without making any objection on his part, Mr. Hay, to obtruct the prosecution, *officiously* interfered as far as he could, to deprive the United States of the testimony necessary to convict the offender, & to dissuade the witness from being sworn. A conduct, I confess I cannot but view as being at least highly censurable, yet, sir, my honorable client suffered it to pass without even the smallest reprimand! This did not shew a disposition, on the part of Judge Chase, to be captious, even with Mr. Hay.

There was another part of the testimony I omitted to notice; I will now do it, lest the gentleman who comes after me might make the same omission. It has been suggested by two of the witnesses, that the court, in one instance, used the word "we," in the plural number, as *identifying* the court with the prosecutor of the United States.—Mr. Hay has stated it to have been on the following occasion; when the counsel for Callender reproached the court with being guilty of partiality, in requiring the questions by them propounded to Col. Taylor to be reduced to writing, although the court had not made a similar requisition of the prosecutor. The court in reply, observed, "the attorney when he opened his case, stated what he expected to prove; *but though he did*, we *were not obliged to*." He was asked if he was satisfied as to the correctness of these expressions, he replied in the affirmative, and being taken down as I have now introduced them, and read to him, he adhered to them.—Some mistake there must be, for the words so stated are destitute of sense or meaning. "But though he did we were not obliged to." To do what? I presume, to have compelled him to give us his questions in writing.

The sense then must have been, that as the attorney had disclosed what he meant to prove, and as there was no doubt of the propriety of the evidence, therefore they, the court, were not obliged to require of him to put his questions in writing. This construction reduces the answer to common sense and propriety, and frees the answer from obscurity and from censure. Mr. Nicholas thinks the word "we" was used in one instance by the court, as understood by him, in the same incorrect manner, as identifying the court with the attorney, but not at the time, or on the occasion to which Mr. Hay alludes; he however is incapable to specify at what time, or on what occasion. I ask, sir, upon such evidence so uncertain, so vague, so unsupported, can any criminality be fixed, as to this part of the charge, upon my honorable client?

Indulge me, sir, with a few remarks on certain private and social conversations, which it seems have taken place between the Judge and some others, and which though perfectly innocent of themselves, have been pressed into the service of this prosecution, and attempted to be distorted into criminality—and I will then quit this part of the charges. A very worthy and respectable gentleman, with whom I have long been acquainted, (John T. Mason, Esq.) has been called upon to disclose a jocose conversation, which took place between him and my honorable client, a few days before he went on to Richmond, to hold the court at which Callender was tried. On that occasion he tells us Judge Chase informed him that he was going to hold the court at Richmond, and that he was determined to teach the Virginia bar the difference between the liberty and the licentiousness of the press. That as to himself, there was no person a greater friend to its real liberty, nor a more decided enemy to its licentiousness. Judge Chase further observed that he was in possession of a copy of the Prospect Before Us, which *I had given to him*, and said *either* that if the state of Virginia was not totally debased, or, that if there was an honest jury to be found in that state, but Mr. Mason thinks the first, he would bring Callender to punishment. Mr. Mason has declared the conversation was open and public, in the presence of a number of gentlemen, perfectly jocular, and in great good humor, and it is proved the conversation was introduced by Mr. Mason himself, whose facetious talents are so well known. That gentleman has declared that it was painful to him to be obliged now to disclose what then passed. Nor can any person doubt it; or that nothing but a sense of the obligation he owes to his country, when thus called upon to obey the claims society has upon him, could have induced him thus to disclose the particulars of this sportive and facetious conversation, introduced by himself, to gratify the views of any person, who would wish to turn it to the disadvantage of my honorable client.

