

ADDRESS
TO THE SPANISH ARMIES.

MADRID, December 28.

By his Excellency the Prince of Peace, and Generalissimo of his Catholic Majesty's Forces, the following has been published:—

"The King has condescended to commit to me, as Generalissimo of the Royal armies, the conduct of the war commenced with Great Britain; and he commands, that all the principal officers of his dominions correspond privately with me on the subjects connected with this event. To comply with the terms of the confidence reposed in me, and to fulfil the honorable duties enjoined me in the supreme authority over his gallant troops with which I am invested, it is expedient that I call into activity my loyal seal in his cause, and adopt the most effectual means to discharge this high and important office.

"It is universally known, that when we were in a state of profound peace with England, hostilities were commenced by that country, by the capture of 3 frigates; one was destroyed in the contest; a regiment of infantry destined for Minorca was made prisoners; many vessels laden with grain were taken; and others, under the burthen of one hundred tons, were destroyed. When were these robberies, these acts of treachery and assassination, committed? When our Sovereign admitted the ships of that nation to a free and undisturbed commerce, and gave the necessary supplies to their ships of war. What profligacy and degradation in the one; what honor and dignity in the other. On the view of this perfidy, is there a Spaniard whose indignation will not be excited? Is there a soldier who will not grasp the weapon of destruction? Brave seamen, three hundred of your brethren have had their mangled members scattered to the winds; one thousand are deprived of the light of Heaven, in the dungeons of your enemies. Valiant soldiers, an equal number of your companion in arms are deprived of the swords they knew how to wield, and are carried to a remote Island, where they will either perish with hunger, or be constrained to unite with the ranks of the defeated foe. Remember, then, your sacred obligations. Generous Spaniards, a few innocent and defenceless fishermen are reduced to the lowest step of human misery, and their afflicted wives and deserted offspring implore our pity, and demand your protection. In face, thousands of families, expecting support from the wisdom of the state, in a season of famine, are brutally deprived of the subsistence provided for them, and exclaim, with the voice of thunder—Vengeance! Vengeance! Let us then, my countrymen, obey; the king expects it, and honor and justice require it at our hands. If the English have forgotten that the blood which circulates in the veins of Spaniards is the same which flowed in the breasts of those who triumphed over the Carthaginians, the Roman, the Vandal, and the Saracen, it is time that the recollection should be revived; it is time to convince them that we will preserve the fame of our ancestors unsullied, and shew to them that we will perform our duty to posterity, if it require that our ranks should be thinned to add to the glorious catalogue of Castilian heroism. If these distant Islanders have attributed our desire to preserve tranquillity within our borders to lamentable weakness, or to dishonorable fear, let them at least be taught that the latter can never disgrace the bosom of a Spaniard, glowing with all the ardent and liberal impressions peculiar to his country. Quickly will we teach them, that a loyal, virtuous, and brave people, attached to religion, and enamoured of true glory, can never be insulted with impunity, much less can it endure an instance of sanguinary violence directed against its dignity and independence. If the English, unmindful of the principles of humanity respected among civilized nations, abandoning all shame & remorse, have only sought to obtain possession of our treasures, which we should have peaceably delivered to them, had they been entitled to the property, we will recall to their memory a fact which we trusted had been universally acknowledged—that the abuse of power, the violation of public right, and the mad excess of despotism, have ever been the awful presage of the fall of empires. Let them tremble in the contemplation of this ill-gotten wealth; let them shudder before the bloody victims of their aggression; and let an eternal mark of infamy be impressed, and universal detestation be excited for these examples of public atrocity.

