

MINERVA; or, ANTI-JACOBIN.

TWO & A HALF DOLS. PER ANN. Payable half Yearly.

PUBLISHED (WEEKLY) BY WILLIAM BOYLAN.

TWO DOLLARS PER ANN. Payable in Advance.

Vol. 8.]

RALEIGH, (N. C.) MONDAY, MAY 9, 1803.

[No. 370.]

FROM THE UNITED STATES GAZETTE.

Late attempts to stifle free enquiry, & to destroy the liberty of the press, have excited strong and general indignation throughout the country.

In these attempts we have seen magistrates, legislators, and private citizens engage with a zeal approaching to madness, and in the pursuit of victims for their malice, we have seen the principles of law and decency violated, and the freest scope given to the most revengeful passions. The First Magistrate of a great and important State, disregarding the principles and practice of his partizans, and the means by which his own elevation was procured, has publicly advocated proceedings which in their operation will prevent all free and full discussion of public measures, and condemn as common libellers the whole class of republican editors. A distinguished bawler for liberty and equality, an open advocate for the freedom of speech and of the press, has had the impudence to demand, and has obtained, in a Court of Justice, security from the editor of a public paper to prevent future infractions of law by the publication of libels. Men whose elevated stations have procured for them the appellation of "honourable gentlemen," have not only refused to hear, but vilely traduced, the defence of a late public officer of high respectability, after having made and published allegations against him, derogatory to official character and to private reputation.

The sedition law, the nature and principles of which were most grossly and wickedly misrepresented, excited much public indignation. But this law did not prohibit a free discussion of public measures, nor a full examination of public characters. It allowed the utmost latitude of inquiry that an honest man could desire. It operated as a melioration of the strict principles of the common law in regard to libellous publications, and, while it produced security to the government, it clearly pointed out the nature of the offence, and gave to the citizen who was prosecuted, a just acquittal unless *malice* and *malice* were proved against him. The inquiries of Jurors were confined to the *truth* of the publication and the *intention* of its author, and the power of Judges was limited to the imposition of a small fine and a short imprisonment. The lenity of the punishment evinced the humane design of the legislature, and the justice of a law which indulged the freest publication of truth, should not have been questioned. Against this law, however, a loud and powerful clamour was excited. It was proclaimed to be an act of injustice and oppression, opposed by the constitution of the country, and in direct hostility to the fundamental principles of the government. The men who thus opposed the continuance of this law, soon rose to the direction of the public affairs.—The law was suffered to expire, and those who had opposed it as oppressive and tyrannical, have since unblushingly sought security for themselves in the more rigid principles of the common law. Truth is no longer suffered to be given in evidence on a trial for a libel; the offence itself is so vaguely defined, that the conviction of the prosecuted is dependent rather upon the feelings and prejudices of jurors, than upon any known and established principles of law; and the punishment to be inflicted is restricted by no prescribed rule, but is wholly dependent upon the judgment of the court.—The person convicted of publishing a libel may, at the discretion of a Judge, be fined in a sum beyond his ability to pay, and sentenced to imprisonment for a time adequate to an expiation of the most enormous offence.

Whence, it is seriously asked, proceeds this unequal distribution of justice? Why are attempts so unprecedented, & so directly opposed by the professions of those who make them, now used to silence republican presses? Have not the men who now administer this government, and those who support these measures, again and again challenged their adversaries to appear at the bar of public opinion? Why do they now shrink from this bar, and strike the most deadly blows at the freedom of inquiry?

What faculty of character belongs to

the men who now manage the political concerns of the country, which did not belong to those who once filled the places of power and trust? Has a change of rulers produced a change in the eternal principles of justice? Does political elevation clothe its possessor with a coat of mail against which reason and argument shall not be directed? And shall those complain of reason and argument, the weapons of whose warfare have been the grossest falsehood, and the most malicious slander? Shall the common libeller be heard in his demand, that not even the truth shall be told of him? And shall the professed advocates for the freedom of the press, be regarded with reverence, when they employ violence & injustice to silence the presses of their opponents? Are the claims to respect and confidence which are now exhibited, more to be regarded than were those which appeared in the days of our beloved Washington? Do the virtues, talents and patriotism of that same Washington, of Adams, of Jay, of Elsworth, of Pinckney, of King, of Ames, of Pickering, of Hamilton, of Marshall, or of Dexter, fade in the comparison with those which are now presented in the persons of the sage of Monticello, the Geneva secretary, or with those of our recently appointed envoy to France, those of Mr. Charles Pinckney, or those of the Worcester Farmer?

