

HIGH COURT OF IMPEACHMENT.

MONDAY, February 11.

Evidence on the part of the United States.

Mr. Tighman's testimony continued. Question—You have been a long time at the bar, did you ever see a proceeding similar to that in the case of Fries?

Answer—I have been in the practice of the law for thirty one years, and I have no recollection of a similar proceeding.

Q When Mr. Chase said that counsel would be heard, did he say that the counsel must address themselves to the court on the law and not to the jury?

A At that time he said nothing of that sort, nor do I recollect that he ever did say so.

Edward Tighman—cross examined by Mr. Harper.

Q You say, Mr. Tighman, that you are certain that when the paper was thrown down, that Judge Chase did not say that the counsel must address themselves to the court on the law?

A I am certain.

Q Have you any recollection that the court at any time forbade the counsel to address the jury on the law?

A I have not.

Q Did Judge Chase say that the counsel should not be suffered to read the acts of congress?

A I do not recollect to have heard any thing said concerning the statutes of congress.

Q Did Judge Chase express disapprobation at the other courts having suffered these laws to be read?

A I do not recollect he said.

Q By Mr. Hopkinson—Did you observe any disposition in the court or in Judge Chase to oppress John Fries?

Mr. Nicholson—I object to that question.

Mr. H.—I withdraw it.

Q By Mr. Martin—Is it not customary for courts in criminal cases to charge the jury as to the law?

A The usual practice in the courts in which I have been, is for the court to permit the counsel on both sides to argue the law before the jury at length, and after they finish, to charge the jury. They generally inform them what in the opinion of the court is the law, but that the jury are the judges both of the law and fact. The counsel generally pursued that course which they conceived to be most advantageous for the clients, and in casual cases I have never seen them stopped by the court.

Q by Mr. Nicholson—In all your practice both in Pennsylvania and Delaware, have you ever known an instance of the court informing the jury what was the law previous to counsel being heard?

A I never have.

Q by Mr. Martin—Did the court in the case of Fries tell the jury what was the law, before they requested the counsel to proceed?

A They did not, nor when they charged the jury, was the paper which had been thrown down mentioned. The jury were not sworn.

Q by Mr. Nicholson—were the jury attending at the time the paper was thrown down and in a situation that they could hear what passed?

A The general pannel attended with great punctuality, and although I have no positive recollection, yet I am pretty certain that a number of them were present. I have looked over the list of the jury who served, and those who were challenged, in order to discover whether I could recollect to have seen any of them at the time, but my memory totally fails me. Generally when the court is open, the jury box is filled, which will hold but eleven—and every time we try a cause, a chair is brought for the twelfth juror. The rest of them remain in the hall of the court. When Judge Chase observed that the counsel might proceed at the hazard of their character, the general pannel was in court.

Q by Mr. Randolph—Did not Judge Chase say that the law had been settled?

A I do not recollect that he did, nor was it stated that the opinion in the paper was the opinion delivered in the trials of Vigol and Mitchell or in the first trial of John Fries.

Q How many copies were taken of the paper thrown down by the court?

A I do not recollect to have seen any taken but the one taken by himself and the one by Mr. Ross. They were all copied at the bar table where the paper was thrown, nor was the opinion ever carried from the bar table, where the jury had not access.

Q by Mr. Nicholson—did you hear the subject spoken of that day?

A We who took copies of the opinion spoke our opinion on it, and it was a subject of much conversation among the gentlemen of the bar.

Q You say that it is usual for courts to charge juries on the law, have you

ever known the court to reduce their opinion to writing and to give it to the jury to take out with them?

A I never saw an instance of the kind in my life.

The President's Speech.

Reached the office of the American (per express) last night, between 11 and 12 o'clock;—and the Editors experience a peculiar satisfaction, in being enabled, by anticipating the mail, thus early to present it to their numerous patrons. The exertions used to obtain it are more than counterbalanced, by the pleasure it communicates, to reflect, that they have, at least, endeavored, on this occasion, to gratify their friends.

WASHINGTON, MARCH 4, 1805.

This day, at 12 o'clock, THOMAS JEFFERSON, PRESIDENT of the United States, took the oath of office and delivered the following INAUGURAL SPEECH in the Senate Chamber, in the presence of the two Houses, and a large concourse of citizens.

SPEECH.