"Valiant Spaniards! the nobleness of your character, no longer admits you to be passive witnesses of these disgraceful scenes. The love of our King for his people is perfectly known, and leaves no doubt that his numerous vessels will coincide in his wishes, and gratify his expectations. To arms then, my fellow soldiers & countrymen, & engage in the war in the way most likely to hurt a terrible

destruction upon our enemies: but while we spread the terrors of battle, let us not, in imitation of our enemies, desert those general maxims of humanity, which are respected by all regular governments. In order that the chiefs of the states may proceed in this important business with the energy which the occasion requires, and the King's command, I proclaim, in his royal name, that if the success of any enterprise should not be equal to the wisdom by which it is planned, and the gallantry with which it is executed, they will not be considered responsible for the event; but they will be liable to the consequences, if they do not put in activity the full extent of the resources with which they are entrusted. Nations, not provided with the means with which we are supplied, and placed in situations much more critical, have known so well how to economise their limited powers, as to make that people which dared to trample on their rights, feel the effects of their resentment. Fan the public ardour into general conflagration; avail yourselves of the magnanimity of a whole country, and prodigies lose their character, and become familiar.

"Under the present circumstances, it becomes the Governors of the Provinces to spread the generous spirit of enthusiasm amongst the troops under their orders; it behoves the venerable dignitaries of the Church, and the Civil Officers in the various political departments, to animate all orders and ranks of men to assist the honour of their King and Country, by the powerful influence of example, and by the attractive charms of eloquence.

"In cases out of the ordinary current of events, it will be expedient to recur to means equal to the occasion; and each province of the Empire will, according to its peculiar situation, vary in the efforts it directs to annoy the common enemy. Learn how to blend wisdom with patriotism, and let every commander, and every district, in obedience to him, present before the Sovereign and Citizens of the State, and before the eyes of all Europe, deeds worthy of the country to which they belong—When any opportunity be afforded of destroying the foe, wait not for orders from a distant officer of government; let not delay diminish the impressions of nascent valour, and let not the natural courage of man be frittered away in the collision of idle formalities.

"Contemplate contraband commerce as the highest crime; it is conducive only to satisfy the avarice of our enemies; the manufactures they offer you, are prepared by the reeking hands of those who are bathed in the blood of your fathers, and brethren. Impress all around with a sense of horror, at the practice of this heinous intercourse; and when it is universally felt, when not a Spaniard will disgrace himself by this pernicious connexion, when Europe shall understand her genuine interests, and every part of the continent shall be closed upon these intruders, then will our vengeance be complete; the insupportable arrogance of the Islanders will be humbled; they will be lost amid the chaos of their own ruin; and they will be recognized only as the violators of public right, and as the tyrants of the ocean.

"May the spirit here applauded be that of the whole nation; may we all of us readily sacrifice our private indulgence to the general cause; and if there should be an insulted character among us not animated with this noble disposition, may he catch the flame of patriotism from his associates, and not disgrace the Spanish name by tergidity and indifference. The age and infirmities of some will not permit them to make a personal part in the glorious enterprise, but they may by their counsel, condescend to the general design; and this his Majesty expects, and I implore of them; and thus, by availing ourselves of every resource with which God and nature have furnished us, the effects of our indignation will be terrible to our enemies. In fine, if any particular Member of the state should wish exclusively to undertake schemes which he thinks likely to annoy the English, and for which he shall require the assistance of the government; let him communicate his project to me, and I will provide him with the necessary means, if his purpose should be so well formed as to conduce to the injury of Britain, and the glory of Spain.

(Signed)
THE PRINCE OF PEACE.
Madrid, Dec. 10. 1864.

Bohemia Window Glass.

JUST received, 150 boxes of 10 by 12 and 6 by 10 GLASS, in good order and of excellent quality, and 6 hds. prime old Richmond TOBACCO, for sale by

CHAS. S. GHEQUIERE & H. KUNCKEL.
Who have received, by the late arrival from Paris, Hempen casburgs, boullaps, brown rolls and hessians, well laid in, which they will sell by the bale, or smaller quantity.
They have also on hand, to supply their customers

White and brown plattias, cress and dowlass, white sheeting or rouans, britannias, German 10 hands scythes and straw knives, dem Johns of 6 gellons, a small assortment of Holland bolting cloth, &c.—the prices will be moderate and a liberal credit given to their punctual customers.

Figura red wine, in pipes and hogheads, equal to the best Oporto wines, and a few pipes 4th proof Cognac brandy.

N. B. They continue to give the highest market price for bear skins, otters, minks and other shipping furs—as also, for grey and red deer skins.

