much emphasis as I am able—Must they have been noticed in one way or another? Will my learned friend's prudence permit him to say that the words used by the defendant, instead of being tried in a Court of Justice, should have had a trial in another Court—a Court of honor? This is a tribunal the law will not hear of. What! If a man accuses me of murder, am I to become his murderer or he mine? I thank God there has been on this subject a considerable alteration in the public opinion—It is owing to the Noble Lord who so long administered the justice of the country—I mean the late Lord Kenyon, that we are to attribute a disuse of the practice, characteristic only of the most barbarous people. Since that Noble Lord's time, Officers who I could mention—Officers who have been carrying the fame of the British army to the utmost corners of the earth—Officers who had placed in the shade the achievements of former periods, have come to the Court of King's Bench, appealed for protection to the law, and reserved their courage for that cause in which the execution of courage becomes a moral and religious duty. The law has said, that the first person who shall meet and destroy his adversary in the field of honor, falsely so called, shall expiate his offence with his life. But what is it induces a man to rush into the field and stain his soul with his brother's blood? It is reputation—fame—a sense of public opinion!

"There is no danger a man would not brave death rather than that the hand of scorn should point its slow and moving finger at him, there is no man knows what the dread of public opinion may drive him to; and a man will be justified in taking the law into his own hand when it will not afford him its protection. This observation is as old as the Revolution; for whoever will look into the reports of Lord Raymond, who lived about that time, will find that it was said by Lord Chief Justice Holt, when an attempt was made to explain away words, and give small damages, "I am," said he, "always for supporting actions for words; for I remember a saying of Mr. Justice Twisden, who was present when judgement was arrested for words, and the plaintiff explained, if I had thought this I would have had his blood!" Such was the opinion produced on the mind of that able judge by the circumstance I have mentioned, and therefore it does appear to me that this is a case of a similar description."

The words were proved to have been spoken.

Mr. Gurney for the defendant contended that the words could not be the foundation of an action, as nobody could understand Colonel Harwood to mean that the plaintiff had actually murdered his own father. Therefore, the words did not impute a charge, which, if true, would subject a man to punishment, and were not actionable. He stated too, that a reconciliation had taken place by the intervention of friends.

Evidence was called in support of the defence.

Mr. Justice Grose stated to the Jury, that in order to their returning their verdict in favour of the plaintiff, they ought to be satisfied, that the words were spoken, and that they conveyed the meaning stated in the declaration. His Lordship recapitulated the evidence, commenting upon it as he proceeded. If there were any circumstances that could induce the Jury to give a different interpretation to the words, they were bound to do so. The conversation which had passed between the mutual friends of the parties he considered as, strictly speaking, not sufficiently authorized by the plaintiff, Sir J. Astley. If the Jury should be of opinion the words were used in the sense attributed to them, they would then consider what damages the plaintiff was entitled to recover. He conceived that in no case ought a Jury to give vindictive damages; all they were justified in doing was to give such reasonable damages as the plaintiff was entitled to for the injury he had received.

The jury consulted together about half an hour, and returned a verdict in favour of the plaintiff.—Damages 200l.

---

*FOR THE NATIONAL INTELLIGENCER.*

## No. III.

*A Refutation of the charge against the present administration that their views and measures are hostile to the Eastern States.*

To establish the hostility of the settled opinions of those who compose the present administration to the interests of New-England, resort is frequently had to their habitual declarations and conduct before they came into office. This criterion is undoubtedly so far fair as it is applied with truth; but may be so distorted as to produce extensive misconception. Such has in fact been the case.

The President of the United States is *reproached* with being a *philosopher*, because he dares in his opinions to think for himself, and he is called an Atheist, because he does not *avow* his belief in the thirty nine articles. Whether he does or does not believe them is unknown. It is certain that he gives as good evidence of his faith as those who denounce him, by a regular attendance at places of worship and by liberal contribution to churches. It is also certain that all his addresses to Congress breathe a pure spirit of piety and reverence for Deity. But he is neither a Sectarian nor a persecutor; and while he thinks for himself on religious points he does not condemn those who follow his example. This measure of liberality is enough to damn him in the estimation of bigots.

