

liberties. They should be under no influence—they are only accountable to God and their own consciences—your present judges are in that situation.

There is a little circumstance which the Attorney General, in his observations to you, omitted to state, but which I think it right to recall to your recollection, as it appears with what design the traverser made this publication. In this allusion to Jonathan Robbins he expressly tells you this is “a case too little known, but of which the people ought to be fully apprised before the election, and they shall be.” Here, then, the evident design of the traverser was, to arouse the people against the President so as to influence their minds against him on the next election. I think it right to explain this to you, because it proves, that the traverser was actuated by improper motives to make this charge against the President. It is a very heavy charge, and made with intent to bring the President into contempt and disrepute, and excite against him the hatred of the people of the United States.

The traverser has read in evidence a report made by the President to the House of Representatives, and a letter written by the Secretary of State, to show that the President had advised and directed this Robbins to be given up; but subsequent facts could not excuse the traverser for what he had written before.

Now, gentlemen, with regard to this delivery of Jonathan Robbins, I am clearly of opinion that the President could not refuse to deliver him up. This same Jonathan Robbins, whose real name appears to have been Nash, was charged with murder committed on board the *Hermione* British ship of war. This Nash being discovered in America, the British Minister made a requisition to the President that he should be delivered up. Then we must inquire whether the President was obliged to give him up? By the 27th article of the treaty with Great Britain, it is stipulated, “that either of the contracting parties will deliver up to justice all persons who, being charged with murder or forgery committed within the jurisdiction of either, shall seek an asylum within any of the