HON. SAMUEL LINN'S Charge to the Grand Jury.

SEPTEMBER TERM, 1861. ENTLEMEN OF THE GRAND JURY :

rebellion against which this would be treason, and would render the ation is now struggling, with which ev- offender liable to punishment of death. til recently, remained linked together by ter.

aration for this attempt to overthrow the antly avowed-the acts which they have neglected to explain to you that the term already done in furtherance of their plans, "mispriston" is of French derivation, and and the further outrages and atrocities means in legal parlance contempt or neg which they would seem to have in imme- lect. Thus, misprision of treason, condiate contemplation, we cannot but con- sists in the neglect to give information of sider it the most alarming event that has the commission of an act of treason and is ever occurred in our history. There is what is termed a negative misprision,

which the law assigns to them.

to the relation that exists between a gov-ernment and its citizens or subjects. I meet his entire approval.

and is obliged to obey only such laws as private sentiment is still left; the dissem-never scrupled to exert it when occasion as oil other known offences against the the following description of the city of inating or making public of bad senti-required. The right of self preservation criminal law, but we should be careful that Lexington:

y or supremacy.

but by our National Constitution it is directed that treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. That the inhabitants of those States of this U. nion which have assumed to withdraw We enter upon the discharge of our offi- therefrom, and form a new and indepenal duties to-day under very solemn and dent government, have levied war upon apressive circumstances. Since the last the United States within the meaning of m of this Court, events have occurred the constitution will not admit of a doubt. the history of our national government Giving aid and comfort to such persons the most serious and startling character. by such overt acts as giving them intellineed not refer to these events in detail gence, sending them provisions, furnishing they form a conspicuous part of the his- them with supplies, or arms, or the like

ry intelligent citizen is presumed to be Misprision of Treason is the conceal-We have fallen upon strange ment of treason, by being merely passive, the following language: and are experiencing a state of na- for any assistance given to the traitor trial which would seem not makes the party a principal, as there are ion and compact of these States were prisions affecting the government of a pos-

strong and peaceful bond of union, there | Treason may be committed against either are no provisious which contemplate ei- the government of a State, or of the Unis ther an amicable separation or anattempt ted States. When the offence is against the constitution of the land as a compact is applicable;

"The legislative acts, or the acts of any alleged to be advocating the right of segates to forcibly withdraw from the U- it falls within the jurisdiction of the Court on and consequently those public func- of the State wherein it was committed, onaries whose duty it is to provide for but where, as in the present instance, war into it may rejoice if peradventure their freely speak, write or print on any subject, comment had determined to trifle no lonne public safety and protection have is waged against the federal government, appeals and their counsels have been hith- but is amenable for the abuse of that priven occasionally embarrassed by consti- the federal courts have exclusive jurisdic- erto without effect. He whose conscience, ilege. No alteration is made in the law bid defiance to its authority. utional restrictions, apparent or real, or a tion. This Court cannot, therefore, take or whose theories of political or individual as to private men affected by injurious pub- rejoice at every indication of vigor and rant of constitutional authority to meet cognizance of any act of treason, or mis- al right forbid him to support and main- lications, unless the discussion be proper strength in our government proceeding ily and promptly the exigencies of the prision of treason growing out of this re- tain it in its fullest integrity, may relieve When we consider the magnitude of Confederate States, as they are called, is divesting hi nself of his rights; but while

But as has already been intimated, there covernment—the number and character are misprisions of a positive pature, some of the individuals concerned in it-the of which are grave misdemeanors and may ebiect and purposes which, as we have like treason, or misprision of treason, be

