Mr. *Key*. That is sufficient.

Mr. *Martin*. And that is the general practise to try the first term.

Mr. *Nicholson*. I admit that this is the case in capital cases; but not in lighter cases, if the party accused oppose it.

Mr. *Martin*. The reverse is the case. The court will rather avoid pressing a trial in capital cases, where the life of the party is involved.

Mr. *Wright* said he wished to put a question to Mr. *Martin* in his capacity of a witness. In what cases have you ever known a bench warrant to issue?

Mr. *Martin*. I have practised for twenty-seven years: and the invariable practise is to issue a bench warrant immediately on the presentment; in all cases from the lowest to the highest offences.

President. Is there any difference between a capias and a warrant?

Mr. *Martin*. They are the same, except that one is issued by a magistrate, and the other by the court.

Mr. *Lee* here adduced a number of authorities, (the greater part of which he barely referred to,) for the purpose of exhibiting fully the grounds of the defence. As these were again introduced in the arguments of counsel, we shall only, in this place, refer to them. He referred to the 34th section of the Judicial Act of the United States;—to 2d Dallas 411—Gilbert's law of evidence pa. 307, 308—also pa. 313—the 14th section of the foregoing act of Congress—Dallas 235, 341.

Mr. *Harper* said they would proceed to adduce testimony relative to the 7th article.

GUNNING BEDFORD *sworn*.

Mr. *Harper*. Please to state to the court whether you were present in your judicial character at a circuit court held at Wilmington in 1800, and relate the circumstances which occurred.

A. I attended that court on the 27th of June. Judge Chase presided. I arrived in the morning about half an hour before Judge Chase. We went into court about 11 o'clock. The grand jury was called and empannelled. The Judge delivered a charge; they retired to their box; after an absence of not more than an hour they returned to the bar. They were asked by the Judge whether they had any bills or presentments to make to the court. They said they had none. The court called on the attorney of the district to say whether there was any business likely to be bro't forward. He replied that there was none. Some of the grand jury then expressed a wish to be discharged. Judge Chase said it was unusual for the court to discharge the grand jury so early in the session; it is not the practise in any circuit court in which I have sat. He turned round to me, and asked, Mr. Bedford, what is your usual practise? I said it depended upon circumstances, and on the business before the court; that when the court was satisfied there was nothing to detain them they were discharged.—Mr. Chase then turned to the jury, and observed "But gentlemen of the jury, I am informed that there is conducted in this state (but I am only *informed*) a seditious newspaper, the editor of which is in the practise of libelling and abusing the government. His name is——but perhaps I may do injustice to the man by mentioning his name. Have you, gentlemen of the jury, ever turned your attention to the subject." It was answered, no. "But, resumed the Judge, it is your duty to attend to things of this kind. I have given you in charge the sedition act, among other things. If there is any thing in what is suggested to you, it is your duty to enquire into it." He added, "It is high time that this seditious printer should be corrected; you know that the prosperity and happiness of the country depend upon it." He then turned to the attorney of the district, and said, Mr. Attorney, can you find a file of those papers? He answered that he did not know—A person in court offered to procure a file. The attorney then said as a file was found, he would look it over. Can you, said the Judge, look it over, and examine it by to-morrow at 10 o'clock. Mr. Attorney said he would. Mr. Chase then turned to the grand jury, and said, "gentlemen, you must attend to-morrow at ten o'clock." Other business was gone into, and the court adjourned about two o'clock.

On my way to Judge Chase's lodgings, I said to him, my friend, I believe you know not where you are; the people of this county are very much opposed to the sedition law, and will not be pleased with what you said. Judge Chase clapped his hand upon my shoulders, and replied, "My dear Bedford, no matter where we are, or among whom we are, we must do our duty."

