

The ANTI-LOUNGER... No. V.

WITH all the lively pleasure which the breast of an old man is susceptible of, I acquaint the public that my Eagle returned safe; that no one caught him to present his venerable plumage to the museum, and no tavern keeper detained him for a sign.

But, however anxious I was to learn the adventures of Oberon, my humanity would not suffer him to relate the whole of them at one time. I could discover by the languor of his active, intelligent eye, that he stood in great need of rest; and, stopping him in his recital, I helped him to his room, where I had the satisfaction to see him compose himself to sleep.

Let the sympathetic reader conceive my transport once more to behold my faithful Oberon!

O! qui complexus, et gaudia quanta fuerunt.

Nor was my sister Tabitha's Tom cat, poor fellow, without his share in the rapturous scene. It was affecting to see him side up by Oberon, raise his back into a mountain, curl his monstrous whiskers, play about his tail, rub his hair against the bird's plumage, and put out his unfeigned demonstrations of joy.

While Oberon is slumbering, I can attend to my correspondents.

Mr. Fitz Thrifty. I am as glad as any thing, indeed, indeed, Sir, I am, to hear Oberon is come back. My little brother saw him as he was coming from school. He was hovering over North Street. Why your eagle is white!

Mr. Fitz-Thrifty, Are you Fed or Lem?

MR. FITZ-THRIFTY, BOB SHORT.

I wish your Eagle would catch my daughter Mary in his claws, and fly away with her, when she next goes for Novels to the Circulating Library. She has taken out a noble subscription, so that she can have two sets at a time; and, as few Novels consist of less than six volumes each, she is generally at work upon a dozen books at a time. I would not scruple to whip her, but her Mother, who has got the whip hand of ME, encourages the jade. She has stuck a pin in each of the following Novels, as they stand in the Circulating Catalogue: Old Nick, 2 vols. Victim of Passion, 4 vols. Rights of Women, by Mary Wollstonecraft, 4 vols. Negro equaled by few Europeans, 2 vols. Libertine, 4 vols. Proceedings of the United Irishmen, 2 vols. Charlotte Temple, 2 vols. Fashionable Involvements, 4 vols. The Democrat, 2 vols. Innocent Sufferer, 4 vols. Manual of Parliamentary Practice, 4 vols. Nature Displayed in her mode, &c. 2 vols. Priestley's Letters to the Jews, and Levy's answer, 1 vol. Long Sword Earl of Salisbury, 2 vols. Nocturnal Visit, 4 vols. Abdecker, or the Art of preserving Beauty, 2 vols. Love at first sight, 4 vols. Munkish Mysteries, 2 vols. Something Odd, 3 vols. Somerville Bower, or the Adventures of Sophrona, 4 vols. She lives in Hopes 2 vols. Moore's Anacreon, 2 vols. Raymond and his three Wives 4 vols. Rescued, or Myrtle Bark 2 vols. The green Cat with the red head, 1 vol.

I am, your humble servant, JERRY SNIPE.

Mr. FITZ-THRIFTY, I hailed with pleasure the day you proclaimed war against the Loungers, for if the character of a man is to be estimated by his utility in society, a Lounger is only a blank in the creation. It is true that ennu, the scourge of a lounging life, obliges them sometimes to have recourse to literary pursuits; but, then, their mental languor can relish only kickshaws upon which a sound understanding would starve. Such for instance, as Anacreontic, or Moore Odes, and Songs to soften the rigours of imaginary Phillis!

With sentiments of profound respect for your talents, and best wishes for your success in the radical cure of Lounging, I am, venerable old man, and valuable citizen,

Yours, JAQUES ACTIVE.

SIR, I last night had one of my window-shutters severely bruised by a person running against it; and at the same time a Sleigh passed by rapidly, with the horse's bells jingling to the tune of Yankee Doodle.—The men who committed the assault on my shutter called out Hallo! Jack! to him who drove the Sleigh; and a voice from the Sleigh responded, Sam Sawyer! I say Sam! Heads up, Soldiers. Your humble servant, WILLIAM WORTHY.

Mr. FITZ-THRIFTY, Your two first numbers have reached us and we all concur in thinking you a famous, wicked old Dab. My Sister Bell is quite in raptures with you, and entreats you will send her your portrait, built or profile. She is reckoned a fine girl by the Southern men.

Dark is the blue of her soft rolling eye.]

You need be under no fear that she will give your lucubrations to her younger brother to enlarge his kite that emulates a flight over our capitol.