But, sir, I will ask, in all this what is there that fixes any criminality on Judge Chase, or which indicated on his part a disposition to oppress? It was a fact notoriously known, that the bar of Virginia, in general did, or at least professed to, consider the sedition law unconstitutional, as *unduly* restraining the liberty of the press, that great palladium of our rights. On the contrary, my honorable client with many other respectable characters, legal and other, considered it as a wholesome and necessary restraint upon its licentiousness, and believed that such restraint was the best security for the preservation of its liberty. And on this subject let me introduce the authority of Dr. Franklin, himself a printer, and as great an advocate for the liberty of the press, as any reasonable man ought to be. He has declared that unless the slander and calumny of the press is restrained by some other law, it will be restrained by club law. The sentiment, sir, is just. If gentlemen cannot find in the laws of their country a protection from that profligate conduct of printers, which is at this time so common, or cannot obtain from the laws of their governments ample punishment against their base calumniators, they will become their own avengers. And to the bludgeon, the sword or the pistol they will resort for that purpose. But to return to my client, it was his knowledge of the prevailing ideas of the Virginia bar that induced him to use expressions which amounted to no more than his strong sense, that they had erroneous opinions as to what was the true liberty of the press, and did not properly distinguish between its liberty and its licentiousness.

And as to the determination he expressed that he would bring Callender to punishment, Mr. Mason has declared that every thing the Judge said on that subject was predicated upon the supposition, that Callender was, in reality, the author of the Prospect Before Us.

There was nothing then personal as to Callender, but only an honest indignation expressed against a vile libeller, whomever he might be.

The Judge had in his hands one of the most flagitious libels ever published in America,—a case in which there had been the most impudent and daring violation of a law of the United States;—he considered it his duty to put the law in force against such an offender. And was it not? Yes, sir, if a Judge, *either of his own knowledge, or by information derived from a respectable source*, has reason to believe the laws of his country have been violated, particularly in cases of magnitude, it is his *sacred duty* to recommend to the grand jury an examination into such crimes, and to endeavor to bring their perpetrators to due punishment. I, sir, disclaim the idea, that a Judge shews a want of impartiality because he is desirous to see *guilt* punished.—I, sir, have no idea, that our judges should be, like the gods of Epicurus, lolling upon their beds of down, equally careless whether the laws of their country are obeyed or violated, instead of *actively* discharging their *duties*. Judge Chase went to Richmond determined to enforce the laws of his country; it was an honest determination! He might, it is certain, under the frivolous pretexts used for that purpose, have continued the cause to another term, he might by so doing have left the odium of enforcing this obnoxious law to be incurred by some other of the Judges; by so doing my honorable client might have avoided the obloquy to which he has been exposed on account of this trial, and this impeachment as far as it is founded thereon. But had he so done, in my opinion, he would have been *guilty of a cowardly dereliction of his duty*.

Mr. Triplet has also been introduced to prove casual conversation in the moments of unsuspecting sociality and levity. He it seems travelled in the public stage with Judge Chase to Richmond—On the second day of their journey, having formed an acquaintance during that time, some conversation being introduced relative to Callender, Mr. Triplet informed the Judge that Callender had, when he first came to Virginia, been taken up in Berkeley county as a vagrant; and Judge Chase replied "it is a pity that they had not hung the rascal." And this is introduced to prove that the Judge left Baltimore with a predetermination to oppress and do injustice to Callender!

I have, sir, heard, I believe, more than one hundred of the most respectable gentlemen of all political parties use similar expressions, not only when speaking of Callender, but also of some other printers: But these expressions I only considered as marking their disapprobation of the conduct of those printers, not as a proof they would be guilty of injustice towards them, or that they would do them any unauthorised injury. Triplet had in the stage informed my client that he had never seen Callender;—the Judge meeting him at the door of the tavern, where they both lodged, as he came from court, the day on which the bench-warrant issued, observed to Triplet, "that the marshal had gone after Callender, therefore that he probably would have the pleasure of seeing him," and a day or two after informed Triplet that the marshal had returned without Callender, and he was afraid they should not catch the damned rascal that court.—Triplet has told us he boarded with Judge Chase at the same tavern six days; they were travelling together three days, during this whole time of nine days, such only are the scraps of loose, idle conversation, which have been picked up and brought forward as indicating a hostile and oppressive principle towards Callender.

