

I SUBMIT to you the following letters, written by one of yourselves, for the common benefit of all. To me, they owe nothing separated from your own rights. Although liberty and property are precious enjoyments, they become idle things, unless the possessors have spirit and independence enough to defend and maintain them. I have neither vanity nor personal enmity on the present occasion. I have not volunteered in support of my rights until they were attacked with your own. If any remarks have fallen from me, calculated to create suspicions of this kind, I hope you will do me the justice to say, they were warranted on my part, and have been called for by the occasion.

All invasions of the rights of the people, when prudently undertaken commence by degrees. The more free the form of government, and the greater portion of liberty the people enjoy, does this become necessary. Bold and daring attempts will at once defeat and discover the object; especially among freemen—they may succeed with slaves. One precedent creates another: they accumulate, and constitute law. Examples are sought; and when they do not suit exactly, the defect is supplied by analogy. In this way it is, that the vital principles of a free government are sapped, and the liberties of the people taken from them.

The most insidious modes of destroying the liberties of the people are generally undertaken, and can only be effected by men in power, and holding office. They alone can cloak their designs under the sanction and authority of office and power. Not so with private individuals: If they attempt the destruction of civil and associated liberty, it must be by rebellion or insurrection—a remedy worse than the disease; and one which cannot succeed in a free government, where the people know their rights appreciate their freedom, and are disposed to support both.

Such is the intelligence of the people of the United States, who continue themselves in possession of the *ramparts* of liberty, that they have nothing to fear from the violence of open attacks; but every thing to apprehend from regular and insidious approaches. The latter being carried on without

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Dexter Rowland

any violation of public office, can only be known under free and full investigation. The free press, our only means by which the great body of the people can come at the truth, and exercise a suitable influence in their government, without turbulent disorder or a desertion of their private pursuits.

A communication of public opinion, so essential to the existence of free governments and the liberties of the people, can only be effected by the liberty of the press. This I am bold to assert, is the palladium of all our civil, political, and religious rights; and without which, ignorance and vice would occupy the place of intelligence and virtue; literature and learning would dwindle into barbarism; the fine arts and sciences forsake our land.

The constitutional power of public opinion, is exercised through the press, in all the modes of reciprocal intercourse, and virtually fixes the initiative or proposing authority of the people in regard to any new or important measure of government;—either directly or indirectly modifies in its progress the inequalities of representation;—counterbalances that influence, which power and office seem constantly to produce, and accomplishes, while restrained within its proper channel, much more than could be done by any regular or general plan of reform.

As some of these letters notice a judicial procedure, effecting in a high degree the freedom of speech and the liberty of the press, I presume a few farther remarks on the liberty of the press will not be uninteresting to the reader.

Good men alone admit the great and essential advantages accruing to society from the freedom of the press, and do not indulge themselves in peevish and passionate exclamations against the abuse of it. Betraying an unreasonable expectation of benefits pure and entire from human institutions.

Our laws provide essentially for the protection of every citizen in his reputation, in his person, and his property. If the characters of private men are injured, a double remedy is afforded by action and indictment. These legal remedies so far from abridging, guarantee the liberty of the press; and without which it might prove a mischievous machine.

In the discussion of public affairs, a considerable latitude

must be allowed as to strictures on public characters, and the measures of government, or the liberty of the press will be of no benefit to society. At the same time that private malice and personal slander should be checked and resisted by all legal means; a constant examination into the conduct of public men should be promoted and encouraged.

I wish not to be understood to mean, that the greatest possible respect should not be paid to public officers; particularly whilst in the discharge of their respective duties. This is essential to the maintenance of our individual rights, the peace and order of society; nay, the very existence of our government depends thereon.

Men in high office, beyond the reach of the people, or of punishment short of impeachment, have little to fear but the censure of the press. With this censorial power public officers have to choose between their duty and reputation. Such a dilemma cannot make a public officer perform miracles, but it will operate upon his conduct.

As this is an inexhaustible subject to a mind susceptible of civil liberty, I will conclude by observing that, that portion of liberty, literature, the arts and sciences, which now remain in the old world, owe their existence to the liberty of the press. So sensible were our forefathers of this, that they inhibited the highest constitutional authorities of our government from passing any law abridging the liberty of the press.

CASSIATOR.

To the honorable GEORGE POINDEXTER.

LETTER I.

Sir—Over the signature of a "Bye Stander" in the Washington Republican of last week, you are charged with having said, (speaking of the memorial now in circulation, soliciting Congress to quiet the British claims in this territory,) that no gentleman would sign such a paper; and all who did, were d—d rascals. That you made use of these expressions in the town of Washington—I could not believe it, was incredulous enough to make the necessary enquiry, and find you are guilty in manner and form.

Now, Sir, I am a signer; yet, am not disposed to take advantage of your imprudencies, your intemperance, or the intoxication into which you may have been carried, by the teasing importunities (mixed with a little abuse) of a trooper, confined to the prison bounds, and like to lose his trip in consequence of your delinquency in paying him for work and labor done; but call on you in a way you may reflect on what you say; when time, place, nor the physiognomy of an adversary shall confound your judgment, embarrass your firmness or obscure your declarations.

