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FROM THE MISSISSIPPI HERALD.

AT a meeting of the inhabitants of Claiborne county, on the 25th of April, (Agreeably to previous arrangements,) captain William M'Caleb was called to the chair – when the following addreſs to his excellency Robert Williams, was propoſed and agreed to by the meeting:

To his Excellency. Robert Williams, Esq. Governor of the Mississippi Territory.

SIR,

WE the underſigned inhabitants of the county of Claiborne, urged on by inclination, and prompted by duty, take the earlieſt opportunity of tendering to your excellency the homage of our ſincere reſpects. Diſſatisfied as we have been with the paſt, and looking forward with ſo much ſolicitude to the future, it will not be thought ſurpriſing ſhould we be found among the firſt to congratulate you, and felicitate ourſelves, on an event ſo favorable to our wiſhes.

The general reports that we have received of your excellency's *firmness and moderation*, and charitable diſpoſition, lead us to conſider the commencement of your adminiſtration as a new and fortunate æra in our public affairs. We are perſuaded we ſhall not ſee *your* adminiſtration marked by political aſperity, and that illiberal intolerant diſpoſition, (maniſeſted towards a certain claſs of our fellow citizens) which were prominent and highly characteriſtic features of the preceding one. The fanaticiſm of that adminiſtration introduced a policy of government, founded on arbitrary diſtinctions, which from our local ſituation, can have no application. A ſyſtem of government founded on ſuch principles, and guided by ſuch policy, muſt be condemned by the juſt, the moderate and diſcerning; and lamented by all thoſe who feel a common concern for the dignity of our government and the happineſs of the people.

The opinion which common fame has induced us to form of your excellency's views and intentions bids us to hope that *party spirit*, which has been introduced, and ſo induſtriouſly cheriſhed by our laſt leaders, and that odious partiality to a particular ſect, created by the blind and miſtaken zeal of theſe men, will not, we are perſuaded, enter into, or be adoped & incorporated by you, in your adminiſtration; nor will form a part of your ſyſtem of government; nor will it receive your countenance or ſupport; nor will we hereafter have the mortification to ſee a large and reſpectable portion of our fellow citizens laid under a proſcription as wicked as it is arbitrary, impolitic, deſpotic, and intolerant. No, ſir, we fondly anticipate and expect to ſee realiſed in your adminiſtration, wiſdom, goodneſs, and ſtrength, cemented by the love and cordial co-operation of the people.—We expect to ſee the bickering and jarring of party ſpirit, (which has heretofore been encouraged and fanned by thoſe who ought to have been the firſt to unite parties in brotherly affection, union of ſentiment and co-operation of exertion for the public weal,) eternally ſilenced and buried in a laſting and uninterrupted oblivion by your adminiſtration. That hereafter an attachment to particular ſentiments in politics, differing only in immaterial and ſpeculative points (for we "are all federaliſts, all republicans,") will not be conſidered by you as the neceſſary qualifications to office, regardleſs of every other conſideration that ought to have weight and influence in appointments. *Merit, capability, and personal worth*, we are perſuaded, ſir, by *you* will be made the touchſtone of promotion. By this teſt only we expect to ſee thoſe ſelected whom you wiſh ſhould act with you in the diſcharge of the various and complicated functions of the government.

Having thus expreſſed freely our opinions of the paſt, and our expectations and generous confidence in the views and intentions of your Excellency, we have nothing to add, but our ſerious wiſhes, that you may ſo be able to conduct the government, that it may be honorable to yourſelf, and that you may (together with the love of your people) poſſeſs a conſcience free from ſelf reproach, and an honeſt fame.

[Signed by the moſt reſpectable inhabitants of Claiborne county.]

REPLY.

To Messrs. Wm. M'Caleb, and Joshua G. Clarke.

GENTLEMEN,

I receive, with due reſpect, the addreſs you have this day preſented to me in behalf of yourſelves and the inhabitants of Claiborne county, expreſſing your approbation of my appointment to the government of this territory.