Is the silly vanity, boyish petulance, disgusting presumption, and aristocratic pride of that contraction of a man, Randolph, more to be honored, valued and respected, than the extensive knowledge, the comprehensive mind, the discriminating judgment, the clear, close, and conclusive reasoning of Griswold? Is the splenetic, malignant, scowling, and defamatory Giles, more attic, more terse, more ethereal, more terrible in debate than Bayard? Is the shrewd Justice, the *permacetti* Dawson, the gaseous Doctor, the syllogistic Bacon, the half reasoning Davis, and the imirking, blundering, gabbling Smith, equal to him whose wit & eloquence could make a *Dumb's Legislature* speak, and a Randolph *field*. Is the fat, waddling, unwieldy senatorial grunter of speeches, borrowed from the presidential store, more vivid, more various, more interesting, more convincing, than the rhetoric of Morris? Is the dull, muddy, deleterious harangue of Brackenridge, comparable to the deep clear, full, and resolute arguments of Tracy, or Rots? Is the frothy, the babbling, the monotonous, the shapeless, the nameless nothings that proceed from a Wright, to be weighed against the just observations and sound sense of honest Howard?

Has the present Secretary of State more energy of character, more knowledge of men, more information relative to foreign nations, more correct views of the interest of his country, than the man upon whom malice and democracy, and power, have emptied the vials of their wrath? Has the present Secretary of the Treasury more financial skill, more extensive, or minute acquaintance with the various objects susceptible of impost, a superior faculty to equalize taxes, and to render them agents in promoting the general industry and wealth of the country, than has been evinced in the administration of Hamilton or Wolcott? Has the present Secretary of war "more or less" talents, knowledge and genius, for a war minister than Mr. M'Henry? Has Mr. Smith discovered more ability and information, necessary for well conducting the naval department, than Mr. Stoddard?

To which of these men are the people most indebted? Which of them will history select, as the founders of their country's greatness, as the firmest supporters of its rights in adversity, and as the ablest statesmen of the times, and as having been the most basely defamed, slandered and calumniated?

It is the acts of great men by which history chiefly distinguishes them, and by which they are best known to posterity. Let us anticipate the picture which history will present to posterity, and the sentence it will pronounce upon the public characters of the present day.

On one side of this picture, we behold a set of men of nice honour, great talents, and unimpeached integrity, with

a most virtuous and highly renowned chief at their head, entering upon a laborious, delicate, perplexing arduous, and difficult undertaking. This work being finished the same great man appears to preside over the councils of the nation. A new state of things arises out of disorder and confusion, public and private distress. The great debt of independence is funded, and its gradual and final extinction effectually provided for. National judicatures are erected, a revenue system is formed, and a revenue commensurate to existing wants and capable of easy extension, in the event of those casualties from which no nation can be secure is collected. An Indian war is successfully terminated; the boundaries for new settlements greatly enlarged; an evacuation of our military posts and country, held by Great Britain and Spain, obtained; two insurrections happily quelled; Peace, made with the Barbary powers; and our enslaved citizens restored to liberty and their country.—The intrigues of Genet and a French Directory, to mislead our citizens and embroil us in war, have been detected and discomfited; the honour of the United States has been nobly maintained on the Ocean; the commerce extended; the national wealth increased; agriculture made more flourishing; and the wealth of our merchants, farmers, ship builders, and mechanics, has been augmented. The energy of our councils, and the warlike preparations to maintain them, have caused our rights as a nation to be every where respected. The Treasury has been made to overflow; the people have not been embarrassed by too much regulation, nor oppressed by fiscal exaction. The mouth of labour has been every where satisfied, and no poverty seen in the land.

