet. On the lot there is a two-story frame house. HENRY WHEIST, executor of John Reister, deceased. A number of lots, belonging to the above estate, will be sold in Heisters town, on the 19th February. February 16 606t

This Day,

At 12 o'clock will be published by GEORGE KEATINGE, and may be had at the different Book Stores—Price 37 1-2 cents

THE

Impeachment of Samuel Chase, One of the Associate Justices of the Supreme Court of the United States, With the Articles exhibited against him by the house of representatives for high crimes and misdemeanors, with his answer and pleas—also, the replication of the house to his plea. The anxious perturbation of the public mind, relative to this interesting trial, has urged the publisher to uncommon exertions in procuring the above authentic and correct documents, which embrace the whole of the charges against the learned judge, not published in any other pamphlet. It is proposed, if the above meets with sale sufficient to clear expenses, to regularly continue the proceedings on the trial, of the most interesting speeches, &c. so as to bind up in an uniform volume. February 16 606t

Simon Wilmer's Defence.

Will be Published, and for Sale, on Monday, the 18th instant, at the Book Store of Vincent & Isaac Bond, No. 191, Market-street, Sower & S. Cole's auction room, next door to Bryden's coffee house, Light-street; Warner & Hanna's book-store, corner of Market and Gay-streets; Nathaniel Knight's book-store, Fell's Point, and not elsewhere in Baltimore. —Price 50 cents, containing 108 pages.

Defence of Simon Wilmer.

"Cursi Gens, abot horse, great Jove has wisely given, Let they may hurt the chosen ones of Heaven."

ADVERTISEMENT,

I sincerely regret that my finances are so far below par at present, that I cannot defray the expenses of my pamphlet of defence, against the malicious charges which have obliterated my character for several months past; and I may therefore bear the mortification of offering it for sale. It is to be recollected, my friends and fellow-citizens, that the style is dictated by feelings without a critical reference to orthography, and as it has been composed no farther than the printers have furnished me with proof sheets, I hope to escape unfriendly remarks. The manuscript pamphlet I have so long promised for public perusal, is entirely superseded by this which contains fact and misfortune—hat was composed merely to gratify the spleen of the moment!

And I now presume to recommend my volume of painful events to the husband who loves his wife, and then let him contrast happiness with misery.

To the religious, whose piety is at war with the snares of Satan.

To the merchant, whose negotiations for the convenience of friendship subject him to the suspicion of forgery.

To the mechanic, whose labors are unwarded by the frozen put of "call again."

To the shaver who extorts usury in violation of divine and human laws.

And lastly, to my brother victims to slavery in order to know that *Morose* have got the monies, but that law was favorable to the christian distress.

The public's obedient servant, SIMON WILMER.

P. S. If my language against any of my persecutors is considered rash by my readers, I must invite them to embrace those feelings, which have naturally resulted from the most painful scenes, that persecution ever created against a fellow man. February 16 606t

To be Rented for one year,

THE second MILL on Jones's Falls, lately occupied by James Ogley. Said Mill is at present undergoing repairs, which may be completed in all the present month. Proposals for renting, in writing and sealed, will be received until the 19th inst. by the President of the Baltimore Water Company. February 16 606t