dicted unless it proves to be a high crime—but he may nevertheless be convicted of a misdemeanor of the most petty grade. Observe, sir, the crimes with which these, "other high crimes," are classed in the constitution, and we may learn something of their character. They stand in connection with "*bribery and corruption*;" tried in the same manner and subject to the same penalties. But if we are to lose the force and meaning of the word "*high*" in relation to misdemeanors, and this description of offences must be governed by the mere meaning of the term "misdemeanors," without deriving any grade from the adjective, still my position remains unimpaired, that the offence, whatever it is, which is the ground of impeachment, must be such an one as would support an indictment. "Misdemeanor," is a legal and technical term, well understood and defined in law; and in the construction of a legal instrument we must give to words their legal significations. A misdemeanor or a crime, for in their just and proper acceptation they are synonimous terms, is an act committed or omitted, in violation of a *public law*, either forbidding or commanding it. By this test, let the conduct of the respondent be tried, and, by it, let him stand justified or condemned.

Does not, sir, the court, provided by the constitution for the trial of an impeachment, give us some idea of the grade of offences intended for its jurisdiction? Look around you, sir, upon this awful tribunal of justice—is it not high and dignified, collecting within itself the justice and majesty of the American people? Was such a court created—does such a court sit to scan and punish paltry errors and indiscretions too insignificant to have a name in the penal code, too paltry for the notice of a court of quarter sessions? This is indeed employing an elephant to remove an atom too minute for the grasp of an insect. Is the Senate of the United States solemnly convened and held together in the presence of the nation to fix a standard of politeness in a judge, and mark the precincts of judicial decorum? The honorable gentleman who opened the prosecution (Mr. Randolph) has contended for a contrary doctrine, and held that many things are impeachable that are not indictable. To illustrate his position, he stated the cases of habitual drunkenness and profane swearing on the bench, which he held to be objects of impeachment and not of indictment. I do not desire to impose my opinions on this this court as of any value. But surely I could not hesitate to say that both of the cases put by the gentleman would be indictable. Is there not known to us a class of offences, not provided for indeed by the letter of any statute, but which come under the general protection which the law gives to virtue, decency and morals in society. Any act which is *contra bonos mores* is indictable as such. And it is so, not by act of Congress, but by the pure and wholesome mandates of that common law, which some men would madly drive from our jurisprudence, but which I most sincerely pray may live forever.