What do we perceive, on the other side of the picture? a group of figures, behind which appear the head of a tall, thin man, and the body of a little man, half seen and half concealed. These are the men who opposed the funding of the public debt, which restored the credit of the nation, and which, acting almost instantaneously as so much circulating medium, gave a new spring to commerce and industry. These are the men who opposed the revenue system in its most important branches, to which the country owes its overflowing treasury, and the means of extinguishing the public debt. These are the men who opposed the measures which induced Great Britain and Spain to yield up to the United States its territory, which enabled government to erect two new states, which opened a new source of revenue from the sales of land, and made room for an increased population. These are the men who condemned the measures taken by the government to quell two insurrections, which restored to the union internal tranquility, and every where obedience to, and a due execution of, the laws. These are the men who opposed and condemned the councils adopted and pursued by the executive, to defeat the projects of Genet and his employers, to save the United States from a war with England, and a perpetual alliance, offensive, and defensive, with France. These are the men who resisted and depreated the building of ships of war, and the limited hostilities waged against France, which offered protection to trade, humbled the pride of the directory, and broke asunder the chains which had bound the United States to France. These are the men who opposed, and condemned, the warlike aspect given to the United States, which secured what ought to rank highest in the estimation of every American—their rights, their honour, and their independence!

We have need of patience while engaged in the contemplation of these events. The man whose head appears above his fellow men, and he who is but half seen, were the first who established a newspaper, having for its object to vilify the government, its members and its measures. These two indi-

* When the bill which laid the foundation of our little navy was under consideration in the house of representatives, Mr. Giles, in his speech in opposition to the bill, said "if the bill must pass, thank God the trees are yet growing of which this navy is to be built."

viduals, the one by advancing money and furnishing information, the other by purchasing a number of copies and distributing them made themselves principals in the most libellous, defamatory, and abusive work against the government and its members, ever published in any age or country.

A most profligate libeller from a foreign country has called General Washington a murderer and a legalizer of corruption. The same being has selected and employed for the abuse of Mr. Adams the vilest phrases and most obnoxious epithets. He has represented those who composed the late administrations, as men, the most vicious and abandoned, guilty of fraud and corruption; bribed by a foreign court to betray the interests of their country; public plunderers, defaulters, and incendiaries. He has acknowledged, that he was retained in Philadelphia, and paid by the tall chieftain of the party, for his paragraphs in the *Aurora*, at a certain price per month. This hired foreigner, this libeller by his own confession, with a noted blasphemer, and a vile purloiner of private letters, occasionally eat at the table, with both the great & little man, while, with malignant slander, they pursue the departed benefactors of our country to their graves, and the living into their retirements. But still they have not stopped here. The abuse and calumny of public newspapers were deemed insufficient to destroy the characters of these men. Presidential messages, legislative speeches, and official reports have teemed with false and malignant charges and unfounded insinuations against the fair fame of the men to whom our country is indebted for its glory and its independence.

Ponder! I beseech you, my fellow citizens, upon these things. Think freely, and speak boldly what you think.—The times require it. Gratitude for important services rendered you, demand it. You have witnessed, during a period of more than twelve years, the most infamous slanders and reproaches heaped upon the men, to whom, under providence, your country is chiefly indebted for its prosperity; for the blessings of peace, and internal tranquility; for its overflowing treasury; for the means which have been provided for extinguishing your public debt; for your national armories, foundaries, arsenals, and other important preparations for the defence of our country, and to preserve peace on our frontiers; and for a respectable naval establishment, to protect our trade against the Barbary powers, and our seamen and citizens from slavery.

What do you further witness? The calumniators of these men, are now labouring to silence your republican presses and to stifle free enquiry. Now that detection advances upon them, in all its terrors, the defamers preach against defamation, the libellers against libels. What think you of such men? Look at their countenances, like the mole, they would bury themselves in the earth.—They tremble at the approach of truth, like the sensitive plant at the touch of man.—They seek safety from pursuit in the pale of an office, like the Italian assassin in the sanctuary of a church. They cower and groan like *Thersites*, the vile calumniator of heroes, at the merited chastisement which has at length overtaken them. VINDICATOR.

† See Governor M'Kean's address to the legislature of Pennsylvania. The resolutions moved by (I believe) Larken Smith in the Virginia assembly, and the proceedings of Mr. Hay, of Virginia, relative to Callender, &c. See also the prosecution conducted by Ambrose Spencer, Attorney General of New York, against Henry Creswell, Editor of "The Balance."

[FROM THE WESTERN TELEGRAPH.]

LAW INTELLIGENCE.

District court of Virginia, holden at Monongalia Court house, before the honorable Archibald Stuart, a judge of the general court.

[September term, 1802.]

FRANCIS A. TRIPLETT, versus JOHN J. JACKSON.

Breach of promise of marriage.

The counsel of the plaintiff opened the case by briefly stating to the jury the nature of the action. They then called a number of the most