

JUDGE MARTIN'S CHARGE

Our readers will probably recollect that Luther Martin an old Maryland lawyer, was two or three years ago, silenced for twelve months by the Court for his rude and improper conduct.

After a delineation of the nature of man and of society and government, the Judge concludes that all wars are inflicted on nations for their sins.

The Supreme Being (says he) in his wise providence, hath made it his constant rule to punish national crimes by national afflictions. The political existence of nations is confined to this world, he always hasties them for their national guilt and sometimes utterly destroys them.

And as war is one of the greatest calamities, by which an avenging God can, in his wrath, punish mankind, so can no guilt be more aggravated or expiable, than the guilt of the man who with out justifiable cause, plunges a nation into war.

Whoever would wish to see this war with which we are now afflicted by an avenging God, terminated by an honorable peace; or, if that cannot be obtained, that Heaven may smile upon our arms, in its further prosecution; let them clean their hands from all iniquity, and purify their hearts from all pollution;

The Judge then enumerates some of the duties of the Grand Jury, and concludes with the following remarks in relation to Treason, and perpetual allegiance:

By our constitution, this crime against the state of the United States, is confined solely to "levying war against them, or adhering to their enemies, giving them aid and comfort."

every citizen owes to that government of which he is a member, and striking at the very existence of government, as well as introductory to almost every other species of crimes. And I hold it, gentlemen, as a sacred and uncontrovertible truth, a truth of which I cannot doubt, that no citizen can more rightfully divest himself of his allegiance to his government, without its consent, than his government can without his consent deprive him of its protection.

REPLY OF THE GRAND JURY.

The Grand Jury having duly considered the solemn charge delivered to them at the opening of the present session of this court (a copy of which has been furnished them) beg leave respectfully to present and say; that they feel impressed with a proper deference for that honorable tribunal; yet they cannot, in duty to themselves and their beloved country—its law, and political institutions, permit some of the moral and political principles, diffused through the charge, to pass unnoticed, lest the unreflecting and uninformed, might, indeed, be induced to believe, that the hearts of the American people, were not only "deteriorated," but even rotten to their cores.

Although some of the reasoning & sentiments perfectly accord with that of the jury, there is much in the extensive range taken by the court, so repugnant to their opinion of what is correct, or consistent with our national dignity, or with the true principles of our excellent form of government that the Jury have thought it their bounden duty to point out some of what they conceive thus exceptionable and erroneous.

We are well aware that "human governments were formed, and courts of law established, to preserve peace and order in society, and to protect individuals in the enjoyment of property, reputation, liberty and life; that of all governments, the most legitimate is that of the Republican form—and that virtue is essentially requisite to its preservation."

And while we lament that man is too much inclined to evil, and that the improvement of morals and a stricter observance in the practice of virtue, must be always desirable, and particularly so to us, from the genius of our government; yet, we are confident, in a strong conviction, that there is no general deterioration in virtue, morals or religion.

The virtuous stand our country has taken in the existing contest; when power would tyrannize over right—and the spirited enthusiasm of a great majority of the people, in support of a righteous cause, are alone sufficient to evince a national purity and integrity, which ought to have quitted any apprehensions, as to the safety of the republic.

But although the jury cannot see any national degeneracy, they are sorry to observe, that there are many amongst us, who are treacherous, venal and abandoned, on whom, it is to be

feared, laws or example will have little, if any effect: some who are wickedly endeavoring to paralyze the national arm, and appal the national heart; and who make Religion the engine to effect these worst of purposes. But the jury must beg leave to say, that it is not without mingled emotions of regret and indignation, that they have heard their present public enemy—the ally of savages—the instruments of despotism, and the tools of corruption: an enemy, who has pilaged, plundered and violated, the innocent and the fair, and defaced, insulted and defiled the house of christian worship, stiled the "bulwark of the religion we profess." Yet, the Jury entertain the lively confidence that our divine religion, thus abused by the hypocrite and the masked traitor, will finally, by the blessings of an all wise Providence, be shed abroad in our hearts, and spread its purifying and benign influence throughout every region of this happy land.

