

OF  
**LAW BOOKS.**

**WILLIAM P. FARRAND,**  
LAW AND WHOLESALE BOOKSELLER,  
PHILADELPHIA.

It reprinting, correctly, the following valuable Law Books, several of which will be published with new references to the later English reports, and to the Reports of Decisions in the United States, viz.

- BACON'S ABRIDGEMENT, (Gwilliam's) to be printed from the new and improved edition of this work, the last volume of which is just finished in London.
- HARRISON'S CAANCERY PRACTICE, with additions and several new precedents, by W. Parker.
- DOUGLASS'S REPORTS, from the last London edition, with additions and NEW REFERENCES.
- TIDD'S PRACTICE of the Court of King's Bench in personal actions, printed from the new edition, enlarged and corrected by Mr. Tidd.
- COWPER'S REPORTS of cases argued and determined in the Court of King's Bench, from Hilary term 14 Geo. III. to Trinity term 18 Geo. III. from the new London edition, and with NEW REFERENCES.
- ROBERTS on Voluntary and Fraudulent Conveyances.
- BURROWS' (Sir James) REPORTS, printed from the fourth and last London edition, with notes and NEW REFERENCES.
- SUGDEN'S TREATISE of the Law of Vendors and Purchasers of Estates; also
- ABRIDGMENT of the Laws of NISI PRIUS, part I. were put to press in December, and are in a forward state.

It is now fully ascertained that the inaccuracy of American Editions has hitherto operated greatly to diminish their value, and to deprive them of the patronage of men who were best able to support their interests. To those who examine this subject with the attention it really deserves, it will evidently appear that there has been too much cause for censure. It will also appear that in some instances, where great pretensions have been made to accuracy, there exists the greatest cause for censure. There might be several instances given of this kind, though it were to be wished they did not exist. Considering, therefore, that such is the fact; considering also that disappointments may have begotten a still greater want of confidence in the public mind, and that notwithstanding, there exists a sincere and general wish to patronize American Publications, when they are deserving, Wm. P. Farrand begs leave to propose the following plan for publishing CORRECT EDITIONS OF LAW BOOKS. He begs leave also to solicit the patronage of gentlemen of the bar in aid of his undertaking, and to express his hopes that the plan he has adopted, which involves an unremitting attention, will be received as a satisfactory voucher for the accuracy and value of his editions.

**TO THE PUBLIC.**

Wm. P. FARRAND gives this public notice that two Proof-Sheets of his Law Books are put up for public examination; one at his own Counting-House, the other at the City Library; and that on application at his counting-house he will pay one dollar for every error discovered in them, which alters the sense of the passage, or for every erroneous reference. N. B. 1. The London editions from which we print are to be taken as standards, though they are very carefully read and numerous errors are corrected before they are given as copies to print from. 2. Punctuation is so various that the use of points, said to be erroneous, under the full point or period, is not to be considered as subjecting the publisher to the above penalty, though errors of punctuation will be guarded against with the greatest care, and readers will confer a favor on the publisher by pointing out any error of this kind, should such in any instance escape the proof-readers.

**JUST RECEIVED,**

- AND FOR SALE BY WILLIAM P. FARRAND,
- SMITH & OGDEN'S TRIAL, price \$3.
- JOHNSON'S REPORTS, part 1, volume 2, \$1 25 cents.
- CARR'S IRELAND, with the LIFE OF DERMODY, \$1 50.
- THE AMERICAN BUILDER'S COMPANION; OR A NEW SYSTEM OF ARCHITECTURE, particularly adapted to the present style of Building in the United States of America, containing forty-four Engravings; by Asher Benjamin and Daniel Baynard, Architects—Price \$6.

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**JUST PUBLISHED, (Price \$1.)**

BY WILLIAM P. FARRAND, PHILADELPHIA,  
And for sale at the Book-stores in this city,  
*The Life of Charles James Fox.*  
Written by R. C. WALPOLE, Esq.

February 6.

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**NEW GOVERNMENT OF HAYTI.**

Translated for the FEDERAL GAZETTE.

[CONCLUDED.]

**TITLE VI.**

*Promulgation of the Laws.*

101. The president shall sign all laws within two days after he receives them. He may sign and promulgate a law on the same day on which he receives it.

102. The mode of publishing the laws is thus: "In the name of the republic (loi ou acte du Sénat) the president of Hayti proclaims that the following law be published and the seal of state affixed thereto."