enough in this to fill the stoutest heart. The positive misprissons which concern our present inquiry and of which we shall free communication of thought and opin- ernment. The liberty of the press consists or knowingly or willingly shall aid or as-When our country is in the midst of now proceed to speak, are such as involve ion is one of the invaluable rights of man; in publishing the truth from good motives sist any enemies in open war against this when our country is the third states of now proceed to speak, are such as invoice and every citizen has duties which an attempt to weaken the strong arm of flow from the allegiance that he owes to civil power, or a contempt of lawful author and print any subject, being responsible to the abuse of that liberty. What are for the abuse of that liberty. What are man be is bound to perform. The sum a witness from giving evidence, or from the flow of speaks are such as invoice and every citizen may fully speak, write and print any subject, being responsible for the abuse of that liberty. What are man be is bound to perform. The sum a witness from giving evidence, or from down of speaks and the common stock of freedom, while are not proceed to speak, are such as invoice and every citizen may fully speak, write and print any subject, being responsible for the abuse of that liberty. What are to the common stock of freedom, while are not proceed to speak, are such as invoice and every citizen may fully speak, write and print any subject, being responsible for the abuse of that liberty. What are to the common stock of freedom, while are not proceed to speak, are such as invoice and every citizen may fully speak, write and print any subject, being responsible for the abuse of that liberty. What are of these duties is that he shall do all that obeying the process of subpone, to perin him lies to aid in protecting and defensuade or assist a prisoner in custody to ding the existence and the honor of the escape; to refuse obedience to the call of nation. This is a demand to which a patter of assistance to quell a risting right, for the sequences, by their tendency to anarony, in anywise concerned in forming any competitive and all of the most mischievous and alarming conpositive a knowledges that his country has the high- are all misdemeanors of this sort, based would not in so important a paper, forbid be difficult to draw the line of demarka- erica into the hands or power of any forupon the principle that it is unlawful to the a'ridgment of a right which was with- tion in every instance, but the jury are to eign enemy, or any organized or pretend. We, as a constituent branch of the State offer resistance to lawfully constituted au-government, have duties devolving on us. thority. It is safe to assert as a general would involve one of the most cherishet of every word without any lorged or strain-laws of the United States, or shall give or which relate to the present condition of principle, that any wilful attempt to re- rights of the citizen in a maze of confusion ed construction of the meaning of the au- send any intelligence to the enemics of public affairs—duties which we should sist the authority of the government, or and obsedity. At the time of the adopperform, promptly, faithfully and with- to prevent or hinder the success of its tion of the Constitution, in 1787, when out fear, favor or affection, but we should plans ordesigns in the prosecutions of a the freedom of the press was spoken of, they will assign its sense, and collect the vent or subvert the government of this at the same time give to them a temper- war offensive or defensive, or to induce or the people understood exactly what it true intention from the context," ate and impartial consideration. Of these pursuade others to do the like, is unlaw- meant—its boundaries were weil marked. It is evident from these quot

