

have a right to compel counsel to reduce the questions which they meant to propound to their witness to writing, and that it has frequently been done. I do not intend to set up my judgment upon legal questions, in opposition to the respondent's—but I can say without hesitation that it is not the practice in the state in which the case was tried, nor has counsel in Virginia, either before, or since the case of Callender, been compelled to reduce to writing any questions which they wished to propound to their witnesses and to submit those questions to the inspection of the Court. But the respondent has set up this curious defence. That he went with a determination to convict and punish Callender, and therefore it was perfectly immaterial whether he could prove a part of the charges to be true or not, if he could not prove the whole, and if but one of the twenty charges could be fixed upon him, he would be perfectly in the power of the Court. What was this but prejudging the case, and a determination of the respondent to procure the conviction of the defendant. But it was impossible for the Court to know what John Taylor would prove. For ought they knew his evidence might have gone to the whole case, and produced from the jury a verdict of acquittal for the traverser. With respect to the counsel's having been compelled to reduce their questions to writing and submit them to the inspection of the court, it is believed by the Managers, to be a course of procedure unusual in courts of justice. I recollect to have been present at the famous trial of Logwood, where the Chief Justice of the U. States presided. It must be conceded that the U. States were as much interested in the conviction of so notorious an offender, as in that of any libeller whatever. Although evidence of the most questionable sort was brought forward on behalf of Logwood, nothing of that kind, took place.—The witnesses were all sworn in chief, and the weight of their testimony was left to the jury. The respondent also refused to propose the trial of Callender, although an affidavit was filed stating the absence of material witnesses. The ground taken by the respondent in justification of this, is, that the witnesses lived in so dispersed a situation, that it would have been almost impossible to procure their attendance at the next court—this was a reason which ought to have operated forcibly in favor of a postponement of the trial, and goes to the conviction of the respondent. With regard to the rude and contemptuous expressions used by the respondent to the counsel for Callender, and the unusual manner in which he conducted himself, I will only refer the court to the testimony which will be offered in this case. But perhaps I shall be told that although such conduct is highly improper and unbecoming in a Judge, yet it is not an indictable offence, and therefore not sufficient cause for a removal from office. In answer to this, I will beg leave to observe, that this is not a case to be determined according to common law, but by the common sense, and common opinion of the world upon it. I do not know whether it would be deemed an indictable offence for a Judge to appear upon the Bench of Justice in a state of total intoxication and to use profane and obscene language, yet I presume it will not be denied that a Judge convicted of these offences can be removed by this Honorable Court.

The fifth article of impeachment, charges the respondent with having awarded a capias against the body of Callender, contrary to the law of Virginia, which was recognized by the act of congress, passed in the year '89 for the establishment of the judicial system of the United States as the rules of decision in the Federal courts. The defence stated by the respondent, embraces two points—the one that the law of Virginia was passed posterior to the act of congress and therefore the latter could not have had reference to it; and it was not a rule of decision. It will be necessary to inform some of this court that the acts of Virginia had by the authority undergone an amendment and revision, and the acts thus revised were published under the title of the revised code of the laws of Virginia in the year 1792, of course part of them bear date later than they were actually passed. The act in question did pass in the year '88, was anterior to the act of congress; and being law at the time the latter passed, it became a rule of decision for the Federal courts held in the state of Virginia.

(Mr. Randolph here read the law of Virginia.) But the respondent states his ignorance of the law, and also that he did comply with it by issuing other proper process. We are prepared to prove that the other proper process mentioned in the law has always been construed to mean a notice, to the party charged to appear at the next court, and answer to the charges against him. But it has been said that this would be a notice to the party to abscond and therefore avoid a punishment.

In cases not capital, it would be much better for a state, in my opinion, that the offender should go away into voluntary punishment, than to punish him, and suffer him to remain in the state.—It has never been the practice of Virginia, for an offence less than capital, to commit the offender to close custody. A capias has never been deemed the proper process—and that awarded against the body of Callender was not warranted by any law of Virginia, which was the rule of decision

in that case. But the respondent says, that the counsel for the accused forbore to mention this law, and that he could not have been presumed to have known it. The counsel for the accused did cite this very act, not the section which relates to the point under consideration, but in support of their motion for a continuance of the trial, and of the right of the jury to assess the fine. They were told by the respondent that the court were not bound to notice that law, and that although it might be law in Virginia, when applied to their local regulations, but as applied to the courts of the United States, the construction was a wild one. Would it not then have been deemed folly in the extreme for the counsel for the accused to have brought the same act in order to support any other position which they might take. We are prepared to prove that unless this decision had been made by the court, that they were not bound to notice the law, that the law would have been cited.