**TITLE VII.**

*Executive Power.*

103. The executive power is delegated to a magistrate, who shall take the title of President of Hayti.

104. The president shall be for this time named by the constituent assembly.

105. The president is to hold his office for 4 years.

106. Hereafter the president shall be elected (by a majority) by the senate.

107. The president, before he enters on the duties of his office, shall take the following oath: "I swear faithfully to discharge the duties of the office of president of Hayti, and to maintain, to the utmost of my power, the constitution."

108. If the president should not take the oath prescribed within 15 days after his election, such refusal shall be considered as non-acceptance of the office, and the legislature shall proceed to a new election.

109. The president may be re-elected every 4 years.

110. No citizen, under 35 years of age can be president.

111. Every president, after the first, must be chosen from amongst the members of the senate, or must have been secretary of state.

112. In case of vacancy, by death or otherwise, the secretaries of state shall constitute a council, who shall have power to exercise the executive functions till a new election of president.

113. If the senate is not in session, at the time of a vacancy occurring, the standing committee shall immediately call a meeting; when they shall proceed, without delay to the election of a president.

114. The acts of the senate shall be addressed to the president.

115. The president is to use all lawful means for the safety of the state, both in the internal and exterior departments.

116. He shall issue his proclamations, enjoining due observance of the laws.

117. He shall be commander in chief of the armies and navy of the republic.

118. He shall see that the laws are faithfully executed, by judges of his appointment.

119. If the president has reason to suspect the existence of a conspiracy against the peace or safety of the republic, he may cause to be arrested all such persons as he discovers to be concerned therein. But he must, under pain of prosecution for arbitrary detention, deliver them over in two

days to the officer of police, that they may be brought to trial.

120. The president shall receive an annual salary of 24,000 dollars.

121. The president shall make known to the senate all public abuses that may come to his knowledge.

122. The president may at any time, in writing, invite the senate to a consideration of any object. He can propose measures; but cannot reduce his projects to the form of laws.

123. The president shall furnish the senate with information on all subjects when called on by that body.

124. Except in the cases stated in articles 89 and 90, the president cannot be called to account by the senate.

125. The president shall superintend the collections and disbursements of all public money, and sign all drafts on the treasurer.

**TITLE VIII.**

*Judiciary Department.*

126. The judges shall not interfere with the legislative department; nor can they enact any law.

127. They cannot arrest or suspend a law.

128. The salaries of the judges shall be fixed by law.

129. The judges shall not be removed without a forfeiture legally adjudged, nor suspended by an accusation admitted by the senate.

130. No two persons, being either father and son, uncle and nephew, or brothers can be judges in the same court at the same time.

131. The courts shall sit in public. The judges may deliberate in private; but their decision must be made public.

132. No citizen under twenty-five years of age shall be a judge, or a commissary of the executive power.

**TITLE IX.**

*Of Civil Justice.*

133. In case of two citizens having dispute, a justice of the peace may appoint two or more arbitrators, whose decision shall be final, unless the parties have expressly reserved to themselves the right of appeal.

134. The decision of arbitrators is without appeal, unless the parties have expressly reserved to themselves such right.

135. The senate shall determine the number of judges and associates in each department.

136. The law shall state in what cases appeals may be had, from decisions in court.

137. Such business as does not immediately belong to the judges to take cognizance of, may nevertheless be settled by them at the request of the parties.

138. The senate shall fix by law the number of civil courts in each department.

139. Each court shall be composed of a chief justice, an associate and a register.

140. An appeal may be had from a judgment passed in one court to the court in a neighboring department.

141. This court shall pass judgment on the appeals from the judgments of justices

of the peace, arbitrators, or from the courts of another department.

**Of Criminal Justice.**

142. No one can be seized, unless for the purpose of conducting him before the officer of police. Nor can he be detained under arrest, but by writ from an officer of police or from the executive authority, as provided in article 95; or by an order from the senate, or from a court, or on a judgment of condemnation to prison.

143. No warrant can be executed which does not formally express the object for which it is authorized. The accused must also be furnished with a copy of it.

144. Any citizen brought before an officer of police, shall be immediately examined, or in the course of the day at furthest.

145. If it appears on examination that the accusation is false, the accused shall be immediately liberated; if guilty, shall be conducted immediately to prison.

146. No person shall be kept under arrest after having offered sufficient bail, in cases where bail is taken.

147. All persons under commitment shall be confined in the public jail.

148. No jailer shall receive or retain any prisoner, but in virtue of a commitment, as provided in articles 23 and 142.

149. Every jailer shall render a correct statement of prisoners whenever requested so to do by the civil officer, who has the care of the public prisons.

150. Every prisoner shall be allowed to correspond with his friends, unless the jailer be specially charged to keep him under secret arrest.