As to the word "damned," which has been introduced in the conversation, however it may sound elsewhere in the United States, I cannot apprehend it will be considered *very* offensive, *even* from the mouth of a judge on this side of the Susquehanna;—to the southward of that river it is in familiar use, generally introduced as a word of comparison, supplying frequently the place of the word "very,"—not confined to cases where we mean to convey censure, but frequently connected with subjects the most pleasing; thus we say indiscriminately a very good or a damn'd good bottle of wine; a damn'd good dinner, or a damn'd clever fellow.

But, sir, what must at once efface every pretence of a disposition hostile and oppressive towards Callender on the part of Judge Chase is, *the mildness of the punishment inflicted*.

[TO BE CONTINUED.]

RAGS.

The highest price, in *Cash* or *Books* will be given for any quantity of clean Linen and Cotten RAGS, by Rapine Conrad and Co. Capitol Hill.

June 24—

WASHINGTON CITY.

MONDAY, AUGUST 5.

ST. LOUIS, 17TH MAY, 1805.

SIR

At the request of the Grand Jury of the District of Louisiana, I have the honor to enclose you the charge delivered by His Honor Judge VANDERBURGH, at the opening of the first General Court holden here on the 7th inst. for publication. The principles contained in it are, in my opinion, particularly worthy of the public attention in this quarter.

I have the honor to be,
Sir, your humble servant,
RUFUS EASTON,
Attorney Genl. Louisiana.

MR. SMITH.

JUDGE VANDERBURGH'S CHARGE TO THE GRAND JURY.

Gentlemen of the Grand Jury,

IT is highly pleasing to me to meet at this time the Grand Jury of the District of Louisiana, as a respectable and component part of the General Court; & that pleasure is greatly increased, when I reflect on the distinguished event which has united the Louisianians with the citizens of the United States.

Among the many acts of political wisdom for which the American government has been celebrated, the acquisition of Louisiana merits a conspicuous place. This memorable event, which adds to the Union, a fertile and extensive territory, of immense value, as well as a considerable accession of population, respectable in character and property, reflects honor and dignity on those patriots and sages who were engaged in administering the concerns of the American people. Under those happy political institutions which by this joyful occurrence have fallen to the lot of Louisiana; I sincerely hope, and confidently believe that the people will always have reason to rejoice, and I have no doubt but that by a wise and judicious exercise, and by a prudent and careful application of these glorious privileges, for which the constitution and the laws of the United States are so justly celebrated, they will experience all that happiness and freedom, safety and prosperity which their brethren in the United States so eminently enjoy. I am confident that the citizens of Louisiana will not be found less impressed with the importance of supporting and preserving the spirit of our goveranments, or less devoted to the principles of the federal constitution, the rock of our national salvation, than any other of their fellow citizens in the union; that they will cultivate and promote by every expedient in their power, the constitution and laws laid down for their government, as the best means of securing to themselves and posterity all the principles of rational and practical liberty. A constitution, which has arisen out of society or out of the social compact in conformity with the natural dignity of human nature, and not from superstition or conquest; and admininistered upon the humane and benevolent principles of the one provided for the American empire, and which has so abundantly guarded against the vice and wickedness of man, must, when supported with integrity, prove a sourse of peace and safety, honor and prosperity to all those who live under its protection—Much, however, gentlemen, will depend on your own conduct and exertions, in order to attain that degree of political happiness which the government of the United States is so eminently calculated to produce. Under a constitution emanating from the people, and which expressly provides that they all have equal rights, no object presents itself more forcibly to the mind, or is entitled to greater attention, than that of schools and the means of education. Religion, morality and knowledge, being essentially necessary to good government and the happiness of mankind; we ought from a sense of duty which we owe to ourselves and society, to promote and encourage by every means in our power an object which unites in it so many endearing considerations. It is by an early and proper education that the mind becomes impressed with useful facts and good principles, and by diffusing knowledge and learning generally through the mass of the people, the stock of human happiness will thereby be greatly increased—For I believe it may be fairly concluded that those who neglect the establishment and cultivation of learning, science and religion, neglect the only means of real refinement, prosperity and happiness.

