From the Lancaster Journal.

COURT OF IMPEACHMENT.

Sketch of the arguments in the case of
JUDGE ADDISON.

On the part of the prosecution,

It was contended,

1st. That it is the right and duty of an associate judge to address a grand jury, as well as a petit jury.

2d. That J. Addison in depriving J. Lucas of the exercise of that right has been guilty of an unjust, illegal and unconstitutional misdemeanor in office.

3d. That an impeachment is the only mode in which this misdemeanor can be punished.

The fifth article of the constitution of Pennsylvania was cited to prove the equal co extensive power of the judges—that they held their offices upon the same tenure, "during good behavior"—that even in a court of oyer and terminer, although the president is necessary to form the court, yet when the court is formed, all distinction is at an end; that in *every* case, whether criminal or civil, whether as it relates to the duty of a grand or petit jury, the powers and rights of *all* the judges are the same—that no out-of-doors agreement of the judges could destroy the constitutional right of equality. In abstract, legal questions the associate should *conform*, but not as to theoretical opinions—that it is the duty of a judge to express his opinion when he dissents!—that the charge to the grand jury has from time immemorial been considered as the act of the court; that the chief justice of supreme court, the president of common pleas, the speaker of the senate, the chairman of a committee and the foreman of a grand jury mean the same thing—a kind of certifying officers, who frequently are obliged to declare the decision or result in the opposition to their own opinions. The president, agreeably to the act of assembly, must be a legal character, but that creates *no* distinction as to the equality of rights in the judges. It neither enlarges the right of the president, nor diminishes that of the associate. 2d Bacon's A. 160, cited to shew the equality of justices in sessions. Christian's notes to Blackstone, 574. 4th Burns, 248, 2d edition, case of J. Yeates's opinion in opposition to J. Mansfield confirmed on writ of error. 4th state trials 106—7, duty of the judge to give his reasons of dissent as well as agreement. A judge exists only in the exercise of his own judgment and cannot act by deputy. That in England formerly nothing was the subject of a charge but the official duty of a grand jury and this country has shamefully departed from it, but no distinction of extra matter can do away the right of a judge! It is necessary for a judge to dissent where political doctrines are brought forward for the purpose of influencing the grand jury! The judges of Allegheny county could not surrender their rights to the president. They are the rights of the public. In the case of Coulter against Moore, two leading consequences obviously resulted from the conduct of J. Addison; the first was a wrong to the defendant in that cause, by depriving him of the benefit of J. Lucas's charge, and the second, J. Addison saying that J. Lucas and him "would often differ," was destroying all the influence of the latter on the bench and operating against every future attempt of Mr. Lucas to exercise his right—that J. Addison's words and actions in that trial evinced passion and hostility to Lucas, and a wish to monopolize the whole power of the court; that the conduct of J. Addison on this occasion was a key to that of the 2d June, 1801, and therefore connected with the 2d article of impeachment.

That, as to the 2d article of impeachment J. Addison had assumed authority not given by law when he acted in company with J. M'Dowel, as well as when he acted alone, he assumed an authority, not given by law, in stopping J. Lucas from discharging his public duty. That *more* arbitrary, *more* tyrannical, *more* oppressive conduct had not appeared in any court since the days of *Jefferies*. That when Addison and Lucas only were on the bench any address of the former without communicating with the latter could not be an act of the court, as neither of of them could act without the consent of the other. By his single act he could not adjourn the court, therefore the adjournment in June, 1801, was illegal, and the deprivation of Mr. Lucas's right was arbitrary and unconstitutional. That J. Lucas could not be bound by any agreement of the other judges: for the gift of exclusive privilege to deliver addresses was a barter or surrender of rights to which every one concerned had a right to dissent and not to be bound thereby; therefore the claim of J. Addison was under an agreement which was a fraud upon the rights of J. Lucas. Justification on this subject was out of the question, for it was not sufficient to say that he did not know that the act was unlawful. The arbitrary dismissal of the court brings it within Scrogg's case, 3d state trials. J. Addison's threat that he would find means to make J. Lucas desist could mean nothing less than imprisonment.

