

Then Chase grew angry and, as he would have said, took the lawyers in hand. When Mr. Hay argued that Giles' evidence would help to determine whether Callender's pamphlet consisted of libelous statements or merely questions of opinion, which things would have to be considered by the jury in assessing the fine; "That is a wild notion; it is not the law," thundered the Judge, and ordered the jury to be empannelled and the trial to proceed. Mr. Nicholas having challenged the entire panel of jurors, he was flouted and routed with a finality that not only overruled his objections, but cast serious aspersions on his legal attainments. Mr. Hay then proposed to examine the jurors individually as to any prejudices they might entertain against the accused. No questions could be asked the jurors, answered Chase, save such as were first reduced to writing and submitted for the approval of the court, and when the attorneys finally submitted written questions for the jurors, their interrogatories were declared improper and rejected forthwith. According to the court, it did not make any difference if a talesman had read and formed an unfavorable opinion of "The Prospect Before Us;" he was still eligible for the jury provided he had not formed an opinion concerning the charge on which the prisoner was indicted, and as none of the candidates had read the indictment, they were all qualified to serve on the case. The Virginian lawyers now abandoned all hope of securing an impartial jury, for when one of the talesmen named Basset volunteered the information that he had read Callender's tract and had formed a positive opinion that it came under the Sedition Law, they failed to record any objection to his retention.

The authorship was easily established by the testimony of the printers who had put the manuscript into type and the booksellers who had sold it as a pamphlet, and when Mr. Hay protested that those men could not be compelled to answer the questions put to them, they being accomplices equally guilty under the law, and privileged from testifying against themselves, the court not only overruled