151. Any citizen not legally authorized or any jailer who shall without legal authority arrest or keep in confinement any citizen, shall be deemed guilty of arbitrary imprisonment.

152. All rigor exercised in arresting or during imprisonment, not authorized by law, is criminal.

153. The senate shall determine the number of courts of criminal justice in each department—the places where to be established—the form of procedure—and extent of jurisdiction.

154. An appeal may be had from the criminal court of one district to that of a neighboring district, as in civil cases.

155. The judges of civil courts may be also judges of criminal courts.

156. The senate may allow criminal cases to be decided by jury—if thought expedient.

157. The president shall make known to the senate any abuse of power by a judge, which may come to his knowledge.

158. The senate may annul any extra judicial decree; and if it amount to cause of forfeiture they may pass an act of accusation against such judge, after having given him notice thereof.

159. The senate cannot decide on any case wherein a judge exceeds his powers, but they may refer it to the proper tribunal.

160. The crimes of the military are to be tried before special tribunals—the law determining the mode of their procedure.

**High Court of Justice.**

161. There shall be a high court of justice, which shall decide on accusation admitted by the senate, whether it be against a senator, the president, or secretary of state.

162. The high court of justice will hold its session by virtue of a proclamation by the senate.

163. It shall hold its sittings at the place named in the proclamation of the senate.—This place cannot be within 12 leagues of the place where the senate is sitting.

164. The high court of justice shall be composed of judges from the departmental courts; who shall chuse from amongst themselves a president and two public accusers.

165. The senate to determine the number of judges to be taken from each court to form the high court of justice, which cannot consist of less than 15 judges.

166. The decision of the high court being without appeal, the accused has the right to challenge one-third of the judges; and two-thirds of the votes will be necessary to conviction.

**TITLE IX.**

*Of the Military.*

167. The army is necessarily obedient; it can never deliberate; it cannot act, but for the protection of the citizens, and the defence of the republic.

168. The army is divided into national guards under pay, and national guards without pay.

169. The national guards not under pay, cannot be marched out of their parish, except in times of public danger; when they shall be under the order responsibility of the commander of the district.

Out of the limits of their parish they are paid as regulars, and subject to the same discipline. In all other cases they are subject to the civil power.

170. The army shall be raised in manner prescribed by law.

**TITLE X.**

*Of Agriculture and Commerce.*

171. Agriculture being the surest source of prosperity to the state, shall be protected and encouraged.

172. Particular laws shall be enacted for the government of the interior.

173. Commerce, another source of prosperity, shall remain unshackled, and shall receive the greatest protection.

**TITLE XI.**

*Of the Secretary of State.*

174. There shall be a secretary of state, appointed by the senate, who must reside at the place where it holds its sittings.

175. The senate shall determine his prerogatives, and fix his salary.

176. Detailed acts of the public receipts and expences, signed by the secretary of state, shall be rendered to the senate, at the beginning of every year, and the state of the public revenue.

177. The secretary shall make known the amount of receipts and expences in each part of the administration.

178. No money can be drawn from the public treasury without the signature of the secretary of state.

179. Separate accounts of the expences of the departments shall also be rendered to the senate.

180. If one secretary is found insufficient, the senate may hereafter appoint assistant (or associate) secretaries.

**TITLE XII.**

*Of the Revision of the Constitution.*

181. If experience prove the insufficiency of this constitution, the senate may propose a revision of it.

182. When in the space of nine years, at three periods, at least three years apart, the senate shall have demanded the revision of any article of the constitution, an assembly of revision shall then be convened.

183. The Parochial assemblies shall each name an elector.

184. These electors shall meet within 10 days after their appointment at the capital of each department, and constitute an electoral assembly.

185. The electoral assemblies shall within 10 days after their meeting name the same number of electors as their department sends members to the senate.

186. The deputies composing the assembly of revision shall meet at the place appointed by the senate, and proceed to the consideration of the revision required.

187. The assembly of revision shall hold its sittings at least twelve leagues from the place where the senate sits.

188. The assembly of revision may change their place of sitting, always remaining at the distance prescribed in the foregoing section.

189. No senator can be a member of the assembly of revision.

190. The same qualifications are requisite for a member of the assembly of revision, as for a senator.

191. The assembly shall confine itself to the revision of those articles pointed out by the senate.

192. All articles proposed to have been altered shall remain in force until the amendment of the assembly of revision is ratified by the senate.

193. The assembly of revision shall deliberate in the ordinary manner. Their decisions shall be had by a majority of votes.

It shall immediately address to the senate the proposed alterations, and dissolve itself as soon as the business for which it was convened shall be completed.