If I am correct in my position that nothing is impeachable that is not also indictable, for what acts then may a man be indicted? May it be on the mere caprice or opinion of any ten, twenty or one hundred men in the community; or must it not be on some known law of the society in which he resides? It must unquestionably be for some offence either of omission or commission against some statute of the United States—or some statute of a particular state, or against the provision of the common law. Against which of these has the respondent offended? What law of any of the descriptions I have mentioned has he violated? By what is he to be judged, by what is he to be justified or condemned, if not by some known law of the country; and if no such law is brought upon his case—if no such violation rises on this day of trial in judgment against him, why stands he here at the bar as a criminal? Whom has he offended? The House of Representatives—and is he impeached for this? I maintain as a most important and indispensible principle, that no man should be criminally accused, no man can be criminally condemned but for the violation of some known law by which he was bound to govern himself. Nothing is so necessary to justice and to safety as that the criminal code should be certain and known. Let the judge, as well as the citizen, precisely know the path he is to walk in, and what he may or may not do. Let not the sword tremble over his unconscious head, or the ground be spread with quicklands and destruction, which appear fair and harmless to the eye of the traveller. Can it be pretended there is one rule of justice for a judge and another for a private citizen; and that while the latter is protected from surprize, from the malice or caprice of any man or body of men, and can be brought into legal jeopardy only by the violation of laws before made known to him, the latter is to be exposed to punishment without knowing his offence, and the criminality or innocence of his conduct is to depend not upon the laws existing at the time, but upon the opinions of a body of men to be collected four or five years after the transaction? A judge may thus be impeached and removed from office for an act strictly legal, when done, if any House of Representatives for any indefinite time after, shall for any reason they may act upon, choose to consider such act improper and impeachable. The constitution, sir, never intended to lay the judiciary thus prostrate at the feet of the House of Representatives, the slaves of their will, the victims of their caprice. The judiciary must be protected from prejudice and varying opinion, or it is not worth a farthing. Suppose a grand jury should make a presentment against a man—stating that most truly he had violated no law or committed any known offence; but he had violated their notions of common sense, for this was the standard of impeachment the gentleman who opened gave us, he had shocked their nerves or wounded their sensibility. Would such a presentment be received or listened to for a moment? No, sir—And on the same principle, no judge should be put in jeopardy because the common sense of one hundred and fifty men might approve what is thus condemned, and the rule of right, the objects of punishment or praise, would thus shift about from day to day. Are we to depend upon the House of Representatives for the innocence or criminality of our conduct? Can they create offences at their will and pleasure—and declare that to be a crime in 1804 which was an indiscretion or pardonable error, or perhaps an approved proceeding in 1800? If this gigantic House of Representatives, by the usual vote and the usual forms of legislation, were to direct that any act heretofore not forbidden by law, should hereafter become penal, this declaration of their will would be a mere nullity—would have no force and effect, unless duly sanctioned by the senate and the approbation of the President. Will they then be allowed, in the exercise of their power of impeachment, to create crimes and inflict the most serious penalties on actions never before suspected to be criminal, when they could not have swelled the same act into an offence in the form of a law. If this be truly the case, if this power of impeachment may be thus extended without limit or controul, then indeed is very valuable liberty prostrated at the foot of this omnipotent House of Representatives—and may God preserve us—The President may approve and sign a law, or may make an appointment which to him may seem prudent and beneficial, and it may be the general, nay the universal sentiment that it is so—and it is undeniable that no law is violated by the act. But some four or five years hence there comes a House of Representatives whose common sense is constructed on a new model, and who either are or affect to be greatly shocked at the atrocity of this act. The President is impeached—in vain he pleads the purity of his intention, the legality of his conduct, in vain he avers that he has violated no law and been guilty of no crime. He will be told, as Judge Chase now is, that the common sense of the House is the standard of guilt, and their opinion of the error of the act conclusive evidence of corruption. We have read, sir, in our younger days, and read with horror, of the Roman emperor who placed his edicts so high in the air that the keenest eye could not decypher them, and yet severely punished any breach of them. But the power claimed by the House of Representatives to make any thing criminal at their pleasure, at any period after its occurrence, is ten thousand times more dangerous, more tyrannical, more subversive of all liberty and safety. Shall I be called to heavy judgment now for an act which when done, was forbidden by no law and received no reproach, because in a course of years there is found a set of men whose common sense condemns the deed. The gentlemen have referred us to this standard, and being under the necessity to acknowledge that the respondent has violated no law of the community, they would on this vague and dangerous ground accuse, try and condemn him. The code of the Roman tyrant was fixed on the height of a column, where it might be understood with some extraordinary pains; but here to be safe, we must be able to look into years to come, and to foresee what will be the changing opinions of men or points of decorum for years to come. The rule of our conduct, by which we are to be judged and condemned, lies buried in the bosom of futurity, and in the minds and opinions of men unknown, perhaps unborn.

(To be continued)

Notice to Subscribers.

SUBSCRIBERS to the National Intelligencer in arrears are requested to make immediate payment. It may be proper to remind subscribers, that the indispensible term of the Paper is the annual payment of Five Dollars in advance; and that unless the term be complied with, their papers will be discontinued.

In Council, Annapolis, May 16, 1805.

ORDERED, That the act to provide for the trial of facts in the several counties of this state, and to alter, change and abolish, all such parts of the constitution and form of government as relate to the general court and court of appeals, be published twice in each week for the space of three months in the Maryland Gazette at Annapolis; the American, Telegraphe and the Federal Gazette at Baltimore; the National Intelligencer; the Republican Advocate and Bartgis's paper at Frederick-Town; Greeves's paper at Hagerstown, and in Smith's and Cowan's paper at Easton.

