

LOVE AND LUST.

By SELLEC OSBORNE.

LUST, like a ravenous tiger, springs
With savage gust, upon its prey,
And on the lovely object brings
The marks of ruin and decay.

LOVE, like the bee, with gentle power;
Extracts the honey of delight,
Sips ev'ry sweet, nor wounds the flower,
On which his tender pinions light.

LUST, like a furnace, breathing fire,
Embraces only to destroy,
And, in the ardor of desire,
Blasts ev'ry comfort, ev'ry joy.

LOVE, like the genial sun in May,
Emits its kind refreshing beams,
Drives each intruding care away,
And on life's varied landscape gleams.

LUST, like a mighty deluge, pours
Dismay and terror where it flows:
Poor victims shudder while it roars,
And wake to horror, from repose.

LOVE, like the gently-winding rill,
Glides peaceful o'er the verdant green,
Where ev'ry boisterous care is still,
And all is tranquil, all serene.

ORIGINAL ANECDOTE.

A MAN who lately had de ceased
With yellow-fever, dreadful pest,
A barber was desir'd to shave,
To send him beardless to the grave;
But "No, not I!" the shaver cries,
With uplifted hands and gazing eyes,
"Who knows but one might get his death
By taking of the dead man's breath."

[BEE.]

DOCUMENTS.

Accompanying the report of the Committee appointed to enquire into the official conduct of SAMUEL CHASE & RICHARD PETERS.

[CONCLUDED.]

The answers of William S. Biddle, to the annexed interrogatories, in the case of Samuel Chase and Richard Peters, Esqrs.

1. In answer to the first interrogatory, this deponent says that he was present at the second trial of John Fries for treason before the circuit court of the United States for the district of Pennsylvania, in the spring term of the year 1800.

2. In answer to the second interrogatory, he says he has not a correct copy of the whole opinion delivered by the court in writing to the counsel for the prisoner at the trial. That the paper now produced to the commissioners and hereunto annexed, was written by this deponent during the trial aforesaid, and was preserved by him among other papers, containing important law opinions and cases. That the following extract from the said paper, is to the best of this deponent's knowledge and belief...

It is the opinion of the court, that any insurrection or rising of any body of people within the United States to attain or effect by force or violence any object of a great public nature, or of public and general or national concern, is a levying of war against the United States, within the contemplation and construction of the constitution of the United States. On this general position the court was of opinion that any insurrection or rising to resist, or to prevent by force or violence, the execution of any statute of the United States, for levying or collecting taxes, duties, imposts or excises, or for calling forth the Militia to execute the laws of the Union, or for any other purpose, (under any pretence, whether as that the statute was unequal, burthensome, oppressive, or unconstitutional) is a levying of war against the United States within the constitution.

That the remainder of the page of the annexed paper, and the following page to the words "constitute the crime of levying war," contain the substance of the principal points of law, stated by the court on that occasion, and that the residue of the contents of said paper annexed, are no part of the opinion of the court, but are authorities and cases added by this deponent for his own use and information.

3. In answer to the third interrogatory he says, that he was at the time of said trial studying law with William Pawle, Esq. then attorney of the United States for the District of Pennsylvania. That he attended the circuit court during almost all the trials for treason in that court, in the years 1799 and

1800; and occasionally assisted Mr. Rawie in writing down the testimony delivered on those trials. That the annexed paper (except as to the latter part of it just mentioned) was according to the best of this deponent's recollection and belief, copied by him in court before the commencement of the said trial, from a paper which was then circulating around the bar, as the opinion in writing delivered by the court; and immediately after the same was delivered by the court.

4. To the 4th interrogatory he answers, that he cannot at this time recollect with certainty, whether the annexed paper was or was not copied from the original signed by the court or delivered by them to the counsel, nor can he be positive that he saw the said original paper—but at the time he supposed the paper from which he took said copy was the original opinion delivered by the court, and he still believes it was.

W. S. BIDDLE.

Circuit Court of the United States, April 1800.

