ance of the testimony. In the observations I shall have the honor to submit, I propose to take the evidence as my text and guide, and leave the articles, to shift for themselves under the care and patronage of our honorable opponents.

Upon reading this first article of impeachment against the respondent, after a due degree of horror and indignation at the monstrous tyranny and oppression pourtrayed in it, the first question that would strike the mind of the enquirer would naturally be, when did this horrid transaction take place? when and where was it that judge Chase thus persecuted an unfortunate wretch to the very brink of the grave, from which he was snatched by the interference of executive mercy, shocked at the injustice of his condemnation? When were the rights of juries and the privileges of counsel and the wretched thus thrown down and prostrated at the feet of a cruel and inexorable judge? What would this enquirer think and believe on being informed that these atrocious outrages upon justice, law and humanity were perpetrated five years since. Why, and where has the justice of the country slumbered so long? What now wakens it from this lethargic sleep? Why has this monstrous offender so long escaped the punishment of his crimes? To what region of refuge did he fly? But will not the surprize be greatly increased, when it is told that at the time of the trial of John Fries, this injured and oppressed man, at the very time when these crimes of the judge were committed, the Congress of the United States, the guardian of our lives & liberties, were actually in session in the very city where the deeds were done and probably witnessed the whole transaction. I do not expect to be answered here, for I cannot suspect our honorable opponents of so much insincerity, that at this period the administration of our affairs was in the hands of the political friends of the judge, and therefore he was permitted to escape however atrocious his crimes.— Whatever, sir, may have been the character of that administration, even if a weak and wicked one, as it has been represented, it could have no object in protecting any individual at so great a risk to themselves and their reputation. If judge Chase had really violated the law and constitution to come at the blood of Fries, and had done this in the face of the public, the administration would have put too much at hazard by endeavouring to shelter him. I hope, however, no such reason will be given for the neglect of these charges. And as we most cheerfully and truly confide in the justice of the present administration, we trust no such distrust will be avowed of the integrity of the former—we feel as safe under trial now as we should have done then, and look without distrust for the same impartial justice from this honorable court, as we should have expected and received at any time.

We feel however, sir, a serious inconvenience from the delay of this prosecution. In five years facts fall into oblivion, and witnesses engaged in their ordinary occupations of life cannot tax their memories with the circumstances of such distant events. It is difficult to discover indeed who were present at the transaction. To guard against injustice of this kind, even in civil cases, and protect us from fraudulent and slumbering demands, a limitation is put by law upon the claims of every man. The criminal code of the United States has justly adopted the same principle. By a statute, no person shall be prosecuted or punished for treason or other capital offence, with some exceptions, unless the indictment be found within three years after the offence is committed, and for smaller offences the prosecution must be instituted within two years. We cannot it is true claim the benefit of the letter of this law, but we may claim something from its principal; in expecting from this honorable court every indulgence and allowance for any deficiency in our proof, which should be attributed not to the real weakness of our case, but to the unreasonable staleness of the charges. Judge Chase was a stranger in Philadelphia, and necessarily found extreme difficulty in discovering what persons were in court at the time to which the charges relate, and in selecting those who had the best recollection of the transaction.

This first article, sir, charges, "That unmindful of the solemn duties of his office, and contrary to the sacred obligations by which he stood bound to discharge them faithfully and impartially and without regard to persons, the said Samuel Chase on the trial of John Fries, charged with treason, before the circuit court of the United States, held for the district of Pennsylvania, in the city of Philadelphia, during the months of April and May 1800, whereat the said Samuel Chase presided, did in his judicial capacity, conduct himself in a manner highly arbitrary, oppressive and unjust." This general accusation is followed by three distinct specifications of offence, to wit:

"1. In delivering an opinion, in writing, on the question of law, on the construction of which the defence of the accused materially depended, tending to prejudice the minds of the jury against the case of the said John Fries, the prisoner, before counsel had been heard in his defence:

"2. In restricting the counsel for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the U. States, which they deemed illustrative of the positions, upon which they intended to rest the defence of their client:

"3. In debarring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law as well as on the fact, which was to determine his guilt, or innocence, and, at the same time endeavoring to wrest from the jury their indisputable right to hear argument, and determine upon the question of law, as well as the question of fact, involved in the verdict which they were required to give."