Yours, HAL CHESAPEAKE.

SIR, The innocent Irishman again salutes you. Accept, I pray you, my congratulations on the return of your Eagle. I feel almost afraid to say how much I wish to see him. I know not whether my terror or my pleasure would be greater, in tendering my compliments to his piercing eye, his awful beak, and potent claws. But I think we should assimilate. For my person, walk and air, would soon convince you penetrating an observer, that I am not one of that lethargic, abortive class, the slave of indolence and ennui, with whom all active energetic beings are at open war.

I rejoice at your appearance in the character of a Cenfor Morum. The times call aloud for the activity of a Saviour to reform the taste of our youth, and expel from among them a spurious claim to the sacred name of literature, which threatens to involve the powers of mind and body in an universal debauchery, taken off from found principles of thinking & reasoning, and enervates at the same time that it corrupts the intellect. The false thong of a Giford drove from their stupor the Delta Cruscan crowd, who had at least the merit of elegant language to make amends for the poverty of thought. Do you proceed in your career; and doubt not but you will dissipate that cloud of vapours which threatens to deform the face of learning, when it has as yet scarce passed the period of infancy.

Your honest IRISHMAN.

Post Scriptum — Le Sage enters whimsical m.

"If heav'n a draught of heavenly pleasure spare One cordial in this melancholy vale, 'Tis when a youthful, loving, modest pair, In others arms breathe out the tender tale."

It is now time to give a summary answer to these my correspondents. I cannot yet satisfy Maria whether Oberon was hovering over the roofs of North Second-street. Horace has taught me how to avoid Bob Short.—Percontatorem fugito nam garrulus idem est.—Jerry Snipe incurs my ineffable contempt. His wife he gravely acquaints me has got the whip hand of him. Proh Pudor! I could brain such a nincompoop with my sister Tabitha's fan. I thank Jacques Active for his sentiments of profound respect. I would advise Mr. Worthy to bring an action for an assault and battery. What a hell-rake is Hal Chesapeake! Yet I should like to encounter the dark blue of his sister's arch eye. She shall have my profile. I will set the phyllognathice at work, when I next visit the museum. My honest Irishman will command ever an early intercession. He concludes with a stanza of which I perceive the drift.

I turn now to those whose pieces I have not yet inserted, and entreat one and all to believe that they are not rejected because they are postponed. There are some correspondents, however, whom neither my years, experience, nor office of Cenfor Morum of the United States, will suffer me to tolerate. The Epistle from Sidney to the Ladies I cannot insert. His irresistible style would turn the heads of half the girls in this city. More lively than Voltaire, more impassioned than Rousseau, more eloquent than Thomas, he professes

—but prevailing gentle art, That can with a resistless charm impart The softest wishes to the virgin heart.

And as my sister is yet a Vestal, he might not only steal the wits of another tender Jane, but likewise undo the venerable Tabitha

* * Oberon is awake.



(By Authority.)

AN ACT

Making appropriations for the support of the military establishment of the United States, for the year one thousand eight hundred and five.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for defraying the expence of the military establishment of the United States, for the year one thousand eight hundred and five, for Indian department, and for the expence of fortifications, arsenals, magazines, and armories, the following sums be, and the same hereby are respectively appropriated, that is to say:

For the pay of the army of the United States, three hundred and two thousand, seven hundred and ninety six dollars:

For forage, four thousand four hundred and eighty eight dollars:

For the subsistence of the officers of the army and corps of engineers, thirty one thousand three hundred and twenty nine dollars and fourteen cents:

For the subsistence of non-commissioned officers, musicians, and privates, one hundred and seventy nine thousand and nine dollars and sixty nine cents:

For clothing, eighty five thousand dollars:

For bounties and premiums, fifteen thousand dollars:

For the medical and hospital department, twelve thousand dollars:

For camp equipage, fuel, tools, expence of transportation, and other contingent expences of the war department, eighty one thousand dollars:

For fortifications, arsenals, magazines, and armories, one hundred & thirty three thousand two hundred and ninety six dollars and eighty eight cents:

For purchasing maps, plans, books, and instruments for the war department, and military academy, five hundred dollars:

For the pay and subsistence of the commandants, in Louisiana, five thousand nine hundred and seventy one dollars and seventy seven cents:

For the Indian department, ninety two thousand six hundred dollars:

Sec. 2. And be it further enacted, That the several appropriations, herein before made, shall be paid and discharged, out of any monies in the treasury not otherwise appropriated.

