

the court; but when finally decided, it is of the greatest value and importance to have them published, if they be correctly stated. The remarks in your paper of Wednesday on the case of *Bull vs. Caldwell* are grossly erroneous;—First and principally in stating that the note had the name of the *Mate* erased. Surely there is not a man in the community, wise or ignorant, who does not know that the erasure of the *Mate's* name would render a note perfectly null and void. In the case before the court, it was the name of the *payee*, that was first erased and afterwards in error. The court have not decided whether a note so altered is thereby vitiated. They determined that the *payee* (who was also an *indorser*) could not be admitted as an evidence to destroy that instrument, to which he had contributed to give currency.

It is believed the chief judge did not go wholly the length of declaring that he should not hold himself bound any farther by decisions made in England before the revolution, than by such as have been made since; but explained, that inasmuch as the courts in Great Britain sometimes over-rule old decisions on account of changes which time causes in the affairs of society, he considered himself as possessed of the same discretion. If he went farther than this, he humbly beg leave to differ from his Honor; for if decisions made before the revolution are not evidence, and hold the only evidence of what is the *Common Law*, it will be difficult, nay impossible to show that we have any common law, notwithstanding its recognition and adoption in the state constitution. No one pretends that courts of justice in this country are bound by decisions of courts in England since the revolution. They are only regarded as the opinions of wise and learned men, and are adopted so far as their *reason* and *equity* may apply.

The court is incorrectly styled by your correspondent, the District, it is the County Court, although held by District Judges, not Justices. P.

FOR THE AMERICAN.

MR. PECHIN.—IN your paper of Wednesday we are informed that the suit of *Bull vs. Caldwell*, is now pending in the county court, in which a question arose as to the admissibility of the *payee* of the note to prove a certain fact. In the course of the argument to elucidate this question, which we are told has divided the opinions of the judges of England themselves, and is confessed by a question of considerable doubt and difficulty, it is said Nicholas C. J. remarked that he did not hold himself bound by any decisions in Great Britain, either before or since the declaration of independence, except so far as their *reason* and *equity* may apply. This dictum of the judge, it is believed is substantially correct. It is admitted that the common law of England has been adopted by the people of Maryland in their form of government, together with certain statutes mentioned in the declaration of rights. It cannot however be contended that the entire body of the common law has been incorporated with the jurisprudence of Maryland, but only such parts of it, as are applicable to the genius and spirit of our republican institutions, local situation and other circumstances. The decisions of the judicial tribunals of England, are one source from whence a knowledge of the common law is to be derived; the writings of elementary authors upon the legal science of that country is another. The opinions of the brightest luminaries of the law that ever adorned the seat of justice in Westminster Hall have been divided upon the very question which is now agitated in Baltimore county court, by the competency of the *payee* to impeach the validity of the note in the hands of an innocent indorser. It is maintained on the one side, that the decisions of our judges, are not held to be binding upon his successor in office, unless the *reason* of the decision comports with his own opinion upon the principles of law, applicable to the subject matter under adjudication. If then the obligatory force of their own decisions is not conclusively binding upon themselves; upon what principle can they possess such an attribute in this country? Humanum est errare, and from this decree of nature even judges themselves are not exempt. But if a decision once made is for ever to be binding, and to operate as an estoppel to silence the voice of reason and enquiry; an error when once committed could never be rectified, but must remain fixed and immutable to the latest period of time. The only effect then of a judicial determination, even when cited in the *British Courts of Justice*, is to operate as *prima facie* or *persuasive evidence* of the law. In the language of judge Nicholson it is not "binding" or obligatory, because if it were all discussion upon its reason and propriety would be precluded. On the contrary its merits may be canvassed; its "reason and equity" may be discussed, and if found to be erroneous, it may be overruled. Such is the uniform practice and course of proceeding in England, itself. If such latitude of discretion and construction is allowed there, a fortiori must it be permitted here. This discretion authorizing an enquiry into the "reason and equity" of a decision, is not contended to be arbitrary and unlimited—like all loyal discretion, it is limited by the principles of that science to which it applies, and about which it is conversant. In 2d Dallas's Reports, page 374, Judge Chase determines that "when the American colonies were first settled by our ancestors, it was held as well by the settlers as by the Judges and Lawyers of England, that they brought hither a birthright and inheritance, so much of the common law as was applicable to

their local situation and change of circumstances, but each colony judged for itself what parts of the common law were applicable to its new condition; and in various modes, by legislative acts and judicial decisions or by constant usage, adopted some parts and rejected others." If this discretion was necessary in the colonial state of this country; upon the same principles, may for a more forcible reason, it is necessary now. Then we were an appendage to the crown of Great Britain; now we are a free, sovereign, and independent state. One mode of ascertaining the applicability of the common law to the new condition of this country anterior to the revolution, according to Judge Chase, was by *judicial decisions*; the common law of England is evidenced in part by the judicial decisions of that country; hence the judicial decisions, when cited for that purpose in an American court of justice, must be subject to the exercise of a certain latitude of discretion, not only in relation to the intrinsic merits of the decision itself, as in England, but also with reference to the applicability of the principle established by the decision so cited, to the genius of our social compact and form of government.