By order,
NINIAN PINKNEY, Clerk.

AN ACT

To provide for the trial of facts in the several counties of this state, and to alter, change and abolish, all such parts of the constitution and forms of government as relate to the general court and court of appeals.

BE it enacted by the general assembly of Maryland, That this state shall be divided into six judicial districts in manner and form following to wit: St. Mary's, Charles and Prince George's counties, shall be the first district; Cæcil, Kent, Queen Anne's and Talbot counties, shall be the second district, Calvert, Anne Arundel and Montgomery counties shall be the third district; Caroline, Dorchester, Somerset and Worcester counties, shall be the fourth district, Frederick, Washington and Allegany counties shall be the fifth district; Baltimore and Harford counties shall be the sixth district; and there shall be appointed, for each of the said judicial districts, three persons of integrity and sound legal knowledge, residents of the state of Maryland, who shall previous to and during their acting as judges, reside in the district for which they shall respectively be appointed one of whom shall be styled in the commission chief judge, and the other two associate judges, of the district for which they shall be appointed; and the chief judge, together with the two associate judges, shall compose the county courts in each respective district; and each judge shall hold his commission during good behavior, removeable for misbehavior on conviction in a court of law, or shall be removed by the governor, upon the address of the general assembly, provided that two thirds of all the members of each house concur in such address; and the county courts, so as aforesaid established, shall have, hold and exercise, in the several counties of this state, all and every the powers authorities and jurisdictions, which the county courts of this state now have, use and exercise, and which shall be hereafter prescribed by law; and the said county courts established by this act shall respectively hold their sessions in the several counties at such times and places as the legislature shall direct and appoint, and the salaries of the said judges shall not be diminished during the period of their continuance in office.

II. And be it enacted, That in any suit or action at law hereafter to be commenced or instituted in any county court of this state, the judges thereof, upon suggestion in writing by either of the parties thereto, supported by affidavit or other proper evidence, that a fair and impartial trial cannot be had in the county court of the county where such suit or action is depending, shall and may order and direct the record of their proceedings in such suit or action to be transmitted to the judges of any county court within the district for trial, and the judges of such county court, to whom the said record shall be transmitted, shall hear and determine the same in like manner as if such suit or action had been originally instituted therein; provided, nevertheless, that such suggestion shall be made as aforesaid before or during the term in which the issue or issues may be joined in the said suit or action; and provided also, that such further remedy may be provided by law, in the premises, as the legislature shall from time to time direct and enact.

III. And be it enacted, That if any party presented or indicted in any of the county courts of this state, shall suggest in writing to the court in which such prosecution is depending, that a fair and impartial trial cannot be had in such court, it shall and may be lawful for the said court to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such adjoining county court shall hear and determine the same in the same manner as if such prosecution had been originally instituted therein; provided that such further and other remedy may be provided by law in the premises as the legislature may direct and enact.

IV. And be it enacted, That if the attorney general, or the prosecutor for the state, shall suggest in writing to any county court, before whom an indictment is or may be depending, that the state cannot have a fair and impartial trial in such court, it shall and may be lawful for the said court, in their discretion, to order and direct the record of their proceedings in the said prosecution to be transmitted to the judges of any adjoining county court for trial, and the judges of such county court shall hear and determine the same as if such prosecution had been originally instituted therein.