The next day we went into court about 10 o'clock. The grand jury went to their chamber, and I believe Mr. Read returned with them into court. They were asked if they had any thing to offer to the court; and the Attorney was called on again to state whether he had found any thing in the file of a seditious nature. He had a file of the papers before him, and he said he had found nothing that was a proper subject for the notice of the jury, unless a piece, relating to Judge Chase himself. The Judge answered, take no notice of that, my shoulders are broad and they are able to bear it; but where there is a violation of a positive law of the United States it is necessary to notice it.

Mr. *Harper*. Did Judge Chase say nothing about a seditious temper in the town of Wilmington in Newcastle county?

A. I do not recollect that he did. The subject has occupied my attention since I saw Mr. Read's testimony given to the Committee of Enquiry of the House of Representatives; and I have not been able to trace in my mind any recollection of the kind. What I said to the Judge shews that I did not hear such remarks. Another circumstance strengthens my conviction that no such remarks fell from him. There was a publication in the Mirror on the 4th of July, giving an account of the proceedings of the court; in which many circumstances that occurred appeared to me to be highly exaggerated; and yet in that publication no such remarks are ascribed to the Judge.

Mr. *Harper*. Was there any thing authoritative or commanding in the language of Judge Chase to the Attorney of the district; or was what he said in the nature of a request?

A. It was a request made in the usual style of a request.

Mr. *Harper*. Was the business conducted with apparent good humor?

A. It appeared so to me.

Mr. *Harper*. From what source did the printer obtain his statement of the proceedings of the court?

A. The printer stated that he had it from a person in court.

Mr. *Randolph*. Was the title of the paper mentioned at the time?

A. I think not—I believe, I suggested the title, when enquiry was made as to the procuring a file.

Mr. *Rodney*. In what manner did the Judge address the grand jury?

A. In his usual manner of speaking; but without passion.

Mr. *Rodney*. Do you recollect whether on the 2d day there was not an unusual concourse of people in court?

A. I believe there was.

Mr. *Rodney*. Did not Judge Chase ask whether there were not two printers in town?

A. I believe he did ask that question.

Mr. *Rodney*. You do not recollect a suggestion by the district attorney that the paragraph you have alluded to did not come within the sedition law?

A. I do not recollect it.

Mr. *Nicholson*. Do you recollect the particular expression of Judge Chase when he asked if there were not two printers?

A. He spoke very much in these terms—"Perhaps I am going too far—I may do the man injustice. Have you not two printers?"

Mr. *Nicholson*. In the town or state?

A. I do not recollect—I think it is more than probable that he mentioned the town.

Mr. *Nicholson*. You are not certain whether Judge Chase cited the title of the paper?

A. I am not certain.

Mr. *Nicholson*. What induced you to consider what he said as applicable to the Mirror?

A. We had two papers printed in Wilmington, one of which was federal, and the other, the Mirror, democratic.

Mr. *Rodney*. Do you recollect whether it is the general practise in Delaware to discharge the grand jury the same day they are empannelled?

A. I believe it is the general practise.

Mr. *Randolph*. Do you recollect whether the Judge, when speaking of the printer, said "and one of them, if report does not much belie him, is a seditious printer and must be taken notice of. I consider it a part of my duty, and it shall or must be noticed. And it is your duty, Mr. Attorney, to examine minutely and unremittingly into affairs of this nature—the times, Sir, require that this seditious spirit which pervades too many of our presses, should be discouraged and repressed."

A. I have no recollection of such words.

Mr. *Harper*. Do you know who gave the information to Judge Chase about the printer—was it yourself?

A. It was not—I had not the opportunity, as I came to town at a late hour.

(To be continued.)

Schuylkill Permanent Bridge.

The following communication was laid before the Directors of the Schuylkill Permanent Bridge, by the President, at their last meeting.