But the Respondent takes shelter under this doctrine, that the provisions of the act of congress can relate only to late regulations and not to the statutes of the United States, which he says are not cases at common law. We are prepared and I trust shall be able to shew, that the word, "trials at common law" were only used to contradictingly them from the civil and maritime law.

I will pass over the seventh article and leave it upon the ground upon which it has been placed by the respondent in his answer.

On the eighth article I will observe, that the perversion of the bench of justice to the buffings of an election was a thing totally variant from, and has no connection with, the right of speech which the respondent enjoys in his individual capacity. He has no right in his judicial capacity to prevent the bench of justice into the theatre of his political declamations. But we shall be told that in all those acts with which the respondent stands charged, that he was associated with other judges, who concurred in opinion with him and were therefore equally guilty with the respondent.

The court will recollect the high standing which the respondent has with every person for his legal learning and abilities. This court will take all the acts together, and will observe, that in all of them, the respondent appeared to be the sole actor. With talents so conspicuous, and a disposition so irritable, he has been associated in the four several courts where he presided, and the acts for which he is impeached, were committed with men perhaps of timid minds, and with talents very far inferior to those of the respondent, that they were overawed by him, and were not culpable as the respondent. Wherever we behold the respondent sitting in his judicial capacity, we find the counsel extremely irritable and contumelious; and yet we behold the other judges of the United States, holding courts in the same places and associated with the same district judges as the respondent, and nothing of this kind appears. Contumacy is only found to exist in those courts where the respondent presides. Great distinction therefore exists between the respondent and these judges who have been upon the bench with him when these violations of law and justice took place. There is a great distinction between a judge anxious for the punishment of men who have violated the laws and a judge anxious for the punishment of those who violate a particular law. I could if permitted, turn to a judge who has not been surpassed in this country as a terror to evil doers—an authority that differed with the respondent in his construction of the law relative to treason—a man second to none for his punishment of notorious offenders, for his regard to the laws, and for his humanity. I will beg leave to read a passage from a work of his. [Mr. Randolph here read a passage from Tucker's Blackstone.]

I have endeavored, Mr. President, in a manner very lame, to discharge the duty incumbent on me, and to shew the grounds on which we mean to rely for the conviction of the respondent. Such, however, is the case that it does not rest on so weak a ground as my arguments. I believe we shall be able to exhibit to this honorable court, a tissue of judicial proceedings never before exhibited in the annals of our country. The respondent, in his answer, has appealed to the supreme Searcher of hearts, at the last day, for the reëtude of his conduct. When such an appeal is made, I feel for the respondent, but I feel a great relief upon considering that the blood of John Fries, an innocent and oppressed man, will not rise in judgment against him. But for the timely extension of that provision of the constitution which gives the president the power of granting pardon, the cries of the widow and the tears of the orphan would have cried aloud for justice against him at the throne of grace.—And when at the last day all hearts were laid open he would have been obliged to accuse himself and to attest that in a manner novel and unprecedented, he had procured the conviction of a poor ignorant illiterate German, and sent him without remorse into eternity. But the then president of the United States has saved the respondent from answering for blood by granting a pardon to Fries, and by this act, obliterated the remembrance of a number of his errors from my mind, for mercy like charity, covereth a multitude of sins; and the pure ermin of justice was not sullied to be dyed with the blood of John Fries.

Mr. Randolph here ended his speech, and the examination of witness's commenced and continued till near 4 o'clock, when the court adjourned to Monday 12 o'clock.

NEW-YORK, February 15.

Yesterday arrived at this port, the ship American Eagle, captain Pindar, in 60 days from Cadix. By her we learn, that the British squadron under Sir John Orde, was off that port, which place was considered in a state of blockade, and a War with England supposed to be inevitable.

We likewise learn, that the fever had entirely subsided—and the Royal Order was hourly expected to release the cordon of troops stationed to prevent the intercourse with the interior.