Why the people of New-England should feel so tender on this subject, is a question not easy of solution. Is it because they have once been the victims of persecution, that they would in their turn recoil with fierce vengeance, not on those who persecuted them, but on their fellow men who are not only guiltless, but who with themselves chose America as a *retreat* from persecution? This motive charity forbids our ascribing to them. Nor would truth justify it. The *people* of New-England are conscientious. The homage they offer their maker is the homage of their heart. Their adoration is pure and unsullied by resentments against their fellow mortals. They value too highly the liberty they have purchased at so dear a price, to deny it to others. The blood of their fathers has not flowed in vain. The torch and the faggot are too fresh on their memories not to impress an abhorrence of ecclesiastical intolerance. They must, therefore, respect the sentiments of Mr. Jefferson on this subject. Let their priests, and *political* preachers say what they may, the people of New-England and Mr. Jefferson on this interesting subject think alike. They know that nothing can so much endanger true religion as political interference. They know, that should the day ever come, when, in this country an establishment should rise, it would be soon succeeded by its total prostration, which if it did not eventually destroy the interests of religion, would inflict upon them all but a mortal wound.

Fortunately on this point, there exists evidence at once indisputable and comprehensive, and which exhibits, in a narrow compass, the respect of Mr. Jefferson for religion, and for freedom of conscience, and his hostility to every institution in the nature of an establishment. In the year 1786, the Legislature of Virginia passed the following act on his recommendation:

*An act for establishing* RELIGIOUS FREEDOM, *passed in the Assembly of Virginia in the beginning of the year 1786.*

Well aware that Almighty God has created the mind free; that all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as was in his Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose on others, hath established and maintained false religions over the greatest part of the world, and through all time; that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical; that even the forcing him to support this or that teacher of his own religious persuasion, is depriving him of the comfortable liberty of giving his contributions to the particular pastor whose morals he would make his pattern, and whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporal rewards, which, proceeding from an approbation of their personal conduct, are an additional incitement to earnest and unremitting labours for the instruction of mankind; that our civil rights have no dependance on our religious opinions, more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to offices of trust and emolument, unless he profess or renounce this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right; that it tends also to corrupt the principles of that very religion it is meant to encourage, by bribing, with a monopoly of worldly honours and emoluments, those who will externally profess & conform to it; and though indeed those are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of principles, on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency, will make his opinions the rule of judgement, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the conflict, unless by human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.

*Be it therefore enacted by the General Assembly,* That no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

And though we well know that this Assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain the acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this act irrevocable, would be of no effect in law, yet we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall be hereafter passed to repeal the present or to narrow its operations, such act will be an infringement of natural right.

Notwithstanding these facts, the reproach of infidelity is one of the most fruitful topics of declamation and crimination. It is is represented as the interest of *southern men* to break down all the precepts and restraints of religion, so highly prized in New England, that they may thereby pave the way for that demoralising system which their hearts, with the malice of Demons, pant to disseminate. Black must be that heart, which can ascribe, without evidence, such motives to others!

So far then the honest and enlightened sentiments of Mr. Jefferson constitute him the friend of truth, of an undisturbed conscience, of true religion, of New England. The same remarks applied to Mr. Jefferson, may be extended to every prominent member of the administration. There is not one of them who has either, on the one hand, exhibited a spirit of bigotry and intolerance, or who has, on the other, manifested disrespect for the religious opinions of others.

PUBLIUS.

---


FRANCIS DONNELLY,
Schoolmaster,
LATE OF PHILADELPHIA,

PURPOSES to open a School on Monday next, near the West-Market, in the commodious building lately occupied by Israel Loring as an auction store:

Where will be taught Spelling, Reading, Writing, English Grammar, Arithmetic, Book Keeping, History, and Geography; together with the use of Maps Globes, &c.

The utmost attention will be paid to the manners and morals of the pupils committed to his care.

Washington City, May 27. 3t

TAKE NOTICE.

I WILL sell five hundred and fifty acres of Land whereon I live, in Fairfax county, within five miles of the court house, and within twenty of the City of Washington, Alexandria, Dumfries, and twelve of the Occoquon mills, it is a healthy situation, the land fertile, and has about two hundred acres of wood to cut, there is a great proportion of white and red oak, popular and hickory timber.—There is nearly one hundred acres of prime land for meadow, I will give six months credit for one fourth of the purchase money—twelve months for the other quarter, eighteen for the third, and two years for the last payment, a purchaser will find me on the premises.