V. And be it enacted, That there shall be a court of appeals, and the same shall be composed of the chief judges of the several judicial districts of the state, which said court of appeals shall hold, use and exercise, all and singular the powers, authorities and jurisdictions, heretofore held, used and exercised, by the court of appeals of this state, and also the appellate jurisdiction heretofore used and exercised by the general court; and the said court of appeals hereby established, shall sit on the western and eastern shores for transacting and determining the business of the respective shores, at such times and places as the future legislature of this state shall direct and appoint, and any three of the said judges of the court of appeals shall form a quorum to hear and decide in all cases pending in said court; and the judge who has given a decision in any case in the county court, shall withdraw from the bench upon the deciding of the same case before the court of appeals; and the judges of the court of appeals may appoint the clerks of said court for the western and eastern shores respectively, who shall hold their appointments during good behavior, removeable only for misbehavior on conviction in a court of law: and in case of death, resignation, disqualification or removal out of the state, or from their respective shores, of either of the said clerks in the vacation of the said court, the governor, with the advice of the council, may appoint and commission a fit and proper person to such vacant office, to hold the same until the next meeting of the said court; and all laws passed after this act shall take effect, shall be recorded in the office of the court of appeals of the western shore.

VI. And be it enacted, That all and every part of the constitution and form of government which relates to the court of appeals and the general court, or the judges thereof, or that is in any manner repugnant to, or inconsistent with, the provisions of this act, be and the same is hereby repealed, abrogated and annulled upon the confirmation hereof; provided, that nothing herein contained shall be construed so as to authorise the removal of the clerks of the respective county courts being in commission at the time of the passing of this act, in any other mode or manner than that prescribed by the constitution and form of government.

VII. And be it enacted, That if this act shall be confirmed by the general assembly, after the next election of delegates, in the first session after such new election, as the constitution and form of government directs, that in such case this act, and the alterations and amendments of the constitution and form of government therein contained, shall be taken and considered, and shall constitute and be valid, as a part of the said constitution and form of government, to all intents and purposes, any thing in the said constitution and form of government to the contrary, notwithstanding.

May 31—2aw3m

ROSS, & PLEASONTON.

Have just received and offer for sale, wholesale and retail, a large and general assortment of groceries consisting of

Gun-powder,
Imperial,
Hyson,
Young Hyson and
Congo } Teas of the late importation.

Mould and dipped candles.
Spermaceti do.

Madeira,
Sherry,
Malaga,
Port and
Lisbon. } Wines.

Claret Bitters and
Sweet Oil. } In bottles.

Cogniac and other French Brandies.
A variety of the best French Cordials in bottles and casks.
Holland Gin.

Jamaica,
Antigua, and
New-England } Rum

Old Irish Whiskey.
Pennington's double & single refined sugar.
Do Lump.
Loaf and lump sugar of other manufacturers.
Best brown sugar and inferior do.
English and American cheese.
Pine apple do.
Fresh Muscatel raisins.
Rice

They have also an invoice of elegant white and gilt china tea setts, together with a variety of the best cut glass.

Besides what are above particularly mentioned they have on hand, and constantly keep every other article in the grocery line.

Georgetown, May 29—ep3w.

By virtue of a decree from the Court of Chancery, the subscriber will sell at public auction on the 10th day of July next, several lots of ground late the property of Benjamin Brookes deceased, in the town of Upper Marlboro' in Prince George's county, two of these lots are improved; on the one stands the well known tavern lately occupied by Samuel Cooledge with the improvements thereto attached, and, on the other, the house which Samuel Hepburn, esq has occupied for some time past, and has just moved from. On the day of sale the unimproved lots will be particularly described, and all the improvements shewn. The terms are, bond with security given for the purchase money, payable in two and three years. Possession will be immediately given.

This property is sold for the payment of the debts of the deceased; all persons who have claims and have not yet exhibited them, are requested to file the same with the register of the court of Chancery, with the respective vouchers on or before the 25th day of November next.

ROBERT BOWIE, trustee.

May 29—ept July 10

STELLE's HOTEL &
CITY TAVERN.

THE Subscriber takes this method of thanking his friends and the public for their favors whilst on the Capitol Square and begs leave to acquaint them that having purchased and now occupying the tavern, late Tunnicliff's hotel; which he has commenced enlarging and improving—he respectfully solicits a continuance of the patronage of his friends and the public, assuring them that 'tis his full determination to fit up his present hotel, and so to conduct it, as to merit, he hopes, the preference of the public travelling, as well as those coming to the permanent seat of the Government of our Land of Liberty.

