The National Intelligencer,

AND

WASHINGTON ADVERTISER.

VOL. I. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, NEW-JERSEY AVENUE, NEAR THE CAPITOL. No. 1V.

THE WHOLE, PRICE 10D. WEDNESDAY, OCTOBER 28, 1801. PAID IN ADVANCE.

CAROLINE.

By THOMAS CAMPBELL, *Esq.*
Author of "the Pleasures of Hope."

I'll bid the Hyacinth to blow,
I'll teach my Grotto green to be,
And fling my true love all below
The Hollow Bow'r and Myrtle tree.

There, all his wild-wood scents to bring,
The Sweet South Wind shall wander by,
And with the music of his wing
Delight my rustling Canopy!

Come to my cloſe and cluſtring Bow'r,
Thou Spirit of a milder clime,
Deck with the Dews of Fruit and Flow'r,
Of mountain Heath and mossy Thyme!

With all thy rural echoes come,
Sweet Contrast of the rely Day,
Waking the wild Bee's gentle hum,
O, Cuckoo's plaintive roundelay.

Where yet thy morning breath has play'd,
Whatever ſides of Ocean smil'd,
Come to my Bosom, sweet shade,
Thou wandering Wind of Fairy Land!

For here, from ſome enchanted Ile
Where Hearts and Love their Sabbath hold—
Where pure and happy Spirits smile
Of Beauty's fairest brightest mould,

Even ſome sweet Eden of the Deep,
Where Pleasure's Sigh alone is heard,
Where tears of rapture Lovers weep,
Embar'd, undoubting, undeceiv'd!

From ſome ſweet Paradise afar
Thy Music wanders, diffuſt, loft,
Where NATURE lights her leading Star,
And LOVE is never, never craſt!

Oh, gentle Gale of Eden Bow'rs,
If back thy rofy feet ſhould roam,
To revel with the cloudſ in hours
In NATURE's more propitious home.

Name to thy Lord Elysian Groves
That o'er enchanted Ile of Morn,
A fairer form than Cherub Loves—
And let the name be CAROLINE!

To be Rented.

THE ſubſcriber will rent be the year, or *during* the ſeſſion of Congreſs, four large, convenient three-ſtory BRICK HOUSES—they are well calculated for Boarding-Houſes, being all ſituate on the Capitol Hill, and the neareſt houſes to the Capitol; two of them adjoin the well known tavern occupied by Mr. Stille, the other two are ſituate equally convenient to the Capitol. Any perſon qualified to keep ſuch houſes may know the terms by applying to

DANIEL CARROLL, of Duddington.

Sept. 28. eptf

This day is Publiſh d

BY

RAPINE, CONRAD & Co.

Corner of ſouth B ſtreet and New-Jerſey Avenue, near the Capitol.

SEVEN NOVELS, vol. 2d & 3d.

EXECUTED in a ſuperior ſtyle, and each volume containing two hundred one engravings—Price to Subſcribers, one dollar per vol.

Mahomed Vilis—A tale in 2 vols. by Maria Regina Roche, author of the Children of the Abbey, &c. &c.

Act paſſed at the ſecond ſeſſion of the fifth Congreſs, begun and held at the city of Waſhington, on Monday the 17th of November 1800

Alſo just received,

A very handſome aſſortment of NEW NOVELS of the firſt merit, with a good collection of claſſical miſcellaneous Hiſtory, and a very elegant aſſortment of Ladies' and gentlemen's POCKET BOOKS, of various prices and qualities

R. C. & Co. have always on hand a general aſſortment of ſtationary, ſuch as writing and letter paper, quill, waſers, ſealing wax, ink-ſtands, pen knives, ſtraws, parchment, playing cards, blank and account books, inkſtands, black lead pencils, &c. &c. All which they will ſell at Philadelphia prices. Almanacs for the year 1802, just publiſhed.

Sept. 16, 1801.

REMARKS on LIBELS,

occasioned by the late presentment by a Grand Jury, of the Editor of the National Intelligencer for an alleged Libel against the Judiciary.

[CONCLUDED.]

CONSIDERING this right as demonſtrably eſtabliſhed, it becomes me next to enquire, whether the publication of ſuch a libellous does more than aſſert and exercise this right. In order to judge whether it does, or does not, I will conciſely ſtate the contents, after making a few preliminary remarks.

Of this publication, the Editor is to be conſidered as the printer, not the author. It is for the act of publiſhing, and not for the act of writing, that he was charged. In juſtifying the right of the author to make remarks which that place excluſive, he is not to be conſidered as reſponſible for the accuracy of thoſe remarks, nor is it to be inferred that he caſt he barely publiſhed them, they are his own. So far from this being the caſe, he would as ſtrenuoſly contend for the right, as he now does of the opinions expreſſed were directly the reverſe of what they are. If they approved all the meaſures of the late adminiſtration, and all the acts of all the courts in America.