Mr. Baker, purser of the United States brig Syren, is passenger in the American Eagle—He informs, that the frigate Essex had left Cadiz for Malta, and that no further attack had been made upon Tripoli; but that that place was still blockaded by a part of the American Squadron. Commodore Barron, in consequence of indispotion, had taken lodgings at Malta.

The frigate John Adams, with Commodore Preble on board, was to sail soon for America, with dispatches for government.

American produce was high at Cadiz—and flour is quoted at 22 dollars a barrel.

Captain Kings of the brig Swift, informs us that the port of Curraçoa is closely blockaded by the British, who turn away every American vessel. Captain King eluded their vigilance by entering in the night, and coming out in the same manner. Flour at Curraçoa was twenty dollars per barrel and none in the market. Other articles of provision were in great plenty.

American.

TUESDAY, FEBRUARY 19, 1865.

☞ The LIST of LETTERS, though in type, is omitted to make room for the conclusion of Judge Chase's answer and plea, and Mr. J. Randolph's speech at opening the court. We have not received the *Intelligencer* since last Thursday—the speech is copied from the *Washington Federalist*.

No. 9737 was omitted in the last day's drawing of the Cathedral Church Lottery; it has drawn 100 dollars.

The schooner Virginia, was spoken in lat. 32, 33, long 73, 12 days from Baracoa for Baltimore.

On the 2d inst. a schooner from Trinidad for this port was spoken by an arrival at New York.

The General Mercer of this port, 54 days from Bremen, was spoken on the 30th ult. in lat. 53, long. 62.

The Martha Allen, Watts, from Baltimore, arrived at Basseterre (Guadaloupe) about the 15th January.

MURDER !!—On Wednesday evening last a man named JAMES AMOS, skipper of a York craft, was found skulking in Calvert's alley—Yesterday morning two negro men, one named MOSBY, the property of Mrs. Hutchings, the other DAVEY, the property of R. B. Taylor, Esq. were examined before the Mayor and Recorder. It appeared that a dispute arose between Amos and Moses at a little shop, kept by a negro woman in the alley; they went out of the house, but the woman could not say whether any thing further took place; a short time after the body was found. Moses accused another man of the name of ISMAEL, who he said gave the deceased a blow with a piece of wood, which he received from Davey. We were not present at the examination; the above is the account given to us of it. Ismael we learn has been since apprehended, and is now under examination.

From the frequent robberies lately committed, the almost continual rioting in the streets, sometimes for whole nights together, and lastly this atrocious act, it might be doubted whether we have any police, or legal authority whatever, to protect the peace of the Borough, the lives or property of the citizens. On this subject we have been hitherto silent; but while we are compelled to witness such repeated offences against all law and order as our streets exhibit, and particularly when we find that they are every Sabbath evening converted into a scene of riot and a field of battle, without any visible interference on the part of our magistracy, it is impossible that we should much longer suffer such remissness to pass uncorrected. [Norfolk Ledger.]

INTERMENTS in the burying grounds of the city and precincts of Baltimore DURING THE WEEK ending yesterday morning at sunrise.

Consumption,	2
Sill-born,	4
Fits,	2
Pleurisy,	2
Worms,	1
Old age,	1
Droopy,	1
Diseas unknown,	2
Adults,	9
Children,	8
TOTAL,	15

A dissenting preacher, who had much owing him by one of his congregations, while preaching upon the words in Job, *We brought nothing into this world, and verily we can carry nothing out.* observed it was very true, that a man could carry nothing of his own out of the world, but I am certain added he, that he may carry out a great deal of other people's. [Farmers Museum.]

A letter from England, of a late date, informs that a complete and firm coalition had been formed between the Grenville and Fox parties, and that Windham had joined them. This will account for the anxiety of Mr. Pitt to have all the members of parliament in his pay at the opening of the House. The notorious Cobbett, who had been repeatedly bought and sold by every faction in London, since he left this country, and who had at length been deserted by the very Windham, who said he deserved a *statu of gold* for the aid he gave the federalists of the United States, has lately begun to praise Mr. Fox and Francis B. Edelt, the *whig* leaders, whom he had before abused—how will his federal friends here relish this new instance of apostasy? but we need not ask the question, for half of those who aided Cobbett, when in this city, are now bellowing about their own republicanism! [Aurora.]

SHIP NEWS

Port of Baltimore.