A melancholy accident happened by the snapping of a pistol, this morning, not supposed to be charged; by which a gentleman lost one of his eyes, and had his life put into the most imminent danger. This circumstance is mentioned as a caution in the handling of fire-arms. Fed. Gaz.

The Alexandria Advertiser of May 21, says—"Captain Bayne, of the Hunter, from Lisbon, informs, that on the 13th of April, he fell in with 7 British sail of the line and 2 frigates under the command of admiral Sir J. B. Warren, who had in tow the French ship Marengo, of 84 guns, command by admiral Linois, and the Belle Poo, of 26 guns, from India, prize to the above mentioned fleet."

We perceive in the London Morning Chronicle of the 31st of March the following article under the Hague head of March 25.

"Mr. Armstrong, the minister from the United States of America, to the emperor Napoleon, arrived here to day from Paris, with his suite: he proceeds to Amsterdam, in order to embark with his suite for America."

We apprehend the writer of this article must have committed a mistake, probably by blending inference with fact. That Mr. Armstrong had arrived at the Hague is probable; but that he arrived there, on his way to Amsterdam; and then to embark for the United States, is extremely improbable. We should presume that his visit to the Hague was with a view to the transaction of some special business; and that having accomplished this object, he would ag in return to Paris. [Nat. Intelligencer.]

The supercargo of the ship George arrived at Philadelphia on Tuesday last from Batavia, but last from the Cape of Good Hope, gives the following information.

Governor Jansson with the Dutch troops embarked the 4th, and sailed the 6th of March for Amsterdam. Immediately after the capture of the Cape, an embargo was laid upon all neutral vessels, which continued two months. This step was taken to prevent the intelligence of the capture of the Cape being carried out of the colony, as they were daily in expectation of the arrival of the French captain Levenoe, who, under the impression of the place being in the possession of the former owners, had sent in two British prizes, that he had captured off the Cape. The squadron alternately stretched out to sea, sending in vessels of every description that they met with. In the beginning of March they chased in a French frigate the *La Volantiere*; this caused a great consternation among the inhabitants, and a terrible uneasiness with the English, the batteries and fortifications were all manned, the officers riding to and fro, in their private dresses, (lest the Frenchmen should discover the billiancy of their red coats,) and effecting every precautionary measure against the attack of a fleet. The frigate shortly came to an anchor in the bay, and instantly surrendered to the boarding boats. This frigate sailed from Bristol with eleven line of battle ships; they fell in with some English ships, captured them and sent 200 prisoners in the *La Volantiere* to the Cape; (they were landed in a miserable state, most of them having the scurvy.) This frigate with five ships of the line, parted company with the eleven sail off the island of Madeira, and were destined to the eastward of the Cape of Good Hope. The information excited the attention of the English with no small portion of confusion, they began to raise entrenchments along the shore; issued proclamations, prohibiting the farmers upon pain of death, from suffering provisions, or any kind of supplies, voluntarily, or accidentally falling into the hands of the expected enemy. The sailing of the transports was suspended for two days; uncertain whether it would be more to their advantage for the enemy to be acquainted with the situation of the Cape or not. Many American vessels put in this place for refreshments, which they perceived themselves completely entrapped in an embargo. Petitions for

release were handed to the governor repeatedly, but were always replied in vague and indistinct terms. The present state of affairs induced them to renew their request, when luckily those vessels bound to the westward had liberty to depart, and most of them sailed on the 12th of March.

Married, on Sunday evening last, by the Rev. Mr. Glendy, Mr. Joseph Goldsmith, to Miss Sarah Gordon, both of this city.

Departed this transitory life, on Wednesday last, in the 51st year of his age, Mr. WILLIAM TYLAND, an old and respectable inhabitant of this city.

Marine Intelligence.

PORT OF BALTIMORE.