NATHL. MACON, Speaker of the House of Representatives.

A. BURR, Vice-President of the United States, and President of the Senate.

February 14, 1805.

APPROVED, TH: JEFFERSON.

Congress

OF THE United States of America.

HOUSE OF REPRESENTATIVES.

SATURDAY, FEBRUARY 16.

The House resolved itself into a committee of the whole, and attended the trial of Samuel Chase, and after some time spent therein, the committee returned, and Mr. Speaker having resumed the chair.

Mr. Gregg reported, that the committee also attended the said trial, and that a farther progress had been made therein.

The engrossed bill making an appropriation for the payment of witnesses summoned on the part of the United States, to attend the impeachment of Samuel Chase, was read the third time and passed.

Petitions were presented from Wm Hastings, of Hillsborough county, New-Hampshire, John Henry Van Blon, a native of Germany, and John Hardyman, of Charles city, Virginia, which were severally referred to the committee of Claims.

A petition was presented from sundry inhabitants of the state of Pennsylvania, praying the establishment of a post road from New Hope, in Bucks county, thro' Doyle's town, &c. to Lancaster, and also,

A petition from sundry inhabitants of the same state, praying the establishment of a post road from Philadelphia thro' Germantown, and to Bethlehem.

Referred to the committee on post offices and post roads.

Mr. Dana from the committee of claims, to whom was referred the petition of W. A. Barron, submitted the following resolution:

Resolved, That the proper accounting officers be authorised to settle the account of William A. Barron, captain in a corps of engineers, for his travelling expences on two journeys performed by him, on public services, in the year 1802, by order of the lieutenant colonel commandant of that corps; which being concurred in by the House, the committee of claims were directed to bring in a bill pursuant to the said resolution.

Mr. Dana from the same committee made a report on the petition of Francis Mentges, which was referred to a committee of the whole on Monday next.

Ordered, That the committee of ways and means be discharged from the consideration of the message of the president of the United States, and the treaties lately entered into and concluded with the Delaware and Plankshaw Indians, and the tribes known by the name of the Sacs and Foxes, and that the said message and treaties be referred to a committee of the whole House on Monday next.

The House resolved itself into a committee of the whole House, Mr. VARNUM in the chair, On the amendment from the Senate to the bill supplementary to the act regulating the collection of duties on imports and tonnage; and after some time spent therein, the committee rose and reported their agreement to the said amendment; which report was taken into consideration, and concurred in by the House.

Adjoined.

HIGH COURT OF IMPEACHMENT

SATURDAY, February 9.

Evidence on the part of the United States.

The testimony of WILLIAM LEWIS. [Concluded.]

Mr. Nicholson.—You have said Mr. Lewis, that after the first conviction of Fries, a new trial was granted upon the ground that one of the jury had made use of some expressions against the prisoner—what were those expressions?

Mr. Lewis.—I believe they were expressions hostile to the insurgents in general, and to Fries in particular.

Mr. N.—You say that the defence in the first trial was conducted in the usual manner—what do you mean by that?

Mr. L.—We were allowed the utmost latitude in our defence, and to read what we thought proper to the jury, and to address them upon the law as well as the fact.

Mr. N.—You were allowed to read decisions at common law, and also before as well as after the revolution?

Mr. L.—Certainly, Sir.

Mr. N.—And also what statutes of the United States, which you conceived to be applicable?

Mr. L.—We were.—It may be proper to mention that the trial did not go on the day that I declined acting and left the court. On the next day I went to court, but finding that they were proceeding with the trial, I left it immediately, and was not there, during the whole course of the trial. I learned that the court had offered to the prisoner new counsel—but that pursuant to our advice, he had refused it;—and that he had been found guilty.

Mr. Randolph.—Have you not been frequently employed in the defence of criminals, and especially for treason—and have you not been a long time at the bar?

Mr. L.—I qualified in the court of common pleas in Pennsylvania in the year 1774, and in the supreme court in the year '75.—During my practice, I believe that I have defended more criminals in comparison to my other practice than any gentleman of the Philadelphia bar—when the British left Philadelphia, although very young at that time, I defended, I believe, 152 persons charged with having committed treason.

Mr. R.—Did you ever during the whole course of your practice see any proceeding in a prosecution similar to the one which took place on the trial of Fries?

Mr. Key objected to this question being answered.

The President requested Mr. Randolph to reduce his question to writing.

While this was doing—Judge Chase observed, that as much illegal testimony had already been given, he should not object to the present question being answered.