THOS. POLLARD.

Feb. 21st.


---

On the 31st ult. governor STRONG delivered the following speech to the Legislature of Massachusetts.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives,*

We are now entering upon the duties which have been assigned to us respectively by our fellow citizens. Permit me on this occasion, to return them my sincere thanks for the repeated proofs of their esteem and confidence; and to assure you, gentlemen, that I shall cheerfully concur with you in every prudent and salutary measure, for the preservation of their rights; the advancement of their interest, and the improvement of their minds in wisdom and virtue.

To you, gentlemen, the legislative authority of the commonwealth is committed. In discharging this important trust your deliberate reflections will be employed, to establish such laws for the welfare of the state as you may think necessary to support and defend its government; to protect property; to cause personal liberty to be respected; to improve our system of jurisprudence, and provide for the impartial interpretation and faithful execution of the laws.

An equal administration of justice is indispensably requisite to preserve the peace of the state, and the rights of the citizens. Impressed with the importance of this object, the framers of the constitution were particularly solicitous to ensure the independence of the justices of the supreme judicial court; so that in their legal decisions they might be in no danger of partiality from motives of private interest. It is therefore provided by that instrument, not only that they shall hold their offices during good behavior; but that permanent and honorable salaries shall be established by law for their support. A law was indeed passed for this purpose, but the compensation being found inadequate, the legislature for a series of years have made an annual grant to the judges to make good the deficiency. If their stated salaries shall still appear to be insufficient for their honorable support, will it not be more conformable to the constitution to increase the allowance by an act without a terminate limitation, than by resolves which operate but for a single year, and which render the highest judicial court dependent annually, for a part of their subsistence upon the good will of each branch of the legislature?

Since the last session of the general court, I have received a letter from the president of the United States, which will be laid before you by the Secretary, and which enclosed a copy of the report of a committee of the House of Representatives of the national government; in which the president is requested to write to the executive of each state, urging the importance and indispensible necessity of vigorous exertions on the part of the state governments, to carry into effect the militia system, adopted by the national legislature, agreeably to the powers reserved to the states respectively by the Constitution of the United States. Perhaps the militia of this Commonwealth was never in a more respectable condition than at present. But if any measures can be taken to carry the system into more complete effect, I have no doubt of your disposition to adopt them. *Indeed it will always be necessary for us to cultivate the military art, not to enable us to commit outrages with impunity, but to defend ourselves against the attempts of unprincipled and ambitious men, who consider all means as lawful that promote their ends, and who make their glory consist in spreading misery through the world.*

In pursuance of the resolve of the 23d of last June, for selling the powder Magazine in Boston, and erecting two others out of the town, a piece of land in Roxbury, being the principal part of the island called the Pine-Island, has been purchased for the use of the commonwealth, and a magazine erected thereon. It is proposed to erect the other with the materials of which the magazine in Boston was constructed, as soon as a suitable plat of ground can be obtained for the purpose. This course is thought to be most advantageous for the state, and will be pursued, if it is not disagreeable to the legislature.

The treasurer will prepare for your inspection a statement, containing a general view of the debts of the commonwealth, and the sources of supply to the Treasury. I hope upon comparing the funds and revenues of the state with the necessary expences, you will find that provision may be made for the payment of part of the remaining debt in the course of the present year, without exposing the treasury to embarrassment.

Other circumstances of which it may be proper that you should be informed, or to which your attention should be invited, will probably be the subjects of particular messages.

The constitution of the state forms a common interest among the people, and it is designed to unite them in those friendly sentiments that make society tranquil and happy. It secures to every man in the Commonwealth, an equal claim to social advantages; every man, therefore, however limited his sphere of action, should contribute all in his power to the public good. The members of the government will on their part think themselves obliged to encourage by their example, a love of order and respect for the laws; *to endeavor to remove the grounds of discord and misunderstanding among their fellow citizens, and cement friendship between them;* and to exhibit such patterns of purity in manners, and rectitude of conduct, as shall tend to promote the practice of religious, moral, and social duties among all classes of the people.