Let me now, gentlemen, direct your attention more particularly to the objects of your official duties, which are dear to yourselves, and highly important and interesting to your fellow-citizens. I have no doubt that your deliberations will be guided by the principles of truth and justice, and with all that patient firmness which becomes the character of freemen, called to act in an arduous and conspicuous station—That your breasts will be inaccessible to any of those angry passions to which the weakness of human nature is perhaps too liable—and that while you are occupied in the righteous business of administering justice, you will feel superior to every consideration, which has not the public good, and the happiness of the people for its object. Let your ears be open to the voice of truth and your hearts steeled against the malicious breath of falsehood and calumny: They are malignant and dangerous passions, not more destructive to virtue and generosity than to the peace and happiness of those who harbor them. They are ever ready to confound private with public justice. Let your love of duty, and the knowledge you have of the value and dignity of your office, point out the course you ought to pursue in order to attain an honorable fulfilment of your official pursuits.

But while we are zealously endeavouring to discharge with integrity the duties we owe to each other, let us not forget to bear in grateful remembrance, the many signal favors which we have received from Divine Providence; let us ardently strive so to regulate our conduct and actions in our obligations to God, as to leave us conscious hopes that the same Providence will ever continue to increase and protect the prosperity of the people of Louisiana.—The constitution and laws of the United States assign to grand and traverse juries, a very important share in the administration of public justice, and it is of the utmost concern to every member of the community, that those duties should be punctually and faithfully fulfilled. Connected with the duty of grand juries in all free governments, is the important right they have at every court to which they are called, to give their attendance for that purpose, to examine into the acts of the legislature, and especially those of a criminal nature, and to exhibit to the bar of public justice, all those who are wicked and daring enough to act in violation of any of the provisions therein contained.

One of the fairest features in the American government is that spirit of equality which reigns through all its parts, so that no man is superior to the laws of his country, that the great and the small, the rich and the poor, all bow alike at the altar of justice, and submit to those obligations from which none are exempt.—The grand jury is a body of men selected for the purpose of preserving the peace of the district over which they preside, and of bringing to light for investigation and punishment all violence, outrages, breach of the peace and every thing that may occasion danger, disturbance, alarm, or dismay to the citizens.

They are under a solemn obligation to disclose every offence of which they have knowledge, and examine every charge of which they have information, and deliver their judgment with a strict and impartial regard to public justice, and to the public peace.—It is the peculiar duty of the grand jury to take cognizance of all offences against the laws; but in discharging this trust, so essential to public freedom, care must be taken to do it in such a manner as to defend and relieve the oppressed, protect the innocent, punish the guilty and cherish and support the friendless.

Among the many wise and salutary provisions which have been made in order to secure and perpetuate the blessings of freedom to the American people and their posterity, none occupy higher ground than that which secures to them the invaluable right of the trial by jury. By this admirable mode of decision, superior to any other in the world, we find it carefully provided that no man shall be called to answer for any crime unless upon the preparatory accusation of twelve more of his fellow citizens, the grand jury acting under all the impressions of duty and the solemn obligation of an oath: the best means that has ever been devised for ascertaining the cause of justice, for we find in every religion the Deity has been invoked to confirm the truth or punish the falshood of humane testimony, and that the truth of every such accusation whether preferred in the shape of indictment, information or otherwise, shall afterwards be confirmed by the unanimous suffrage of twelve of his equals and neighbours, chosen in such a manner as to remove every idea of suspicion, and discard all apprehensions of partiality or favor; here there is a monument raised in favor freedom, that will, as long as juries hold inviolable their duty, remain terrible to the enemies of justice.—There is, gentlemen, no branch of the government of the United States more sensibly felt by society, than that of the judiciary—It is to this authority aided by juries that we must resort for settling all questions of civil property, and it is there we must likewise go, as to the fountain of justice, for support and protection against every act of tyranny and oppression.—It is the judiciary only which can reach the person, the property, or the life of an individual.