That all impediments to candor between us may be cleared out of the way, you are assured that I am a merciful and forgiving man, and advocate the rights of a tolerating people—intend to be partially so on the present occasion, as your honor's situation (perhaps relations) with a public station may require. As to you individually, peradventure there are not many with myself, concerned for what you might say respecting us or the memorial. The subject on which you have denounced so large a portion of the citizens of this territory, is too important to be damned without a hearing—even by a judge. If our intelligence, our understandings have not reached the importance of this memorial, we have high authority and example for our ignorance, and the errors we commit: the collective wisdom of the territory, the house of representatives have unanimously memorialized congress on this subject in the year 1811. [appendix A.]

You are now, sir, catagorically called on to make good your charges, or acknowledge you lie. If you succeed in the former, the honor will be yours—the disgrace ours. If you

choose the latter, the character of George Poindexter will not suffer, tho' that of the judge may; for which his honor shall have our forgiveness—yourself our contempt.

You cannot say, sir, you were attacked. You have thrown the gauntlet yourself first: you have attacked the whole community, as well as the representatives of the people, in terms of vulgarity becoming yourself alone, and not your station. You have voluntarily placed yourself before the bar of that public you try to insult. However, you are entitled to the full benefits of all your constitutional privileges—a patient hearing; an impartial decision. Come forward then through sophistically: candidly we are not to expect. We mean not to make unreasonable demands of you: give us your reasons wherein this memorial is incorrect—how so base, that any man who signs it is not a gentleman but must be a d—d rascal.

If, sir, the charge you are now called upon to substantiate, or deny, be too crude for the delicacy of your investigating faculties you can be indulged with an imparlance upon joining issue on the merits of our memorial. Shew, if you can, its injustice, inexpediency, or impolicy, that the attainment of its object can possibly militate against the prosperity of our territory; the peace or quiet of its inhabitants?

I invite you seriously to the investigation. On such a subject it cannot but be highly interesting, whether conducted with ability or not.—We all feel a lively interest in taking the correct course. We may have been led astray, representatives and all, by a few designing characters. Its importance will contribute to render such an investigation honorable to your situation and understanding; and the results may be beneficial to the citizens of this territory, nay, to the government of the United States: when those arising from all the vulgarity, the dogmatical abuse you are capable of bestowing, will have none; notwithstanding your conspicuousness of talent in that way.

If we do not hear from you in a reasonable time, I shall take it for granted, you are content to receive a mute conviction; and shall proceed to support the object of this memorial, incidently noticing your honors conduct on this occasion, connecting it with whatever may tend to elucidate and explain motives for your actions and doings.

My reasons, sir, for addressing you through the public prints are, that the occasion is public. The attack you have made involves not an individual or a neighborhood, but the whole people of a territory. Our defence, therefore, as well as your justification, should be equally extensive.

CASTIGATOR.

October 11, 1814.

LETTER II.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Not having heard from you on the subject of my letter of the 11th inst. addressed through the Washington Republican of the 12th, I am to conclude, independently of the conclusive evidence of the facts, that you stand convicted of the charges therein exhibited against you. The judicial rant you had with the printer for publishing that letter, and your attempt to frighten the witnesses from maintaining the truth against you, shall not interrupt our present correspondence. These shall receive my consideration in due time. They are too important not to be the subject of investigation, unconnected with any other subject. I therefore, agreeably to promise, now proceed to defend the object of the memorial alluded to; or rather shew, that your attack on that memorial, and those who signed it, is wanton false, and unbecoming your station.

Be not alarmed, sir! I mean not to meddle with the character of George Poindexter. No one, I presume, feels sufficiently interested in that; especially a true one, (and any other I should not give,) lest it might tend to dishonor your station.

It is your public character, past and present, in which we are interested. It is from this we are to expect good or apprehend evil. This, sir, we conceive to be a fair subject for investigation. This is the mirror, which gives effulgence, or obscures public character. On this depends the liberty of the citizen—the existence of republican government.

I shall, sir, commence with that act of yours, which gives rile to this correspondence: but by no means relinquishing the right I have, to retrospect your conduct. This perhaps is the true key that unlocks the cabinet door of your designs. If so, I shall not commit burglary in entering—you having

thrown open the door yourself, And though you may have intended for none but minions to enter, you have been unfortunate in selecting the time—the *hall* is now occupied by those independent enough to do justice, to you and the public.

You have said, that no gentleman would sign that memorial; and, that those who did, were d—d rascals.—Is this the way to convince a civilized, and erring community, they are wrong? Is this the language of reason?—is it argument? In what school were you taught this kind of logic? What preceptor put this vocabulary into your hands? I presume not your first or second political executive patron in this territory—or, your congressional associates? nor can it be the worthy characters you have the honor of presiding with, on the seat of justice—or the respectable bar, who must feel humiliation in pleading before you.—I his, sir, must be your three-up odd-trick lexicography, which conveys no conviction to those you thus address; nor are they disposed to disgrace themselves by retaliation in this way; although it might more fit your taste, accord with your breeding, and be better understood by you. Such chastisement might very well become George Poindexter but not Judge Poindexter.

The charge you have made is a serious one when applied to the respectability and number it involves—and especially when made by one, who presides over the lives, liberty and property of the very people; the greater portion of whom he has already pronounced not gentlemen, and sentenced to be d—d rascals.