From Bryden's Marine List.

February 16.

The schr. Atlen Allen, Watts, hence has arrived at Guadaloupe.

The ship General Mercer, Miller, from Varel, for this port, was spoken on the 20th January, in lat. 30, 28 54 days out.

A small schr. is in the river binding up. A letter from Guadaloupe, of January, quotes flour 10 a 11 dollars, and coffee 42 fous.

Arrived below the fort, schr. Eleanor, Venn, from Jeremie, via Annapolis—got underway this morning at 9 o'clock, from Annapolis, in co. with ship London Packet, Shafford, from Amsterdam, who got a ground on Greenberry Point, but expect she got off the next tide.—The ship Eliza, Howey, from Amsterdam, that had been ashore on Poplar Island, got into Annapolis with the loss of her main-top mast.—The schr. Sally, Watts, from St. Jago, arrived there yesterday—Berry's pilot boat arrived at Annapolis the day before, and reported the ships Canton, Sterret, of Baltimore, Kerr, from India, General Mercer Miller, from Varel, and a number of others, names not recollected, were lying in Patuxent. The vessels at Annapolis intend coming out to-morrow.

The ship Ann, Servers hence, arrived at Batavia previous to the Baltimore leaving there.

Kingston, December 22.

The L'Hercule, of 74 guns captain Dunn, and the Gipsy schooner of 10 guns, lieutenant Fitton arrived on Wednesday from a cruise, with the schooner Lucy Ann, Butler, from Baltimore for Curraçoa, with sundries, taken by a French privateer and retaken by the Gipsy.

Boston, February 7.

Arrived, schooner Federal Jack, Watts, St. Thomas, 29 days.—Left, the Edward and Charles, of Bath, for Norfolk, in 10 days; Eliza, do for New York, full freight; Antelope, of Hallowell, for New York; Hero, from London, for Boston, 103 days, blown off cargo damaged; H. pe. of Boston; Trial, do for Turks Island; — Price Providence, from Leith, in distress, with passengers, blown off.—Markets dull.

Also, ship Aurora, Bowles, Amsterdam, 75 days. Left at Amsterdum and New Diep, Nov 23 Washington, Treadwell, of Portsmouth, for Tenerife and New York, ready for sea; Commerce, for Cadix and Philadelphia; Sally, Swasey, of Bolton, for Tenerife, ready for sea; William, Gardner, Boston, for Madeira and a market, ready for sea; Falcon, Eldridge, Bolton, do. Charles, for New Orleans, ready for sea; Eliza, Baltimore, do. Jane, India; Anthony Mangin, do. in all November. Cheeseman, New York, do Logan, do. Montezuma, Baltimore; Venus, Baltimore; Robert, do American, Indian 35; Sally, Baltimore, just arrived; Hannah, Mitchell, Bolton, for St. Barts, in 15 days; Hugh Johnson, Seaward, Bolton.—Spoke, December 8, lat. 45, 41, long. 25, ship Burroughs, 17 days from Bolton, for Morlaix.—Same day, brig Polly, Hazard, of New York, 18 days from New London, for Bordeaux—January 9, lat. 41, long. 53, schooner Jane, Sargent, 80 days from Nantz, for Newburyport, supplied him with provisions.—January 14, long 60, spoke her again.—February 5, in Bolton Bay, brig —, Bickford, of Lynn, 70 days from London for Boston.

February 8.

Arrived, brig Sir John Wentworth, Sparring, from Halifax. Schooner Mary, Hixon, from Bordeaux. Sailed, November 8.—Spoke, November 24, lat. 39, 49, an English brig from Cork, bound to Charleston.—December 27, lat. 35, 27, schooner Perleverance, John Pollock, 15

days from Portsmouth, for Tobago.—December 29, lat. 29, 11, ship Hazard, Burrill, 53 days from the Ile of France, for Salem.—January 14 lat. 41, 53, a schooner from St. Thomas, for Newburyport.—January 15 lat. 42, 14, a brig from Bolton, for Madeira—January 19, brig Jane, for Bolton; and a brig from Surinam, for Cape Ann.—January 25, schooner Polly, of Provincetown, 83 days from Nantz.

Also, ship Hunter, Sweett, 125 days from St. Petersburg, (Russia) and the brig Joanna, Rutierford, 36 days from Bonavilla.