March 12

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(BY PERMISSION.)

HIGH COURT, or IMPEACHMENT.

TUESDAY, February 12.

Evidence on the part of the Respondent.

Samuel Ewing, sworn, and examined by Mr. Hopkinson.

Q Is that paper in your hand writing?

A It is, except the conclusion of a particular paragraph.

Q At what time did you make it?

A It was copied from a paper thrown down by the court on the bar table at the trial of Fries. In the afternoon of that day, while I was in the office of Mr. Lewis, with whom I then studied, Mr. Caldwell, the clerk of the court, called on and asked me for it, and I gave it to him, and I have never seen it since until a few days ago.

Q Was you in court the next day, and what took place?

A After I had been in court a few minutes, judge Chafe mentioned that the counsel were wrong as nothing which had fallen from the court as a restriction—and asked the counsel whether they meant to go on. The conversation ended with a determination on their part not to proceed with the defence. Judge Chafe observed, that after the court had explained their minds on the law, that if the counsel still persisted in citing cases which were not law, they must do it at the risk of their legal reputation. I did not understand and this as a menace on the part of the judge.

Edward J. Coole, sworn, and examined by Mr. Hopkinson.

Q Is that paper (showing him one) in your hand writing?

A It is. This is a copy of a paper given to me by judge Chafe, to copy for him, and was made previous to the trial of John Fries. I had read law in Baltimore under the direction of judge Chafe, and when I resided in Philadelphia he occasionally sent for me to copy his opinions, while he held a court there. This paper was copied from one in the hand writing of judge Chafe.

Q What were the reasons assigned by the judge, when he gave you this to copy?

Mr. Nicholson. I objected to that question. I do presume that the respondent cannot give any conversation of his in evidence.

Mr. Hopkinson. Declarations are always admitted to shew the intent of the act. We have heard much of the quantum of the judge and we wish now to shew it.

Mr. Nicholson. Evidence may be given of declarations, which operate against the party making them, but not in his favor, unless made at the same time. This I take to be the rule of law.

Mr. Martin. I know that declarations themselves cannot be given in evidence in favor of the party making them, but when the declarations accompany the act it becomes a part of that act, and is proper to be given in evidence. Such is the case at present and I hope the question will be allowed to be put to the witness.

Mr. Rodney. I conceive that no declarations of the party can be given in evidence in his favor. If that doctrine were correct, to what inconceivable mischief would it lead us. The greatest criminal, when indicted for any act, might offer his own declarations to shew his intent to be pure. For myself I could wish that every latitude might be allowed the respondent in his defence, and I shall never object to any question being put; but when an objection is made to one by an honorable manager, it becomes my duty to throw in my mits against the question.

The question was then reduced to writing and the question taken upon allowing it to be put to the witness and determined in the negative—Yeas 9—Nays 25.

Mr. Hopkinson here offered, in evidence, a certificate of the clerk of the circuit court of Pennsylvania, shewing the number of civil causes on the docket at the time of the trial of Fries, and a part of the charge of judge Iredell, delivered to the grand jury, who found the first bill against Fries, and also the cases of Vigol and Mitchell, reported in Dallas.

William Rawle, examined by Mr. Hopkinson.

Q Was the restriction, which was laid on the counsel at the trial of Fries, applied to the counsel for the United States as well as the counsel for Fries?

A I have no recollection of any other restriction. I did conceive it laid on both, and that the counsel, on neither sides should attempt to mislead the jury. That the counsel for the United States should not cite cases which destroyed the salutary provisions of the statute of William, as that of dispensing with the necessity of having two witnesses to prove an overt act of treason, and that the counsel for the prisoner should not cite common law cases concerning treason.

William Meredith, sworn.

Mr. Hopkinson. Please to relate what came under your observation at the trial of Fries.