Gentlemen,

After many fruitless attempts by others, to raise funds and institute plans for erecting a Permanent Bridge over the Schuylkill, I was fortunate enough, through many difficulties and much opposition to obtain (owing to its own merit urging on and assisting my perseverance) the law under which the erection of the present structure has been effectuated. I hold it therefore a duty peculiarly incumbent on me, who originated, and have faithfully laboured in the execution of an enterprize, in which so many have embarked their property, to make an effort for the completion and safety of a work, on which the value of their advances so materially depends.—Under these impressions, I bring before you the subject of *covering the Bridge*; and herewith present several drafts of covers, adapted to the frame. From the time of the first idea of a wooden superstructure, I have never wavered in my opinion of the indispensable necessity of the cover. I was surprised (a long time after I had conceived it to have been a general sentiment) to find myself *in a minority* on this subject, though I was not entirely alone. I have reason now to hope that the sentiments of several of the Directors and great numbers of the Stockholders have materially changed; or returned to original impressions. I have been accustomed to this situation in many of the most important parts of the work, and subjects connected with it.—I have now, as heretofore, waited for the candor of the Board and Stockholders to produce convictions; and have generally been gratified by the event.—In some former communications it will appear, that I have never approved of painting, or coating with composition, or resinous substances, the surface of unseasoned and massive timber. I gave my reasons for this opinion, which comport with long experience and observation, however singular it may appear. I endeavored in vain to prevail on the board, or the building committee, to cause the straight timber to be bored through the heart; that the air might pass and the sap, there evaporate; which, when confined feculates, and sooner or later, rots and ruins all large timber. Since this has not been done, I am not displeased that the timber is splitting; and, thro' crevices, giving opportunities of escape to this intestine and deadly foe. *Casing* of such timber with lead, tin, copper or wood, in immediate contact, and thereby closing the pores and preventing the emission of the feculating sap, I have endeavored to shew to have been found, in most instances, worse than fruitless; because mischievous. Nothing has been proved so effectual, as covering the whole of a frame, constructed of large timber, with a roof; and, at the sides, excluding rain, without preventing an uninterrupted circulation of air. The cover I propose is calculated to be sufficiently strong for its own support; but if tempests, uncommonly violent assail it, the covering may blow away before the frame can be injured. The light sails may, by sudden squals, be detached, and yet the ship remain staunch. These causes of apprehension have, however, never struck me with any force. Bare and improbable possibilities, ought not to be subjects of reasonable and sober calculation. What is certain far overbalances conjectural prognostics—The Bridge, if left uncovered will most assuredly decay in 10 or 12 years. Experience is the best teacher in all cases.—The modes of protection proposed in these drafts, have proofs to support them, drawn from long and respectable experiment. Among others, the Schaffhausen Bridge was a strong instance. It had been by its cover, effectually preserved from decay for 38 years, and was perfectly sound, at the time the French destroyed it. We have never heard of its being injured by tempests, though in a situation much exposed to them. In the 11th report of the British Parliament, by the commissioners of land revenue, dated Feb. 6, 1792, it will be found stated, from settled facts, that timber, secured in the manner here proposed, is of very long duration. "Ships built under cover are the most durable." "In Venice ships have, for a long course of time been built and preserved under cover—That practice has also been introduced into Sweden; and is mentioned by Mr. Neckar, in his treatise on the finances of France." "The Venetian ships of war are built and preserved from the weather while building, under sheds covered with tiles, resembling the roofs of houses; supported mostly by brick walls on each side, to defend the workmen in winter, from the inclemency of the weather; which walls are as high as the upper parts of the ships reach, and secured by cross beams, high enough to admit of ships being launched under them.—The sheds cover the ships completely on both sides; but are open at the stem and stern: only projecting a few feet farther out; and there they have temporary covers of boards, to keep out the rain." Eighteen large ships, some pierced for 89 guns, had been thus preserved, perfectly sound (in 1792) for 59 years, under the sheds.