Mr. Dallas said impeachment was the appropriate remedy for the offence and that there is *no other* under the laws of Pennsylvania—it is not indictable, therefore not the subject of an information; for *if there be sufficient cause of impeachment, a removal cannot be by address*. [How are the impeachers proceeding with J. M'Dowel, whose situation they have said is exactly similar. Oh consistent patriots!]

On the part of the defendant.

Mr. Adison said he had been president of the court of common pleas of the 5th circuit near 12 years; for 5 years, and until a new county was added to the circuit, he was never absent from any court a single hour—during which period he had to encounter the arduous task of bringing order out of the confusion into which the county courts had been unavoidably thrown by the justices of the peace. In the 12 years of the presidency there was no bill of exception, nor any writ of error on a demurrer or case put upon the record.

He said that in looking over the articles of impeachment he could see no shadow of corruption or dishonesty, no usurpation or abuse of authority. It expressed that he had been guilty of misdemeanor. A misdemeanor is an act committed or omitted in violation of a *public* law, either forbidding or commanding it; (Blackstone's Comm.) Every offence includes within an unlawful act, an *evil intention*—the act must be clearly unlawful, either evil itself or forbidden by law. Misdemeanors are punishable both by impeachment and indictment.—The ground of both is an *unlawful* act with an evil *intention*; but error of judgement is not criminal, and *fault* alone, without guilt, no ground of impeachment.—The constitution and laws had placed honest judges above all fear: a judge is never liable in any civil actions for his mistakes, nor to any criminal prosecution but for a manifest evil intention in an unlawful act, corruption or wilful oppression. The legislative, judicial and executive powers of the government are co-ordinate, and whatever disturbs the independence of any branch shakes the whole fabric of the republic; therefore it has been wisely provided that the judges shall be continued in office during good behavior.

The president of a public body is the mouth-piece of that body; it must be particularly so in the common pleas, where the president only is presumed to be skilled in the laws. (State laws, 93.) The first article of the impeachment appears totally null or void in itself, and in any court of justice such an indictment would be quashed on motion. I am charged with telling the jury that what J. Lucas said to them "had nothing to do with the question before them, and that they ought not to pay any attention to it." Now, there is nothing can be proved, criminal in this, because the article does not set forth the evidence given on the trial nor the nature of the address. No criminal act is stated on the record. Even if an *evil* intention was annexed to this act, it would not be an impeachable offence; for the act itself being lawful, no evil intention can be adduced, unless it is by judges of the heart. An unlawful act must first be proved. It must appear plainly to the senate that what J. Lucas said on that occasion was foreign to the issue submitted to the jury, and it was my duty to tell them so. Who has attempted to degrade? Is it not J. Lucas.

Article 2d. alledges an unlawful act, but the proof has not been made out, nor can it be, that I did it *knowingly and wilfully*. I repeat that without an evil intention there can be no crime. There is no rule of common law, no clause in any statute, nor in the constitution, that makes it unjust or illegal for a president to prevent an associate judge from delivering a formal charge to a grand jury. The right claimed by J. Lucas was never before claimed In no other instance after a president had delivered a formal charge to a grand jury had an associate undertaken to deliver another formal charge. It was an innovation which would have produced much inconvenience! for if one associate did it, all might follow his example and there would be no limit to the time that might be occupied in this way. Could it therefore be criminal to resist such innovation? In all matters relative to the immediate duties of a jury, either grand or petit, Mr. Lucas never was restrained from giving opinions publicly. He has only been prohibited from delivering *extraneous* matter.

It was a rule agreed on by the court of Allegheny in the year 1791, nine years before J. Lucas came to the bench, that the president should address the grand jury.—The introduction of *extraneous* matter in addresses by the president was not a matter of right, but of *permission and usage*. Lucas was told that he was going against the *known* opinion of the court. *Before* Lucas was prevented he confessed that what he had to say did not relate to the immediate duties of a grand jury. The intended addresses of J. Lucas did not relate to any subject before or connected with the court in June, 1801. It was in answer to a charge delivered in December, 1800; and as the prevention in 1800 is not before the senate, and nothing can be made a specific charge unless laid in the articles, the "irregular adjournment of the court cannot for the same reason, independent of every other idea, be urged as a specific charge. Any judge may adjourn the court, or may direct the clerk or any other person to say the court is adjourned. The usual solemnities are not necessary. If one judge says the court is adjourned, and retires, and the other judges also retire, this is a regular adjournment.