Here then we readily perceive the necessity of every man who participates in the blessings of our government, being in some degree acquainted with this most valuable method of trial, not only because we are frequently called upon by the laws of our country to determine in this capacity the rights of others, our fellow-citizens; but because our own property, our liberty, and our lives depend upon maintaining in its legal force this constitutional trial by jury.

Numerous and powerful indeed are the inducements held out to excite us to noble and virtuous actions, by an honorable pursuit of which we shall not only contribute more forcibly to support and maintain the laws, but shall escape many of those evils to which the infirmities of nature and the imperfections of society renders us liable.

It is my duty, gentlemen, to give you in charge the act of Congress, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers"—One of the principal objects embraced by this act, and in which the interest and welfare of this country is deeply concerned, is that of preserving peace and friendship with the Indian tribes. In order to carry this humane object of the law into effect, it is necessary, whenever the Indians have occasion to come among us, to receive them with humanity and treat them with the utmost justice and good faith: that in all our intercourse with them, we should, in obedience to this law, regulate our conduct in such a manner as to remove all cause of complaint; promote and strengthen that good understanding, which so happily exists at present, and which affords the greatest protection and best security our brethren on the frontiers can have against the bloody scalping knife and murderous tomahawk of the merciless savages.

I also give you in charge the act for the punishment of certain crimes against the United States, and the act in addition to an act for the punishment of certain crimes against the United States.

Let me now direct your serious attention to such of the statute laws of the district, as from the nature of your duty requires you to examine and deliberate on.

Before you retire permit me, gentlemen, on behalf of the court to congratulate you on the success of your application to Congress, on the subject of a separate territorial government. It is another evidence of the readiness with which the national legislature is at all times disposed to listen to every well founded application. The change, which is about to take place, renders this not only the first, but the last time that we shall have the honor of sitting in court among you.—We, therefore, beg of you to accept of our unfeigned solicitude for your welfare and prosperity, and we most devoutly pray, that Heaven may continue to the people of Louisiana its choicest token of favor and benificence: that your union and brotherly affection may be perpetual, and that you may cherish a cordial, habitual and immovable attachment to that free and happy government under which you have been brought: that, in short, the happiness of the citizens of Louisiana, under the auspices of liberty, may be complete, and that every part of their public conduct may be stamped with wisdom and virtue.

I now dismiss you, gentlemen, to your duty, and under the dictates of your own consciences, and that great rule of right which God hath inscribed on every virtuous mind, sincerely believing that you will discharge it faithfully.

Expression of thanks, and request of Grand Jury.

TO THE HONORABLE THE GENERAL COURT IN AND FOR THE DISTRICT OF LOUISIANA.

The Grand Jury for the body of the said district beg the honorable court to accept of their sincere thanks, for the excellent charge delivered to them by his honor Judge Vanderburgh, at the opening of the first general court, and on the first session of a body so ancient and respectable in the said district of Louisiana. Sensibly feeling the obligations they are under to the Honorable judges of the court, they request that his Honor Judge Vanderburgh would favor them with a copy of his charge for publication, in order that the principles contained in it may be disseminated among their fellow-citizens.

Grand Jury, in Session,
St. Louis, May Term, 1805.

B. JOHNSTON, *Foreman of the jury composed of twenty-three members.*

Answer of Judge Vanderburgh.

JUDGE VANDERBURGH presents his respects to the Grand Jury of the District of Louisiana, and acknowledges the receipt of their polite note, requesting a copy of the charge which he had the honor of delivering to them on Tuesday last, and which he herewith forwards. Next to the satisfaction he derives from a conscientious discharge of his duty, is that of having the approbation of so respectable a body as the Grand Jury of Louisiana.

St. Louis, 10th May, 1805.

To BENJ. JOHNSON, Esq.
Foreman of the Grand Jury
for Louisiana.

It is reported from Spain that the Inquisition have prohibited Locke on the Human Understanding, and Pope's works, the best books in the English language. And can it be wondered at? Such invectives are commonly uttered against Philosophy and Theory, that it will not be surprising to see soon a persecution of letters, and of all the friends of science. The Illuminati scheme began by mobbing a cabinet of curiosities.