resent time amongst the inhabitants of fairs. A state of war actually exists. The moral, treasonable, schismatical, seditious ment, by holding its citizens criminally about being mustered into service, or shall the loyal States are entire, unanimous and President of the United States by virtue or scandalous libels are punished, the liber- responsible for every wilful design to in- use any threats or persuasions or offer any hearty co-speration with the national gov- of the power reposed in him, has issued to of the press, properly understood, is by terfere with its authority or its plans, in bribe, or hold out any hope of reward ernment in the attempt now making to his proclamation calling upon the Gover, no means infringed or violated. The lib- no respect infringes upon any personal with like intent to induce any person or suppress the rebellion; nay, more, I am nors of the several States to furnish their erty of the press is indeed essential to a right. Much excitement prevails in many persons so abandon said service, or withcredibly informed that there are amongst quota of troops for the organization of a free State; but this consists in laying no parts of the country because of the appa- draw from any volunteer campany or asus not only persons who secretly sympas military force sufficient to protect the previous restraints upon publications, and rent sympathy manifested by certain sociation already organized under the laws thize with the rebellion, but those also government and suppress a formidable not in freedom from censure for criminal newspapers and public journals with the of this Commonwealth, for that purpose who boldly and publicly avow sentiments rebellion. The Government of Pennsyl- matter when published. Every freeman rebels, and in some places printing presses every person so offending and being legalwhich are in opposition to the authority varia in response to this demand has is has an undoubted right to lay what sentiof the government. Such persons, whilst sued a proclamation calling upon all able ments he pleases before the public; to been destroyed by a resort to violence and high misdemeanor, and shall be sentenced they merit the contempt of the people of bedied citizens wi his the Commonwealth forbid this is to destroy the freedom of mob rule. This is much to be deplored to undergo solitary imprisonment in the this, and every other civilized nation on subject to military duty, to form themsel- the press; but if he publish what is im- on account of the encouragement it affords penitentiary at hard labor, for a term not earth, and are bringing disgrace upon ves into military companies and regiments proper, mischievous or illegal, he must to that spirit of riot and insubordination exceeding ten years, and be fined in a sum themselves and their posterity, should to be called and mustered into the public take the consequences of his own temerinevertheless receive the punishment service. Now it must be perfectly appaty. To subject the press to the restrictive dencies and over can be justified by any both, at the discretion of the court. Prorent to the most ordinary understanding power of a license, as was formerly done, pretence whatever. Such proceedings de- vided, That this act shall not prohibit any This leads us to consider and define the that any attempt to prevent the carrying is to subject all freedom of sentiment to serve the condemnation of all good citi- citizen from taking or receiving civil comoffences which may be committed direct- out of this design would be a gross insult the prejudice of one man and make him zens, and we trust there may be no repe- missions for the acknowledgment of deeds ly against the government. Although to the government and a daring contempt the arbitrary and infallible judge of all tition of them in future. It is sincerely and other instruments of writing." some of those belong to the exclusive ju- of the anthorny vested in it and there- controverted points in learning, religion to be hoped that those who have control | This law is free from obsurity, and its risdiction of the federal courts, it may not fore a high misdemeanor. For if the de- and government. But to punish any dan- of the public press will conduct it so pru- meaning and intention cannot be misunbe out of place to notice them here in or signs and plans of the government can gerous or offensive writings, which, when dently as not to excite angry feelings at a derstood. We have brought it to your der that you and the people of the county with impunity be thwerted and rendered published, shall, on a fair and impartial time when the public mind is extremely notice so that if any of you know of any who happen to be present may be made abortive, then all our high sounding theo- trial be adjudged of a pernicious tendency, sensitive to every apparent expression of of the offences therein mentioned having to understand something of the nature ries respecting the supremacy of the gov- is necessary for the preservation of peace disloyalty or indignity to the government- been committed within this county, the and extent of the obligations which they ernment, and allegiance and sovereignty and good order, of government and relig- and moreover, that if there should be at y offender may be dealt with as the law diowe as citizens. The present generation are but beautiful figments of the imagina- ion, the only solid foundations of civil abuse of the liberty of the press, resort rects. It any of you know of the comof Americans know but little experimention. Such toleration could spring from liberty. Thus the will of individuals is will be had to legal authority, and not to mission of such offence, it will be your tally of a state of war, and it therefore no principle other than would assert that still left free; the abuse only of that free the power of an excited mob. There is duty to make it known to your fellows so should not surprise us that their attention the citizen is only bound by his allegiance will is the object of legal punishment. has never been particularly directed to the to the government so long as its measures Neither is any restraint hereby laid upon government has ample power to correct presented to the Court. It is your duty duties which at such a time are incident may be in accordance with his own views, freedom of thought or inquiry; liberty of such evils, and in such times as these has to present all violations of this act, as well

