

joint publisher with himself, and another witness declared, that he explained the meaning of a certain term, supposed to be ambiguous in its application, is it possible to entertain any doubt? Thus stands the evidence as to the publication. It will be proper for me, gentlemen of the jury, to state to you what is a publication in point of law, as to writing or printing. That the direct or indirect circulation or emission of a libel, is a publication thereof, in law and in fact, has never been questioned in a court of law. If it appears to you that James Thompson Callender did not directly or indirectly emit or circulate this paper, then is he not the publisher thereof; if he be not the publisher directly nor indirectly thereof, then ought he to be acquitted; and if he be the publisher, and the intention thereof be not criminal, that is, if the matter therein contained be not false, scandalous and malicious, still ought he to be acquitted; but if he be the publisher, and the matter be libellous, that is, false, scandalous and malicious, the intention must be wicked and criminal, and you must find him guilty. For the questions you are to try, gentlemen of the jury, are: Was this paper published by the traverser? Was the intention criminal? that is, is the matter false, scandalous and malicious? the evidence which you have heard ascertains the first question, and an examination of the paper, or such parts of it as are laid in the indictment,

most exquisitely delightful sensation that ever warmed a human breast, the consciousness of being universally and deservedly beloved."

17. "It is happy for Mr. Adams himself, as well as for his country, that he asserted an untruth."

18. "In the midst of such a scene of profligacy and of usury, the President has persisted as long as he durst, in making his utmost efforts for provoking a French war."

19. "For although Mr. Adams were to make a treaty with France, yet such is the grossness of his prejudice, and so great is the violence of his passions, that under his administration America would be in constant danger of a second quarrel."

20. "When a chief magistrate is both in his speeches and in his newspapers, constantly reviling France, he can neither expect nor desire to live long in peace with her. Take your choice then between Adams, war and beggary, and Jefferson, peace and competency."