Having refused, sir, to produce the evidence on which you have denounced this memorial and its signers, we have the right to conjecture whatever proves the reverse of your opinion. For you are lawyer enough to know, it is the law, and a rule of evidence, that whenever a party withholds testimony within his power to produce, it shall be taken as strongly operating against himself—This gives me the right to conjecture, and I trust I shall satisfy the public that your reasons for fighting this memorial, are sinister,—hostile to the prosperity of the territory—and, adverse to the interest of its inhabitants: but which, as I do not wish to gorge you at once, I shall reserve for a future letter.

CASTIGATOR.

October 22, 1814.

LETTER III.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—You are mistaken if you suppose your designs hidden in the glare of office. You have represented an intelligent and inquisitive people. You now preside as a judge, over a virtuous and independent community. You have to decide in the face of a learned and unsophisticated bar; who mark well your errors, and note down your prejudices.

You may be disposed to act on the principle that *power gives right*. In this disposition you may be gratified for a while. But the day of tribulation will come: You will have to descend on a level with your fellow citizens—take your chance for promotion amongst them—receive it from them—these very people perhaps, many of whom you reproach not to be gentlemen but vilify as rascals.

That, sir, is the period you dread; and justly. This is the reason I presume of your frantic hostility to our memorial. You will then loose the office, your unceasing and whining importunities at length obtained. This you commenced as soon as you entered the doors of congress. Before you had achieved a single act for your constituents, you were ready to desert them—their confidence in you was in market—offered in barter for the one you now fill. You were rejected once, twice, and again. A remonstrance to the president of the United States from the then gentlemen of the bar generally, against your pretensions, could not dampen your ardor: and to increase your misfortunes, you were luckily raised and resided until your exile hither, near the late president;—he knew you too well to be imposed on—was more informed in the occurrences of political life, than to be made believe, every man who obtains the confidence of a credulous people merits it. At length on a fourth vacancy, you succeeded. The difficulty of selecting a character, whose situation admitted his speedy residence in the territory, no doubt influenced your appointment, more than any considerations of merit; and, by which, the president freed himself from constantly stumbling over a man, wallowing in his way for office—he being acted upon also, by a petition you had intrigued for many of the members of congress previously to sign in your favor; with most of whom, it must have been mere matter of moon shine whom we had for judge; and who,

'tis presumable, experienced the same indelicacies from you, that the president had. Deny this if you dare; and I pledge myself to convict you in due time, of what, however, may be too familiar, to make you blush much.

We did not send you to congress, sir, to canvass for office, at the expence of your duty, our interest, and the business of the territory. Not that we wish to inhibit a representative the acceptance of office on honorable terms, and without a dereliction of duty—no: the reverse is the fact. That our opinions of men should be thus approved, is highly gratifying, as tending to lock the chain of confidence between the governor and the governed. But, sir, your case is an exception to the rule.

Had your knavery, sir, been equal to your designs, you would not have exposed your real self. We might still have continued the instruments of your duplicity;—but like many others, elevation above the sphere, birth, breeding and knowledge designed you for, has eclipsed your understanding and obscured your vision—you are lost in the dignity of your station. Education, with some, cannot supply the place of learning:—there is a mighty difference between a man of letters, and a man of learning, says a celebrated writer. A man may be a man of letters, yet a great fool—I doubt whether your honor forms an exception to the rule: you have therefore to encounter the consequences. This you think proper to do, at the risk of your public station.

Instead of preserving the dignity of the judge—passing amongst the people, regardless of their disputes, except to decide upon them, you take a part—dabble in every puddle of neighborhood politics. Example has no effect on you, even from your associates on the bench. The company your official situation has entitled you to keep, seems to be of no service to your morals, or to your manners. The effervescence of your innate principles is too strong to be confined by the cords of official propriety.

I wish your honor not to misunderstand me. I have no objection to your mixing among the people; no. On the contrary, we shall always be gratified and consider ourselves honored by a judge, or any other dignified officer coming and mixing freely with us: but as a gentleman not as a blackguard. In character of the former, he is protected by all

—in the latter, respected by none. The gentleman is ashamed of him—the blackguard is afraid of him: especially since the out door doctrine of contempts? the extent of which was not known till the era of your reign; and under which your honor imprisoned a man for a rencounter between you and him, in the streets (out of term time) on account of some of your old quarrels.—We presume your office was intended to protect and maintain our rights—not to insult and abuse us; and not to give aid in your private disputes. On the score of the latter, example bade us have no fears, before you were judicially enrobed.

In all well regulated communities, power and office, prudently exercised, procure civilities and respect, in opposition to individual contempt—good manners will reciprocate them—and perhaps no man ever received either, more qualified to illustrate this position, than your honor; though you seem disposed to lose nothing by your double situation.—I now take my leave of your manner of attacking this memorial and its signers; and shall proceed to consider its merits, and the probable motives for your opposition.

CASTIGATOR.

October 22, 1814.

