

The first juror was sworn, and the JUDGE put the following question to him: "Have you ever formed and delivered an opinion upon the charges contained in the indictment?" The juror answered, that he had never seen the indictment, nor heard it read. The JUDGE then said, he must be sworn in chief.

*Mr. Hay* asked permission to put a question to the juror before he was sworn in chief.

The JUDGE desired to know what sort of a question he meant to put, and told him he must first hear the question, and if he thought it a proper one, it might be put.

*Mr. Hay.* The question which, with the permission of the court, I meant to have asked, is this: "Have you ever formed and delivered an opinion on the book entitled 'The Prospect Before Us,' from which the charges in the indictment are extracted?"

JUDGE CHASE. That question is improper, and you shall not ask it. The only proper question is, "Have you ever formed and delivered an opinion upon this charge." He must have delivered as well as formed the opinion. Such a question as you propose, would prevent the man from ever being tried—the whole country have heard the case, and very probably formed an opinion. You might mislead men by your ingenuity, and if you were indulged in putting the question, the traverser might never be tried. He has answered that he never saw the indictment, nor heard it read, and if he has neither read nor heard the charges, I am sure he cannot have formed or delivered an opinion on the subject.

*Mr. Hay* asked, that the indictment might be read to the juror, because, perhaps, when he heard and understood the charges, he would answer, that he had both formed and delivered an opinion upon them.

JUDGE CHASE. The court has already indulged you as far as they could. The answer of the juryman was explicit—they could not go further than they had gone, and counsel ought to be satisfied.

The juryman was then sworn in chief, and the issue was explained, that it must be proved that the traverser wrote or pub-