Mr. Meredith. On the 22d day of April 1800, I went to the court house at a late hour. As I approached the house I met a number of persons, and the im-

pression on my mind was that the court had adjourned. But meeting none of the bar, I went into court and found it sitting. Soon after I went in, judge Chafe observed that the court had considered the overt acts charged in the indictment against Fries, and had made up their minds as to the constitutional function of treason; and to prevent mistake, had caused three copies of their opinion to be made out by their clerk—the paper was then thrown down on the table. I recollect that at this time judge Chafe observed, that the giving this opinion was not intended to prevent the counsel from arguing the law. I felt a desire to take a copy of the paper but I had no opportunity of doing it. The court adjourned a short time after this. When I was at home an application was made to me by Mr. Caldwell, the clerk of the court, who had heard I had taken, but I informed him that I did not take one. On the following day I was in court at the opening of it. John Fries was placed at the bar, and the judge enquired of the counsel whether they were ready to proceed with his trial. Mr. Lewis observed that he declined acting any longer as counsel for the prisoner. Judge Chafe said that the counsel were not to consider themselves bound by the opinion of the court which had been delivered the day before. Mr. Lewis referred to the opinion, and said that it in fact precluded the counsel from addressing any arguments to the court. Judge Peters said that the opinion was withdrawn. Judge Chafe observed that the counsel were at liberty to argue the case fully, both as to the law and fact, before the jury. Mr. Lewis then stated to the court his idea of the apportionment of common law cases, judge Chafe stated his belief that they were inapplicable but he remarked that the counsel might go on and cite them to the jury as it was not the intention of the court to circumscribe them in their defence or to take the decision of the law from the jury. He stated further, that the counsel might manage the defence in any way, having at the first time a regard to their own characters. I am positive as to those expressions, because I made a summary of their proceedings and they were in the statement. Judge Peters made some remarks calculated to put the counsel in a good humour and induce them to proceed; but they persisted in declining. Thus far the court manifested a conciliatory disposition towards the counsel, but when it was perceived that they would not proceed with the defence of Fries, judge Chafe told them, "If you suppose, you will embarrass the court gentlemen, by such conduct, you are mistaken," or words to that effect. He then addressed himself to the prisoner and asked him if he was ready for his trial, or would have other counsel assigned him. Fries observed that he did not know what to do, but would leave it to the court. Mr. Rawle then expressed a wish that the trial might be postponed until the next day, which was accordingly done. On the following morning Fries was again placed at the bar, and was asked whether he wished other counsel assigned him. He declined having counsel and observed that the court should be his counsel. Judge Chafe then said in the most pathetic and impressive manner, "Then by the blessing of God the court will be your counsel, and will do you as much justice as those who were assigned you." The trial then proceeded. I was not there the whole time of it.

Question by Mr. Hopkinson.

Did not Judge Chafe take particular pains to inform Fries of his right to challenge and cross-examine the witnesses, and reminded not to ask any question that might criminate himself?

A. I thought Judge Chafe's promise to Fries very well, to wit: That of being his counsel. He appeared to take uncommon pains to prevent Fries from asking any question that might criminate himself, and to remind him of his right to challenge, and examining the witnesses produced on the part of the United States.

Luther Martin sworn.

Mr. Harper. Will you please to state whether and at what time you furnished judge Chafe with the "Prospect Before Us" and whether there was not a number of passages scored in it by yourself?

Mr. Martin. I was in New York during the sitting of the circuit court there. While I was sitting at the bar, I observed in a newspaper that the "Prospect Before Us" was advertised to be sold at Greenleaf's printing office. Having never seen it, I went to the office and purchased a couple of them. Judge Washington was then holding the court at New York, and informed me that he had never seen the book, and I offered him one of mine; but he sent his servant and purchased one. I then read the book, and as in my usual custom secured whatever passages I thought remarkable, either for merit or demerit, and in this case I scored a number of them. At that time I did not know that judge Chafe was to hold a court at Richmond, nor were the passages scored with any intention to be used in a prosecution. There were passages scored which could not have been used in the indictment, because I scored all those which reflected on the character of General Washington. When I returned home and found judge Chafe was going to Richmond, I gave him the book and observed that he might amuse himself with it on the road, and afterwards make what use of it he pleased. I did detect the book.

Q Was your name written in the book?

A It was on the title page of it.

James Winchester sworn.

