FOR THE FEDERAL GAZETTE.

Meſſrs. Yundt & Brown,

I HAVE read a liſt of the laws, and ſuch of the laws at length, as were paſſed at the laſt ſeſſion of our legiſlature, and have been publiſhed for the information of the public; among the firſt of theſe is the act to *alter, change and abolish ſuch parts of the conſtitution and form of government, as relate to the eſtabliſhing a general court and court of appeals.*

The general court was eſtabliſhed at the firſt ſettlement of this ſtate, then province of Maryland—it has at different periods undergone ſome alterations, but juſtice has always been adminiſtered in that court with ability, and to its great honor, with unblemiſhed integrity. One great advantage reſulting from the inſtitution is, that it gives a choice of juriſdiction to ſuitors on great and important occaſions, or where either party had reaſon to apprehend undue influence in the county. The jurors of this court being brought from diſtant parts of the ſtate, unknown to the parties and to the ſubject of controverſy between them, popular prejudices that ſometimes extend to the denial of juſtice, are wholly avoided. At this court alſo, from the great variety and more enlarged, as well as more important ſcenes of buſineſs conſtantly tranſacted, a ſtimulus to talents and induſtry was excited and well rewarded: hence ſome of the ableſt lawyers this country has ever produced, have been raiſed at the bar of this court. In fact, all the great legal talents of the ſtate are there collected and matured, and cannot be ſo monopolized by either party, but that every cauſe may be ably advocated, and ample juſtice rendered. Aboliſh this court, and in twenty years hence there will be few, if any, ſound lawyers or good judges in the ſtate—a conſideration that ought to make prudent men heſitate on the meaſure, when it is recollected that the government of the United States being fixed in Maryland, we ought to preſerve and advance every means within our power, to enable us to bring our due proportion of talents and influence into the federal councils.

The county courts now have juriſdiction in all caſes equal to the general court. If a ſuit is brought in the general court, it is becauſe the plaintiff wiſhes to try his claim there—and is the creditor in no inſtance to be conſidered as worthy the protection of the legiſlature? Muſt our laws forever be in favor of debtors only, and to the deſtruction of credit? I have never yet known an inſtance where a creditor in mere wantonneſs oppreſſed his debtor, or preferred ſuing in the general court to the county court, unleſs there exiſted a good cauſe for doing it; but I have known many a debt loſt by indulgence, and by ſuing in the county court, where, from the unſkilfulneſs of the attorney, or the difficulty of getting proof from a diſtance, it often becomes impoſſible to ſuſtain the claim.

The merchants of Baltimore are excluſively the importers of all goods vended and conſumed within the ſtate, and they furniſh the retailers in all the different towns in the different counties in it. While the general court exiſts, a merchant has one attorney well known to him, and on whoſe integrity and abilities he can rely, and to whoſe management he intruſts, with confidence, all his legal concerns; and if neceſſary, he can ſend his clerk and books to the general court, to ſubſtantiate his claim on a few hours notice: but what will be his ſituation when he muſt have a different attorney in every county, to whom he is a ſtranger, and when his teſtimony and books may be wanted in two or more diſtant counties at the ſame period? The debts are contracted at Baltimore, there the payments are contracted to be made, and the evidences of the debt remain there alſo; but if they are henceforward to be ſent all over the ſtate, and inſtead of trying the cauſe where it originated, or at a convenient diſtance thereto, it is to be tried only where the *defendant* reſides, by lawyers in whom the plaintiff cannot have confidence, becauſe they are unknown to him; and if he is happy enough (which from a variety of reaſons will not often be the caſe) to ſuſtain the ſuit in the firſt inſtance, he may ſometimes find difficulty in getting his money from the attorney, always attended by ſome riſk, and the expence of commiſſion for the receipt of it. If theſe and many other difficulties that may be ſuggeſted will reſult from this meaſure, what merchant can rely on a regular collection of his debts? Credit ſo hampered cannot be ſuſtained, and will in the end be finally deſtroyed.