194. The assembly of revision shall on no pretence continue its sittings for a longer term than three months.

195. The members of this assembly shall not be held accountable for anything they said or written (relative to the business before them) after the termination of their session.

During their session a member of the assembly of revision cannot be arrested without a warrant from this body.

196. The assembly of revision has the control of the police of the district in which it holds its sittings.

197. The members of the assembly of revision shall receive the same pay as the senators.

**TITLE XIII.**

*Of the constitution going into operation.*

198. This constitution shall go into immediate operation.

199. Until the senate shall be constitutionally organized, at Port-au-Prince, the constituent assembly shall exercise the legislative authority.

200. As soon as the senate form a quorum, they shall inform the constituent assembly thereof, who shall thereupon immediately dissolve itself.

(Signed)

**BLANCHET JRUNE, President.**

P. Pourjoly Modé, Pétigui fils, F. André, Boyer, Rousseau, Pelage Varien, Ch. Daguelle, Plesance, J. Girard, J. B. Sudre, Jh. Neptune, D. Rigaud, J. B. Masse, B. Tabuteau, J. Renier, Malet aîné, J. Lamontagne, Simon, Manigat, Pierre Thimoté, J. Barlatier, J. Simon, Laviolette, Martel aîné, Dégrier, C. Ba quat, Larose, Hyte Datti, N. Saget, Bertrand Lemoine, Galbois, J. L. Depa Medina, Fresnel, Th. Brière, Delonnai, C. Leconte, Rollin, Bonnet, Magloire Ambroise, Pinet, Pétion, Lamotte Aignon, Rourange aîné, Ecuyer, Ant. Mays, Thodat Trichet, Lagroce, L. Leroux, L. Dessalines, R. Bataille, F. Desormeaux, Juste Hugonin, Eugte. Dupui, Déparloir, Jn. Isaac, Almatjor fils et Monbrun, J. J. Masse, Bonnot.

**NEW-YORK, Feb. 2.**

Council of appointment. Our information from Albany states, that the legislature proceeded by a joint ballot on Wednesday last to choose the council of appointment, and that the following senators all attached to the Lewis administration were elected:

Thomas Thomas from Southern Middle } District.

James Burt Middle } District.

John Nicholas Western } District.

Edward Savage Eastern } District.

February 3.

The intendant of the Havana, on the 24th of December, issued an order directing that the decree of the 28th of June, which ordains the seizure of all neutral vessels fallen in with, having cargoes or parts thereof not certified, in the invoice by the Spanish consul, vice consul, or such other person as the Spanish minister may appoint for that purpose, expressing the place of destination, and the numbers, weight, measure, and quality of the goods, shall after the first day of March next be carried into strict and rigorous execution; and that the original invoices shall be lodged in the custom house.

Arrived, the ship Elizabeth, Bray, 66 days from Londonderry, with linen, and 40 passengers. Jan. 19, lat. 38, 18, long. 53, spoke a brig 12 days from New-York for Lisbon. Jan. 16, lat. 40, 8, long. 43, spoke a ship from Salem for India. The ship Fame, had just arrived in 23 days from Baltimore.

The brig Amazon, Copp, 8 days from Savannah. The ship Alligator, Jenkins, from New-York for Savannah, got ashore about the 20th of Jan, on Martin's Indus-

try, 10 miles from the light-house. The captain and crew left her, and in their absence the ship went to sea without any person on board. The captain had chartered a sloop, had sailed in pursuit of her.—Passengers, capt. Crookshank, and captain Earl, of Philadelphia.

The Swedish brig Neptune, Upton, 25 days from New-Orleans, and 21 from the Balize, bound to Philadelphia, having cut both cables at Cape-Henlopen, on Friday in a gale. Left brig Friendship, Don, for New-York, in 10 days. January 9, in the river, spoke the schr. Federal Republican, Gorham, 10 days from Havana. 12th, at anchor on the bar, the ship Perseverance, Pile, from Philadelphia—the same night, she was driven off with a pilot on board. 15th, lat. 25, 56, long. 86, spoke the United States brig Franklin, from Washington for New-Orleans, with troops. 17th, lat. 34, spoke the schooner Amazon, Jellies, from Boston for Wilmington.

The sloop Chancellor, Butler, 4 days from Norfolk.

The sloop Venus, Bush, 6 days from Norfolk. On Tuesday night spoke a northern built schooner from Frederickburg for New-York.

The schr. Fox, Tyler, 21 days from Fort-Royal, and 17 from St. Thomas.