It is a matter of ſerious concern for a community to be diſſatisfied with the adminiſtration of its government, more ſo, if there be juſt cauſe. But with a free and enlightened people as you are, it is to be expected that conſtitutional meaſures alone, will always be reſorted to for relief, and that too with firmneſs, moderation and reſpect.

I give you aſſurance, gentlemen, of my greateſt ſolicitude not to diſappoint the reaſonable expectations of any portion of my fellow citizens in the courſe of my adminiſtration, and for which I have nothing more to pledge, than a determination to adhere to a conſcientious diſcharge of the duties of my office—the beſt ſecurity againſt ſelf reproach.

ROBERT WILLIAMS.

May 20, 1805.

PROTEST,

Made by the late capt. Iſaac Bridges, of Andover, his mate and crew, before the American Conſul at Fayal. This worthy, but unfortunate man, died of his wounds at ſaid Iſland, on the 18th April laſt, after languiſhing 19 days in extreme diſtreſs. It may be ſome ſatisfaction for his friends to learn that the honors paid him at his interment exceeded any thing of the kind ever witneſſed at Fayal. Their Excellencies the Governor and grand judge, all the military and civil officers, foreign conſuls and merchants—in ſhort, all the reſpectable people of the place, filled with emotions of pity for the unhappy fate of the deceaſed, and fired with indignation againſt the privileged aſſaſſin who was the author of it, compoſed the melancholy proceſſion.

Anno Domini, 1805.

Consular Office, District of Fayal, April 2, 1805.

BE it made known and made manifeſt unto all perſons whom theſe preſents may concern, that on this preſent day, the 2d of April, in the year of our Lord, 1805, at the lodging houſe of Iſaac Bridges, maſter of the brig Hannah, of Newburyport, where I, John Street, Vice Conſul for the United States of America, at the iſlands of Fayal and Azores, came at his requeſt, he the ſaid capt. being unable to appear in my conſular office, declared that he ſailed from Newburyport on the 13th of March, in the ſaid brig, ſound and ſtaunch, for theſe iſlands, loaded with American produce, and other articles not prohibited by any treaty between the belligerent powers; that nothing material occurred during his voyage till the 30th of ſaid March, in lat. 39, with a heavy ſea running, which cauſed the veſſel to take much water, he, the ſaid captain Bridges, obſerved a veſſel at the ſtern; that a ſhort time after the ſaid veſſel fired a gun to leeward; he, the ſaid captain, immediately ſhewed his colours, and took in ſail, to let him come up, and ſoon obſerved that ſaid veſſel was an Engliſh cutter. At half paſt 1 P. M. he hailed capt. Bridges, and ordered to ſend his boat on board him, but the ſea being very turbulent, he, the ſaid Bridges, obſerved to ſaid cutter, that his boat was too ſmall, and at the ſame time he would not truſt himſelf in it, particularly not knowing how to ſwim, and that if they wiſhed to ſearch his brig they might come and do it at their own peril. They returned in anſwer, that if he, the ſaid captain, ſhould not heave his boat out, they immediately would fire on him, and ſaid captain Bridges obſerving ſuch obſtinacy, told them fire and be damned, and that he knew the neutral laws and the treaty between England and the United States. Soon after, ſaid cutter fired ſeveral muſkets upon him, ſaid Bridges, though he had the main-top-ſail on the cap aback, the fore-top-ſail clued up; by and by the ſaid cutter came round ſaid brig Hannah, and fired a ſecond time, muſket and great guns, and at the third time that ſhe fired, he, the ſaid Bridges, received two very ſevere wounds in his thigh and groin, and his life being in great danger, in conſequence of ſaid wounds, he, the ſaid captain, deſired me to take his proteſt, as he does proteſt againſt the barbarous proceedings of the captain of the ſaid cutter, whoſe name he declares to be *Philip Le Roux*, and ſaid cutter *Providence, of London*, not only for his life, but for all loſs, coſts, and damages whatever, that ſaid brig may ſuſtain in the diſpoſal of her cargo, which he alſo declares to be under his conſignment and care. All of which, being ſolemnly ſworn on the holy evangeliſts of Almighty God, by ſaid Iſaac Bridges, his mate, Joſeph Cazneau, Philip Pepple, Anthony Robert, William Brown, John Colere, mariners, to be truth.