PROFESSING, fellow-citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred on me. It is my duty to express the deep sense I entertain of this new proof of confidence from my fellow citizens at large, and the zeal with which it inspires me so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me that I have on every occasion acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations as with individuals, our interests, soundly calculated, will ever be found inseparable from our moral duties. And history bears witness to the fact, that a just nation is trusted on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow-citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expences, enabled us to discontinue our internal taxes. These, covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation, which, once entered, is scarcely to be restrained from reaching successively every article of produce and of property. If, among these taxes, some minor ones fell, which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid chiefly by those who can afford to add foreign luxuries to domestic comforts. Being collected on our sea board and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask what farmer, what mechanic, what labourer ever sees a tax-gatherer of the United States? These contributions enable us to support the current expences of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue, thereby liberated, may by a just repartition among the states, and a corresponding amendment of the constitution, be applied, in time of peace, to rivers, canals, roads, arts, manufactures, education and other great objects within each state. In time of War, if injustice by ourselves or others sometimes produce war, increased as the same revenue will be by increased population and consumption, and aided by other resources, reserved for that crisis, it may meet within the year all the expences of the year, without encroaching on the rights of future generations by burthening them with the debts of the past. War will then be but a suspension of useful works, and a return to the progress of improvement.

I have said, fellow-citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the mean time may keep down the accruing interest. In all events it will replace the advances we shall have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory may endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions. And in any view, is it not better that the opposite bank of the Mississippi should

be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

In matters of religion I have considered that its free exercise is placed by the constitution, independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it: but have left them as the constitution found them, under the direction and discipline of the state or church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries, I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores. Without power to divert, or habits to contend against it, they have been overwhelmed by the current, or driven before it. Now reduced within limits too narrow for the hunter state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which, to bodily comforts, adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use: we have placed among them instructors in the arts of first necessity; and they are covered with theegis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter. They are combated by the habits of their bodies, prejudices of their minds, ignorance, pride and the influence of interested and envious individuals among them, who feel themselves forming in the present order of things, and fear to become nothing in any other. These persons inculcate a fanatical reverence for the customs of their ancestors; that whatsoever they did must be done through all time; that reason is a false guide, and to advance under its counsel in their physical, moral or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger. In short, my friends among them also is seen the action and counter-action of good sense and of bigotry. They too have their anti-philosophists, who find an interest in keeping things in their present state; who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines, I do not mean, fellow citizens, to arrogate to myself the merit of the measures. That is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures. It is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties. It is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public happiness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the executive functions.

During this course of administration and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science are deeply to be regretted inasmuch as they tend to lessen its usefulness and to sap its safety. They might perhaps have been corrected by the wholesome punishments referred to, and provided by the laws of the several States against falsehood and defamation. But public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth? Whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation.—The experiment has been tried.—You have witnessed the scene.—Our fellow citizens have looked on cool and collected. They saw the latent source from which these outrages proceeded. They gathered around their public functionaries: and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be entrusted with the control of his own affairs.

No inference is here intended that the laws provided by the States against false and defamatory publications should be enforced. He who has time, renders a service

to public morals and public tranquility, in reforming these abuses by the salutary coercion of the law. But the experiment is noted to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press confined to truth, needs no other legal restraint. The public judgment will correct false reasonings and opinions on a full hearing of all parties, and no other definite line can be drawn between the inestimable liberty of the press, and its demoralising licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those too not yet rallied to the same point, the disposition to do so is gaining strength. Facts are piercing through the veil drawn over them; and our doubting brethren will at length see that the mass of the fellow citizens, with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire. That our wish, as well as theirs, is that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved, equality of rights maintained, and that state of property equal or unequal, which results to every man from his own industry or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them. In the mean time let us cherish them with patient affection. Let us do them justice, and more than justice, in all competitions of interest: and we need not doubt that truth, reason, and their own interest will at length prevail, will gather them into the fold of their country, and will complete that entire union of opinion, which gives to a nation the blessings of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow-citizens have again called me: and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray:—I am sensible of no passion which could seduce me knowingly from the path of justice; but the weakness of human nature, and the limits of my own understanding will produce errors of judgment sometimes injurious to your interests. I shall need therefore all the indulgence I have heretofore experienced; the want of it will certainly not lessen with increasing years. I shall need too the favor of that Being in whose hands we are, who led our fathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessities and comforts of life: who has covered our infancy with his providence and our riper years with his wisdom and power: and to whose goodness I ask you to join with me in supplications, that he will fo enlighten the minds of your servants, guide their councils, and prosper their measures; that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship and approbation of all nations.

TH: JEFFERSON.

CHARLESTON, February 16.
Capt. Fisher, of the Schooner Dash, arrived yesterday from Havana, in 5 days, informs, that an embargo had existed for two months previous and was taken off three days before he left that port. A squadron consisting of three English frigates, a sloop of war, and a brig blockaded that port, and had captured, it was said, a Spanish packet, and close in with the Moro, a valuable ship from Vera Cruz, with a considerable quantity of specie on board. For some time past there had been no arrivals from Spain at Havana. All property belonging to the English had been seized at Havana.