I contrast with the foregoing facts, those I have collected on the subject of timber, generally; and those relative to the uncovered wooden bridges in America, particularly. It is to be regretted that all these structures are thus destitute of the means of preservation. I now confine myself to the account of them I recently received from Mr. Timothy Palmer; in a letter dated the 10th of December last, in these words: "To some questions you put to me some time since, relative to the durability of timber bridges, without being covered, sides and top, I answer, from the experience that I have had in New England and Maryland—that they will not last for more than 10 or 12 years; to be safe for heavy carriages to pass over. The bridge near Newburyport, over the Merrimack, was built in the year 1792. It was repaired in the year 1802. The bridge at Andover, across the same river, was built in 1793. It was rebuilt in 1803.——Piscataqua Bridge, near Portsmouth, New Hampshire, was built in 1794. I believe there have been no repairs since—except the draw. But I have lately been informed it was much decayed, and is to be repaired next season. The bridge that I built over the Potomac at Georgetown, in 1796, is not safe for heavy teams to pass over."—"Some have tried paint in the joints, others turpentine and oil, but all to no great effect. I am an advocate for weather-boarding and roofing, altho' there are some that say, I argue much against my own interest. Notwithstanding, I am determined to give my opinion as appears to me to be right. And it is sincerely my opinion, that the Schuylkill bridge will last 30 and perhaps 40 years, if well covered. You will excuse me in saying that I think it would be sporting with property, to suffer that beautiful piece of architecture (as you are pleased sometimes to call it) which has been built at so great expence and danger, to fall into ruins in 10 or 12 years!" Need much be added on the subject generally, after these statements, and remarks of this practically—intelligent and worthy man?

Never then conceiving, that any objections would be made to covering the bridge, I furnished several sketches for covers (as no person better qualified would do it) contemporaneously with Mr. Palmer's drafting his plan; and always considered the cover as much a part of the plan, as the frame. Knowing the liability of timber uncovered to decay, I should not have thought it justifiable to invite subscriptions to our stock, unless I had taken it for granted, that the bridge would be protected by *some* cover. I prevailed on Mr. Palmer to suffer me to alter his plan, in several important particulars; with a view to my design for a cover. To this he liberally consented, and now considers these alterations to be valuable improvements; and has declared his intention to adopt them in all his future plans for bridges. The masonry, too, was calculated by Mr. Vickers, agreeably to drafts furnished by me, for a cover similar to that marked No. 1 delineated by Mr. Adam Traquair from my sketches. I mention these facts, not with any view to individual merit, but to shew contemporaneous opinions; for I communicated every thing to those with whom I acted, as I occasionally met them. I present an estimate (as correct no doubt as those generally are) calculated for this design; made at my request by Mr. William Garrigues and Mr. Samuel Robinson then superintendant. It may be applied to any other with no great variation. It amounts to eight thousand dollars, a sum bearing no important proportion to the loss of capital, by the decay of the structure on which it has been expended. No. 2 & 3 are other designs for covers, which I have procured to be made. No. 2 is an improvement on the first sketch made, with the assistance of Mr. Dorsey and Mr. Traquair. Mr. Owen Biddle furnished the sketch No. 8.

It is a mistake (in my opinion) into which some respectable gentlemen have fallen, that the timber will be benefited by remaining for a season uncovered. The leakages during rains, or the meltings of snows, percolating through almost all the joints of the frame and the platform, sufficiently refute this idea. Every week and month this finish to our work is unnecessarily delayed, is an advance to ruin. No time should therefore be lost in preparations for the cover, which I have always considered as a part of the original plan; and not a new or additional measure, tho' the exact design or elevation, was not specifically fixed.

No person can regret more than I can do, the unforeseen but inevitable expenditures of the stockholders. None can give them more credit than I do, for their patience under long and unpleasant privations. These will, however, now, with the success of our work, be remunerated. But it is their interest and our duty, to secure what with uncommon difficulties and such heavy expences, has been accomplished. Their stock will be appreciated, when the object of it is rendered in its duration, as well as other attributes, really *permanent*. It would be a reflection upon their understandings, and, with the knowledge we have on the subject, a breach of our trust, to practice a dangerous and false economy, thereby incur the penalty of certain destruction. I beg the excuse of the board for giving my sentiments at length on this subject. It is one on which I thought it my duty, whatever may be the result, to be explicit.