That a powerful and ambitious nation, aspiring to unlimited sovereignty and control, should attack and commit aggressions on a virtuous and religious people, it must be acknowledged, to be the disgrace of human nature, is neither novel or uncommon; and the history of few nations furnishes so many examples of such wanton national injustice, as that of G. Britain.

The jury have not deemed it within the bounds of their duty, or the limits of this presentment of their sentiments and opinions of the charge, to turn aside to enquire, who, or what was meant by the strong terms in which the court seemed to imprecate the wrath of Heaven, upon the head of that individual who, should plunge a happy people into the calamities of war, merely to gratify his own ambition. They believe that none but an individual possessing despotic control could have the power to inflict so heavy a calamity. So far as the expressions or the allusions of the court applied to absolute governments, they meet with the hearty approbation of the jury; and it is not without a considerable degree of confidence and satisfaction they express their belief, that not even an enemy of the chief magistrate of the United States, who has the least regard to truth, would or could apply such insinuations to him: a man who has long been the choice of the people, and so recently re-elected to the high station he has filled, since the declaration of war, by nearly two thirds of all the people of this nation.

The intrusion upon territorial jurisdiction, the violation of personal rights, and the base infringement of the freedom of navigation, the jury humbly conceive, were just and ample causes of war—and thus driven into the contest, the American people, the world, and posterity, must acknowledge we have justice on our side; and justice, observes the great American sage "establisheth a nation."

The jury cannot omit glancing to what they deem, the absurd and unconstitutional ground, on which the court have predicated their remarks, in defence of perpetual allegiance.—The premises, and deductions drawn therefrom, are, altogether, such as they must totally reject; they view them as in flagrant hostility with the honor and interest of the Union, and with every genuine American feeling and sentiment. And they more poignantly deplore the utterance of such doctrine, on this subject, at a crisis so important to their country; when, instead of entering into the views and policy of the enemy, and, thereby, making an inroad upon the energies of the nation—they hold it to be the sacred duty of every faithful and patriotic heart, to beat in unison with those efforts American valor calls forth, in support of justice and right against tyranny and oppression. With due deference to the honorable court, they would further add, that the promulgation of this novel sentiment, on perpetual allegiance, could only be productive of an effect to lessen the physical force of the nation, in

its present belligerent attitude: and as they would not aid in communicating a spark to even the most slight nerve of the government—they, therefore, deeply regret, that the honorable court should have so digressed into an extra judicial track, as to touch a subject, they have been thus impelled to notice with some degree of condemnation.

The jury cannot accord with the honorable court, in sinking man so low in grade, on the scale of creation as is contended for in the charge: they would rather exult than disgrace human nature—and, as freemen, they are unwilling to cast an unnecessary and undeserved stigma on the dignity of man.

The jury do not deem it expedient to resort to writers on the laws of nations, to prove the fallacy of the doctrine they condemn; for it requires but a slight beam of sober reason to play upon the mind, to see the subject and its bearings in all their deformity. If the charge should hereafter be received in a British court of justice, as good evidence against a naturalized American, and should produce condemnation and punishment—say, an ignominious death—the penalty for treason; in such an event, the jury would observe that the feelings of its authors would require a solace, of which they hope they will not be destitute in the hour of need.

The jury would close this subject, by adverting to that portion of the Declaration of Independence, which concedes to man—"Life liberty and the pursuit of happiness"—and they would make a reference to the constitution of the United States, which authorises Congress to "establish a uniform rule of naturalization."—Such rule having been established, growing out of the constitution, the jury deem it the duty of good citizens, to respect the high obligation it imposes; and they feel a confidence in the good faith and honor of the nation, which are the sacred pledges of guarantee, for the protection of the naturalized citizens from every country.

The Jury feel much pleasure in finding they are supported in their opinion by a member of the Supreme Court of the United States; "Perhaps (says Judge Iredell) it is not necessary that it (the right of expatriation) should be expressly decided on this occasion; but I will freely express my sentiments on that subject; that a man ought not to be a slave, that he should not be confined, against his will, to a particular spot, because he happened to draw his first breath upon it; that he should not be compelled to continue in a society to which he is accidentally attached, when he can better his situation elsewhere; much less when he must starve in one country, and may live comfortably in another; are positions which I hold as strongly as any man, and they are such as most nations in the world appear clearly to recognise."