And three-fifths of the ſuits in the general court originate from Baltimore; our delegates from town and county would have found no difficulty, had they made the experiment, of removing the general court to this city. The judges and officers of the court would not have objected to it, and to the inhabitants of Annapolis it would have been more agreeable, at moſt, it could not be more diſagreeable, than aboliſhing the court altogether. It would have ſuited every part of the ſtate that has ſo frequent, and ſuch convenient intercourſe with this place, and it could not have been on any occaſion materially inconvenient to any individual, and might yet (I am perſuaded) be carried into effect. Some improvements might be made to the preſent ſyſtem, by taking more jurors from the neighboring counties, and none from the diſtant ones, as to remove all complaints on that ground; and other improvements equally beneficial muſt ſuggeſt themſelves on the ſubject of witneſſes, to every profeſſional character: thus all the popular objections to the general court may be removed, and it might ſtill be ſuſtained, to the great benefit of the ſtate, but particularly to the great mercantile intereſt of it.

Theſe obſervations are not made in the ſpirit of party, or from any intereſted motives, but ſolely to draw the attention of the public, and particularly the inhabitants of this city, to a very important ſubject, before it be too late to attempt any remedy. The law itſelf, by which theſe changes are to be made, muſt paſs in its preſent form, without the alteration of a ſingle word, or it will not have the legal effect to alter the conſtitution. It ought therefore to provide and ſubſtitute a complete ſyſtem to that which it deſtroys, and ought to be well conſidered that our next repreſentatives may be inſtructed, and if if neceſſary, elected with a view to this queſtion.

The act will go into operation on the 1ſt March, 1804, if it is confirmed at the next ſeſſion, at which time our preſent law, for eſtabliſhing diſtricts, and county courts, will be in force. From the general tenor of the propoſed law, it is not intended, I preſume, to continue the law now in force, and yet it is not repealed, and a ſubſequent law to repeal or continue it, muſt be enacted for that purpoſe. No proviſion is made as compenſation to the judges: No proviſion is made reſpecting the records of the general court, on which great part of the titles to real property depends: No proviſion is made for the ſuits now depending in the general court and court of appeals; or for the iſſuing of executions on judgments that have been there obtained; but above all, there is no proviſion in this propoſed law that declares the judges ſhall hold their commiſſion during good behavior—they will hold it therefore, and I ſuſpect are intended to hold it, during pleaſure only, and thus that great ſubject of contention throughout all America, and which the conſtitution of this ſtate particularly enjoined, will be deſtroyed, and the independence of your judiciary loſt forever, and made ſubſervient to the varying breath of popular clamor. Are the people of Maryland prepared for this? And if they are, where will you find judges of ſufficient capacity and worth to fill the ſtation, that will accept of ſuch an appointment!! The conſequences are obvious—you muſt have a judiciary without competent legal knowledge, or unworthy of public confidence.

I know that it may be alledged that all theſe objections may be removed by ſubſequent laws; but will any prudent legiſlator vote this law into exiſtence; that will deprive him of all poſſibility of redreſs, if the other neceſſary proviſions ſhould not be adopted. The legiſlature may differ on the propriety, or as to ſome of the particular proviſions of thoſe laws. Artful deſigning men may have influence to clog them with ſuch conditions as to defeat the remedy and leave the ſtate in a deplorable ſituation. I could inſtance many ſuppoſable caſes that would have this effect, and ſome, where in other inſtances, ſuch conduct has prevailed; and as we cannot anſwer for the conduct of any man, more eſpecially of men whom at preſent we cannot know will be choſen to the next legiſlature; it would be folly in the extreme if we truſt to theſe neceſſary proviſions being ſupplied hereafter. Mr. Purviance, much to his honor, ſaw theſe objections immediately, oppoſed the law, and voted with an independent ſpirit againſt his party and his colleagues.

The court of chancery, which of all courts in the ſtate, required moſt to be regulated, and the buſineſs of which is now in arrear, and accumulated to ſuch a degree, as almoſt to preclude all hopes of ſeeing the end of any ſuit in it, remains untouched. While that court remains at Annapolis, if there were much more induſtry exerted than there really is, this muſt continue to be the caſe from the difficulty that attends the execution of proceſs, there being ſo little intercourſe between that place and the diſtant parts of the ſtate. The propoſed law gives the court of appeals a power to decide on appeals from chancery, but as there is no chancery on the Eaſtern Shore, where are the appeals to that court, ſitting on the Eaſtern Shore, to go from? Are the cauſes in chancery, originating from the Eaſtern Shore, to be decided by the court of appeals, in the laſt reſort, of the Weſtern Shore, or are they to be ſent to the court of appeals on the Eaſtern Shore? The law is quite ſilent on this ſubject, and on many others not enumerated; but if there exiſts a real diſpoſition to reform theſe courts, it will be no difficult matter to do it, without deſtroying them altogether.