RICHARD PETERS.

Legislature of Pennsylvania.

HOUSE OF REPRESENTATIVES.

The report of the grand committee of the House of Representatives of this commonwealth, on the subject of a Convention.

The committee to whom was referred a number of petitions from the citizens of different parts of the state, requesting the legislature to take measures for the call of a convention to revise and amend the constitution of this commonwealth, and to whom also was referred, a number of remonstrances against the call of a convention, having deliberated upon the important subject submitted to them, with all the care and attention which its delicacy and its magnitude imperiously demanded, now offer the following report:

When the great Author of nature gave existence to man, he endowed him with mental powers capable of progressive and indefinite advancement, and impressed upon his soul a desire of approximating to the goal of perfection in every art and science, and no man nor generation of men is authorised to say to the successors, that we have arrived at the acme of perfection in any human institution, beyond which it is impossible for you to pass, and above which it is dangerous and presumptuous for you to aspire; had an assumption of this nature once been admitted, every improvement in arts and sciences, as well in government, as in natural and moral philosophy, would long since have ceased; and the active genial current of the soul been chilled, and bound in adamantine chains. It is with high felt satisfaction your committee recollect, that the citizens of America were among the first to resist such an assumption of power, to have burst the chains with which they were trammelled, and to exhibit to the world, that improvement even in the science of government was practicable. Every art and every science had been studied, improved, and brought to a degree of perfectibility by the progressive labors of succeeding generations, whilst that of government, of all others the most interesting to man, remained for ages nearly stationary, until the era of the American revolution.—The same forms and systems which existed in the remote and dark ages of ignorance and superstition, were continued, and their antiquity substituted in the place of right; and he who dared to investigate their principles, stretched forth his hand to draw aside the veil, or exerted his mental powers to dissipate the mists by which their origin was enveloped, was denounced as a traitor, or immolated as a disturber of the peace and harmony of society: but the citizens of America have not only dared to examine—and to reflect, but to act upon the subject; and taught the world, that ancient forms can be improved and ameliorated, and a system of free government realized.

To the establishment of this noble example, the good citizens of this commonwealth have contributed in no small degree; they have shewn that forms of government can be altered and amended without those dreadful and terrific consequences, which have been predicted by those who *held power*, and were hostile to the equal rights of man.

In the year 1776, although engaged in a bloody contest with an invading foe, they established a frame of free government. In the year 1790, that frame of government was superceded by the present constitution of this commonwealth. In the latter instrument as well as in the former, the principle of progressive improvement is recognized—"That all power is inherent in the people; and all free governments are constituted for their peace and happiness; for the advancement of these ends they have at all times an unalienable and indefeasible right, to alter, reform, or abolish their government in such manner as they may think proper:"—Thus the right of the people to alter and amend the constitution—a right founded in reason and in natural justice, is guaranteed by the constitution itself. Under this sanction, a number of the citizens of this commonwealth have addressed the legislature by their petitions on this deeply interesting subject, and having been thus addressed, it appears to your committee, that it is incumbent on the general assembly to express some sentiment on the subject.

Before the committee proceed to give an opinion, they offer a few preliminary remarks.

It is the prerogative of the sovereign people alone—to alter, amend, or to abolish their government: that the power is not vested in, nor do they conceive it is claimed by the legislature to assume the right of dictating to the people on this important subject: that the committee as members of the legislature have come under the most solemn obligation to support the constitution under which the government is now organised, nor do they feel disposed to infract in the smallest degree any of its provisions, while it remains unaltered by the people themselves: Yet we conceive, that the legislature have an unquestionable right without violating any obligation, to express an opinion, as to the imperfections of that instrument: and especially as their attention has been carried to the subject, by the numerous petitions and remonstrances presented to the legislature.