

service, annually maintained for less than two; besides the expenses of an establishment to defend the public works, and superintend the naval business of every kind. If, however, such a force would secure to us a free commerce and safe navigation, and the unfriendly dispositions of any of the great maritime powers should compel us to resist it, it will be better to encounter this expense than to sacrifice our trade altogether. As long as our commerce is supported, our exports annually may be fully valued at twenty millions of dollars. Supposing this value should be reduced by the destruction of our trade one half; this is a heavy tax on the nation of ten millions of dollars annually—and a tax, though it is drawn from the pockets of the people, which is not put into the public purse, but is a clear loss to the individuals and the nation. Such a state of things has also a tendency to discourage industry, and to introduce idleness with all its baneful attendants. If then the outfits of such a fleet should cost ten millions of dollars, we shall lose nothing the first year, and in every following year we shall have a clear addition to the value of our exports of eight millions, over and above the two millions destined to defray the annual expense of the armament; or, in other words, we shall take two millions annually from the twenty millions, our exports, in order to prevent the value of these exports from being reduced to ten millions.

But it may be said that we cannot raise the money for such an armament; we can raise it in two ways, either by loan, or by taxes. A loan, it is true, will increase our national debt; but if our safety and existence require it, this objection must yield to the first call of nature, self-preservation; but a very great proportion of the requisite sum might be raised by taxes. At this time the United States are rich and capable of a great exertion—provided a call for money is made before the wealth shall be dissipated, which has been acquired by our late prosperous commerce.

I think a general suspension of commerce one of the greatest evils which can happen to a nation. I have therefore endeavoured to prove that it is better to encounter a considerable expense than surrender it. It is probably in its effects as bad, if not worse, than open war. In war we might be able to retaliate on our enemies the injuries which they did us.

Pending the negotiation of Mr. Jay, for the redress of the injuries we have suffered from Great Britain, the most effectual way of aiding the negotiation would be to prepare for a refusal of justice, by providing the means of defence, and particularly by making ample preparations for a marine defence; for it is certain we could not, in case of a war with Great Britain, defend our commerce in any degree without a powerful naval force; and perhaps a navy may be considered as the most effectual guard from invasion.

I am very sensible that, in other respects, the southern states are not so very much interested in the growth of American navigation. Nature, climate, habit, manners, and population have conspired to render them unfit for this pursuit. If a sufficient number of vessels are found to carry their surplus produce to market, and they obtain a good price for it, they are not in this respect very much interested by what nation this is done. For this reason, therefore, the southern states might not feel themselves inclined to be at any extraordinary expense to defend the navigation; but such a surrender would be ruinous to New-England. All circumstances have combined to render them a maritime people. The ocean is their element—it is their harvest field. It is the duty of government to protect the interest of every part of the society—it is therefore its duty to protect the navigation of New-England, on which its prosperity depends, as well as the agriculture of the southern states. There are but two ways of doing this—one by cultivating the friendship of those nations, which having the greatest maritime force, are most capable of injuring us, or by a powerful navy. The first is the cheapest and most desirable mode—the last ought however to be resorted to in case the first should not be attainable. A serious question here occurs to me, whether there be not a danger of a severance of the Union; unless our navigation is protected? Whether the eastern states will not, under such circumstances, be obliged to seek the friendship and alliance of some nation able to protect it?

I need not trace to you the consequences of so deplorable an event, particularly to Virginia, which, however rich and extensive, can never become a maritime power. All these circumstances our politicians ought to revolve seriously in their minds.

To a reflecting stranger it must appear singular, that measures, apparently calculated to promote American navigation, which is an object so interesting to New-England, and to retaliate the injuries done to our commerce in consequence of the orders of the British court (and which injuries have fallen principally on the people of that country) should be opposed by the eastern and urged with the most vehement zeal by the southern states. The former think that such measures would precipitate us immediately into war; and are therefore disposed to try, in the first place, the peaceable mode of negotiation to obtain a redress of our injuries; and to leave it unfettered by any circumstance which might be used as a pretext by the British court to evade justice, and induce hostilities, which would be ruinous to our present prosperity.

It is certainly very singular that the Southern States should have so eagerly pressed measures which, those most interested, deemed fatal to the objects which they were meant to promote. I recollect that it was one of the strongest objections urged by some of the oldest and ablest statesmen in Virginia to the adoption of the present constitution, that the eastern states (as they supposed) forming a majority in the legislature, would be disposed to encourage their navigation in such a degree as to secure to themselves the monopoly of our carrying trade, and thereby be enabled to exact the most enormous freights for the transportation of the bulky articles of the south, to the injury of the southern planters. How different has been their conduct from these anticipations. It is the south which presses such measures, even to the hazard of a war. It is the east which opposes them.