Mr. Harper. Judge Winchester, will you please to state whether you were not in Annapolis, in company with Judge Chafe and Mr. Mason, when a conversation took place relative to the "Prospect Before Us," and what was the nature of that conversation.

Mr. Winchester. I attended in May, 1800, at Annapolis, as a district judge, and held the circuit court there in conjunction with judge Chafe. I think on the last day of the term, a man by the name of Saunders was sentenced to be whipped, for breaking open a letter in the post-office. When he was taken out of court to receive his sentence, a crowd gathered at the door and prevented the passage of the court out of it. I do not remember what persons remained in court. While the judges remained on their seats, Mr. Mason came up and addressed himself to judge Chafe. After such a lapse of time my recollection must be very imperfect, and I shall use my own language in stating what I recollect. I think the conversation took place in this way. Judge Chafe had delivered what has been called his farewell charge to the grand jury.—Mr. Mason observed, "Well, judge, what do you call this charge? Is it a moral, a political, a religious or a judicial one?" Judge Chafe replied that he believed that it was a little of all. I think Mr. Mason informed the judge that he would not deliver such sentiments in Virginia. It appeared to me that judge Chafe thought he meant to say that he would be afraid, and he said that he would not only deliver such sentiments, but would execute the law as he declared it. The conversation then turned on the subject of the book called the "Prospect Before Us," and it was spoken of as a book written by Callender. The conversation which passed concerning it I do not recollect more than this, that I have a strong impression that judge Chafe said that Mr. Martin had given him the book, and that he should take it with him to Richmond. I heard the testimony given in a few days ago by Mr. Mason, and my testimony corresponds with his in this particular, that the whole conversation was of a jocular nature; but I do not remember particular expressions that he does; such as the judge's observing, that if the state of Virginia was not wholly depraved, or if there were an honest jury to be found in it, that he would punish Callender. But my attention was not directed to the whole of the conversation which took place, and those expressions might have been used by judge Chafe without my hearing them.

William Marshall sworn.

Mr. Harper. Please to relate to this honorable court, at what time you saw judge Chafe, after his arrival in Richmond, and what took place at the trial of Callender.

Mr. Marshall. On the 21st of May, judge Chafe arrived in Richmond. Immediately after his arrival I waited on him, and he asked me (being the clerk of the court) concerning the state of the docket, and I gave him information concerning it. On the 22d of May the court met, and judge Chafe charged the grand jury. On Saturday, the 24th, they returned with a presentment against James Thompson Callender as the author of a book called the "Prospect Before Us." I believe that the grand jury had prepared the presentment before the court opened, and as soon as it opened they made it. As soon as I had read the presentment, the marshal carried the jury back to their chamber, and the attorney went to prepare the indictment. There was some conversation between judge Chafe and the attorney, and then judge Chafe enquired what was the process proper to be issued on the presentment. Mr. Nelson answered, that he supposed a capias was. Judge Chafe said something about a bench warrant, which was unknown to us. Judge Chafe then observed, that all three of us, must draw a form of arrest, and the one which he most approved of should be used. I finished mine first, and the judge approved of it and ordered me to put the seal of the court to it and deliver it to the marshal, which I did.—On Saturday evening the grand jury bro't in the indictment. Judge Chafe formed the court from the 22d to the 29th of May inclusive, alone—on the 30th judge Griffin arrived. On the 27th the marshal brought Mr. Callender into court in custody. A chair was handed to him, and he remained in court. In the evening judge Chafe observed, that perhaps Callender might have some application to make to the court. I do not recollect whether the gentleman who afterwards appeared for Callender were then in court; if they were, they said nothing. Mr. Merewether Jones informed the court, that Callender was not prepared to make any application, but that one would be made the next day. Judge Chafe asked if Callender could give bail. The reply of Mr. Jones was, that he could in a moderate sum.—Judge Chafe then asked Callender what he was worth, who replied that he was about equal. The judge did not appear to understand him, and asked what he meant by it. Callender said that he had no property, and that he owed about two hundred dollars. That he had more than that owed to him; but did not expect to receive more of it than what he owed, so that he did not conceive himself worth any