ENTERED, Barque Amelia, Higman, Bremen; Brig Watson, Leathers, Liverpool; Schr. Sally, Sylvester, Demerara; Enterprize, Geoghegan, St. Thomas

From the Merchants' Coffee-House Books. May 22.

Arrived, barque Amelia, Higman, 47 days from Bremen—ballast—John Baron. Left, the 4th April, ship Joseph and Phoebe, for Baltimore, next day; ship Phoenix, of do. just arrived. April 25, lat. 45, long. 36, spoke ship Friendsli, from Baltimore, for Hamburg.

Also, ship Ritson, Spiers, 44 days from Amsterdam—ballast—Jas. Blays. Sailed 8th ultimo. About 90 miles from Cape Henry, fell in with a wreck, the hull under water, the mast standing upright, 4 feet above the water; she appeared to be a sloop. Passed ship Sally, of Baltimore, in the bay; saw a number of others standing up.

Also, ship Sally, Andrews, 54 days from Liverpool—goods, salt and crates—Charles Wirgman. April 2, 10 leagues from the Smalls, spoke ship Romulus, bound to Boston. 27, lat. 69, long. 45 ship —, Frost, from London, for Philadelphia, out 23 days. May 4, lat. 41, long. 52, ship Parnassa, from Charleston, for Baltimore.

Also, Bremen ship Martha Margareta, Deerks, 55 days from Bremen; ballast. The ship Neptune, S helgen, sailed 8 days before for Baltimore.

Also, brig Jupiter, Baxter, 52 days from Lisbon; salt and wine; Ch. Deshon. Left ship *Edulus*, Treadwell, of Portsmouth, for Baltimore. In lat. 37, 21 long. 44, spoke ship Yorkshire, from Liverpool, for Charleston.

Also, ship Union, Porter, 60 days from Belfast—ballast—Jas. Blays. Sailed 22d March in co. with ship Enterprize, of New-York, for North Carolina; and ship Aurora, for Newburyport. Left ship Atlantic, of Boston, to sail next day, destination unknown. Spoke nothing.

The bark Unternehmung, Wendt, hence has arrived at Bremen.

Joseph Share,

BRASS FOUNDER, INFORMS his friends and the public, that he continues to manufacture, and has constantly on hand, all articles in his line of business, at his foundry No. 148, Market street, 3 doors from the Bank of Baltimore, (formerly occupied by Mr. Andrew Snyder) orders for any of which will be executed with punctuality and dispatch.

Old copper worked up, agreeably to any given orders, into any materials for ship building, to suit merchants and ship builders, with dispatch, and on the most moderate terms.

Fashionable An Irons, Fenders, &c. constantly kept.

N. B. Two Boys of reputable parents will be taken as apprentices to the above business. May 23

A Card.

WHEREAS a rumour has been very industriously circulated by some malicious person, or persons, that I had expressed an opinion, that a mechanic's oath ought not to be credited—I can only observe that no such language or insinuation ever came from me, and that the infamous falsehood must have originated and been conceived by the base heart that has been so industrious in circulating the same. JACOB SMALL. May 23

Lost,

A HUNDRED DOLLAR BANK BILL. A DESCRIPTION of the same cannot be given, but it is supposed to be of the Bank of Columbia or Alexandria. A person having found the same, and will deliver it to Messrs. L. Tiernan & Co. shall be handsomely rewarded. May 23

A Reward

Of an engraved plate for forging pit checks, and the price of a newspaper.

WILLIAM INGERIM, an apprentice to the subscriber, ran away on Wednesday last. He for two years past served the American in one portion of the city. He is about 17 years of age (well set) his height about 5 feet; his complexion somewhat sallow with a ruddy mixture; his hair dark colored and short. His features may be termed comely, but much injured by a down look, which makes him rather incline to hide than show his face. His clothes are better than he deserves; he has a light brown coat, of fine cloth. The valuable convenience for insuring a cheap admission into the Theatre, offered as a reward, may be viewed as the handy work of INGERIM; and if patented might be very productive. At least it exhibits a proof of his ingenuity; and offers a handsome complement to the morals of the runaway inventor.

All persons are cautioned against harbouring or carrying off said boy, at their peril. WM. PECHIN. May 23

Sale by Auction.

This Day, The 23d, at 12 o'clock, will be sold on Bowly's wharf, on a liberal credit, The CARGO of the schooner Sally, Consisting of 49 hhds. Muscovado Sugar, 17 bags good Coffee, and 10 Puncheons Rum. THOMAS CHASE, Auc'r.

Sale by Auction.