Wm. and John Barney
HAVE removed to Gay-street, next door to the Custom House.
March 4 d4t

Columbia Mills for sale.
THESE MILLS, with the LANDS threethree attached, about 27 acres, will be offered for sale by the subscribers, at their Auction-room in Baltimore, on MONDAY the Eighth of April next, at 4 past 6 o'clock. This property is situated on the waters of Deer Creek, in Harford county, Maryland; 1 1/2 miles from Stafford, the residence of John Swanp, esq. and 3 miles from Hooker's Landing, at the head of tide water on Susquehanna. The improvements, are a decent dwelling house, a miller's house, and other out houses; an apple orchard, and a variety of peach and other fruit trees.
The mill is a substantial stone building, about 66 feet by 40; has two pair of excellent French burr stones, and one pair of Cologne; the stream is capable of turning two wheels at the dryest season, and the mill every way calculated for carrying on an extensive business, but now out of repair. Jeremiah Rogers, on the premises, can give further information, if required.
The nearness of this situation to the tide water on Susquehanna, promises important advantages in the purchase of grain descending that river, as well as in the easy carriage of flour, by water, to Baltimore. One third of the purchase money will be required in hand, a reasonable credit may be had for the residue, on being satisfactorily secured.

At the same time and place will be sold, A tract of LAND, of about 180 acres, on which is an apple orchard and some small improvements, in a healthy situation, nearly adjoining the residence of Colonel Carvel Hall, in Harford county. It is now in the tenure of William Arnold, and belongs to the estate of Alexander W. Davy, deceased.
LEMMOX & CAMPBELL, aud'rs.
March 4

The President's Speech

In our paper of to day, will afford a rich treat to all who can peruse it, under the happy influence of reason, truth and candor.

APPOINTMENTS.

Approved by the Senate.
ROBERT SMITH, Attorney General of the United States, in the room of Levi Lincoln, resigned.

JACOB CROWNSHIELD, Secretary of the Navy, in the room of Robert Smith, appointed Attorney General.

GENERAL HULL, Governor of the territory of Michigan.

We understand these appointments received the unanimous sanction of the Senate.

INTERMENTS in the burying grounds of the city and precincts of Baltimore during the week ending yesterday morning at sunrise.

Consumption,	5
Worms,	1
Childbed,	1
Sull born,	3
Old age,	2
Adults,	8
Children,	4
TOTAL,	12

Gen. Moreau will make his voyage to America in the spring, he leads here a very retired life, he bears his fate with silent resignation, and is extremely mild and courteous in his deportment, so that he has obtained in a high degree the esteem of the few persons who have the happiness to approach him.
(Cádiz paper.)

The following bill was read a first time in the Senate of the United States, on the 20th instant, and ordered for a second reading:

"A bill freeing from postage all letters and packets, to and from Aaron Burr. Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled; that all letters and packets to and from Aaron Burr, vice president of the United States, after the expiration of his term of office and during his life, shall be carried by the mail free of postage."
[Aurora]

During the week (which was our country's number of counterfeit notes of the Bank of the United States were offered in this city. The writer of this paragraph saw one for a hundred dollars, & two for fifty of the Charleston Branch; one of the Baltimore, and another of the New York Branch, for the same sum, and a Philadelphia note for 10 dollars—all, except two, in the hands of different persons. This information is given by w. y. of caution.
[Raleigh, N. C. pap.]

(From a Nassau (N. P.) paper of January 25)

TRIBUTE OF THANKS.
At a meeting of the Bahama Chamber of Commerce, held on the 16th of November, 1804.

RESOLVED, "That the thanks of the Chamber be given to captain Charles Burton of the Snow Thomas of London, for his humanity in picking up and bringing to this port, the mauler and surviving part of the crew of the American brig Flora, of Philadelphia, whereof Thomas Burrows was master, when in the greatest distress, and almost in the middle of the ocean; & that the fame be transmitted by the President."

A true Copy,
J. WEBSTER, Prefd.

Extract of a letter from an officer on board the frigate Constitution dated Syracuse Harbour, November 9th, to his friend in New York, received by the John Adams.

"We have had no intelligence lately from our prisoners in Tripoli: our last accounts left them in close confinement. Naples is in possession of the French, and the royal family are at Palermo. The town of Almeria, in Spain, had been sunk by an earthquake. Lord Nelson is going to England on account of his ill state of health, and, it is said, is to be succeeded in the command by Sir John Orde. The Mediterranean is very quiet as to warlike operations: we are at present the only noisy people in it. Our force will consist of 20 gun boats, 4 bomb vessels, 5 frigates, 3 brigs, and 2 schooners, with which we shall renew the attack on Tripoli in the Spring, if the Bahama continues the war until that time, which we understand he is determined to do."

Mr. Francis Tomois, clerk in the French treasury, died on the 19th of last November, at Paris, aged 88.—He left behind no less than ten widows, though he was a bachelor until 1792.—In his will he declares he never intended to marry, had not the National Convention passed the law for easy divorces.—He leaves to each of his widows an annuity of 1200 livres (50l.) as he says they were all equally dear to him.—None of them is yet 30 years of age.