In the whole of these specifications I am able to discover but one truth; the rest is wholly contradicted and disproved by the evidence. It is true, that judge Chase did form and reduce to writing, and, in a limited manner, deliver an opinion on a question of law, on the construction of which the defence of the accused materially depended—but when the article goes on to charge that this opinion tended to prejudice the minds of the jury against the case of John Fries the prisoner, before counsel had been heard in his defence, it is utterly unfounded and untrue. To whom was this opinion delivered? To the counsel for Fries and to the attorney for the United States; and to no other person. The third copy, and but three were made, never was delivered, to the jury or to any other person, and never could produce any prejudice or injury to John Fries. Nor indeed was it ever intended to come to the knowledge of the jury, until they had completely heard the discussion of the case by counsel, when they were to have *taken out* with them this opinion of the judge upon the law of the case submitted to them. At that period of the trial when it was not only the right but the duty of the court to state to the jury their opinion of the law arising on the facts, then and not until then was it the intention of the judge to communicate to them this deliberate opinion. Could this be done with any intention to injure or oppress the prisoner; if such was the intention of the act, then and not otherwise, it was criminal. In enquiring into the nature of this act, I confine myself now to the forming and delivery of this opinion, and to decide its innocence or criminality, we should consider it in relation to its *motives*, its *time and manner* and its *consequences*. If nothing partial, oppressive or corrupt is to be found in any of these, I know not in what or whence the criminality is to be established. In deciding, sir, upon the *motive* which prompted the judge to this act, we must look for materials in the testimony; by this we must be governed, and not by the imputations, surmises and constructions of our opponents, however eloquent and ingenious. The judge and his motives are not only strongly denounced in the article, but have also had the same fate from the mouths of the managers. I take the evidence for my guide, and I know it will be the guide of this honorable court.

What then, sir, did judge Chase declare himself to be the reasons which induced him to form this opinion, to reduce it to writing, and to hand it to the council? And permit me here, sir, to state, that in all criminal prosecutions for an act equivocal in itself, and whose character of guilt or innocence depends upon the *intention* with which it was done, the declarations of the party, made at the time, are always received in evidence to ascertain and fix the true character of the act; and the fair and legal explanation of the act is taken and derived from such declarations of the party, if not disproved by other evidence. What then did judge Chase himself say of his intention and motives in relation to this opinion? Mr. Lewis states that on this occasion judge Chase said, that he had understood that at the former trial *there had been a great waste of time* on topics which had nothing to do with the business or case, and in reading common law decisions on the doctrine of treason, as well as under the statute of Edw. 3d before the revolution; and also relating to certain acts of Congress for crimes less than treason. That *to prevent this in future*, he or they had considered the law, made up their minds and reduced it to writing. And in order that the council might govern themselves accordingly, had ordered three copies to be made out, &c. &c. Here then the judge, at the time of the act now charged to proceed from a corrupt and partial intention, declares in unequivocal language what were his true motives. His object was to prevent an unnecessary waste of time in a court, where a vast deal of criminal and civil business was then depending and waiting for trial. This was the motive, and the only motive declared and avowed by the judge, at the time he delivered this offensive paper, and unless it be disproved by the evidence or the circumstances of the case, it must be taken to be the true one. It is not a subject of enquiry now whether the reason he assigned for this proceeding be a good or a bad one: it is enough to our purpose that it most certainly is neither partial or corrupt. As the motive was not partial, so neither was or could be the act oppressive to the prisoner, unless the judge, in executing his design of preventing the waste of time, pursued it to an unreasonable extent. If he obstructed only the introduction of irrelevant matter, and did not exclude any thing that could and *ought* to have benefitted the prisoner, he was guilty of no injustice or impropriety. If the proper and legal rights of the counsel of the prisoner were curtailed to his injury, there was certainly injustice done; but if nothing more than wholesome & reasonable restrictions were imposed, to the manifest advantage of the general business of the court and of other suitors there, without any unjust detriment to John Fries, then not only the motive was correct, but the act was highly laudable. And such was undoubtedly the case. If we go no further than Mr. Lewis's testimony on this subject, every idea of an intention on the part of the judge to injure or oppress John Fries is done away. As far as the judge declared himself his intention was pure and correct, and we cannot say that in the execution of this correct intention, he would have carried it to such excess as to produce oppression and injustice. The design was crushed in embryo; as far as we are acquainted with it, it is fair and clear of oppression, and we are not authorised to presume that if it had proceeded farther, it would have changed its character and become partial and corrupt. It is well known in Pennsylvania, that the loudest clamours are made against our courts for the delays of justice and the unreasonable time spent in the trial of every cause. These complaints had doubtless reached the ears of the judge; there was an enormous list of civil causes then before him, and he presumed that any expedient fairly to save time, would have been acceptable to every body, to counsel as well as to suitors.

(To be continued.)

BY an order from the Orphan's court of Washington county, district of Columbia, will be sold to the highest bidder on the 25th inst. at Mr. Semmes's tavern, George town, a negro woman, & three small boys, late the property of John Young, deceased, on a credit of six months, giving bond and good security, bearing interest from date.

CHARLES YOUNG, Adm'r.

June 3—3t

IRON WORKS
FOR SALE.