THIS DAY, The 23d instant, at 12 o'clock, on the premises, will be sold on 6 and 12 months credit, A three-story BRICK HOUSE, and LOT, in Calvert-street, a few doors from Market-street, at present occupied by Mr. James Pawley. VAN WYCK & DORSEY, Auc'rs.

Sale by Auction.

THIS DAY, The 23d inst. immediately after the sale of the house, already advertised for sale, in Calvert-street, near Market-street, will be sold, A three-story BRICK HOUSE, in Calvert-street, near Water-street. Terms made known at time of sale. VAN WYCK & DORSEY, Auc'rs May 23

Sale by Auction.

Now landing from the brig *Eliza Hamilton*, and will be sold on O'Donnell's wharf, near the head of Frederick-street, on Saturday, the 24th inst. at half past 3 o'clock, precisely, 158 hhds. of the very first quality St. Croix SUGAR. THOMAS CHASE, Auc'r May 23

For Frederickburg,

The Schooner LUCY & SALLY, William Dunlay, master; A strong substantial vessel, now lying at Smith's wharf; having a considerable part of her cargo engaged, will sail in a few days. For freight of the remainder, apply to ISAIAH MANKIN, 69, Smith's wharf. May 23

Just Received,

A CARGO of prime GREEN COFFEE, imported in the schr. Squirrel, captain Drew, from Port au Prince. For terms of sale apply to captain T. CHASE, Fell's Point, or to WM. YOUNG LEWIS, 20, Calvert-street; May 23

Who will sell, The fast-sailing pilot-boat built schr. SQUIRREL, Just off her first voyage. May 23

Henry & Lindenberg,

No. 24, BALTIMORE-STREET, HAVE received by the ships Fame and Sally, from Liverpool, an additional supply of Hardware, Cutlery, Saddlery, &c. &c. AMONGST WHICH ARE, Waldron's Scythes, White Lead, ground in oil, Patent Shot, assorted. Pewter in casks. May 23

P. E. Thomas and George,

Have received by the late arrivals from England, A GENERAL ASSORTMENT OF IRONMONGERY, CUTLERY, SADDLERY AND BRASS WARE. They have also constantly on hand, CUT NAILS and ELOORING BRADS, and COTTON and WOOL CARDS, at the manufacturer's prices. May 23

John Sperry,

No. 69, SMITH'S WHARF, HAS received, and offers for sale on good terms, for approved paper, the following GOODS, well adapted and selected for the West-India market, viz 2 bales Luckipore Baffas 1 do Company Chittalully do. 4 do Blue Gilla Romal Handk's 2 do Cotton Checks (new figures) 1 do Superfine French Cloths 2 boxes White Plattillas 6 do Britanias 2 do Cotton Stripes 1 do Bolting Cloths of the best kind 1 do Fine Brabant Laces. About 2,000 lb. Prime Smithfield BACON HAMS. May 23

Jno. H. Browning & Co.

No. 35, Fell's-street, Fell's-Point, HAVE imported in the Diana and Fame, from Liverpool, their entire spring assortment of Hardware, Cutlery, &c. In Store, 6d to 30d Wrought Nails 3d to 30d Cut do. 4 to 7 inch Spikes. Flooring Brads and Springs of various sizes. Together with almost every article in the Hardware and Grocery business, too tedious to mention.

They beg leave to tender their most grateful acknowledgments to their friends and fellow-citizens, for their very liberal support since the commencement of their business, and hope by their unremitting attention, to merit a continuation of the same. May 23

Sale by Auction.

On THURSDAY, The 29th instant, at 12 o'clock, on the premises, will be sold, THAT valuable property formerly belonging to William Newton, being part of two LOTS, fronting 44 feet on Forest-street, and running back 90 feet on Honey-alley, in fee-simple, with the improvements thereon, consisting of two frame dwelling houses. Terms made known at the time of sale. VAN WYCK & DORSEY, Auc'rs. May 22

For Sale,

A HANDSOME Bay MARE, about five years old, goes very well both in a gig and under the saddle. Apply at this office. May 19

Baltimore Theatre.