If a fair and temperate attempt to adjust the differences between Great Britain and us, by negotiation should fail, then self-preservation, then duty to ourselves, duty to mankind, will justify every measure, even to sequestration of British debts, by which our injuries may be retaliated, and justice rendered to our citizens. It is not probable that Great Britain, a nation accustomed to war, and which for the service of the present year, raises a revenue of one hundred and fifty millions of dollars, and is mistress besides of the ocean, can be easily influenced by threats, though her passions and pride may be irritated by them. On the whole, therefore I cannot help thinking, that in the present state of things, the eastern has been the wisest and best policy. We might advantageously improve the time of the negotiation by providing revenues, and warlike equipments, so as to be ready to meet an appeal to arms if it should be inevitable. I have however, a confident hope, that the present differences will be amicably adjusted, and peace established on a firmer basis than ever, by the measures of the executive.

When I reflect on the relative circumstance, of the eastern and southern states, the former led by the necessity of their situation to navigation—the latter invited by their climate, their soil, and the value of their productions to agriculture: the one fitted to carry to foreign markets what has been raised by the industry of the other. I have viewed them as peculiarly designed for mutual assistance and accommodation; and to unite on terms of reciprocal interest. I have often been astonished at the observation, that the eastern and southern states had different interests. The fact is, they only have different pursuits, which produce an unity of interests. It would be the greatest misfortune to both, to separate. Their union is calculated to nourish each other's prosperity. Yet, unless our navigation is protected, a separation may be inevitable.

The southern states from their habits and peculiar circumstances, cannot flourish without commerce; and they must submit to have their produce transported by foreign, if American vessels are not enabled by an adequate protection to do it. But the eastern states cannot exist or prosper, without their navigation, and they must have it protected, in some way or other, and if the United States do not pursue measures adequate to this object, they may be obliged to seek its protection by a separation, and foreign alliances. I hope

the united wisdom of our councils will ward off an event so mischievous to our mutual peace and happiness, and so much to be deprecated.

I know it is said, that the French Republican, and will protect our commerce. The fact, however, at this time, is, that they cannot defend their own, nor their foreign possessions, either in the East or West-Indies. Nor can we expect that they would defend our commerce, unless we entered into an offensive and defensive alliance with them; which, in case of defeat would involve us in their ruin; in case of their success from the superiority of their power to ours, would leave us, under the name of allies, in a complete state of political dependence on them. This, I heartily pray, may never be our fate in respect to any nation.

Being the happiest people in the Universe, and under circumstances the most favorable to the continuance of our happiness—it is time to avoid all foreign political connections, which can only serve to involve us in the broils and contentions which desolate the rest of the world. Besides, it is still uncertain what form of government France will finally assume.—They have at present no regular government. The constitution which they framed, they have not yet ventured to put into action. Their present government is revolutionary. It is suited for the occasion only; for this it seems peculiarly fitted. It has in the most astonishing manner, called forth the energy of the nation to repel their unjust invaders; and has demonstrated to the world, that France cannot be subdued by foreign force.

The United States are certainly different from the rest of the world, in respect to the distribution of real property among their citizens. Every industrious man here may become an independent possessor of land. This single circumstance gives to our people a spirit of liberty, and an independence of character peculiarly fitted for the maintenance of a republican government. All Europe is in a different situation; and it is probable that even in France at this time, five-sixths of the people have no hold on the soil, except in the character of dependent tenants. Our circumstances are more independent, and consequently our manners more free, and more pure than the rest of the world. Our happiness is complete, if we will avoid foreign broils, and confine our attention to the care of our own interests. Our true policy is to cultivate peace by all possible means; but at the same time to prepare for war. While the negotiations of our envoy extraordinary are pending, as I have before observed, the time of our Government would be usefully employed in such preparations. If we have peace, as I expect, the funds destined for war, might be applied to the redemption of our debt: and, if we have war, we should be ready to meet it.—In either event, the bill totally rejected by the Senate, would be unnecessary. If we have peace, the causes of our complaint will be removed—War from its nature will destroy that commercial intercourse between the two countries, which the bill was intended to effect.

Much noise is made about the retention of the Western Posts by Great Britain. With regard to this subject, and generally the fulfilment of the treaty of peace, there are mutual recriminations between that country and us. But though I think they are unjustly detained from us, I do not view them as an object of so much consequence, as to justify war to obtain them. Time, and the progress of our settlements, will in a few years, give us possession of them without striking a blow. We have already more territory than we can defend, and more people than we can govern, or than will obey us.