I know not whether this law is a meaſure of party, and like that paſſed a year ago intended to get rid of the judges only: Whether, like that law, it is intended to furniſh another example to the government of the United States, or that it is founded upon ideas of political economy; but if the latter motive had any influence in bringing this law into exiſtence, it would not have required more talents or induſtry to diſcover other ſources, upon which economy might be exerciſed, without the poſſibility of injury, and which I am aſtoniſhed that no experimental patriot has yet adopted, that is, to apportion among the different counties the expence of each ſeſſion, and to levy the amount upon the taxable property of the individuals, at the next levy courts thereafter: by this means every individual will *feel*, and *know* the value of the talents and labor of his repreſentatives, and it will make the repreſentatives more anxious and careful to do ſomething of great public utility, or to ſhorten the duration of the ſeſſions, which are now extended to the enormous expence of 30,000 dollars, when not more than a dozen of the laws are of a public nature, and of little value to the public intereſt. Other economical improvements alſo occur, ſuch as reducing the repreſentatives from four, to two for each county, and inſtead of annual elections, and annual ſeſſions, let the elections be for three years, and only one ſeſſion in that period, unleſs the governor ſhould find ſome important occaſion to convene the legiſlature oftener, which he might then do by his proclamation: for I am decidedly of opinion that men bent upon undoing what has long been eſtabliſhed by the wiſdom and experience of their anceſtors, may undo more in one ſeſſion, than the wiſeſt legiſlators could organize in three. By this means, in three years, ſixty thouſand dollars might be ſaved to the public, and more uſefully employed in the improvements of roads, bridges, &c. We might likewiſe either aboliſh the council, and veſt the executive ſolely in the governor; or aboliſh the office of governor, and veſt it in the council; theſe alſo, inſtead of being five, might be reduced to three, and a conſiderable burthen to the public ſaved in expreſſes to ſummon them to attend to their duty, by obliging them all to reſide at the ſeat of government. This regulation would have the additional advantage of fixing a greater degree of reſponſibility than at preſent exiſts, and of removing all doubts as to that reſponſibility between the council and the governor, who, according to the preſent method of conducting the buſineſs, is conſidered only as a maſter of ceremonies, to preſide at public dinners, and to entertain ſtrangers at his own expence, and much to the injury of his fortune.

If I were a legiſlator, or had any chance of ever being one, I ſhould perhaps, like other politicians, take great pride in projecting ſome improvement, or other, no matter what, of our conſtitution; but ſeeing from experience that our condition is not made better, and that there is great riſk of its being much worſe, I think it the duty of every man who has property, and wiſhes to preſerve it, to adhere to our ſocial compact, that we may at leaſt know what it is, which theſe frequent alterations will ſoon render difficult, if not impoſſible.

A CITIZEN.

LANCASTER, (Penn.) January 29.

COURT OF IMPEACHMENT.

TESTIMONY ON THE PART OF THE PROSECUTION AGAINST

JUDGE ADDISON.

John B. Lucas, on the part of the proſecution was firſt ſworn. He ſaid he attended as an aſſociate judge at the court of common pleas for Allegheny county, on the 28th of March, 1801, when an action of ſlander was tried betwen Jonathan Coulter, eſquire, and James Moore, in which a verdict was found for the plaintiff. At that trial, Mr. Addiſon, the preſident addreſſed the jury on the ſubject of giving examplary damages in caſes of defamation. Mr. Lucas ſaid his opinion was different from Mr. Addiſon; was for very low damages in the preſent caſe and he gave his reaſons for doing ſo. After this Mr. Addiſon addreſſed the jury and ſaid, gentlemen, what the judge has told you may be ſtrictly true, but it has nothing to do with the preſent queſtion. The judge and I differ in opinion; it is probable we ſhall often differ; but what he has now ſaid has nothing to do with the queſtion before you.