CHASE AND PETERS.

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Military array or weapons not necessary to constitute a levying war—Foster 208.

The true criterion is *Quo Animo*, the people did assemble. When the intention is universal as to effect some object of a general public nature, it will be treason—Foster 210, 211.

To conspire & meditate an insurrection, to resist or oppose the execution of any statute of the United States by force, is only a high misdemeanor, but to proceed to carry such intention into execution by force, is a levying of war, and the quantum of force is immaterial, whether by 100 or 1000. Some force or violence must be used in pursuance of the design to levy war, but 'tis immaterial whether the force used is sufficient to effectuate the object. Any force connected with the intention will constitute the crime of levying war.

4 Bl. Com. 81.—Levying war may be done by taking arms under pretence to reform the laws or to remove (public) grievances, whether real or pretended—See 5 D. A. 121—Foster 209, 210.

5 B. A. 121 Salk. 635—5 St. Tr. 37—Assembling armed with a treasonable design is an overt act in every case of levying war, though nothing further be done.

Insurrection to raise the price of servants wages, or to break all prisons and set all prisoners at liberty.—3 Inst. 10—Kel. 75, 77—1 Vent. 251.

2 Dall. 346. U. S. v. Nicol. ib. 348. U. S. v. Mitchell. Defts convicted of treason for an attempt to prevent the execution of the excise law.

Dougl. 570.—Raising a body of men to obtain by intimidation or violation the repeal of a law, is an overt act of levying war.

Foster 215.—Damaree and Purchase, an avowed intent to demolish all meeting houses. This insurrection to be considered as a declaration by the rabble against the toleration act, and an attempt to render it ineffectual by numbers and open force.

W. S. BIDDLE.

Thomas Leiper.

Mablen Dickerson.

City of Richmond, to wit:

This day James Thomson Callender, made oath before me, a magistrate for the said city, that William Gardner, Tench Coxe, Judge Bee, Timothy Pickering, William B. Giles, Stevens Thomson Mason, and General Blackburn, he believes to be material witnesses in his defence, against an indictment found against him during the present term of the circuit court of the United States for the middle

circuit, Virginia;—That William Gardner aforesaid, resides, he believes, in Portsmouth, in the state of N. Hampshire—That Tench Coxe, aforesaid, resides in Philadelphia, in the state of Pennsylvania;—That Judge Bee resides, the deponent hath understood, in South-Carolina, but in what part of the state he knows not;—That Timothy Pickering, aforesaid, resided of late in Philadelphia, in the state of Pennsylvania, but where he resides at this time the deponent doth not know;—That W. B. Giles, aforesaid, he hath understood, since he hath been furnished with a copy of the indictment, and since the said Giles hath left town, resides in the county of Amelia, and that General Blackburn resides in the county of Bath.

The said James Thomson Callender further declares, that he expects to prove by the said William Gardner, and that he verily believes that he shall prove by the said William Gardner, that the said William Gardner was commissioner of loans for the state of New-Hampshire, under the government of the United States, and that he was turned out of the said office of commissioner of loans, because he the said Gardner refused to subscribe an address circulated in the town of Portsmouth, in New-Hampshire, and presented to the President of the United States, in the year 1798, at the instance of several inhabitants of the said town; in which address unequivocal approbation of the conduct of the said President in the administration of the United States is expressed.

2d. The said James T. Callender also declares on oath;—That he verily believes that he shall prove by the evidence of Tench Coxe aforesaid, that he, the said Tench Coxe, in the year 1798, held an important office under the government of the United States, to wit, commissioner of the revenue, from which office the said Coxe was ejected by the present President of the United States; because he did not approve the measures of his, the said President's administration, or the principles on which it was conducted.

That he verily believes he shall be able to prove by the evidence of Judge Bee, that he did receive from the President of the United States in the year 1799, a letter in which he the said President did advertise and request the said Judge Bee, then acting in his judicial character, to deliver to the consul of the British nation in Charleston, Jonathan Robins alias Thomas Nash, who had been apprehended and carried before the said Judge on a charge of murder, committed on the high seas on board the British frigate Hermione.