Captain Rutherford, left December 21, Montezuma, of Portsmouth, to fail in all February; Charlotte, Fitch in all February—January 22, lat. 40, 50, long. 69, 30 schooner Snow, 10 days from Boston, for Baltimore—February 3 lat. 42 40, long. 70 50, schooner L. Blanchard, 24 hours from Portland for St. Thomas—same day, brig Neutrality, Neal, 24 hours from Portsmouth, had lost one man over board.

Schooner William, captain Churchill, 29 days from Kingston, (Jam.) Left ship John, Gerton, of Charleston, for Norfolk, in 12 days; ship Fame, Turner, of Bolton, for do. in 10; brig Active Dale, of Newburyport, for Savannah, in 2; brig Relief, Carlton, of do. for Savannah, in 2; schooner Rover, M'Lellan, of Portland, for N. Carolina, in 4; brig active, of N. York, for New Orleans; ship Peter, Seaward, of Bolton for Norfolk, in 12. Spoke Feb. 1, lat. 38, long 69 30, ship Illinois, Rogers, from New York, bound to the Ile of France 42 hours out all well. The brig Ann-Maria, Bell, of New York, and a schooner from Baltimore captain Butler were taken by the British and sent into Jamaica. The former was condemned.

Ship Charles Captain Hubbard, 77 days from Cape Good Hope. Left Nov. 23, ship Rose Swain, of and for Nantucket, to fail soon; barque Pompey, of and for Salem, in 4 days; brig Industry, of Providence for the Ile of France; ship Francis and Henry, Folger, of Nantucket from Batavia, to fail for Bolton, in about 14 days.

Norfolk, February 9.

Arrived, schooner Echo, Record, 5 days from New York.

Brig Eliza, Nye, in 24 days from Bolton. On the night of the 2d instant, in lat. 37, long. 75, 30, was run foul of by a large brig, which carried away his bowsprit, and head-masts; the captain of the brig told him that his bow was stove in—left the flock of his anchor and two feet of the flank upon the fore-castle—Captain Nye lay too for him some time—he heard orders given to clear away the boat.

Schooner Regulus, Richardson 4 days from New York. On Sunday this schooner had picked up the crew of a New Haven brig, commanded by Joseph Thomas, from St. Croix bound to New York, with sugar and rum—the had run foul of a brig on the 2d instant, and sunk in ten minutes—This we hope is the same brig reported by captain Nye.

Sale by Auction.

THIS DAY,
The 19th instant, at 11 o'clock, at the auction-room, at the head of Frederick-street dock, will commence the sale of
A VARIETY OF DRY GOODS.
After words at 12 o'clock,
21 hds. sugar
13 pipes brandy
6 hds. rum
A few bags coffee, &c.
VAN WYCK & DORSEY, ad&rs.

For Amsterdam,

The fast sailing ship
IRIS;
She is ready to sail as soon as the navigation opens—six or seven passengers will be taken, who will have good accommodations. Apply to
JOHN BOLTS,
or to the master on board, at Barton's wharf, Fell's Point.
February 19 eodt

For sale

THE time of a stout, likely, young Dutch Lad—he has about three years and a half to serve; is sober and honest, and sold for want of employment. Enquire of the printers.
February 19 eodt

NOTICE.

AT the late annual meeting of the Mechanical Fire Company, Isaac Burneston, Joseph Townsend, Emanuel Kent, William Ball and James Calhoun, jun. were appointed a committee to unite with other committees, appointed by the different fire companies in the city, to take into consideration such subjects as might appear necessary for the general government of the companies during the present and approaching season. In conformity thereto the different committees aforesaid are requested to meet at Mr. James Bryden's inn THIS EVENING, at 7 o'clock, on a subject interesting to the companies.
February 19.

Notice is hereby given,

THAT Baltimore County Court will meet at the court house of said county on Thursday, the 21st inst. at 10 o'clock, A. M. to hear and determine on the petitions of Christopher Randall and John Forbes, now in custody.
The court will then proceed agreeably to the provision of the act for the relief of sundry insolvent debtors, passed at the last session of the general assembly to discharge the persons of said petitioners, without requiring bond for their personal appearance at the final hearing, unless cause be shewn to the contrary, of which the creditors are hereby warned.
Signed by order
WM. GIBSON, clerk.
February 19 eodt