The *time of meeting* was *fixed*, and there could be no *breaking* up of the court, unless the judges all retired without fixing on a time of meeting, with a *determination* to break up the court. If there really was an irregularity in the present adjournment, it was the only means of preventing an improper measure, an innovation on the established rules of the court. The English authorities have no application to the present case; where have the constitution and the laws are the only guides. In England a man may be impeached for *any* crime and the lords may pass sentence of *death*. In Pennsylvania impeachment is only for misdemeanor in office. Witness Oswald's case, when on motion to impeach the judges of the supreme court, it was agreed that bribery, corruption or a wilful and arbitrary infraction of the law, were the *only* true grounds for impeachment. Scrogg's case was never tried and the dismissal of the grand jury at that time was not laid as a charge.

Judge Addison said that in the present case the general bent of the testimony had been misconstrued and perverted, and his conduct misrepresented in the grossest manner. If he was *smooth*, it was said to be all *art*—if he was *rough*, it was all force. The prosecution had placed him upon the bed of Procrustes and in *any* way he *must* be criminal.

[We trust that no reader will consider the foregoing as containing even a comprehensive summary, (which we had hoped to have been able to give) of judge Addison's defence. That defence in detail will make about forty pages of octavo, in small type, and in point of eloquence has been seldom surpassed. We have only given the outline. In about three weeks the whole proceedings, will be published.]

SALEM, February 20.

Arrived, brig Liberty, capt. Fillebrown, 22 days from Tobago.

A WRECK.

On Friday a wreck was seen without Baker's island, and on Saturday morning she was taken possession of by two boats from Marblehead. She was bottom up, and at anchor, her anchor probably falling over when she overset. Yesterday she was got into this harbor, and the name discovered, viz. the MARTHA OF PORTLAND. There is no hope that the unhappy people belonging to her have not perished. This vessel is supposed to be the Martha, Barton, of Portland, which was at Alexandria about 14 days since.

BOSTON, February 20.

Arrived, brig Orion, captain Daniel Bradford, from Surrinam—Sailed January 31. Beef was at 15 dollars, pork 19, flour 10, molasses 36 cents, and nothing else allowed to be exported in American vessels. Captain B. went into St. Thomas, and sailed from thence, February 8—beef was selling at 12 dollars, flour 6. Captain B. came through the vineyard on Saturday, and saw several vessels in Holmes's Hole, and a little to the eastward of it, a schoner on shore; and a schooner on shore near Chatham Bar.

Same day, schooner Dwyer, Shanks, Norfolk via vineyard.

February 22.

Arrived, brig Aurora, captain Allen, 27 days from Martinico. Markets at St. Pierre—Flour 7 dollars, beef 14, pork 18 to 20, fish 6, and lumber 16.

Same day, snow Fox, captain Stover, 22 days from Fort-Royal, and 17 from St. Kitts. Several American vessels after obtaining legal permits at St. Pierres, for shipping sugars, had been detained by government. At St. Pierres, beef at 15 dollars; flour from 7 to 8, lumber 16, fish 5, pork prohibited, molasses 45 sous, scarce. By a late act of government, 9 per cent. is to be paid on all money shipped from Martinico, unless the outward cargo, is reshipped in molasses or rum. Spoke, January 30, off Dominico, schooner Welmouth, Bavage, of Wiscasset, for Baltimore. Java, Calaghan, from Barbados, for St. Kitts, to discharge his cargo. February 7, lat. 28, long. 69, brig Courier, Dogget, from Jamaica, for Norfolk. February 11, lat. 32, long. 7, ship Martha, Shillaber, from Calcutta, for Salem. 18th, a brig, three days from New-York, for Lisbon—had met with a heavy gale, and put back in distress. 16th and 17th, in lat. 39, long. 72, experienced a very heavy gale from north east.