Viewing him then as the Editor of the National Intelligencer, mark the character in which he ſtood when this piece was offered for publication. It became him to examine it, not with a view of deciding the preciſion of its ideas, or the logical accuracy of its inferences; but with a view of determining whether it contained any wanton and illegal inveſtiva of character—if, on examination, he conſidered it free from this, then he poſſeſſed the right of publiſhing it, and no tribunal other than that of public opinion could call him to account for the act of publication. It is true that he ſtill had the power to reject it. Every printer has this power over every article offered for publication in his paper. He has a right to diſcriminate, to conſult his own taſte, and to conſult the taſte of his readers. This right printers exerciſe in various ways. Their profeſſions are numerous; their degrees of information various; their judgments ſometimes good, and ſometimes bad. They generally, it is to be preſumed, do their beſt; but this beſt is often bad enough; and too often their beſt efforts are deſtroyed, chaſtiſed by public miſtrauſt. But here the matter ends. The laws do not, and ought not to puniſh them. They are too magnanimous to interfere in ſuch concerns. As well might they interfere in the common concerns of ordinary life. If laſſy were criminals, and our jails were filled with its votaries, or our towns enriched with amercements derived from them, the former, it is to be feared, would know no bounds, and the latter would certainly overflow. Here we behold behold a victim dragged from the ſacred bench, and there a judge forced from the no leſs ſacred tribunal of juſtice. In one apartment we ſhould behold the philoſopher turned fool, and in the next the fool turned philoſopher. In ſhort, according to the poet, "we ſhould be all different kinds," we ſhould be all locked up, nor ſhould we be able to find one without to be our jailor.

This performance appeared in the National Intelligencer on the 12th of June. Three months had paſt paſſed ſince the publication had wilted a great change in its publicagents, executive and legiſlative; or, in other words, in all thoſe agents, whoſe rights of election could at that time, reach. Fixed ſpecially placed in the great jour of fate an individual believed to have different political opinions from his predeceſſor. To this gentleman was aſcribed decided conviction of the unconſtitutional act of the Sedition Law, and a no leſs decided conviction of the univerſal right of the citizen to inveſtigate the meaſures of public miniſtrs. In the opinion of the nation, a right had been infringed by the ſedition law, and in the execution of this it by the courts of juſtice. The force of this opinion, co-operating with other cauſes, ſhould induced the change I have juſt alluded to. Believing it to be his duty, as the organ of the public will ſo emphatically expreſſed, to withdraw as much as in him lay the unconſtitutional reſtraints impoſed on the preſs, he had removed from their offices a number of marſhals and attorneys, who had aided the execution of that act. For ſuch removal the executive magiſtrate was inſtantly aſſailed with the moſt virulent reproach. His performance of duty was ſtigmatized as the baſe indulgence of relentment; and what aroſe from a deſire of ſhewing mercy to ſociety was aſcribed to a malevolent deſire of fomenting its diviſions.

In the vindication of a chancellor thus ſtandard, a character deemed ſo forced by a previous legiſlature as to juſtify the baſtardy of a ſedition law, the writer in the National Intelligencer, under the ſignature of "A Friend to Impartial Juſtice," ſtepped forward. His avowed and only object appears to be, to defend the meaſures of the Preſident. In defending them, it became neceſſary to aſſign the cauſes which diſtated them. Theſe cauſes, as aſſigned, are the execution by the courts of juſtice of an unconſtitutional law, commonly called the Sedition Law.

The writer condemns this law as unconſtitutional, declares its dangerous tendencies, and then ſays, "The inſtruments of this law unfortunately unfortunately uneaſy provide to other feelings than thoſe which gave it eſſidence—were the courts of law."

So far we have nothing but the expreſſion of a Friend, viz. that the law is unconſtitutional, and that the courts of law had the ſame feelings with thoſe which gave it eſſidence.

If the opinions may be erroneous, they may not be our opinions; but, notwithſtanding, any citizen may have a right to expreſs them without puniſhment.

The writer proceeds to obſerve—

"In the execution of thoſe tribunals, the conſtitution had *entirely* declared that the judges ſhould hold their commiſſions during good behaviour, hoping, in the ſpirit of confidence, that the chief magiſtrate would appoint excluſively thoſe men who would adminiſter the laws with impartiality and ſtrictneſs, and not ſuffer themſelves to be made the inſtruments of political intolerance. The liberal confidence of the conſtitution has been deceived, and ſome events have ſhewn that what was created by the conſtitution as a barrier againſt undue power has been converted into its moſt efficient inſtrument. Hence our courts, with ſcarcely an exception, have been prompt to ſeize every occaſion of aggrandizing executive power, of deſtroying all freedom of opinion, of executing unconſtitutional laws, and of inculcating by the wanton and unſolicited diffuſion of heterodox politics, the doctrines of paſſive obedience and non-reſiſtance."