I have thus given you a concise view of my ideas, the result of my best reflections on the present interesting situation of our political affairs, and remain, &c.

CINCINNATI, N. W. Territory, April 19.

Charge delivered to the Grand Jury, April 8th, by the Honorable George Turner, one of the Judges in and over this Territory.

[Published at the request of the Grand Jury.]

Gentlemen of the Grand Jury! WE are now assembled in obedience to the laws; and it affords me pleasure to be among you. Happy should I feel were this the only business of the court. But error is incident to human nature; and misapprehensions and disorders will arise under even the best systems of government, and in the best regulated state of society. Such can

only be corrected by the due administration of wholesome laws. Hence the social compact was fought for in the earliest ages; and man parted with a portion of his natural rights to preserve in security the remainder. Governments were framed: laws were made for the common benefit—and protection was thence afforded to the personal liberty, the lives and the property of every individual. Thus the weak were protected against the strong; the poor were guarded against oppression from the rich—while the vicious, of all descriptions were restrained from the commission of crimes.

Human happiness, both public and private, has ever been an object important and interesting to man. Without happiness, life would be a burden: but happiness cannot be obtained without the possession of liberty;—and to secure this, the necessity of restraining rules must be evident to you all—rules that, while they discountenance vice, promote virtue, and direct us to those filken trammels which reason imposes, virtue approves and expediency requires. Thus a distinction naturally arises between Liberty and Licentiousness. The one is a curse of the greatest magnitude, and may always be found among men in a state of nature: the other is the brightest gem of a well regulated government. It is the mark of refined civilization, and can never be too highly valued. Impress it for ever on your minds, that where Licentiousness is permitted, Liberty must droop and finally die! They cannot live together.

Happy are we, Gentlemen, who live in an age so enlightened as the present. The mists of ignorance are nearly dispelled, and imperial reason begins to resume her way. The understanding appears to be fleetly approximating to that state which best can liberalize the mind, and teach the heart "good will to all men." A salutary administration of the laws must hasten the desirable crisis—and much, gentlemen, will depend upon your exertions by the due discharge of the trust which your country has confided to you.

Before I pass on to a few observations respecting your duties, suffer me, gentlemen, to congratulate you upon the peculiar advantages of our local situation. Far removed from the fripperies and corruptions of the old world; blessed with the possession of a soil uncommonly fertile, and climates no less desirable; inheriting the privileges and prospect of framing a future government on the purest principles of polity, and of transmitting to millions yet unborn blessings known only to free men;—what, then, have we to fear—but our own imperfections! what have we to court—but our own happiness!

I must now call your attention to matters more immediately affecting the objects of our present meeting: And first—with respect to the nature and use of Juries, their rights and duties.

A Jury, then, is formed of a convenient number of citizens, selected for their probity, impartiality and general competency—They are vested with a discretionary power to try the truth of facts affecting the liberty, the lives, the reputation and the property of their fellow-citizens—a sacred trust indeed!

In its general nature I would say, this discretionary power is a power to try the truth of facts; and the truth of facts must be tried by evidence.

According to the nature and circumstances of every case, a Jurymen will estimate in his own mind what he believes; and also what he does not believe, because insufficiently proved.

Fraught with the wisdom of immemorial ages, the common law proceeds upon the same principle. The qualifications and solemnities it prescribes, as to witnesses (and testimony is the principal evidence before Juries) are directed to competency—not credibility; to admission of what is offered—not to the operation of what is heard.

Be tender, gentlemen, of the reputation and feelings of your fellow-citizens. Children of the same beneficent parent, they form a part of the same great family with yourselves.—They have feelings, like you; and, like you, are in the pursuit of human happiness. Whatever tends wantonly to impede or impair that happiness, is injustice to the injured, an offence against society and the law. "Do unto others as you would they should do unto you"—is a rule sacred for its excellence. Suffer no frivolous nor vexatious accusation to excite your notice; but then let no real offender escape the operation of the laws. The peace and security of society require these things of you; and your country demands them, as essentials of your duty.

It behoves you dispassionately to weigh in your minds whatever may officially be laid before you, by the gentleman prosecuting the pleas of the United States: likewise, to take under your notice such violations of the law within your county, as may otherwise happen to come to your knowledge. For remember, that the object of your meeting is to serve a community which calls you brothers. That community will expect from you (and which doubtless you will render) the most scrupulous and conscientious discharge of your functions.

The general functions of a Grand Jury consist in making enquiry into every charge of criminality that shall be brought before