IN Wythe county state of Virginia, on Cripple Creek about 15 miles from the Great Kanhawa and 40 miles from the north fork of Holston which affords a tolerable safe navigation to a prodigious scope of the western country, where perhaps iron is in greater demand than any other quarter of the United States.

Cripple Creek affords a sufficiency of water for both forge and furnace, being fed by bold never failing springs. The furnace and all the buildings have been commenced within 4 or 5 years—they consist of dwelling houses, kitchens, and a store house; also, a large and convenient stable—the forge has not long been compleated. It is supposed to be the best built forge in Virginia, being out of choice timber felled at proper seasons and executed by a first rate forge carpenter from Pennsylvania. It works three fires and two hammers, is sixty feet long and fifty wide, well covered with joint shingles. There are between 7 and 800 acres of land attached to these works, some of it of excellent soil, and any quantity may be procured within 6 or 8 miles for from 1 to 8 dollars per acre.—The ore banks appear to be inexhaustible, lying within one mile of the furnace and good roads. From one of the banks the ore may be conveyed by water within 10 steps of the furnace, with the inconsiderable expence of 40 or 50 dollars.

The quality of the iron is acknowledged by those who have used it to be equal to any. It is particularly sought for by lock makers, saddle tree platers, cutlers, &c.

The demand for iron in that country is far beyond what is made, and is selling from 40 to 50l. per ton. I have no hesitation to say, contracts on not a very long credit can be had for almost any quantity yearly, as from that quarter a considerable portion of the western country is supplied.

As it is supposed a purchase of this magnitude would not be made, without a view of the property by those inclined to purchase, it is deemed unnecessary to give a further description.

Letters addressed to me at Abington, Virginia, will be duly attended to.

I will also sell my
SALT WORKS

On Holston in Washington county Virginia, which is now rented at 10,000 Dols a year. I have adjoining to it between 5 and 6 000 acres of land well covered with timber, a considerable proportion of which in point of fertility is equal to any land whatever, and will afford 3 or 400 acres of meadow, nearly 100 being now in good timothy. The buildings which are extensive are in a good state of preservation.

FRANCIS PRESTON.

May 1—

100 DOLLARS REWARD.

RANAWAY, two months ago about the middle of November, a Negro Man, named TOM DANIEL, five feet ten inches high, black complection, has lost some of his jaw teeth, very knock kneed, about 45 years of age. It is supposed that he has made to the northward, and has a free pass. He took with him a grey mare, and is very fond of driving a cart—Apply to

RALPH LANE, Centreville,
wtf Fairfax county, Virginia.

WASHINGTON CITY.

WEDNESDAY, June 5.

It has been agreed between the powers bordering upon the Baltic that no merchant vessel coming from the North Sea and bound to any port of the Baltic, shall be received therein, unless the captain can produce an attestation from the custom house by which it is legally proved that the vessel came to at Helsingner, Nyborg, or Fridericia, that she took a clearance thence, and that consequently the commission of health, established at each of the passages of the Belts and the Sound, after making the customary examination, permitted her to pursue her voyage.

On Monday an election was held for members of the City Council for the ensuing year, when the following citizens were elected by the votes annexed to their names.

FIRST CHAMBER.

Robert Alexander,	272
Charles Minifie,	255
George Collard,	242
William Prout,	220
Joseph Bromley,	210
Alexander M'Cormick,	206
John Dempsie,	196
William Emack,	196
John M'Gowan, and *John Chalmers,* had each	195

SECOND CHAMBER.

Joseph Cassin,	214
Samuel Hamilton,	209
Azariah Gatton,	203
John Beckley,	198
Peter Miller,	194
Griffith Coombe,	194
Michael Nourse,	186
Robert Cherry,	190
Nicholas Voss,	183

The number of votes given in the respective wards was as follows:

Wm Morins, 56 } Western section.
Rhodes, 114 }
Stelle's, 247 Eastern sec.

All the above citizens in *Italic* reside in the eastern section of the city. Several meetings were held previous to the election, and the population of the eastern and western sections being nearly equal, it was generally understood and solemnly agreed that each section of the city should have nine representatives. Numerous public meetings were held in the eastern as well as western sections, at all of which nine citizens were selected from each part. The voters in the western section adhered to these equal nominations, until they understood late in the day of the election that a printed ticket composed exclusively of eighteen residents of the eastern part of the city was vigorously supported. It was now too late in the day to make any effectual arrangements in the western section to defeat this local ticket; particularly as it was supported by a number of votes nearly double those heretofore brought forward, nor was it credited that the local ticket would be supported by the general sense of the citizens in the eastern section. The consequence was that a much greater number of votes was given in the eastern than in the western section, although the reverse has always heretofore been the case; and the *local* ticket prevailed entirely by *local* votes. This is so completely the case that of those elected four of the members had not a single vote in the western district; and six had only from six to three votes each. We shall give a more detailed statement of the votes in our next paper.