Queſtion on the part of the impeachment managers. Were thoſe expreſſions of Mr. Addiſon delivered in a paſſion? Anſwer. I did not conſider them as uttered in a paſſionate manner. I conſidered it as bordering on contempt. I thought both from the words and the *affirmative* way of making the obſervations that he wiſhed to make me contemptible, and leſſen my ſtanding as a judge.

Queſtion by the ſame. What was the verdict of the jury in that caſe? Anſwer. 6 cents or 12 cents, without *ſpeaking* of coſts. Mr. Addiſon obſerved, that if they intended Coulter ſhould be allowed the coſts, their preſent verdict would not embrace that object. The jury then without going out of the box, in a kind of club put their heads together, and awarded ſuch damages as would probably amount to or cover the coſts—35s. or 36s.

Queſtion by the ſame. Did you expreſs what damages you thought would be proper? Anſwer. No. As he (Mr. Addiſon) was not explicit, I was not explicit. I thought that Mr. Addiſon had attended only to one ſide of the argument, I tho't his obſervations would have a tendency to produce high damages, whereas I was in favor of law.

Queſtion. Did Mr. Addiſon ſay that in the preſent caſe the jury ſhould give exemplary damages? Anſwer. I do not recollect that he made uſe of the word *exemplary*—but his charge was to that effect.

Queſtion by judge Addiſon. You ſay that my addreſs had a tendency to produce high damages, will you ſay what part of it expreſſed the neceſſity of high damages in the caſe of Coulter againſt Moore? Anſwer. I believe you evaded or you did not thing proper to apply your arguments to the particular caſe. You took things on a general ſcale. You obſerved that "a good name was a jewel," and quoted the reſt of the paſſage from Solomon. [Here judge Addiſon obſerved that the quotation was from Shakeſpeare and not from Solomon.] To which Mr. Lucas replied, "it is no matter." I am not acquainted with Shakeſpeare, and it may be ſo or may be not. *I ſtate facts!*—You (Mr. Addiſon) ſaid that a good name was a jewel. Mr. Addiſon here aſked Mr. Lucas if he meant to ſay that a good name was not a jewel, on which Mr. Dallas roſe and obſerved that it was not proper to aſk the witneſs ſuch a queſtion. He wiſhed the buſineſs to proceed with the utmoſt delicacy on both ſides. Mr. Addiſon replied, I will not willingly fail on my part to obſerve the ſtricteſt decorum. The gentleman has ſtated my expreſſion in ſuch a manner as to imply a doubt of its correctneſs, and I think I have not violated decorum in aſking for an explanation.

Mr. Whitchill ſaid that the preſent mode of procedure was too wide apart from the uſual mode. The ſenate, he ſaid, wiſhed to be informed of facts and not opinions. He wiſhed, therefore, the gentleman would confine himſelf to the facts and the evidence only.

Mr. Lucas ſaid, "I wiſhed to have expreſſed myſelf fully, and had not you (Mr. Addiſon) interrupted me I ſhould have explained myſelf." He proceeded—"Well, I was ſaying that Mr. Addiſon uſed an uncommon degree of zeal to impreſs on the minds of the jury the magnitude of the offence of ſlander, and as I knew that Coulter had always acted improperly, and that in this caſe an inſtance was adduced, therefore if a good name was to be an evidence of immaculate rectitude, Mr. Coulter was not entitled to it, and the damages ought accordingly to be moderate."

Queſtion on the part of the managers. Was there in the caſe of Coulter againſt Moore any evidence adduced of improper conduct on the part of Coulter or of any improper perſon being kept about his houſe. Anſwer. So far as I can recollect, it was produced in evidence that a certain man had boaſted that he could keep company with a girl who was under the guardianſhip of Coulter; that a hint of this had been given to Couler, and he ſeemed to pay no attention to it.

Queſtion by Mr. Addiſon. Do you not remember that when I addreſſed the jury I ſaid that although they found him guilty they muſt award ſomething, yet that they were the ſole judges of the amount of damages. Anſwer. I do not recollect it, ſir!