For these and other reasons, not herein particularly expressed, the jury beg leave respectfully to present and say, that the charge delivered to them at the opening of the present session at the court of Oyer and Terminer, by the chief judge thereof, contained sentiments & expressions, of which they totally disapprove.

RICHARD STEWART Foreman. And the other Jurors

LOST,

ON Monday the 1st of November, or the day before, a black leather POCKET BOOK, containing SIX Notes of the Branch Bank of North Carolina, amounting to 20 dollars, and a one-dollar Newbern Note; together with a note drawn by Wm. M. Harvey, Esq. dated 30th October, on demand for Eighty dollars; payable to me, which note the public are for warned from taking any assignment of, or trading for the same, as payment is stopped. There were sundry other papers, not immediately recollected, which could only be of service to the owner.

The finder is at liberty to retain such part of the Money as he may consider himself entitled to for his trouble, on delivering the Pocket Book and remaining contents to

THOMAS GORDON. New-Lebanon, N. C. Nov. 3.

THE WAR.

FROM QUEBEC.

The following extracts from a Quebec paper, shew how mortifying our victories have been to the British subjects in that country.

A Halifax paper of the 30th ult received yesterday, furnishes the following strictures on the events of the present war, extracted from a Quebec paper; and some observations of its own, in relation to our naval victories. The reader will judge of the spirit and temper in which they are written.

The victory gained by the Americans on Lake Erie, has excited an enthusiastic joy throughout the United States. The two great political parties in that country are vying with each other for the honor of that victory, and all opposition to the war seems for a time to be forgotten, in the gratification of national pride which it has afforded."

The contest, if it ought to have been so called, between Great Britain and the United States, on the water, has indeed been gratifying to the Americans, and mortifying to British subjects, beyond any thing that could have been figured by the utmost stretch of imagination. Vessels of an inferior class very badly manned, have been, as it were, thrown into the way of the enemy's vessels, fresh from port, fully prepared and manned with picked seamen; so as to afford them at least a semblance of superiority, over British officers and seamen, beyond what was ever obtained by the most powerful and brave of the numerous nations with whom they have contended.

How long this disgraceful state of things is to last, we cannot tell; but if it is not quickly remedied, we are sure that it will not only prove ruinous to these provinces, but dangerous to the naval existence of British greatness, which has arisen from the superiority of her naval officers and seamen over those of every other nation; for tho' the Americans cannot for the present, with their eight frigates, destroy the two hundred ships of the line of Great Britain, their successes infuse fresh vigour into all her enemies, which ought always to be counted as consisting, or likely to consist of every nation that navigates the ocean. The good citizens of London may triumph in their victories in Spain and Portugal; but the conquerors of Vittoria and Pyrennees will not long defend England, should she ever suffer the sceptre of the ocean to slip out of her hands. Then, in the insulting language of one who hates her, "she must take the rank among nations to which her population and territorial resources entitle her;" the rank from which her trade and seamen have raised her; we must receive governors from Rome and kings from Normandy."

Halifax Oct. 30.—The extract we have given from the Quebec Gazette, has great merit, though alloyed by a mixture of selfishness which, perhaps, local circumstances may excuse. So far from questioning the right of the good citizens of London, may have of triumphing for the battles of Vittoria and the Pyrennees, who hold them as auspicious to our national character, honor, and possibly, salvation; the only thing to console us in the event of the sceptre of the ocean's slipping from our hands, is the heroism of our army; posterity will do it justice, and its leader, in the future pages of history, will not have a less distinguished place than the immortal Nelson. We cannot imagine what power is to wrest from us the "sceptre of the ocean"—a handful of American frigates have evaded our cruisers, but without taking from their deserts, we may safely say they have been excessively favoured by fortune—to such celebrity have they arrived that the destruction of them would cause more rejoicing than the battle of Nile or Trafalgar. We have been conquered on Lake Erie, and so we