LETTER IV.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—In concluding my last letter, I promised to enter in the next on the merits of our memorial, and your probable motives for opposing it. From this I am at present diverted by an occurrence as strange as it was unexpected! Not the fact but the attempt. I mean an apology, some of your friends (though I call them your enemies) make for your conduct respecting this memorial. They say, to use the vulgar phrase, you were *drunk*! They are as imprudent in the apology, as you in creating the occasion. Do you acknowledge this? If so, is that to excuse your honor for insulting the community, and abusing individuals? Why, sir, do your friends wish to screen you from the smaller, by acknowledging the greater offence? Is it because they are more familiar with you?—I believe, sir, it is the law, that a man shall be held answerable sober, for what he does when *drunk*. A man is apt to say and do when drunk, what he thinks when

sober. Drunkenness does not make a man vicious—it only drives away hypocrisy—expands, and carries the soul to its acme—make him independent enough to discover his real self—to unfold his true intentions and designs. Every evil has its good: this is the only good I know, arising from drunkenness; and verily, it is an important one. I know of but one other character, or apology for a drunken man: I have heard the lawyers read from lord Coake, that a drunken man was a voluntary *devil*; and I do not recollect any law, human or divine, which bids us have mercy on him thus metamorphised.

I will take one other view of the position your apologists have taken to impune you. In law, reason and justice, what exculeth one man for the commission of a crime, ought another similarly situated. As a judge, 'tis presumed you will afford these attributes of our government, flowing thro' the judicial department, to all. But if your honor can commit offences with impunity because you are drunk; escape personal chastisement, and the justice of the law—shall not another, and any one?—The consequences will be *murder*, & all crimes will not only go unpunished, but be encouraged on society.—Reflect a little before your honor sets such an example in your own *person*, and decide as judge, such, to be the law.

Lastly, some of your apologists say your reason must have been absent on some occasion,—that you are a man of too much sense to have expressed yourself as you did, even in conformity with your own opinion. Be it so then; and that your judgment had been frightened away by the trooper; yet, they ought to know what you are now experiencing—that there is a great difference between wisdom and prudence—that they are twain and that the want of the former, and the possession of the latter equally have disqualifying effects on the human mind.

CASTIGATOR.

October 23, 1824.

LETTER V.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Having waded through the mire of abuse that betide this memorial and its signers, I pass on to its merits—a sub-

ject much more agreeable to me, and, I presume, interesting to the public; though it may not be to your honor.

On taking a view of this subject, it necessarily resolves itself into two points—expediency and justice. In the former is embraced the interest of all—in the latter, that of a few. The prosperity and wealth of our territory depend upon the one—that of individuals on the other. The government of the United States is concerned immediately for the one; not for the other.

I presume it is only necessary to our present purpose, to shew the expediency and policy of the object this memorial has in view. I shall therefore omit any observations in relation to rights, exclusively individual.

This memorial prays, solely, that the government of the United States should take on itself the extinguishment of all rights to lands granted by the former government of Great Britain, where those lands are now possessed by our own citizens, by titles derived under the Spanish government, or from that of our own, under its respective land laws.

These claims cover a very great portion of the best settled and most populous part of the territory: hence the importance of the object we have in view. That these claims, if not quieted, will involve a numerous and respectable class of citizens in vexatious and expensive law suits, no one will pretend to deny *drunk* or sober. That their existence, (together with the Yazoo, now settled) has and will continue to impede the population and settlement of this territory, is equally true. That this postpones our admission into the union of the states, is constitutionally certain. It is therefore sound policy, and is expedient to have them compromised.

If these results do, and will flow from the existence of those claims, ought they not to be settled? Will you still contend they ought not? And will you continue mad enough to say we are not gentlemen but d—d rascals for soliciting congress to extinguish them? Why not?—It costs the United States little, and the citizens of the territory nothing. If congress fees fit, and deems it expedient to relieve us from pending embarrassments, ought it to ruffle your temper, and subject us to your fits of abuse, unbecoming a gentleman.

When I say, sir, the existence of these claims will involve

a great portion of the people of this country in law suits, immediately we take the rank of a state, I do not speak hazardously, or from a knowledge of the dispositions and intentions of the claimants under British titles, to prosecute their conceived rights. No, sir; this opinion is founded on the law and the fact. These are so notorious, that it is only necessary for me to hint the allusion—every one can make his own reference, and satisfy himself. Although few men may know and understand the law—all will know and understand the fact.

Your honor must know, that by the first law, passed the third of March 1803, for settling land claims in this country, it was made the duty of the commissioners to state, in the body of the certificate they gave the party, the existence of the British conflicting claims. This was done whenever the British claims were known. The law further provided that in those cases the party shall not be entitled to a patent from the United States, until a judicial decision thereon.

Here then many of us have the ground-work of a law suit legally provided to our hands, without any more trouble; and the evidence of it in our drawers. Look! fellow citizens, and signers, at your certificates. Thus many of us received our possessions, and continue to hold them, under an agreement, one condition of which is, the certainty of a law suit, unless the object of this memorial is obtained and the British claims settled. These are by no means the only cases in which suits may be brought; for, but few British claims (in proportion to their number) were at that time sufficiently known, and their location identified, so as to be stated in the certificate.

I mean no intrusion upon your honor's understanding, whatever may be our opinions of your intentions, when I state, that law suits in future, are not among the greatest injuries the existence of these British claims produce. They operate loss to many; diminish the value of our lands, and impede the population of our territory. This we have felt, and are now experiencing. A man in purchasing property does not wish to include a law suit; but to have a clear title—especially landed property, on which he is bound to bestow much labor and expence, on the score of convenience and usefulness; if not ornament and fancy. It is not probable a

man will migrate to a country, where he cannot thus secure the land on which he is to settle. Must not the possessor who sells, deduct from the intrinsic value, in proportion to the weakness or hazard of his title? With many of us, the only title we can shew exhibits in itself the evidence of a law suit—that the adverse title may be weak, matters not. Few wish to be entangled in law suits, or bequeath a legacy of this kind to their families. To amplify farther on this subject, even to one imbibing the indiscretions of your honor, is deemed unnecessary.