Cleared, ships Mary, Case, Cork; Penelope, Bocot, New-Orleans; Honestus, Clark, Hobbs Hole; sch's Betsy, Hughes, St. Johns; Sophronia, Jenkins, Edenton; Argus, Marriner, St. Thomas; Packet, Luce, Norfolk.

The schr. Polly and Eliza, Green, from this port, for New-Orleans, was cast away on Sunday the 28 Dec. on the coast of Cuba, vessel and cargo totally lost, crew, and passengers, saved.

**PHILADELPHIA, Jan. 4.**

Arrived, schr. Sukey, Black, Kingston 18 days.

Cleared, brig Eliza, Gardiner, Maleir, schr. Xenon, Aling, 30 days from Savannah is below.

Our correspondent at Cape May writes—"On Saturday last the following vessels got pilots from this shore, viz.—a schr. from Port au Prince; the schr. Sukey, of Portland from West Indies; brig —, Gorham, from Boston; and the ship Orion, of Portland; and all stood in to the bay. On Sunday an hermaphrodite brig, supposed the Neptune, of St. Bartholomews, came out from Henlopen and stood for New-York."

Yesterday arrived, schr. Sukey, captain Blake, 8 days from Kingston, (Jam.)

The schr. Jefferson, Goff of this port, sailed 5 days before, for Havana. In lat. 84, 10, long. 75, spoke the brig Aurora, from New-York, blowing fresh, could not learn where bound. The Sukey was boarded by the ship Leonard, sixty miles S. E. by S. of Delaware capes on Friday last and strictly examined. Captain B. has performed his voyage hence to Kingston and back in 45 days.

List of American vessels left at Kingston, (Jam.) Jan. 9th, 1807.

Ships Hidas, Tarbox, of Saco for Charleston; Union, Gold, of North Kingston, for Charleston; John and Avis, Baker, of Norfolk, destination unknown; Ocean, —, of Boston, do.; William and John, Woodhouse, of Alexandria, ditto; Hibernia, Fossett, of Bristol, N. H. just arrived; Artic, Lynch, of Charleston, do. Brigs Betsy, Motley, of Portland, do.; Eight Sisters, Gilmore, of Boston, destination unknown; Friends, Medcalf, of Charleston, do.; Harry and Allen, Dodge, of Newburyport, for New-Orleans, to sail next day; Charity and Polly, Gathry, of Beaufort, N. C. destination unknown; Anna, Lambert, of Salem, ditto; William, Grant, of New-York, do.; Fortune, Smith, of do. do.; Paragon, —, of do. do. for Savannah, to sail the next day; schooners Julian, Wardwell, of Wilmington, destination unknown; Hetty-Ann, Fankling, of and for Philadelphia in ten days; Five Sisters, Brooks, of Bridgetown, (Delaware) for Exuma in eight days; Enterprise, —, New-York; Fortune, Foster, of Ipswich, just arrived from Savannah; and a number of others names not recollected. Sailed in co. with the ship Fair American, Halding, of Hath, bound to N. Orleans.

List of American vessels brought in and detained at Kingston, (Jam.) for adjudication, January 9, 1807.

Ship Minerva, Glenn, of Philadelphia, from Cadiz, bound to Vera Cruz; Thomas, Sayre, of do. from Bordeaux for New-Orleans; Argo, —, of Boston, from ditto, for ditto; H. B. Trest, Rinker, of New-Orleans, from do. for ditto; brig Fair Creole, —, ditto ditto ditto, and a number of others, names not recollected.

The ship Minerva, Glenn, was brought in December, 29th, by his majesty's brig Gaelen, and released and sailed on the 6th January. On the 2d instant, the brig was sent out after her, took her and brought her back to Kingston on the 4th January.

**BY THIS DAY'S MAILS.**

**NEW-YORK, February 4.**

A gentleman who arrived in the Eastern stage yesterday, informs, that great damage has been done through the state of Connecticut, by the late storm of rain. Among other losses sustained, he mentions that the dykes near New-Haven, and the turnpike bridge a few miles above the city, were entirely destroyed. The Stratford, Bridgeport, and Suckatook bridges, were carried away by the ice. Theroads generally through the rout from New-Haven to this city, were much injured by the rain.

Captain Main, from Boulders informs, that on the 11th November, the British man of war Sceptre, and frigate Cornwallis appeared off that place. The French frigate Semillante lying in the roads, immediately gave orders to all the merchant ships to slip their cables and haul close to the beach, as the British ships commenced a heavy fire upon the frigate and town, which lasted for about 20 minutes, and then stood off—the same night, the Acturus was taken possession of by