Again, we have nothing more than inferences drawn from facts; inferences which are merely the opinions of the writer. Theſe opinions are—

That the federal courts had been converted into the efficient inſtruments of undue power; that they had been prompt to ſeize every occaſion of aggrandizing executive power, of deſtroying all freedom of opinion, of executing unconſtitutional laws, and of inculcating by the wanton and unſolicited diffuſion of heterodox politics the doctrines of paſſive obedience and non-reſiſtance.

Now, theſe are all matters of opinion, ſtriked by ſome citizens, and affirmed by others. If the ſedition law was in truth unconſtitutional, it immediately and neceſſarily follows that the courts, in executing it, were wrong and ſo far, with ſuch law, did become the inſtruments of undue power, as without their inſtrumentality it, we could not have been carried into effect. It follows that they were prompt to ſeize every occaſion (within their reach) of aggrandizing executive power—for to ſilence the remonſtrations of the preſs on executive meaſures was to aggrandize executive power by removing its ſtrongeſt reſtraint. It follows that they were prompt to ſeize every occaſion of deſtroying all freedom of opinion—for we all know the aſtoniſhing effect of fine and imprſonment on the mind and that they were prompt to ſeize every occaſion of executing unconſtitutional laws, even if the ſedition law was the only unconſtitutional law they did execute, ſuppoſing there was no other unconſtitutional law for them to execute.

One other charge is made; that they inculcated by the wanton and unſolicited diffuſion of heterodox politics, the doctrine of paſſive obedience and non-reſiſtance.

We all of us muſt recollect how full the newſpapers were, ſome time ſince, of charges made to grand juries by the preſiding federal judges. Unconfined to a plain and concile ſtatement of the duties of jurors, many of them were ſo many political eſſays on the principles of government, diſcuſſions of the conſtitutionality or expediency of particular laws, and declarations of the court on the propriety of legiſlative and executive acts of the government, entirely diſconnected with judicial duties; and in general all the meaſures of the late adminiſtration were ſtigmatized, while thoſe who confured or oppoſed them were exhibited as diſcontended, ignorant, or turbulent men.

Now the ſentiments of the courts, thus expreſſed, were approved by one part of the nation, and diſapproved by another. Thoſe who diſapproved them were of opinion that the politics inculcated were heterodox, and that they enforced the doctrine of paſſive obedience and non-reſiſtance. If they incorrectly miſtrued the Sedition law itſelf, independent of all other laws, to be ſo unconſtitutional and odious, as they repeatedly declared it to be, did not they, in their opinions, who juſtified this law, which expreſſed free enquiry, enforce paſſive obedience and non-reſiſtance. They thought, and perhaps they thought truly, that if their parts be conſtitutional, paſſive obedience and non-reſiſtance follow of conſtitutional.

I have noticed ſubſtantially all the opinions, in relation to the Judges, contained in this performance. The others contained in it follow neceſſarily; ſuch as, that the whole corps of judges were found by the Chief Magiſtrate in hoſtility to the cauſe of public opinion which placed him in office, and that ſuch hoſtility had been exacerbated by ſtudiedly offenſive aſſertions; that the political ideas of the ſtate invaded in their wide range, ſtrong perſonal regards and antipathies; & that the Preſident "found the community divided; he found the aſylum of juſtice impure. There, ſtrong paſſions and ſuch truth, unpalatiſed, and unſtripped even by faſhion, ought to reſerve a perpetual reign, he contemplated the dominance of political and perſonal prejudice, ſtudiedly employed in preparing or executing partial vengeance."

Now, whether theſe opinions of this writer are true or not, is not the queſtion. Such opinions are, and whether relevant to the preſent occaſion. The ſingle queſtion is whether if he thought them true he had not a right to express them publicly. That he had ſuch a right, and that thoſe who differed from him have the ſame right to publiſh their opinions, I contend, cannot be doubted by any man who holds inviolable the liberty of the preſs, which the Conſtitution, both of the United States, and of Maryland, ſolemnly guarantee.

FALL GOODS.

WILLIAM OXLEY & Co.

Have received by the late arrivals from London and Liverpool.

Fall and wint r goods which are now opening and ſelling very low for cash or approved credit. A liberal credit will be given to thoſe of known Punctuality.

Alexandria, 8 & 10. eptf.

For Sale or Rent,

Two three ſtory brick houſes in Alexandria, completely finiſhed, on King and Columbus ſtreet, with ſundry valuable property near the ſame, poſſeſſion whereof may be had immediately. The ſituation for the flour and grocery buſineſs is equal to any in Alexandria.

For terms apply to Henry Thomas Moore, Alexandria, or to the ſubſcriber

NICHOLAS VOSS.