Queſtion by the ſame. Do you not recollect my ſaying, before you attempted to addreſs the jury, that Mr. Coulter's not having brought an action againſt the perſon who reported relative to the intimacy with one of his family, was no more reaſon why he ſhould not recover damages in the preſent caſe than that a man who had brought an action to recover damages for taking away his horſe ſhould not recover damages becauſe he had not brought an action againſt another for taking his cow, nor why a man ſhould not recover damages in an action of ſlander becauſe he had not proſecuted another for an aſſult and battery. Anſwer. I do not recollect, ſir.

Queſtion by the ſame. From what circumſtance did you diſcover that I was in favor of high damages? Anſwer. It was from a compound of circumſtances.

Queſtion. Was not judge Wallace on the bench, and did he not ſit between you and me, did you not conſult him on the ſubject, and did he not diſſent from your opinion? Anſwer. I do not recollect, ſir!

Queſtion. Was not Mr. Wallace placed on your right hand? Anſwer. I do not recollect!

Queſtion. What judges were preſent? I do not remember; but I believe Mr. Wallace was there and you and me.

Judge Addiſon ſaid. The fact is—all the judges were preſent.

[What a ſurpriſing memory this principal evidence muſt have been bleſſed with. He could not recollect very particularly all the circumſtances tending to inculpate Mr. Addiſon. But he could not recollect any thing in extenuation. He was ſitting as a judge on the bench; but he could not recollect how many judges were on the bench, nor who was on the right hand, nor who on the left of him! Citizens of Alleghany, we wiſh you much joy of your "ſecond Gallatin" your GALLIC-AMERICAN member of congreſs.]

William Ayres, on the part of the proſecution, next gave his teſtimony as follows:

I was preſent at the court of common pleas, on the 28th March, 1801. The action then tried, was an action of ſlander, brought by John Coulter, eſquire, then a juſtice of peace and tavern keeper, againſt James Moore. The defendant undertook to prove the truth of the allegations, the principal of which was that he kept a houſe of ill fame. The defendant gave in evidence ſundry irregularities that went a conſiderable length to juſtify his aſſertion. After the teſtimony was cloſed, Mr. Addiſon gave a charge to the jury, of which I cannot recollect the words, but they appeared to be favorable to the cauſe of the plaintiff, and implied, that the defendant had not made out his charge—that conſidering the ſituation in life of the plaintiff, the jury might find ſomething proportionate, or more than mere nominal damages. After Mr. Addiſon had concluded, judge Lucas turned to judge Wallace on his right hand, and ſaid ſomething, on which Mr. Wallace ſhook his head. [The reader will mark, that Lucas "ſwore he did not recollect" where Mr. Wallace was!] Mr. Lucas then obſerved that he had ſomething which he wiſhed to addreſs to the jury—and made ſome obſervations, which I do not particularly recollect: but they were of a tendency that Coulter ſhould have leſs damages—that the defendant had juſtified ſo far that they ought not to give more than nominal damages. Both judges expreſſed their opinion that the jury had the ſole right to determine the damages, and left it to them entirely. [Mark again reader.] After judge Lucas had concluded his obſervations, judge Addiſon ſaid to the jury "you ſee, gentlemen, there is a difference of opinion; and it is very probable, that that gentleman and I will very frequently differ in opinion. Judge Lucas then ſaid, gentlemen, you have heard the learned judge's opinion; however, this is my opinion. Judge Addiſon immediately after obſerved, "what the judge has ſaid may be all true; but it has nothing to do with the purpoſe. You will therefore pay no attention to it." No farther obſervations paſſed, and the jury retired.

Croſs examined by Mr. Dallas.

Mr. Ayres ſaid, that he had no impreſſion that judge Addiſon ſpoke with more warmth than uſual. He was ſomething warm, and ſpoke in a ſhort manner, when he ſpoke to impreſs the jury, that what Mr. Lucas ſaid was irrelative. No impreſſion of unuſual warmth.

Judge Addiſon wiſhed the witneſs to be aſked, if he did not, generally, in addreſſing the jury, ſpeak ſo loud as to be heard diſtinctly through the court-room. And, as Mr. Ayres was a lawyer, and had been in the habit of hearing the judges of the ſupreme court, and others, he wiſhed him to be aſked if he did not uſually ſpeak more audibly than they.