Iſaac Bridges, captain.
Joſeph Cazneau, mate.
Philip Pepple, }
Anthony Robert, }
William Brown, } mariners.
John Colere, }

IMPEACHMENT OF *JUDGE CHASE.*

SATURDAY, FEBRUARY 23.

MR. MARTIN, *continued.*

When Judge Chase arrived at Philadelphia he had the advantage of perusing the notes of Judge Peters and the district attorney, relating to the former trial; he thereby became well acquainted with all the points at that time made by the counsel for Fries; and Mr. Lewis has sworn, that all the points which were intended to have been made before Judge Chase, had been made at the former trial. Why then should the court either wish, or be obliged to hear counsel again on the law? In two previous cases the law had been settled.—Judge Paterson, a gentleman of the first abilities, mild and amiable, whom no person will charge with being of a vindictive oppressive, disposition, and who certainly has more suavity of manners than my honorable client had, after a most patient and full hearing, where eminent counsel attended, decided the law as was decided by the respondent. Judge Iredell, whose encomium has been most justly given us by the managers, a gentleman of great legal talents, than whom no worthier man has left this for a better world; and who, while living, honored me with his friendship, after having heard Messrs. Lewis and Dallas, and after full and patient investigation, gave, in the case of Fries himself, a similar decision; in both which opinions judge Peters perfectly coincided. Under these circumstances, judge Chase, who had no doubt of the propriety of those decisions, to prevent waste of time when there was so much business to transact, and to facilitate the business, thought it best to inform the counsel on each side, that the court considered the law to be settled, and in what manner. For which purpose they delivered to the clerk three copies of their opinion, one for the counsel on each side, the third to be given to the jury, when they left the bar. On this subject, Mr. Lewis, in his testimony, said it was to be given to the jury when the counsel for the United States had opened, or after he had closed the pleadings, but he believed the *last*. Mr. Rawle is clear that it was to be given to them, when the case was finished, to take out with them.

No gentleman on behalf of the impeachment has denied the correctness of this opinion. But the criminality of the judge, is, we are told, not in the opinion itself, but in the *manner* and the *time* in which it was given.

Was there any thing improper that the opinion should be reduced to *writing?* Why are opinions given? Surely to regulate the conduct of those to whom given; for this purpose they ought to be perfectly understood, and in no degree subject to misconception; delivering the opinion, *in writing*, greatly facilitates these objects; if therefore it was *proper* to give an opinion, it was *meritorious* to reduce it to writing, and judge Chase, in so doing, most certainly acted with the strictest propriety. And, unless a court of justice is bound to sit and hear counsel on points of law, where they themselves have no doubts, before they give their opinion, my honorable client could not be incorrect in delivering it at the time when it was delivered. If the opinion was *proper*, how, I pray, could any *injury* be done to Fries by its being delivered? The honorable managers say, it was intended to influence the jury. In the first place, this assertion is not supported by the evidence. When the paper was thrown on the clerk's table, not one word was said of its contents; nor did the court declare any opinion on Fries's case. They only determined the indictment correct in point of form, and not liable to be quashed. They determined that the overt acts stated were overt acts of treason, if Fries had committed them, but whether Fries had committed those acts remained for the jury to determine upon the evidence; as to that part of the case the court gave no opinion. But the honorable managers have told us that judge Chase must have known what were the facts in the case, because they had been disclosed in the former trial. And I pray you, sir, if he had that knowledge, could it *alter the law in the case*, or render the declaration of what the law was, *more improper?* But, as a new trial was granted, the judge could not know what additional evidence might be brought forward to vary the case from its former appearance.