The ship Ranger, from St. Ubes, came to an anchor under the fort last evening.

NEW-YORK, February 28.

We are happy to have it in our power to state, on the authority of captain Noyes, of the ship Washington, from Liverpool, that the ship Atlantic, Chew, reported to be lost off the coast of Ireland, was spoken with by captain Noyes, on the 27th January, at that time out 29 days from Liverpool, bound to this port. She had sustained no other damage than springing her rudder, and was bearing away for Cork.

The committee of the legislature of this state, consisting of one member from each county, to whom was referred the establishment of a new bank in this city, by the name of the "*Exchange Bank*," have rejected the petitions. The ballots were 9 for, and 17 against it.

Captain Beecher, of the sloop Laura, arrived on Saturday from New-Haven, left that place at one o'clock in the morning of the same day, and passed the brig Harriet, captain Wheaton, at anchor two miles from town. About half past 1, they perceived the brig to be on fire; and, from the light on the town, captain B. supposes she must have burnt to the water's edge. The Harriet was bound to the West-Indies with horses and oxen and a quantity of hay on deck. She was owned by Forbes, Henry & Co. and 5000 dollars was insured. The 12 oxen, 14 horses, beef, pork, flour, &c. on board was valued at 9000 dollars.

Arrived yesterday, the British packet Duke of Kent, captain Dennis, in 45 days from Falmouth, with the January mail. Passengers, Mr. Miller, of Charleston, and Mr. Davidson, of Canada.

Same day, the swift English ship Jesse, Boag, in 32 days from Greenock. Spoke, February 3, in lat. 42, 36, long. 42, 21, ship Sally, 15 days from Baltimore for Amsterdam. There had been no arrivals at Greenock, except those mentioned by captain Bebee, of the Delaware.

Same day, the ship Washington, Noyes, in 34 days from Liverpool. Left, Independence, Wickham, Baltimore, spring ship; Warrington, Tanna, do. do. Packet, Trott, do. do. brig Fox, Bunker, do. detained by the customs; ship John, Pratt, Charleston, in a few days.

Same day, the brig William, Ashton, in 49 days from Liverpool. Spoke, January 13, in lat. 49, long. 11, 30, the ship New-York, Seaman, 35 days from Philadelphia for Cork. 17th, in lat. 47, 55, long. 15, the American brig Enterprize, Wolcot, seventy-five days from the river La Plata for Havre-de Grace. In a gale on the 11th instant, the William, in wearing ship, took in a sea forward, which struck the mate, (Samuel Stubbs) and killed him instantly.

Same day, the brig Mark and Mary, Wiswall, in 13 days from Bass-End, St. Croix. Spoke, February 23d, 40 miles E. of Sandy-Hook, the sloop Henry, Potter, 4 days from Alexandria for Rhode-Island. Prices at St. Croix—Flour 5 dollars 50 cents; pork 17 dollars; beef 13 to 14, and all American produce proportionably low. Left at St. Croix, snow William, Beatty, of Baltimore.

Same day, the brig Juno, Richmond, in 16 days from Havanna. The American consul informed captain R. the moment before his departure, that the importation of mules in American bottoms, would no longer be permitted. A French frigate from Jamaica had recently arrived there. Nothing new had been received from New-Orleans. No armed force had sailed from Havanna lately. Flour was 8 dollars; pork 20; beef 12; lumber 35 dollars per 1000.

