

*Mr. Nicholas* presented an affidavit made by the prisoner and moved for a continuance. The affidavit alleged that the following persons are material witnesses in his defense, viz.: William Gardner of Portsmouth; Tench Coxe of Philadelphia; Judge Bee of South Carolina; Timothy Pickering late of Philadelphia; William B. Giles of the County of Amelia; Gen Blackburn of the County of Bath. That he expects to prove by the said William Gardner he was Commissioner of Loans for the State of New Hampshire, under the government of the United States, and that he was turned out of the said office of Commissioner of Loans because he, said Gardner, refused to subscribe an address circulated in the town of Portsmouth, in New Hampshire, and presented to the President of the United States in the year 1798, at the instance of several inhabitants of the said town, in which address unequivocal approbation of the conduct of the said President, in the administration of the United States is expressed. That he expects to prove by the evidence of Tench Coxe, that he, in the year 1798, held an important office, to-wit: Commissioner of the Revenue, from which office the said Coxe was ejected by the present President of the United States, because he did not approve the measures of his the said President's administration, or the principles on which it was conducted. That he verily expects to prove by Judge Bee that he did receive from the President of the United States, in the year 1799, a letter, in which he the said President did advise and request the said Judge Bee, then acting in his judicial character, to deliver to the Consul of the British nation in Charleston, Jonathan Robbins, alias Thomas Nash, who had been apprehended and carried before the said Judge on a charge of murder committed on the high seas, on board the British frigate *Hermione*. That he shall be able to prove, by the evidence of Timothy Pickering, that the President of the United States was in possession of dispatches from Mr. Vans Murray, American Minister in Holland, containing assurances on the part of the French Republic that Ambassadors from the United States would be received in a way satisfactory to the people and government of the United States, many weeks while Congress was in session, before he communicated the same to Congress. That he believes that he shall be able to prove by the evidence of Stephen Thompson Mason and William B. Giles, that John Adams, President of the United States, has unequivocally avowed, in conversation with them, principles utterly incompatible with the principles of the present Constitution of the United States; principles which could not be carried into operation under any political institution without the establishment of a direct, powerful, and dangerous aristocracy; that he declared, in express terms, to the said Stephen Thompson Mason, that he had no more idea that the present Federal Constitution could, for any length of time, control the people of the United States, than that it could control the motion of the planets; that he also declared to the said Stephen Thompson Mason, that he had no more idea that a political society could exist without a distinction of ranks, than that an army could exist without officers;