PONTIUS D. STELLE.

Washington City, March 25—tf

WASHINGTON CITY.

FRIDAY, May 31.

Since the publication of the chevalier de Foronda, the Spanish consul general, that he had received "official advice, that orders had been given by the English government to their vessels of war and privateers not to molest any neutral vessel or vessels bound to Spain with grain or flour," we have seen a genuine copy of a letter from admiral Sir John Orde, commanding the British squadron off Cadiz, to the British consul at Lisbon in which he observes, that he has thought it an imperious duty on his part to order the blockade of Cadiz and St. Lucar; that no vessel be allowed to go into the former port or to leave it except in ballast; and that no vessel laden either in whole or in part with corn, military or naval stores or provisions be permitted to enter the latter.

The bill, passed at the last meeting of the council, providing for the inspection of flour, shall appear in our next.

Considerable alarm has arisen in Baltimore by the expected arrival at that place of two Prussian vessels filled with convicts transported by the Dutch government. It is represented that correct information to this effect has been received. It is not without hesitation that we can bring ourselves to credit the circumstance, as an invariably good understanding has subsisted between the United States and the Batavian Republic.

At a meeting of the citizens held at the Theatre agreeably to a notification in the National Intelligencer, for the purpose of framing a ticket for the next election of the city council.

NICHOLAS KING, was appointed chairman, and
J. H. KEARNEY, Sec.

The following nomination of citizens residing East and West of 6th street west, was made as preparatory to the selection of the number required by the act of incorporation.

NOMINATION.

West of 6th street.	East of 6th street.
Henry Herford,	*Charles Minifie,*
Saml H. Smith,	*George Collard,*
Joseph Bromley,	*J. Dempsie,*
Michael Nourse,	*Robert Alexander,*
Charles Jones,	*John Sinclair,*
Peter Lenox,	*S Hamilton jun.*
John M'Gowan,	*Alex. M'Cormick,*
Phineas Bradley,	*John Beckley,*
George Andrews,	*Peter Miller,*
Thomas Carpenter,	Wm. Emack,
Robert King,	Griffith Coombe,
Joseph Mechlin,	J. Chalmers,
T. H. Gillis,	Eb. Nesmith,
Robert Underwood,	Wm. Prout,
Thomas Thorpe,	B. Bryce,
Andrew Way,	E Gatton,
Joseph Stretch.	M. Wright,
	J Boothe,
	N. Gregory,
	Adam Lindsey,
	N. Voss.

On proceeding to select from the nomination nine persons residing west, and nine residing east of 6th street; those whose names are entered first in the above lists and printed in Italic's, had the greatest number of votes,—and are proposed by this meeting, to represent the city in the next council.

It was resolved that the chairman appoint a committee of six persons to designate the chambers for which the citizens so chosen, should be balloted for at the election. This committee consists of W. Brent, Samuel N. Smallwood, George Blagden, John Davidson, James Hewit and Dr. Gozzens. It was also resolved, that a committee of four be appointed by the Chairman to attend to the publication and circulation of the tickets, and Henry Ingle, Nich. Voss, Joseph Huddleston and J. Stevens were accordingly named.

N. KING, Chairman.
J. H. KEARNEY, Sec.

Washington, May 29, 1805.

Brigade Orders, George Town, May 27, 1804.

The court martial, of which lieut. colonel Brent was president ordered for the trial of lieut. Harper of the second legion, on the charges exhibited against him by majors Rose and M'Kenny, to wit:—

"Charge 1st. For misbehavior when on duty.

Specification 1st. In having in the year 1803, at sundry musters, and while acting as lieutenant of the rifle company of the second legion, under colour and pretence of collecting from the officers and privates of the company each man's equal share of the expenses attending a voluntary contribution for the purchase of refreshments for the comfort and entertainment of the said company, demanded and collected more than the