I am asked, sir, every day, (in allusion to yourself) why does he oppose it? referring to the memorial—I am at a loss for an answer, unless it should be found in your *liquid metamorphosed state*—Your apologists say perhaps you were drunk: Lord Coake says a drunken man is a voluntary devil—and holy writ says, it is the disposition of the devil to do us all the harm he can, whilst he professes friendship.

CASTIGATOR.

October 23, 1814.

LETTER VI.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—I now proceed to conjecture the probable motives, which influence your hostility to this memorial.—The settlements of the British and Yazoo claims were the most important subjects our delegate could bring before congress, both in a political and individual point of view. In support of neither had we the aid of your talents in congress, such as they were. You constantly amused us with the idea of state government; although you must have seen the policy and justice of previously quieting these claims, and believed, that the government of the United States would not consent to embarrass so large a portion of its citizens, by an act, tending to benefit a few, at the expence of the many—one, which would bring into legal conflict the titles to land derived not only from the respective governments which have held and assumed jurisdiction here, but from its self.

The effect of your policy, sir, has been to prevent our admission into the union of the States. At the same time that you would advocate the measure directly, you neglected, if not opposed indirectly, the adoption of those, without which

it could not take place. To say this was done through inadvertence or want of foresight, might perhaps by you be considered an impeachment of your understanding, and attention to business, notwithstanding both were so much absorbed in seeking office for yourself: or, was the policy you pursued influenced by motives less honorable?—You have the alternative. Had you a birds eye view to professional gain, which that epoch of our political existence as a state, would afford?—The federal jurisdiction then constitutionally attaching, and the floodgates of litigation raised—until which, you deemed it expedient to secure for yourself the office your conduct (not your disgrace?)—It would seem you are not a good judge of the fitness of things, or you would not have so trammelled your nature. For, to one of your talents and legal knowledge, 'tis presumable a thousand pieces of silver a year, would not compensate the sacrifices your vices must make to the virtues of your station. However, the folly of man is not to be accounted for; and your honor seems disposed not to weaken the position.

Being now seated in a judicial chair, you left congress pronouncing our revolving colonel your successor. You had forgot by this time that we, the people have, a say in the affair. And as your elevation was out of the reach of us, the people, why should you not forget us? You could tell on your way home, as far off as Kentucky, before the election, that the *little* colonel would be our representative. What prophetic knowledge!!! Perhaps you only mistook the time: be of good cheer—the day of its fulfilment may yet come—when we shall feel less interest, and not more so than when we first made you an honorable.

Perhaps, sir, I shall not violate the rules of probability, in imagining a newly imbibed hostility on your part to our memorial. Is it not, that we are represented by a man you politically hate? Does not your chagrin arise from his having achieved, in part, and is likely to accomplish the whole of what you ought as our delegate to have done?—a compromise of the Yazoo and British claims. You are not so intoxicated, but to apprehend and foresee an increased and merited popularity on his part; as destructive to your designs, as it will be beneficial to us and our territory. Your stalking horse of popularity (a state government) is now mounted by

a new rider, Candor. He will not be eternally on the hunt after game for himself, as you were—break down his poney, and have him distanced. No sir: He will ride him only for the good of all, and be sure to whip him through the poles. The rubbish you have kept in the track which has retarded his pace, is now clearing away. You dread the issue and fear the stakes will be delivered over in the absence of yourself and friends. However, the loss you may sustain on this strain we feel no interest in—the public may be benefited by it. Your conduct, sir, renders the result unavoidable. I know of but one way you might have prevented it:—stuck faster to your saddle (congress seat) and not left it so often to kiss the presidents feet.

I will now conclude this correspondence, with a word of caution to your honor. As to your single self, sir, you have no right to complain of the misfortunes of the club. You pilfered your share of the prize before you left the ground—you have only now to use it so prudently, that it may afford you a stake at the next course. That will commence immediately our filly is of age, and has her equal rights on the turf. In this way, perhaps, as the race is not to the swift, nor the battle to the strong, you may be entered again, should there exist no legal disqualification—moral ones, probably, will be overlooked.

CASTIGATOR.

October 25, 1814.

LETTER I.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—I observe in the Mississippi Republican of last week an *editorial* *fib*. Its object I suppose is, to try and defend your honor, on the subject of Castigator's correspondence. I applaud the motive, but despise the means. Why impose that on another you could do much better yourself?—Nothing but *truth* sir, will satisfy the public, and signers of this memorial; notwithstanding the late attempts to legalize falsehood by treating truth with *contempt*.

I believe the law extenuates much, where an inferior is forced to offend by the authority of a superior—I, therefore, impute the sin of this editor to whomsoever thus duped him and whom his exertions will benefit least and injure most. Per-

haps you conjecture, and justly, this editor may be as unfortunate as you have been—you, therefore, feel inclined to qualify yourself as a witness in his behalf. Have you forgotten a privilege the law gives the adverse party, to expose your interest by interrogation on oath?—I misremember the law term.