Mr. Ayres replied—"Judge Addiſon generally ſpeaks ſo loud as to be heard very diſtinctly. So far as my recollection goes, of the judges of the ſupreme court, they do not ſpeak ſo loud or ſo diſtinctly as judge Addiſon. It does not appear that he ſpoke louder or warmer than commonly."

Tarleton Bates was next called by the managers of the proſecution. Said he was preſent at the trial in March, 1801, but did not recollect the particular charges of the judges, and probably it would not be proper to give his opinions or his impreſſions at the time. He ſaid the preſident (judge Addiſon) had delivered an animated charge of conſiderable length to the jury, which, in his opinion, went to impreſs the jury with the neceſſity of high damages. Judge Lucas endeavored to impreſs the jury with a contrary ſentiment, and ſpoke in favor of low damages. Judge Addiſon then turned to the jury, and ſaid, that judge, or that gentleman and I, differ in the opinion, and it is likely we ſhall frequently differ—but that what Mr. Lucas had ſaid was not to the purpoſe, and they ſhould pay no attention to it. The verdict of the jury was *ſix cents* damages. The preſident aſked if it was not the intention of the jury, that the defendant ſhould pay the coſts; and ſaid their verdict did not embrace that object. On which the jury in a few minutes returned, and gave a verdict of *forty-one ſhillings*. [Reader, mark again, that judge Lucas ſaid, I *ſtate facts.*]

Witneſs croſs-examined by Dallas.

Said, that according to his ſtrong recollection, judge Addiſon turned round with his face to judge Lucas, and his left hand to the jury, and ſaid "*that* judge," &c. with ſome warmth.

On the croſs examination of this witneſs by judge Addiſon, it appeared that judge Lucas ſat on the left hand of the preſident, that the jury boxes were alſo on the left hand, that they came up nearly to the front of the bench, and that it was impoſſible for judge Addiſon to addreſs the jury without turning towards Mr. Lucas.

Thus cloſes the teſtimony on the firſt article of impeachment. We ſhall publiſh the teſtimony on the ſecond article in a ſupplement of Tueſday next. We earneſtly ſolicit the attention of the public in this intereſting caſe and ſincerely regret that it is not in our power to lay the whole before them in one paper.

The pleadings in the caſe of judge Addiſon ended on Monday evening. The ſenate adjourned till Tueſday morning: when as there was no debate, and as all the members had head the teſtimony, we expected they would have been as able to decide that day as the next. But whether it was with a view of ſeeing an *unanimity* among the democratic members or for the purpoſe of gaining *further* information, is not *our* province to determine;—but ſo it was that they adjourned till the next day, when to the *ſurprize* of many ſpeculative folks, the whole 20 democrats voted *nemine contradicente*—"God ſave the commonwealth and the honorable court."

[*Lan. Jour.*]

From the NEW-YORK EVENING POST.

Intereſting account of the projects of France reſpecting Louiſiana.

[CONCLUDED.]

The following explanation of the myſterious conduct of the intendant of New-Orleans, if not entirely ſatisfactory, is ingenious and plauſible:

"Shall we try to explain this conduct in the intendant of the province? Is he not a native of the ſoil? Has he not large poſſeſſions in the country? Has he not the *Creole* jealouſy of Spain; the national antipathy of France? Does he not call the province his country; and does he not deſire the promotion of his own importance, and his country's true intereſts, by the only meaſure likely to rouſe the ſtates into action? Were the heads of our government endowed with the French ſubtlety, we ſhould incline to ſuſpect a concert on this great occaſion between them and the Spaniſh officers—Or is this breach of treaty committed in purſuance of the mandate of Bonaparte, who diſdains to take the gift clogged with any troubleſome or diſagreeable conditions? Or is it the blunder of a well meaning man, *dreſſed in a little brief authority*, who interprets the treaty in this manner?

None of theſe ſuppoſitions are improbable, except the laſt. But the true clue to the riddle is undoubtedly this. Spain, however loth, could not refuſe this province when imperiouſly demanded by France; but her cunning ſuggeſted an expedient, by which the French might be prevented from obtaining poſſeſſion without expoſing herſelf to any blame. *Secret orders, orders not to be avowed*, were diſpatched, that, on the arrival of official informa-