am therefore led to take a charitable Suppose a riot to occur in one of our ments, destructive to the ends of society by all the means within reach in times of no act that is done in this behalf should riew of the conduct of those who may streets. It is the duty of the officers of is the crime which society corrects. A imminent peril, belongs to the government spring merely from political differences, anxiety for news from Lexington, Mo. is have seemed to forget or depart from the law to suppress it, and the duty of man may be allowed to keep poisons in as fully as to an individual, and itisa great from any solfish, sinister, or other numbertheir allegiance, and to attribute most, if all good citizens to aid and assist, for with- his closet, but not publicly to vend them mistake to suppose that in time of war a thy motive, but that every such discharge size and wealth of the place, and its in not all, such cases of delinquency, not so out such regulation the public peace could as cordials, and the only plausible arguard as cordials, and the onl the law or oppose the known authority of stantly be in the midst of disgraceful the just freedom of the press, that it was success of its military delences, or to weak- or and authority of the State and the na- made up of the best class of the early emihe government, as to entire ignorance of scenes of tumult and disorder. Now, necessary to prevent the daily abuse of it, will on its power, moral or physical. Neglect tion. he law's demands and of the nature and suppose that on such an occasion some entirely lose its force, ween it is shown or hesitation on the part of those who adlesign of the rebellion. I am lead to individual would take it upon himself to (by a seasonable execution of the laws) minister the government to resort to such nore than suspect that artful and wicked address the assembled multitude, de- that the press cannot be abused to any measures whenever exigencies arise that en are making it their business to de- nouncing the riot act and the administra- bad purpose, without incurring a suitable in their opinion require it, would expose eive the people by leading them into the tion under which it was passed, and as punishment; whereas it never can be us them to the just indignation of their cononeous belief that the war is waged for sailing and condemning the political ed to any good one, when under the con-stituents, and would prove them to be une supremacy of a party, ir stead of being views of the officers who are endeavoring trol of an inspector. So true will it be worthy of their high trust. During the struggle purely for the life of the nation. to preserve the peace and advising and found that to censure the licentious, is to revolution, an act was passed in this State, rue that kind of loyalty, is not very persuading the bystanders to withhold raiseworthy or reliable which is not the any assistance for these or any similar reapontaneous outgoing of a patriotic heart, sons. How should a court and jury deal but needs the unyielding lash of penal with such an offender? The question District of Pennsylvania, in 1798, makes State shall attempt to convey intelligence need only be asked. And is not that man a thousand times more culpable who, by The offences which directly affect or are words or actions, persuasions or threats, mry, without the consent of any other, by speaking or writing against our public defence, my without the consent of any other, being or shall maliciously and advisedly endeave Misprision of Treason, and certain posi- citizens from responding to the call of the in this, as in all other freedom of action, or to excite the people to resist the gov- them. ive misprisions or contempt of its author- chief magistrate of the nation for aid to liable to punishment, if we injure an in- eroment of this Commonwealth, or perper down a rebellion that aims at the to-

on this subject. Many persons errone- mental law. In their State Constitutions, the Commonwealth, or shall stir up, excite ously suppose, that so long as individuals they provide that he'r legislature should or raise tumults, disorders or insurrections will refrain from an overt act of treason, not make any law estraining the liberty in the State, or dispose them to favor the they may speak and act as they please of the press, that it, should lay no previous against the government, with perfect im- restraints on the liberty of the press; or, punity. It is time that such dangerous as the Pennsylvana Constitution express and in our remarks on this occasion we are doing what we can to accomplish that responsible for the above of that liberty. The of two or more credible witnesses, in any purpose. There are other offences besides are principle vas afterwards adopt-treason and misprison of treason, which ed in the Federal Constitution, and the adjudged guilty of misprision of treason, effect the government and its claims to section establishing it there is to be conallegiance, as has already been explained. The late Judge Kane, in his charge delivered in the District Court of the United by Justice Blackstone, it being free from the section establishing it there is to be conand shall suffer imprisonment during the present war, and forfeit to the Commonwealth one half of his or her lands and tenements, goods and chattels." States a few years ago, in referring to the all previous restraint, as all other rights case of United States vs. Hanway, a case or liberties are, subject to correction for rary purpose, expired by its own limitation which produced no little excitement, uses its abuse."