Mr. L.—The proceeding was entirely novel to me.

Mr. R.—And yet you have been present when a great number of civil cases were pending in the court and for trial?

Mr. L.—Generally speaking, the criminal trials take place in our State, in the court called the court of Oyer and Terminer, and do not interfere with civil trials. In the circuit court of the United States, where a number of criminals have been tried, I do not believe that the circumstance of there being a number of civil cases on the docket, ever had any effect upon criminal cases.

Mr. William Lewis—cross examined by Mr. Harper.

Q.—Did you not appear for Vigor who was tried for high treason?

A.—I did.

Q.—What were the charges against him?

A.—Levying war against the United States.

Q.—Did you not in the first trial of John Fries in the year 1799, contend that resistance to a particular law of Congress was not treason, but only a riot?

A.—We did.

Q.—A d in the case of Vigor you did not make that point?

Q.—Did you make that point before the court?

A.—I did not—I considered that I should profit Fries more by withdrawing from his defence than by defending him.

Q.—by Mr. Hopkinson.—Did not the court offer to assign Fries new counsel, after Mr. Dallas and yourself had withdrawn?

A.—I believe they did, but I do not know it for certain, as I was not in court at the time.

Q.—Mr. Randolph, I understood the witness to have said, that by withdrawing from the defence of Fries, you expected to render him more service than if you continued his counsel. Why did you think so?

A.—It appeared to me that the conduct of the court would justify the counsel in withdrawing; and it did appear much more likely, that the President would pardon him after having been convicted without having counsel than if he had.

Q.—Were the jury attending in court at the time the papers were thrown down by the court?

A.—I was usual to call over the jury every morning, and a number of them were present at the time. I do not believe that they were called over for the trial, because as I before observed, I do not recollect that that day was appointed for the trial of Fries.

MONDAY, February 18, 1805.

The court was opened at 10 o'clock A. M.

Present the MANAGERS, accompanied by the House of Representatives, and Mr. CHASE attended by his counsel. William Rawle, Edmund Lee, Philip Gooch, Gunning Bedford, Nicholas Vanduyke, Archibald Hamilton, John Hall, Samuel Moore, Wynder, and Judge Winchell, were examined on the part of Judge Chase.

When the court rose about 3 o'clock.

TUESDAY, February 19.

The court was opened at 10 o'clock A. M.

Mr. Tilghman was called in and examined respecting the mode of procedure of the circuit courts of the United States. When the counsel for Judge Chase proceeded to examine witnesses relative to that article of the impeachment which is founded on the charge delivered at Baltimore.

Thomas Chase, Moore, Judge Dorsey, John Purviance, Nicholas Price James P. Boyd, William McMechen, William Govance, John Campbell, and William Cranch, were examined.

Mr. Harper then adduced sundry charges of Judges, containing political matter, to show that for the last thirty years such charges had been very usual; he particularly cited a charge of William Henry Drayton, chief justice of South Carolina, delivered April 23d, 1776; a recommendation of the executive council of Pennsylvania, in the year 1785, to the judges to inculcate certain principles and measures, conceived to be conducive to the morals and general welfare of the community; a charge of Judge Iredell delivered in 1799; a charge delivered by chief justice McKean, on the 27th November, 1797, to a grand jury, relative to matters conceived to be libellous which were published by William Cobbet; and an address lately made to the legislative council of Orleans by Governor Claiborne.

Thomas Hall, a witness summoned by the managers, but absent when he was called in the regular course, was sworn & examined, relative to the charge delivered at Baltimore.

George Hay, D. M. Randolph, and John Montgomery, were further examined, principally in explanation of their previous testimony.

The testimony having been closed on the part of Judge Chase, Mr. Harper rose, and in the name of Judge Chase, read a written paper of the Judge, stating that in consequence of a severe indisposition, he was unable any longer to keep his seat in the court—expressing his thanks to the court, for the patience they had manifested during the course of the trial, and declaring his full reliance upon their impartiality and justice, and concluding with the request that he might be permitted to retire.

Mr. Harper added that for several days a fit of the gout had been coming on the judge, which had so far progressed as to disable him from further attendance—not, however, intimating any wish, on that account, to interfere with the progress of the trial.

The president observed that the presence of the judge was not, according to the rules of the Senate required.

When Judge Chase immediately withdrew.

Mr. Randolph then (about 1 o'clock) in the name of the Managers, requested a postponement of the trial until to-morrow, that the gentlemen who should open the