It is charitable to suppose you had not seen Mr. Rees' certificate before you decreed this publication, or your honor would have had more mercy on the editor. This, perhaps, accounts for your judicial exertions to drive Mr. Rees from what he says is true, respecting your conduct towards the signers of our memorial.

Will your honor reflect that Mr. Reese is a judge as well as you? Tho' of an inferior court, can punish contempts as well as your honor? That he has the same right to decide in his own case—and that you may be, finally, caught in your own net? That he received his appointment from a source as pure as you did? That it was *unsolicited*—your's *importuned for six years*? And lastly, that the character of Mr. Rees is as conspicuous for veracity, as that of George Poindexter for equivocation?

All disparity of character between the honorable and the worshipful aside, is not your editor guilty of a *contempt* for printing and publishing a falsehood, as much as Mr. Rees for certifying the truth and consenting to its publication.

But, sir, somebody has made this *harmless* editor lie under circumstances from which he cannot escape conviction, even with the aid of all the legal knowledge, and judicial authority of your honor. And altho' we cannot suppose that somebody to be your honor; yet you receive the benefits—or rather the effects. Now, sir, I believe it is the law, that the receiver is guilty as well as the thief—both therefore, ought to be punished.

Your editor farther says: “Of these (referring to the personal insinuations, altogether destitute of truth) the honorable judge spoke with freedom.” Here it seems your honor knew your privilege of speech, and was disposed to exercise it, though you are not willing that others should do the same. You say the memorial “contains personal insinuations aimed particularly at yourself.” Now, sir, to use your own language, this is a gross falsehood. A reference to the memorial

itself, which has been published, proves the fact.* Where is the vile slander, "gross falsehood, and personal insinuation" to you, as our delegate, which you say this memorial contains? If they are only susceptible to your honor, you ought to point them out, that the abuse of this memorial and its signers, though by a judge might be justified—as for it otherwise, we feel little concern. The evidence produced, precludes our taking your word on the occasion; even when pronounced from the judgment seat.

The memorial presents to congress the uniform feelings and wishes of the people of this territory, on the subject of British claims; to manifest which we refer to the expression of the legislature; and particularly a memorial of the house of representatives in 1811. This memorial we say, "from some untoward occurrence did not reach congress." How, otherwise should we have expressed ourselves? To have said it was never laid before or presented to Congress, might have been construed to insinuate what you seem to wish—that our delegate, yourself, received but did not present it. To have stated, that it never was sent on, might have been to charge the then honorable speaker Mr. Mead, with a high breach of the privileges of the house, if not a misdemeanor. This we were not disposed to make known to congress; nor was it necessary to our purpose. His place of punishment for such an offence, is here. Hence the adoption of the terms quoted, which might include all or any accident, by loss of mail or otherwise. For this moderation of phraseology, calculated to leave the exposition of its failure to the proper source, your honor deems it decorous to call the drawers of it vile calumniators, and slanderers, and the signers *not gentlemen*, but "*rascals*," or "*d—d rascals*."

Really, sir, we begin to think you are going crazy. You go to the tavern—snatch the memorial from the hands of a gentleman—call it a rascally paper—throw it contemptuously on the floor—denounce all who sign it, in terms of vulgar abuse. You come on the bench, and there sentence this memorial slanderous—pronounce the drawers of it vile calumniators. Whence all this ranting? Did the correspondence of Castigator alarm you?—We see nothing in this memorial to fret you—you see in it what no other man can discover.

* See Appendix B.

Your honor reminds me of a conscious convict, trembling in a crowd, at an apparition which is invisible to all around.

Your honor has stated from the bench, that it was known twelve months ago, the memorial to which the present alludes, of 1811, was not sent on to you—hence the propriety of the terms "untoward occurrence." Why not attach the terms where they belong? You knew at the time you made the attack on this memorial, what this "untoward occurrence" was, that ought to suffice, that it did not implicate you, as you suppose the drawer also knew. Why then take it to yourself?—But if your honor will contend that you must be included in all "untoward occurrences," whether they involve crimes or misdemeanors—be it so. You only give an additional proof of your disposition and the sacrifice you are willing to make, for the company of your friends.

PHILO CASTIGATOR.

October 26, 1814.

LETTER II.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Some men have greater privileges, and more misfortunes than others. Your honor seems to be lucky in both of these respects. I have frequently seen criminals choose the jury which shall convict them; but I have never known them have a choice of witnesses, much less produce them.

In the late case of an assault upon the memorial respecting British claims for which one Castigator prosecutes your honor, it seems you continue dissatisfied; and objects to the evidence of your guilt, until you produced your own witness, gen. Claiborne, to prove the fact.*

The general is a very good witness. 'Tis immaterial, we presume to Castigator, or the public, on the testimony of whom you are convicted. It is his duty, as public prosecutor to, to make good the charges against you. This is done by the general's evidence, with circumstances of aggravation; although he did not see you give the first blow. His testimony and Mr. Rees* are the same with the exception of your

* See Appendix C.

* See Appendix D.

qualifying term d—d, before rascal. That's a mere idle expression—a term of aggravation—not material in constituting your offence, and only shews your opinion, that those who sign the memorial are rascals, and ought to be damned. That's a punishment, however, your honor cannot inflict you can only punish us for a *contempt*.

