

3d year, which enjoins all the agents of the republic to respect and observe, in all their dispositions, the treaties which unite France to the neutral powers of the continent, and to the United States of America; that this last law is not derogatory to the law of the 9th May, 1793, resolves as follows:

Art. 1. The commissaries of the Executive Directory, with the civil tribunals of the department, shall take care that, in the contests upon the validity of maritime prizes, no decision shall be founded upon the 7th article of the law of the 13th Nivose, without the minister of justice having been previously consulted, conformably to the third article of the law of the 8th Floreal, 4th year, relative to the treaties, in virtue of which neutral persons intend to withdraw themselves, by means of the first of these laws, from the execution of that of the 9th March, 1793.

2. The minister of justice shall examine whether the treaties shall subsist, or whether they have been modified since the conclusion of them; there shall be furnished to them, by the minister for foreign affairs, all the documents of which they shall stand in need, and reference shall be made to the Executive Directory, as it is prescribed by the law of the 8th Floreal, 4th year.

3. The Directory remind all French citizens, that the treaty concluded on the 6th Feb. 1778, between France and the United States, has been, on the terms of the 2d article, modified of full right by that which has been concluded at London, on the 19th November, 1794, between the United States of America and England—in consequence,

1. After article 17 of the treaty of London, of the 13th Nov. 1794, all merchandise of the enemy's, or merchandise not sufficiently ascertained to be neutral, conveyed under American flags, shall be confiscated; but the ship, on board which such merchandise shall be found, shall be released, and given to the proprietor.—The commissaries of the Directory are enjoined to accelerate, by all means in their power, the decision of the contests which shall arise, either upon the validity of the captures of the cargoes, or upon freights and insurance.

2. According to the 18th article of the treaty of London, dated the 19th Nov. 1794, relative to articles declared contraband by the 24th article of the treaty dated Feb. 6, 1778, are added the following:—Ship timber, oakum, pitch, and resin, copper for sheathing vessels, sails, hemp, and cordage, and every thing which serves, directly or indirectly, to the arming and equipping of vessels, excepting bar iron and fir in planks. These articles shall be confiscated as often as they shall be destined or attempted to be carried to the enemy.

3. According to the 21st article of the treaty of London, of the above date, every American, who shall hold a commission from the enemies of France, as well as every seaman of that nation, composing the crews of the ships and vessels, shall, by this fact alone, be declared piratical, and treated as such, without suffering the party to establish that the act was the consequence of threats or violence.

4. In pursuance of the law of the 14th of Feb. 1793, the regulations of the 21st Oct. 1744, and of the 26th July, 1778, respecting the manner of vessels and neutral merchandise, shall be complied with according to their form and tenor.

Every American ship shall therefore be deemed a lawful prize, which shall not have on board a bill of lading in due form, according to the plan annexed to the treaty of the 6th Feb. 1778, the execution of which is enjoined by the 25th and 27th articles of that treaty.

5. The commissaries of the Executive Directory are required to carry into effect the penalties that attach on all clandestine attempts that may be made by Americans, or vessels belonging to any other nation, to pass as neutral, on board the vessels where the fraud is attempted to be practised, in the manner that these penalties have been repeatedly carried into effect during the present war. The penalty shall attach where the blanks in the consignments and invoices are not filled up, though signed and sealed, where the papers are in the form of letters, containing fictitious signatures, where are double passports or policies, specifying different destinations; where consignment is made to two or more factors, and where there are different receipts or papers of any kind which consign the whole, or part, of the same goods to different owners or different destinations.

6. By this article, provisions of the treaty of the 9th Frimaire last, relative to freight and insurance, are repealed, as far as they apply to insurance.

7. The present treaty shall be published in the bulletin of the laws. The ministers of marine and of the colonies, of justice, and for foreign affairs, are charged with the execution of it in their respective departments.

(Signed) REWBELL, President.  
LEGARDE, Sec. Gen.

A Charge delivered to the grand jury for the district of Maryland, in the Circuit court of the United States, held at Annapolis, on the 8th of May, 1797, by the honourable James Iredell, one of the associate justices of the Supreme court of the United States.

*Conclusion of the Grand Jury.*  
THE frequent returns of courts of justice necessarily occasion us to reflect on the origin from which they flow. However painful such review may be to some nations, to us it can afford nothing but satisfaction and gratitude. We trace the origin of ours as well as of every other authority to the purest source from which any authority can be derived, the spontaneous but deliberate grant of the people themselves for whose benefit it is established. Liberty, to a considerable

degree, had subsisted in other ages and other countries, but such an exercise of it as this (notwithstanding the fanciful opinion of some ingenious writers) probably first took place in our own. The attempt was noble, and the success hitherto has been beyond all expectation. Whether its blessings are to be preserved or lost, must in no small degree depend on the conduct of the people themselves.