Nor *did*, sir, the judge's conduct, either improperly influence, nor was it intended so to influence, the jury. No copy of the opinion would have been taken but for the conduct of Mr. Lewis, and no testimony has been offered to shew the least probability, that one single juryman ever saw the copy, or knew one word of its contents. Nay, sir, it is proved, that judge Chase took *uncommon* pains to prevent any of the jurors from being prejudiced against Fries; for, although a great number of criminals indicted for sedition, submitted to the court before Fries was put upon his trial, the judge would not permit *one single witness*, who was summoned against Fries, to be examined on the submissions, least the jury, by an examination, which would have been, as to Fries, *ex parte*, might take up prejudices against him. This, Mr. President, was an act of the judge that carries with it the most convincing proof, that he had *no wish to oppress Fries, or to prevent him from having an impartial trial: and I pray that this circumstance may be deeply impressed on the mind of every member of this honorable court.*

But if the opinion had been publicly read and known, how could it have *injured* Fries? He was to have an *impartial* trial. What is the meaning of these expressions? It is a trial according to law and fact, in which, if he is proved innocent, he shall be acquitted; if guilty, convicted. If then the opinion was agreeable to law, it could not prevent, it could not interfere with his having an impartial trial. If in any case a person is acquitted, when the facts are clearly proved, and the law is against him, it must be because he has had a *partial*, not an *impartial trial*.

I again ask, sir, ought the court, who were perfectly satisfied with respect to the law, and who considered it settled by previous decisions, in which they perfectly concurred, to have wasted perhaps several days of the public time before they gave their opinion, in listening to Messrs. Lewis and Dallas, exerting all the powers of eloquence and of sophistry to mislead their judgment? Nor did even Judge Chase give *his* opinion without the full consideration of the arguments of each of these gentlemen, in the very case of Fries. On his arrival, it is admitted by the managers, that he became perfectly acquainted with the proceedings in the former trial, as to the legal questions which had occurred, from the notes of Judge Peters and of the district attorney; and this honorable court have had an opportunity of witnessing with what precision that gentleman takes down the substance of proceedings on a trial.—Judge Chase had an opportunity of examining and considering the arguments used by Messrs. Lewis and Dallas, at the former trial, on the different legal questions then brought forward, the authorities produced, and the applicability of those authorities. He there saw every thing that the great legal knowledge and high talents of those gentlemen, indulged to the utmost extent, and heard with the greatest patience, had produced in favor of Fries. And he had the opportunity of calmly and deliberately considering the whole of these arguments and authorities in his chamber. And having done this, where would be the propriety of spending day after day in listening to the same arguments orally repeated in court, which he had read in his closet, the merit of which he had there coolly discussed, and deliberately decided?

But the managers say that this *ought* to have been done. That, though the court had no doubt of the law; and, although it is not contended but that the opinion given is correct, yet it was the *duty* of the court to have patiently listened to the counsel, and suffered them to exert all their eloquence, their ingenuity and sophistry, to pervert their judgment, and lead them into error, to prevail over their understanding, and obtain from them an erroneous opinion. And yet in the same breath, we are told by one of the honorable managers, (Mr. Campbell) that if a Judge gives an erroneous opinion, the presumption is that he doth it from corrupt and criminal motives; and that on impeachment, it is necessary that he should prove the uprightness and integrity of his intentions.

Thus, then, they insist, that if a Judge, intelligent, sensible, well acquainted with the law, doth not indulge counsel in their attempt to lead him into error, he is to be impeached for it. And, if the Judge should listen to counsel against his well formed opinion, and by their ingenuity be led to give up his better judgment, and pronounce an erroneous opinion, he is to be impeached for that also!

Nay, it is expressly said, that the more completely the law is considered to be settled, the more absolutely necessary it is that the criminal's counsel should be permitted to argue the law to the court, and to contend against the law so settled. Thus, then, I suppose, if a person is tried for an assault and battery, the prisoner's counsel must be indulged by the court, and that under pain of impeachment, in spending as much time as they please, in endeavoring to convince the court, that to come up behind an innocent, inoffensive man, and fracture his skull with a bludgeon, doth not amount to an assault and battery;—or, if a person is tried for a burglary, his counsel must also, under the same penalty, be indulged in the endeavor to convince the court, that to break into a dwelling house in the night time, and steal therefrom is not the offence of burglary.