Same day, the brig Iris, Baxter, in 16 days from Wilmington, N. C. On the passage the Iris experienced very rough and severe weather. In a gale on the 16th instant the mate, John Wyer, of Nantucket, fell overboard and was drowned. The Iris has lost her deck load of lumber, several water casks, stauncheons, &c. On the 17th instant, in lat. 33, 20, long. 74, captain Baxter fell in with the wreck of a deep-waisted schooner, belonging to the eastward, of the burthen of about 70 tons, 8 days from Savannah for New-York; her foremast was gone, which in falling had torn up her decks—the binnacle, stauncheons, quarter rails, quarter boards, boat and compasses all gone. At this time the storm continued with great violence; the sea running tremendously high, prevented capt. B. from affording them any assistance. The crew, consisting of seven persons, were all on deck. The captain was perceived to be very much agitated; seemingly to implore captain Baxter to take them on board of the brig. The schooner had several bales of cotton on her quarters when first seen, which the crew threw overboard in presence and by advice of captain B. They lost sight of the wreck in the night; and from the weather continuing boisterous the whole of the next day, capt. B. has not a doubt but that the crew perished. On the 19th instant, in lat. 30, 30, long. 74, 15, spoke a schooner (of Boston) 16 days from Tobago, for Norfolk. Same day, another schooner, 8 days from New-York, for Virginia. 20th, in lat. 37, 7, long. 74 15, spoke the sloop Dispatch, of Hartford, from New-York, for Newbern, N. C. in a gale the day preceding, her boat was stove, sails split, and other damage sustained; the captain had his thigh broke, and was in a state of delirium when captain B. fell in with the vessel. The mate to whom the command devolved, appeared to be very much perplexed, and incompetent to the station—he meant to make for the Chesapeake, but the wind was then a-head. On the 21st instant, off the Capes of Delaware, in lat. 37, 48, long. 74 15, fell in with the wreck of the schooner Hero, of Great Egg-Harbor. She was a fine new vessel, 80 or 90 tons—both of her masts were gone, which floated along side; every thing was swept off deck. She was loaded with lumber and barley, and full of water. From the chests, &c. having been taken out of the cabin, and the hatches being open, captain Baxter believes the crew must have saved themselves in the boat. On the 22d, in lat. 38, spoke a large two-topsail schooner, from Boston for Norfolk, in distress—she was bound to Wilmington, N. C. On the 23d captain B. picked up a whaleboat forty-feet long, with the stern knocked in and other parts stove.

Same day, the schooner Thomas, Snow, in 5 days from Wilmington, (N. C.)

Same day, the schooner Favorite, Snow, in 20 days from Wilmington, (N. C.)

Same day, the schooner Lively, Hatch, in 7 days from Wilmington, (N. C.) Spoke off Cape-Hetteras, the sloop Almira, Mann, 6 days from New-York, for Washington. Had lost his mate overboard, in a gale.

Same day, the schooner Rebecca, Dalton, in 7 days from Boston.

Arrived last night, the brig Mary, Miller, in 54 days from Amsterdam. Left no vessels, except those mentioned by the Orlando. Sailed in co. ship Charlotte, for Charleston; Traveller, Billups, & George, Spriggs, for Baltimore. Jan. 4, spoke ship Carlisle, from Baltimore, for the Texel, out 34 days.

Also, the schooner Diana, Lathrop, in 10 days from Richmond.

Cleared, ship Neptune, Adams, Bilboa; brig Ranger, Gravenkop, Hamburg; schooners Eliza, Brewster, Teneriffe; Sally, Board, Martinique; Active, Crape, do.

Summary of European Intelligence by the ship Jesse.

By the ship Jesse, captain Boag, in 34 days from Greenock, English papers have been received at this office to the 22d ult.

Nothing very interesting has occurred in the European world since our last advices. The account of general Le Clerc's death, had been received at Paris, and on the 11th January at one o'clock the ministers, the members of the senate of the tribunate, and of the tribune of Appeal, had audiences of the chief consul, and presented their compliments of condolence on this event. The corps Diplomatique waited upon him at two o'clock for the purpose. The first consul went into mourning on this event, which he was to wear for ten days. Madame Le Clerc had arrived at Toulon in the Swiftsure, the same vessel which conveyed the general's remains. The journey of the first consul into the nine departments of the *ci-devant Belgium*, appears to be a thing certain. General Belliard had received orders from Bonaparte to make preparations for forming a camp of 12,000 men in the environs of Brussels. Several political changes are mentioned as likely to take place on the occasion. Among the rest, it is said that the government of Holland has it in contemplation to send deputies to meet the first consul at Brussels, and offer him the supreme power of that country, under the title of president or consul. The assumption of the title of emperor of the Gauls by Bonaparte, appears a probable event, and seems to announce the speedy concentration, into one united society, of the different branches belonging to that family. An English commentator humorously observes, "we only hope that the first consul will not look back beyond the time of the Romans, and lay claim to the property of the Gauls, who at this day inhabit the mountains of Wales and Scotland." The concentration of this powerful all-grasping family is likely to include a large proportion of the New as well as of the Old World. By choosing the central position of Louisiana, the *emperor of the Gauls* can extend his paternal embraces, east and west, as circumstances may favor. Accounts from the Hague state, that the most active exertions are making to complete the expedition to Louisiana, and that a number of additional transports have been engaged. General Cæsar Berthier is appointed chief of the staff on this expedition.