The general's evidence in this case does him credit, at the same time that it disgraces your honor. It shews him to be a charitable man. His deposition is composed of two parts. The first proves you guilty of the fact—the latter respects his opinion of your *motives* for committing the act. Of these motives we have the right of judging as well as the general. We all have the same data, or standard, from which to draw conclusions, and form opinions. As the general was not present when you made the first assault, and was not the immediate object of your rudeness, it is reasonable to suppose, that shame for your honor occupied the place of resentment. Hence he could more easily forgive you, and imbibe impressions most favorable for a conduct, so disgraceful in a judge.

But, sir, let us examine for a moment, the general's reasons for those favorable impressions, in extenuation of your outrage. You had said that the memorial contained "rascally insinuations against yourself and others." This he was willing and no doubt did at that time, take your word for; but which turns out to be false—Therefore the effect ceases with the cause; and you are left as all other guilty persons are, excuseless. Suppose a man is seen to strike another dead—he is asked why he did it, and answers because he had a dirk, with which he stabbed me—on examination no dirk is found, nor stab received. His excuse will pass to his discredit, and aggravate his crime.

The alternative therefore is with you—execution or pardon. Perseverance in your guilt, secures the former—repentance the latter. Perhaps you are not quite qualified for such a change as the latter? It is generally produced one of two ways—By the influence of the correction, or by the influence of virtue. The first is for us to perform—the latter is with yourself. And may the gods you serve have mercy on you.

PHILO-CASTIGATOR.

October 25, 1814.

LETTER VII.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Finding the advice given in the conclusion of my last letter, is not likely to have the desired effect, I address you again. Your misfortunes seem to multiply upon you.

Acts which may have commenced in folly, are likely to terminate in crimes. As the intention constitutes the crime, nothing excepts your honor from the consequences but the uncertainty of intention; which the lawyers express in technical language, known I presume to your honor. Whether you are guilty or not, the effects are the same to us though they may not be so to yourself. You attack, individually, the people for petitioning, and judging for themselves—You then officially attempt to restrain their right to investigate your conduct through the medium of the press.

When, sir, the rights of the people are invaded, there is no time to enquire the cause. Repel the invasion, and then compromise for the injury done. The submission of a free people to the constituted authorities, is only a compliance with their own laws. The impartial administration of justice procures a cheerful obedience from the people. They gratefully extend the respect due to the office of the good man, to one they think otherwise.

The late attempts* made by your honor to destroy the liberty of the press, has roused the attention of every pretender to liberty and republican government. It leaves no ground for suspicion—renders conjecture unnecessary—the act speaks for itself, in language not to be misunderstood. I mean to investigate its demerits with candor and decency. Respect is due to your station, but not to your illegal and unconstitutional acts.

That your sentence against the printer, (col. Marschalk,) for him to remain in prison until he should give security to keep the peace and be of good behaviour, connectedly with the charge of libel, is contrary to law, I appeal to every gentleman of the profession. Nor could you or your obsequious attorney general, produce a syllable of law, or a single authority in support of your judgment. But numerous were the authorities and adjudged cases both in England and

*See Appendix E.

the United States, shewing the law and the practice to be otherwise. And, in affirmation of which, your colleague, judge Simpson decided, on the habeas corpus, to release the printer

Judge Simpson in delivering his opinion, took occasion whilst your honor was by his side, to declare "that to bind a man to his good behaviour, before conviction for libel, was not only contrary to law; the genius and spirit of our government, but to common sense and reason. That it would be, in the court, pre judging the charge of libel, when it had no such power. That it belonged exclusively, to the jury to say, whether this publication was a libel or not—That they were judges of the law and the fact, and were not bound by the opinions of the court; although they would generally respect them" The last part of your sentence, "that he should not, in the mean time, print, &c. in any form," was abandoned and stricken from the record *sub silentio*. Even to countenance the reading of such an arbitrary and unconstitutional act, exercised on a fellow citizen, in a case involving the rights of all, was calculated to excite horror and contempt, in the breast of a virtuous and patriotic judge—resistance and fury in the people—dismay and terror in its author.

You ought to recollect, sir, that in all countries the people will bear oppression only to a certain point. That it is, not a concurrence of calamitous circumstances, but the hand of despotism, which makes a free people resolute and desperate beyond the tone of civil authority.

The affections of a people to their government, are secured, more by a pure and impartial administration of justice, than by just decisions in questions of private right or wrong between individuals. The bloody Jefferies himself, when he had no interest was an upright judge. A judge may be honest in the decision of private causes; yet a traitor to the liberties of the people. This he will manifest when a victim of his resentment is brought before him. He, then, prostitutes the sanctity and dignity of his office, to gratify his vengeance, and private malice. Was not this the case with col. Marschalk, the printer, whom you imprisoned several days illegally, and unconstitutionally? had the jailor called to an account for his mercy and the little indulgence he shewed the colonel,

in bringing him out of a filthy room, into his own apartment, to eat, and advise with his counsel.

These proceedings, odious and contemptible as they are, have as yet been borne with by a prudent and generous people, who witnessed them. Do you not suppose, that self-preservation will influence the most moderate, to make common cause, even, with a man they do not like, but censure, when they see him persecuted in a way, which neither the letter, nor the spirit of the law, will justify and authorize.