Mr. Bray and Mrs. Seymour's Benefit. THIS EVENING, MAY 23, Will be presented, a celebrated Comedy, in 5 acts, called JOHN BULL; Or an Englishman's Fire Side. Written by George Colman, Esq. author of the Poor Gentleman, &c. &c. Peregrine, Mr. M'Kenzie; Sir Simon Rochdale, Mr. Francis; Frank Rochdale, Mr. Cain; Hon. Tom Shuffleton, Mr. Wood; Job Thornberry, Mr. Warren; John Burr, Mr. Seymour; Dennis Brulgruddery, Mr. Blisset; Dan, Mr. Bray; Williams, Mr. Taylor; Mr. Pennyman, Mr. Siquederson; Servants to Sir Simon, Mr. Durang & Master; Ro-lidale, Mr. Woodham; Mrs. Caroline Braymore, Mrs. Woodham; Mrs. Brulgruddery, Mrs. Cunningham; Mary Thornberry, Mrs. Wood; End of Act 4th, a new comic Song, called The Yorkshire Irishman, or, the adventures of a potatoe merchant—By Mr. Bray; "The Soldier's Trip of War's Alarm," by Mrs. Seymour. (Accompanied on the Trumpet, for that night only, by Mr. Woodham.) A new comic Song, called Madam Fig's Gala; or, the description of a Yorkshire conce, by Mr. Bray; A favorite Hunting Song, called "Tantivy, Hark Forward, Hussa," by Mrs. Seymour. The whole to conclude with a Musical Farce, not acted here these ten years, called Hob in the Well; Or the humors of a Country Wake. Written by Colley Cibber. Sir Thomas Testy, Mr. Francis; Friendly, Mr. Woodham; Young Hob, Mr. Bray; Old Hob, Mr. Durang; Dick, Mr. Rutherford; Roger, Mr. Seymour; Countrymen, Mr. Saunderson; Rustic Dancers, Masters Harris, Durang, Cunningham & F. Durang, &c. Flora, Mrs. Sevmour; Betty, Mrs. Jefferson; Hob's Mother, Mrs. Cunningham; Female Rustics, Misses Hunt, Mullen, Scriven, &c.

On Saturday, a Grand Historical Tragedy, (Never acted here) written by Shakespear, called CORIOLANUS, or, the Roman Matron—after which, a Comic Interlude, called THE HYPOCONDRIAC, or, Dicky Goslip's Man—With the farce of the SULTAN, or, a Peep into the Seraglio—For the benefit of Mr. and Mrs. Wood. * * * Mr. and Mrs. Jefferson's benefit will be on Monday. May 23

Gigs and Harness.

FOR Sale, a bargain, two GIGS with HARNESS, in hands me order. Apply at the Livery Stables of the subscriber, Water-street HENRY CROWL. May 23

For Sale,

For a term of years, A LIKELY negro BOY and GIRL, about eighteen years of age. The boy has about three years and a half to serve, and the girl 10 years. Apply to the Printer. May 23

NOTICE.

IN doing business with a certain gentleman of the bar, the undersigned was instructed to sign several papers, which were represented to be necessary for the prosecution of the business; said gentleman has since said the papers were notes; but as they were not given as such, they will not be paid, nor any others, inasmuch as the undersigned never knowingly issued any. Though the undersigned is ignorant of the English tongue, he has friends who will protect him from imposition. WILLIAM MILLER. The public are cautioned against receiving any notes bearing his name. May 23

Luke Tiernan & Co.

HAVE received by the William, Murdoch from London, Abeona and Oliver from Liverpool, a part of their

SPRING GOODS,

and expect the remainder by the first arrivals ON HAND, Blue and yellow Nankeens; first chop, Dimities by the package; low priced blue Cloths assorted, in bales suitable for the West-India market; Manchester in cases, Hatts in ditto; one trunk elegant Silk Shawls; red and white Claret, in casks and cases; Turkey Cotton screw Augers and country made Spades, which are offered for sale, on the usual terms. ALSO, 50 kegs Lard and 10 puncheons Jamaica Rum. May 2

Wm. Cochran and Brothers,

153 1-2, Market-street, Have imported by the William Murdoch, from London, and the Diana, from Liverpool, A general assortment of Spring Goods, Among which are Several packages calculated for the West-India market—For sale on the usual terms. TO LET, A convenient three story brick HOUSE, in South Gay-street, adjoining Mr. Van Wyck's. May 2

P. A. Guestier

OFFERS FOR SALE ON MODERATE TERMS, Jesuit Bark, superior quality Clayed Sugars, (Martinique and Guadaloupe) Muscovado, do. do. Guadaloupe Coffee in hhds, tierces & barrels Porto Rico Coffee in barrels and bags Claret Wine in bottles, 12 in a case, of different growths, vintages and qualities One hhd. Sheeted Liban, 2 yards 6 in. London-particular Claret, in cases, 30 each—the whole entitled to a drawback. ALSO, 7 Hogheads James River Tobacco Real Cognac Brandy, 20 years old. May 19