impression on this subject among a por- out the distinction between those publica where, which have rendered themselves to have been apprehended by the fathers no accessories in treason, this mispris- tion of our people. If it has been thought tions respecting the government, which obnoxious to the people because of their and foundert of this confederacy. In that ion is of a negative character, but as has safe to counsel and instigate others to acts are authorized by law and such as are unclassed secession proclivities, have been admirable constitution, by which the u- already been stated, there are other mis. of forcible oppugnation to the provision of authorized and unlawful. The case of the brought to the notice of proper courts, a statute-to inflame the minds of the ig- Commonwealth w. Dennie, reported in and we may therefore expect before long ormed, and under which they have, un- itive nature, which we shall notice hereaf. norant by appeals to passion and denun- 4th Yeates, 267, was an indictment for li- we shall be favored with an opinion on this ciations of the law as oppressive, unjust, bel tried in the Supreme Court of Penn-subject from the Circuit Court of the Unirevolting to the conscience and not bind- sylvania in 1805. I quote here so much ted States. And the newspapers report ing on the actions of men-to represent of the opinion of the Court in that case as that the press, type and fixtures of violate or subvert, the mistake has been a branch of the government, are open to the cession, was seized by the Marshal a day previous one; and they who have fallen public discussion, and every citizen may or two ago. This look as though the govbellion inasmuch as the war levied by the himself from the duties of citizenship by law to publish temperate investigations of power in the suppression of the rebellion the rebellion, the years which have been against the federal government, and not against the federal government, and not against the State of Pennsylvania. remember that successfully to instigate treason is to commit it."

The views that we have just expressed, least, with the freedom of speech or of that it is the most conducive to the safety of Pennsylvania, at its last regular ression reson to believe, have long been secretly offences against State or federal authority meditated and are now openly and defi- as the case may be. I have heretofore nited States, Congress is forbidden to is marked and avident distinction between direct your attention. The first section make any law abridging the freedom of such publications and those which are provides, "that if any person or persons speech or of the press, and the constitu- plainly accompanied with a criminal intent, belonging to or residing within this State tion of this State provides that the print-deliberately designed to loosen the social and under the protection of its laws, shall ing presses shall be free to every person bonds of noion, totally to unhinge the take a commission or commissions from who undertakes to examine the proceed- minds of the citizens, and to produce pop- any person, State or States, or other the ings of the legislature or any branch of ular discontent with the exercise of power enemies of this State or of the United the government; and no law shall ever be by the constituted authorities. Such wri- States of America, or who shall levy war made to restrain the right thereof. The tings are subversive of all order and gov- again t this State or Government thereof, I shall come presently to speak.

I shal

maintain the liberty of the press." Judge Addison, in his charge delivered whereof is in these words : to the grand juries of the 5th judicial "If any person or person By the law of England there were vatal subversion and overthrow of the govty of the press, which the people of the the crown of Great Britain, or shall mailtious acts defined by statute which would the properties of America, for its greater clously and advisedly terrify or discourage don't see what I can do to make it clear."
There is great misapprehension abroad security, have made part of their fundathe people from enlisting in the zervice of "Pop it!" said the lady.

misapprehensions should be corrected es it. That every citizen may freely

On this subject I shall refer to but one

the nature and forms of government. The and of any thing that affords it aid, publican governments pride themselves in class of offences which hie beyond our ju the reflection, that the more deeply their visigetion. Each State 7 ossesses the right, system is examined, the more fully will however, to pass laws regulating the condo not, in our opinion, conflict in the the judgment of honest men be satisfied duct of its own citizens.

on the 11th February, 1779, the 4th section

"If any person or persons within this

enemy, or oppose and endeavor to prevent freedom and independence of the said United States; every such person being

This act having been passed for a tempoat the end of the war.

We notice that several of the newspo "There has been, I fear, an erroneous more authority, which may serve to mark pers published in New York and elseprinting office in Philadelphia, which was ger with those who disregard its rights or or public information. It is no infraction of from a proper and prudent exercise of its

We have hitherto been speaking of

State or the United States, endeavor to It is evident from these quotations, persuade any person or persons from en-

Every man has in his own life follies enough- in his own mind troubles than that of any other section of the State. enough- in the performance of his duties excepting St. Louis. The e-rly settlers in deficiency enough-in his fortunes evils enough-without minding other people's

An Irish girl being inquired of respecting her mistress, who had gone to a water cure establishment, replied that she had "gone to soak."

Ber A writer remarks with great truth that "the great characteristic of modern 000 inhabitants is situated on a high rocky life is Worry." That is true. Some peo bluff, which there has its course on the ple are so prone to it that that they worry south side of the Missouri river, and who because they have no real griefs to worry

De A lover, valuly trying to explain steep ascent from the landing up into the dividual or the public. Such is the liber- suade them to return to dependence upon some scientific theory to his fair immorata city.