If they wish for good laws, they must choose able and disinterested men to make them. If they wish for officers adequate to their station, in the other departments of government, it is in their power directly or indirectly to secure them by a discreet and judicious exercise of the choice with which they are invested. If in any particular their confidence should be abused, a plain and adequate remedy is provided. After a stated interval their legislators may be changed. Without any delay, but such as the occasion must require, any public officer, who has misbehaved, is liable to trial, punishment and disgrace. To this may be added, what probably is not the weakest restraint, the general odium that must attend a manifest departure from duty in so important public employment.

The people at large having these securities for the faithful discharge of offices of public trust, it is fit that those whom they select as their officers should have some security on their part. It is not to be presumed that men, chosen as they are, should be remarkably deficient either in ability or integrity, and therefore they have a right to expect that their conduct should not immediately be condemned, merely because some persons are ready to find fault with it. The task they have to perform is of no common magnitude both as to difficulty and importance. If in the small concerns of private life few men can conduct themselves with strict regularity and exactness, and unexpected difficulties will disconcert even the most orderly and discreet, can we conceive the path perfectly plain and obvious for the government of millions of men, who, though possessing one common and united interest, have an infinite variety of private views tending to divert them from the great object of union, even if their understandings and dispositions were perfectly alike? But if to this we add the various degrees of their understanding, their different means of improvement and information, the delusive and dangerous passions by which many are guided, the activity of bad citizens, the supineness of good, unless some critical alarm alike attacks both to a struggle which may endanger the government at the moment when its utmost energies are necessary, we cannot wonder at the diversity of opinion which prevails in respect to most public measures, nor at the consequences which follow from rival sentiments, too apt to disturb the temper even of the best minds, but which unavoidably give a full scope to the passions of weak, arrogant, or unprincipled men, who either make no allowances for difficulties which weak minds never perceive, or from an excess of vanity and presumption, suppose none can surmount them but themselves, or with views too base to be avowed, hesitate not to gratify malignant propensities of their own, without the slightest independent regard to the honour, the interest, or even the safety of their country. Such causes must often produce great agitation in any country, but must operate with increased and dangerous vigour in one, like our own, composed of many powerful states, to a great degree independent of each other, having either real or imaginary differences of local interest, and with little other effectual cement to bind them together, but a sense of foreign external danger, which, with respect to many, will be apt to operate but too weakly until it has increased to a magnitude which astonishes and confounds them.

Considerations like these are calculated to impress upon the mind that salutary caution with which all public measures ought to be examined. If it be a point of duty or justice, we need inquire no further. Policy is out of the question: The duty must be performed—justice must be satisfied at all risks. Men would be for ever unjust, and morality would be a name, if exceptions were once admitted upon any principle whatever to a strict observance of it. If a subject of policy be in question, nothing affords greater room for real differences of opinion. The wisest men, with the best motives, have been always divided upon such questions, and always will be—because nothing is more fallible than human judgment, when it extends its views into a futurity for the greatest part so impenetrably hid from the sight of man. All political measures must be grounded on such views, and consequently must partake of the imperfection of the grounds on which they are adopted. Diffidence, therefore, as to any point of policy, is becoming the ablest men, and in reality they are, for the most part, the best disposed to entertain it. Some mode of decision, however, must take place. Can we desire a better than that it should be such a decision as the people themselves have deliberately thought best adapted to the case? It is indeed, as well as all other political subjects, a natural and proper object of their review: for their own sake, that review ought to be conducted with temper and moderation. Before they condemn any one measure, where some measure was necessary, they ought to be very sure that a better could be adopted. None can ever be adopted without some inconveniences—Few, perhaps, without some advantages. It is the part of wisdom to weigh one against the other, and decide in favour of that measure where the advantages are greatest, the inconveniences fewest. Any other mode of considering great questions of public policy is idle and insignificant. If after all, any individual disapproves of the voice of his country, what does duty and common modesty require of him? To be perfectly consistent he is right in his opinion, and those intrusted to decide are wrong! Who is the man entitled to so arrogate an estimation of his own abilities? Is he rashly to determine that the measure has been