But the honorable managers do not stop even here. They say, that even had Judge Chase indulged the counsel of Fries with all the length of time they might think proper, in an endeavor to pervert the judgment of the court, and their endeavor had proved unsuccessful, the court was further under pain of impeachment, after they had correctly declared the law to the jury, to suffer the counsel to take up as much more time as they pleased, in endeavoring to mislead the Jury, by impudently and insolently, in the face of the court, attempting to impress them with the idea that the court, though acting under a solemn oath, and having no interest to mislead them, had given an erroneous opinion; and, to induce them to receive the law from the counsel themselves, acting not under similar obligations, but whose fame and whose fortunes might be materially benefitted by deceiving the Jury,—from counsel whose every interest might be to pervert justice.

All which indulgence, the court, it seems, is also equally bound to give to the counsel in endeavoring to mislead the Jury, and pervert justice, in the cases I have before mentioned of assault and battery, or burglary, or in reality, of any other offence, however incontestible the principles of law in such cases may be. Such are the constitutional rights, which criminals and their counsel, we are told, possess; the constitutional right, if possible, to impose upon the court; and, if they fail there, the constitutional right to impose upon the Jury; in other words, the constitutional right to *pervert* justice!

Nay, we are told the more manifest the guilt, the more indisputably criminal the offende is, the more necessary that he should enjoy these constitutional rights; and so it would be, if the constitution intended, as seems to be the idea of the managers, that guilt should go unpunished; since such offenders can have no chance to escape, unless justice be perverted, through the ingenuity of counsel operating upon the ignorance, the passions or the prejudices of Judges, or Jurors.

The managers have, consistent with the above idea, which they seem to have adopted, exclaimed, "what good could counsel do to Fries, after the court had decided the law? As to the facts there were no dispute. Under such circumstances, to assign counsel to him, was mockery, was insult."

In reply, I will admit, that Fries's case was such, that counsel could not render him much service, but this was not the fault of the court, it was the fault of the case itself, it was because the law was clearly against him, and because the evidence indisputable proved, that he had committed acts, which brought him within the law.

In such cases, what is the duty of the counsel, whether assigned by the court, or employed by the prisoner? It is to advise the prisoner to plead guilty, and throw himself upon the mercy of his country, instead of taking up the time of the court, and creating expence by a Jury trial; but such advice, however agreeable to the constitution of our country, would not, I admit, agree very well with the constitution of a lawyer, as thereby he might occasionally lose large fees extorted from a criminal, fed on the vain hope that the eloquence and chicanery of his lawyer might procure his acquittal, contrary to law, and contrary to evidence.

But counsel *may be* of service to a criminal however guilty he may be, and has duties which he may correctly perform; the counsel may with propriety avail themselves of any defect in the indictment or other proceedings; they may take care that the pannel of jurors are legally and impartially returned; they may direct the prisoner as to his challenges to jurors; they may take care that no incompetent witnesses are sworn, and that no improper testimony is given; they may in any questions of law, not considered settled, be heard, and have the questions decided; in fine, they may take care that the prisoner has a *fair trial*; but when all this has been done, if agreeably to law, and clear undoubted evidence, the prisoner is guilty, it is the duty of the counsel to submit his client's case to the honest decision of the jury, without any attempt to mislead them; & this, whether the counsel are appointed by the court or employed by the criminal. Thus lawyers in Maryland are in the habit of conducting themselves in such cases, and thus ought lawyers, who respect themselves, and have a regard for their own characters, to conduct themselves in all places.

I have heard so much, Mr. President, in this case, about the constitutional rights of criminals to have counsel; and that the counsel should argue to the Jury upon the true construction of the law,