He farther deposes on oath, that he verily believes that he shall be able to prove by the evidence of Timothy Pickering, that the President of the United States was in possession of dispatches from Mr. Vans Murray, American minister in Holland, containing assurances on the part of the French republic, that ambassadors from the United States would be received in a way satisfactory to the people and government of the United States; many weeks while congress was in session, before he communicated the same to Congress.

The deponent further saith, that he verily believes that he shall be able to prove by the evidence of Stevens Thomson Mason and William B. Giles, that John Adams President of the United States, has unequivocally avowed in conversation with them, principles utterly incompatible with the principles of the present constitution of the United States, principles which could not be carried into operation under any political institution without the establishing of a direct, powerful and dangerous aristocracy; that he declared in express terms to the said Stevens Thomson Mason, that he had no more idea that the present federal constitution could, for any length of time, controul the people of the United States, than that it could controul the motions of the planets; that he also declared to the said Stevens Thomson Mason, that he had no more idea that a political society could exist without a distinction of ranks, than that an army could exist without officers; and also that he can prove by the said Wm. B. Giles, that the President of the United States has avowed in conversation with him a sentiment to this effect, that he thought the executive department of the United States ought to be vested with power to direct and controul the public will.

That this deponent verily believes that he

shall be able to prove by general Blackburn that he did, on the day of the year 1798, receive an address from John Adams, President of the United States, in answer to the field officers of Bath county, in which the said President does avow, that there was a party in Virginia which deserved to be humbled into dust and ashes, before the imminent frowns of their injured, insulted and offended country.

And this deponent further saith, that he is advised and believes that it is material to his defence against the indictment aforesaid, that he should procure authentic copies of sundry answers made by the President of the United States to addresses from the inhabitants of the United States in various parts thereof, which authentic copies he cannot procure, so as to be in readiness for trial during the present term.

He also saith, that he is advised and does believe that a certain book entitled, "An Essay on Canon and Feudal Law," or entitled in words to that purpose, ascribed to the President of the United States, and of which he believes the President is the author, is material to his defence, and that he cannot procure a copy of the same, and evidence to prove that the said President is the author thereof, without being allowed several weeks and perhaps months for the purpose.

He farther saith, that he is told by the counsel who mean to appear for him, that they cannot possibly be prepared to investigate the evidence relating to the several charges in the indictment, even if all the persons and documents wanted were upon the spot.

WM. DUVAL.

May 28th, 1800. District of Virginia, } to wit: 5th Circuit. }

I certify that the foregoing is truly copied from the original in my office.

WILL. MARSHALL, Clk. Ct. of the U. S. 5th Cir. Va. Dt.

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Just Received, Direct from the PATIENTEE'S, AND FOR SALE BY Geer and Avery, The following Valuable Medicines, viz. Dr. Rawson's Anti-Bilious and Stomachic BITTERS,

The virtues and efficacy of these Bitters are too well known to need any further description in an advertisement—PRICE 50 cents.

Dr. Lee's genuine (Windham) Bilious Pills, For Bilious and Yellow-Fevers, Jaundice, Head-achs, Costiveness, Bilious Cholice, &c.

The rapid sale that these Pills have met with for these 12 years past, bespeak their intrinsic worth—PRICE 25 cents a Box.

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Dr. Rawson's Anti-bilious Pills, or Family Physic, In great colds and sudden attacks of disorders, 20 pills, ly use of these Pills often produce the happiest effects, and taken once in eight or ten days in cases of Indigestion, Costiveness, Head-achs, Pains in the Stomach and Bowels, Dysenteries, Bilious and Yellow Fevers, long Autumnal Fevers, &c.—And the use of my Stomachic Bitters in the intermediate time, has relieved patients almost to a miracle—PRICE 25 cents a Box.

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April 10, 1804. 79—2090 41.