adopted from some dishonest motive? What right has any one man to charge another with dishonesty without proof? Let him prove and punish if he can—If he can do neither, but will throw out calumny as random, he must stand in the view of his fellow-citizens as a slanderer, and incur the suspicion that his readiness to suspect others of dishonourable intentions, has probably arisen from something in the texture of his own mind which led him to ascribe worthless motives as the most natural inducement of action. The part surely for every man who loves his country, but who disapproves of any public authoritative decision, is to submit to it with diffidence and respect, considering the many chances there are that his own opinion may be really wrong, though he cannot perceive it to be so; that whether it be or not he does not live in a despotic government where any one man's opinion, not even his own, is to decide for all others; and that the very basis of all republican governments in particular, is the submission of a minority to the majority, where a majority are constitutionally authorized to decide. For a man to call himself a republican without entertaining this sentiment, is folly. To be one, without acting upon it, is impossible.

Since, therefore, the plainest dictates of duty, and the principles of republicanism itself, which in their due application ennoble the human mind, though nothing can more disgrace it than the abuse of them, require of us all to obey the laws of our country, it is incumbent on us to take care that an obligation so important be not rendered merely nominal, but that every individual shall perform his share of the common trust, or answer for his neglect of it. Many instances of neglect or indifference towards it, which may have great effects on the happiness of his country, are of a nature not punishable by human laws, and the punishment of them, therefore, must be left to the conscience of the individual, and the reproach which a violation of the rules of morality, though unaccompanied by any human sanction, seldom fails to draw upon it. There are, however, others of too serious a nature, and so directly tending either to destroy or injure the society at large, that laws are provided by it for their punishment; and without such laws, and a due execution of them, no society could subsist, for an idea that all men will support voluntarily any government, however excellent, or cheerfully obey any laws, however wise, is ridiculous. But as it is of great moment to establish some laws containing penal sanctions, so it is also of the highest importance that the execution of these should be provided for in such a manner, as to secure as much as possible the conviction only of the guilty, leaving innocence nothing to fear. The mode of prosecution long adopted in our country probably contains this security in its utmost extent; accusation by one jury—trial by another—the trial being altogether public—witnesses adduced face to face—the prisoner under no restraint but from mere confinement—challenge to a considerable number in all capital cases to let slide jurors even for momentary dislike—the jury not being a permanent, but an occasional body, liable to be affected either as members of the community, or as individuals who may be subjected to a similar prosecution, by their own precedents—All these circumstances probably provide as great a security for innocence as is compatible with avoiding a total immunity for guilt. With us, happily, this is no theoretic speculation: None of us can remember a time when these privileges were not in a great degree familiar to us; so familiar indeed, that knowing scarcely any thing of oppressive prosecutions, but from the history of other countries, we are too apt to undervalue this inestimable blessing in our own.

To you, gentlemen, are committed prosecutions for offences against the United States. The object is the preservation of a union, without which undoubtedly we should not now be enjoying the rights of an independent people, and without the support of which it is in vain to think we can continue to enjoy them. This country has great energies for defence, and by supporting each other might defy the world. But if we dispute, if we suffer differences of opinion to corrode into enmity, jealousy to rankle into distrust, weak men to delude by their folly, abandoned men to disturb the order of society by their crimes, we must expect nothing but a fate as ruinous as it would be disgraceful, that of inviting some foreign nation to form and take advantage of our internal discords, first making us the dupe and then the prey of an ambition we excited by our divisions, and to which those divisions if continued must inevitably give success. So critical and peculiar is our situation, that nothing can save us from this as well as every other external danger, but constant vigilance, to guard against even the most distant approaches of it, and being at all times ready to provide adequate means of defence. Our government is so formed, that that vigilance can always be exerted, and those means when necessary be drawn forth. To rely upon these is not only our indispensable duty, but the only chance of securing that union of spirit and exertion without which in a moment of danger no efforts can be of any avail. For 21 years that union has preserved us through multiplied dangers; and more than once rescued us from impending ruin. I trust it will still display itself with its wonted efficacy, and that no threats, no artifices, no devotion to names without meaning, or professions without sincerity, will be capable of weakening, by any impression on a sensible people, a cement essential to their existence.

I have troubled you with this address, gentlemen, on account of the extreme importance of the matter of it at the present moment. The sentiments have flowed warmly from my heart, and I flatter myself are not ungenerous to your own. The present situation of our country is such as to require the exertion of all good men to support and save it. I enter into no particulars, as the legislature of the United States are on