The German territory, which at the death of the Margrave of Anspach, would revert to the elector of Hanover, has been seized as part of the indemnities; whilst that part of his territory which falls to the lot of the king of Prussia remains untouched.

Extract of a letter from one of the first commercial houses in Liverpool, to another in this city, dated January 15.

"Our raw sugar market has, upon the whole, been rather flat this week, but prices keep steady, and were maintained at two public sales on Thursday and yesterday, at which about 400 hogsheads were sold. We may quote generally as follows:

"Brown & moist, 51s. to 53s. dito dry, 54s. to 56s. 6d. Middling, 57s. to 60s, Good middling, 61s. to 63s. Good, 65s. to 70s. Fine, 73s. to 78s. Very fine. 79s. to 81s. Dabs, 42s. to 48s. Manique clayeds are much enquired for, and becoming very scarce, get higher. Tetes, 56s. to 62s. Commons, 63s. to 67s. Terres, 69s. to 73s. Powders, 78s. to 88s. Our stock of Havanna sugar is now also very moderate, not exceeding 2500 boxes, and consisting chiefly of inferior white. Brown may be quoted at 36s. to 42s. Yellow, 42s. to 47s. but few, if any, remain of these descriptions. White, 53s. to 65s. As intimated in our last, we brought forward about 400 casks of coffee to public sale this week, which went off with uncommon briskness, and at higher prices than we contemplated. This market is now nearly cleared of the article, and few supplies being for some time expected, the advance is likely to be maintained, viz. for ordinary and mixed, 85s. to 92s. Good ordinary, 95s. to 98s. Middling, 100s. to 105s. Good and fine middling, 107s. to 112s. Fine, none. Triage, 58s. to 78s.—Little doing in rums. Of Jamaicas, none remaining in first hand: and the trade are very tardy in giving the prices demanded by speculators. Some few have gone off at about the prices quoted in our last. Common leewards are held at 3s. 4d. to 3s. 6d. but not asked for of late, which may be attributed to but few ships being fitted out for Africa at this season.

"The demand for cotton continues regular, without any variation in prices. Some fine Sea-Island, of the new crop, has been sold from 2s. 11d. to 3s. 0 1-2d. Brazils have been much enquired for, and about 1300 bags have been taken. Pernambucco at 2s. 3 1-2d. to 2s. 4 1-2d. Maraham 2s. to 2s. 0 1-2d. Bowed Georgias, about 500 bags at 14d to 14 1-2d. and a few Carthagenas at 17d. On Friday next we bring 800 bales of New-Orleans, with some other descriptions to the hammer, the event of which will be given in our next.

"Dyewoods are very scarce and high—Logwood, Jamaica 19l. to 20l. Honduras none. Campeachy 23l. to 24l. (Do. under lock for exportation 16l. to 19l.) Fustick 15l. 10s. to 16l. 10s. Barwood 16l. to 18l. Brazil wood 90l. No Nicaragua wood at market. Pimento 10d. to 10d. 1-4d. scarce. Little cocoa or ginger on hand, and at the same time seldom enquired for. No alteration in American ashes. Carolina rice under lock 30s. to 31s. The home demand for wheat and flour continues very slack, but we have enquiries for exportation. 9s. per 70lbs is offered for Canada wheat to 9s. 6d. for good American. Canada flour, superfine 34s. to 35s. and fine 2s. per barrel lower."

From a Clyde Commercial List, of January 22, 1803.

Vessels loading at Greenock,

Patty, Hall, Natchez, New-Orleans, to sail 25th of January; Northern Friends,