Examination of the question, "In what does true republicanism consist?"

[Concluded.]

Having examined some of the prominent points, on which genuine republicans may differ, without rendering themselves objects of suspicion, we are bro't to the second division of our subject; the points on which a correspondence of opinion is essential. This view opens a wide field of enquiry, too extensive to be fully occupied at this time. The very nature of the enquiry, however, supersedes the necessity of much detail either of argument or fact on the several points of agreement; as they must inevitably be such as do not admit of any considerable diversity of opinion among republicans; and if the points specified be such, an immediate acquiescence may be relied on.

We venture to lay down these general propositions: that genuine republicanism consists in,

1. A mutual toleration of opinion.

2. In discussing the propriety of proposed measures, under a sacred respect for truth, and the influence of an unprejudiced and uninflamed judgment.

3. In resolutely going, however at variance with preconceived ideas, whatever length reason and the public welfare require.

4. In a devotion to liberty evinced not so much in our abstract ideas of government, because the best and wisest men will differ on these points, as by the general tenor of our sentiments and actions. Consequently a true republican will neither by word or deed say or do any thing which shall infringe the rights of conscience, or the freedom of action in his fellow men, which is not flagrantly inconsistent with the general welfare.

5. In the habitual manifestation of respect for republican institutions, and the people.

6. In an habitual and chearful submission to the will of the people as expressed by a majority.

7. In a stronger attachment to measures than men, in an attachment so strong as to prevent a violation of the former from a regard to the latter.

8. In a cautious abstinence from the exercise of all unnecessary power, leaving to individuals the unmolested pursuit of their own concerns, wherein it does not injure others.

9. In the imposition of light taxes on ordinary, and of equal taxes on all occasions.

10. In the habitual maintenance of peace, unless driven to arms by the systematic and deliberate aggressions of an enemy.

11. In strenuous and persevering exertions, by promoting education and the arts, to raise the poor to a state of comfort and independence, and to enlighten the whole community, so as to render them better able to enjoy personal happiness and maintain social rights.

I will not say that these are all, or even the greater part of the traits which characterise a genuine republican; but I will say that he who possesses them is a genuine republican, however he may think or act either in private or public life on subordinate points. It will be perceived that these traits necessarily imply a sincere conviction that all legitimate power is derived from the people, and that its only honest exercise is in the promotion of their happiness.

Let us rapidly review these several traits.

First: A mutual toleration of opinion is an essential ingredient in the character of a republican. Were I called upon to name the cardinal point of republicanism, pre-eminent above all others, I would name this. Without it freedom is but a name, an *ignis fatuus*, that may hurry us into difficulties and dangers, but can never lead us to any useful result. He who denies freedom of opinion to others necessarily arrogates to himself superior intelligence or virtue to all around him; and without, perhaps, always perceiving it himself, lays the first foundation stone of a monarchy or aristocracy. Whence is it, that free states have perished, but from the inordinate ambition of a few men, who have not rested satisfied until they prostrated all opposition to their views? what was the first indication of this ambition, but intolerance of opinion, overbearing and menacing whatever crossed or thwarted it?

Let us analise the ingredients of which such a spirit is generally composed. It is founded on the belief of the individual that he is possessed of high powers, arising from a comparison of himself with those around him. This belief may be just, or it may be unjust. If unjust he can have no claims to superior influence. If just, his talents entitle him to a distinguished lead among his associates. But how is this lead to be gained? By fairly displaying his talents, by laying before his associates or the people the *reasons* for his opinions, by *convincing* those to whom they are addressed that it is their interest to receive them, and to adopt the measures they recommend. Now *conviction* is an act of the mind, that can only be produced by enlightening the judgment, and not by coercion. The appearance of it may be, but the reality never can. Where then superior powers exist, so far from leading to intolerance, they disclaim it; they contain within themselves happier means for accomplishing their purposes. Hence it rarely happens that a great mind is intolerant. Why should it be? If I may use the expression, it brings its wares to the market, and every eye at once acknowledges their superior exquisiteness and quality. Seeing is believing.

The fact is that intolerant minds are usually weak; and a secret consciousness of defect is the fruitful parent of deceitful appearances. Such minds, therefore, shrink from scrutiny; they refuse to take the common ground of argument; and they fly from the touch stone of familiar observation.

It may be further remarked that political intolerance implies a contempt for public opinion, a belief that the great body of the people are incompetent to judge for themselves.

Let us then cherish a mutual toleration of opinion as the sheet anchor of republican power and national happiness. If one of our associates possess the foregoing traits of character, and es-