CALEB STRONG.

May 31st, 1803.

---


*LEHIGH NAVIGATION.*

LOTTERY.

SECOND CLASS.

*Five thousand dollars the highest prize!*

THIS Lottery will positively commence drawing at the city of Philadelphia, on the first Monday of September next.

The prizes will be paid thirty days after its conclusion, of which public notice will be given. Such as are not demanded within twelve months shall be considered as relinquished for the benefit of the Navigation.

The Managers depend principally upon the proceeds of this lottery for finishing the Navigation of the Lehigh. This will open an intercourse by water to Philadelphia of above four hundred miles, including only twelve and an half miles portage near its conjunction with the Susquehanna at Wilkesbarre, thereby forming a new source of trade, affording a plentiful supply of coal, lumber, &c. the advantages of which will be immense; and an easy conveyance to the owners of lands and farms in the vicinity by which they can send their produce to market.

Tickets may now be had at five dollars of

| | | |
|---|---|---|
| *George Taylor, jun.* | No. 67, | Chesnut Street. |
| *William Blackburn,* | 117, | |
| *Edward Stow,* | 73, | |
| *James Greenworth,* | 34, | |

*March 15, 1803.*

SCHEME.

| | Doll. |
|---|---|
| 1 Prize of 5000 dos. viz. Cash 3000, 20 shares stock 2000 is | 5000 |
| 1 two thousand dollars | 2000 |
| 2 one thousand dollars | 2000 |
| 6 five hundred dollars | 3000 |
| 6 three hundred dollars | 1800 |
| 6 two hundred dollars | 1200 |
| 15 one hundred dollars | 1500 |
| 20 fifty dollars | 1000 |
| 75 twenty dollars | 1500 |
| 1800 six dollars | 10800 |
| 1st drawn number on the eighth day | 600 |
| 1st do. twelfth | 600 |
| 1st do. twentieth | 1000 |
| 1st do. thirtieth | 1000 |
| 1st do. thirty fifth | 1000 |
| 1st do. last day | 1000 |
| | 35,000 |

1938 prizes,
5062 blanks,

7000 tickets, at five dollars each, is 35,000

*The prizes subject to a deduction of fifteen per centum.* 2aw

For sale or rent.

I will either SELL or RENT a very handsome & commodious dwelling house and lot, situated at the corner of Gay and Congress streets in George town:—The lot has a front of 180 feet; and there are on it a good stable, carriage house, smoke-house, and dairy. This property is at present in the occupation of Walter Smith, Esq. to whom application may be made.

I will also sell or rent a very comfortable two story dwelling house, together with some other small buildings, on lot No 2, square 289 in the city of Washington, a few doors east of the bank—application may be made to me by letter at this place, or to Mr. Bond, adjoining the premises.

Also for sale a very valuable tract of land, about 7 miles from George-town, in Montgomery county, on the river road. This tract contains upwards of 200 acres, the greater part of which is covered with wood and valuable timber; and there is already made near 30 acres of timothy meadow, and nearly as much more may be made: it is within a mile of the navigation of the Potomac river, which affords an easy conveyance for wood, hay, &c. to market. Its contiguity to the seat of government renders it an object worthy the attention of any one disposed to purchase.

Also about 320 acres of land on the navigable water of the Potomac, and is distant from Alexandria about 12 miles, from this place 3 miles; the greater part of which is covered with wood and timber; the soil is good, some meadow is already made and a considerable quantity more may be made.

Likewise 1000 acres of land in Monongalia county, state Virginia—This land is of very good quality and in the vicinity of Morgan town.

Any person desirous of purchasing any of the aforesaid property may be accommodated on moderate terms and indisputable titles will be given, on application to me at this place.

JAMES BLAKE.

Colchester, May 11. 1wtf.

TO LET,

*And be entered upon immediately, three well finished* BRICK HOUSES,

NEARLY opposite Morin's Tavern, on Twelfth street very near Pennsylvania Avenue, built for the WASHINGTON BUILDING COMPANY.

The Houses will be rented on very reasonable terms.

Apply to THOMAS CARPENTER near the President's Square.

Dec. 1st. 1wtf