THE WAR IN MISSOURI

Further Particulars of the Pattle of

Lexington. The St. Louis papers of Saland y 21st contain further particulars of commencement of the battie at the commencement of the commencement of the commencement of the battie at the commencement of the co ton, Mo, which town, recording dispatches published, has surrender the State forces under Gen. Price. St. Louis Democrat has the fallowing sion of the state of affairs up to We ince day evening, two days before the few was surrendered by Col. Muliigan:

The gentleman who arrived at he quarters in this city yesterday morning via the North Missouri railroad, bring news from Lexington, or, to be strictly correct, from the point on the river opposite Lexington, up to ten o'clock on Wed-The rebel forces ur esday night last. der Price, Rains, Reed and others, had posession of the city of Lexington, and had surrounded Colonel Muiligan, who, with a force of about 2,700 men, was strong posted in the fortifications on College W a point on the river bluff, just below city, and between that and what is called Old Lexington. On Tuesday the rebels nade an attempt to capture one small lying at the water's edge, just under the ortification walls. A desperate fight en sued, the rebels attacking the boats from up and down the river, and Col. Mutligan defending as well as he could from the the river side of his fertifications. The rebels captured his boats. One of the spectators who witnessed the struggle from the opposite side of the river, says he saw the ebels carry off twelve wagon loads of dead and wounded. Colonel Mulligan's lost of course could not be ascertained. The report that these boats were steamere loaded with government stores, ammunition, &c.

On Wednesday, a large number of the citizens of Ray county witnessed the light from the river bank. The rebels assaulted the fortifications in great force four or five times during the day, and were each time repulsed, as it seemed, with great slaught

The fighting, it was expected, would continue on Thursday. It was feared that Mulligan's ammunition would give out, and that in consequence he would be compelled to surrender. His fortifications are admirable, and his men are fighting with but little exposure and great advantage. The messenger states that the Fed. eral reinforcements of three or four thouse and men were sent on their way, and expected to reach the river opposite Lexing. ion on Wednesday night or Thursday

On Thursdaylof last week an attact was on the fortifications by a force of rebels from the position of Old Lexington. They were beaten back with a heavy loss. On the next day, Friday, Col. Mulligan shelled Old Lexington, and burned the houses in and behind which the rebals in their attact on the day previous had tacen shelter.

The forces under Gen. Price are various estimated from 16.00 to 20,600 men. In another article the Democrat says Our (Federal) force there is about 3,500

The St. Louis Republican has the followng account of the progress of the fight: The first attack of Gen. Price upon the fortifications at Lexington was made on the Chursday of last week, at five o'clock in the evening, with a force of about eight thousand men. The engagement lasted two hours, and resulted in the repulse and withdrawal of the Confederates with a loss of one hundred killed and between three and four hundred wounded. The Federal loss was from three to five killed and several wounded.

On Wednesday morning last, Gen. Price having collected a force of from sixteen to twenty thousand, began a desperate and most determined assault upon the feet cations. The engagement commenced nine o'clock, and raged with great to during the whole day. Five or six reaslute charges were made by the Confed of ates, but each time they were forced once with considerable slaughter. They sur ceeded, however, in the capture of three government steamers and a ferry book that were lying under the bluft and walls in range of the Federal cannon, La 1 v they encountered fearful loss, as it is ported that ten or twelve wagon lond of dead bodies were removed from the hand

The Position of Lexington.

We find in the Cincinnati Commercial,

"The painful suspense attending the greatly enhanced by a consideration of any grants from Kentucky to Missouri, is generally wealthy, and probably more refined that region were attracted by the similari-ty of much of the country to that Eden of Kentuckians about Lexington, Ky., and they not only made their selections of land according to the standard of old Fays ette, but carried the analogy to the naming of the county and principal town of their location in Missouri.

The city, containing now probably 12. slopes almost precipitously directly down to the bed of the river, making a very

The sweetest flowers ever scattered n an old bachelor's pathway, are the lips of a pretty girl.