Lest the perusal of this letter, should attract attention beyond a given point, and alarm your honor, I will avow the objects I have in view. The first is, to warn the people against similar invasions of their rights—the second, may lead to much more important scenes, as respects yourself, in which your honor may probably be called upon to act, if not to suffer.

CASTIGATOR.

October 27, 1814.

LETTER VIII.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Some men's understanding is corrected by the errors of the heart. Whether this is the happy lot of your honor, will be best ascertained by contrasting both. Experience is a great teacher; and example proves his usefulness.

In contempt of all law, you have attacked wilfully, if not wickedly, the rights of the people; and attempted to destroy the liberty of the *press*. To atone for these enormities, you seem not disposed to seek repentance; but have put to the rack your ingenuity, at the expence of your understanding. Whether you have made this sacrifice to ease your own conscience, or to escape public justice, your future conduct will determine.

Suppose, sir, whilst you were in congress, that you, or any other member had brought in a bill, vesting the courts, or any other department of government, with the powers you have exercised in imprisoning col. Marschalk? I pledge the veracity of the nation, such a bill would not more than have passed the form of an introduction. It would have been hissed out of the house; and its introducer viewed as an enemy to freedom—an assassin of the constitution.

Perhaps your honor has the same opinion of your own ingenuity, as you expressed for that of a gentleman of the bar, Mr. Read for arguing the *habeas corpus* for col. Marschalk. the printer. Your honor advised him from the bench, to apply to Dr. Thornton for a patent. Perhaps you intended this for wit; for my part, I call it low minded and vulgar buffoonery.

Ought it to astonish your honor, that gentlemen should overset your decision by law and common sense, because you had neither to oppose?

It seems your honor can mistake the powers of others, as well as your own. Dr. Thornton has no more right to grant a patent than Castigator. He is only the keeper of models. Thus your opinion to Mr. Read, is as erroneous as your sentence on Col. Marschalk. When some men once get in the way of doing wrong, they find great difficulties in doing right.

Suppose I suggest to your honor, a patent for the powerful machine you invented to abridge the liberty of the press? This machine must be more than equal in force, to the whole delegated powers of the nation. The liberty of the press would be then secure from the operations of such a machine, except by your honor; for we feel satisfied you would never vend a single copy right. Had your honor this right once secured your difficulties would be over. You would have no occasion of complaining to his excellency the governor* of the territory against the printer; nor could he be freed from the operations of its powers, by a *habeas corpus*: nor need you abandon the seat of justice, on seeing a layman come into the court room, and meanly skulk into a private apartment, carrying him along, where you obtain from him a certificate respecting your abuse of our memorial, as certified and permitted to be published by Mr. Rees, and for which you were then worrying him in court.

Now, sir, what has been the results of all this meanness; this taking private and ex parte affidavits? They have tended

* Judge Poindexter understanding, that several letters were with the printer exposing his conduct, wrote a letter to the governor of the Territory, wishing him to interpose his authority and influence to prevent their publication—the printer, holding the office of justice of the peace, and adjutant general of the militia of the territory—the governor did not notice this application.

to disgrace your honor. You obtain no credit for discharging Mr. Rees—which you did *per force*: finding your affidavits proved Mr. Rees did not certify a falsehood; nor your honor tell the truth. Does this speak more for your ingenuity, or the dignity of a judge?

CASTIGATOR.

October 28, 1814.

LETTER IX.

TO THE HONORABLE GEORGE POINDEXTER.

Some men, sir, do evil that good may come of it. A happy consolation this, if the arbitrary acts of your honor should bring you within the position. Whether your foresight suggested a retreat of this kind, and influenced those acts of hostility to the rights of man, and the liberty of the press, the effects are the same in the cause of freedom.

Sometimes injustice done to an individual, renders great public service. Dangerous principles are frequently overlooked by the people, when facts are not. The sufferings and firmness of a printer holding two respectable offices, have attracted general notice, and roused public attention. Your honor can't escape or elude either by mean artifice, or a sacrifice of the dignity of your station. Where was your firmness when you yielded to such extremities? Women, and men like women, when once they prostitute their character, and commit their situations, becomes resolute and shameless, when their improprieties become notorious. The passions counteract each other—make the same being at one time hateful, at another contemptible. I am charitable enough to suppose your honor will not venture to imprison another printer soon, as you did the colonel; nor worry another gentleman, as you did Mr. Rees, to make him contradict himself. The powers you possess, you have almost sacrificed, by an exercise of powers you do not possess. We understand the clew to all this. It was to screen your public conduct from free investigation. You sentenced Col. Marschalk not to print, &c. concerning the good citizens of this territory, when every body knew you meant and intended he should not print concerning yourself. Or, do you really believe that all the good citizens are necessarily included in your honor's person; and that he might print concerning all others,

than those of your honors elect? Are you not, sir, a judge of all the bad as well as the good citizens? The bad have rights as well as the good. I should suppose a bad man might be slandered and libelled sooner than a good one. Is this the reason you think this publication a libel?

But wherefore all this wincing on the part of your honor? If your conduct will stand the test of investigation, and square by the gauge of propriety, you have nothing to fear, nothing to loose and much to gain. Your friends will rejoice and be gratified—your enemies confounded and mortified.

But, sir, it seems folly with some is never to cease. Your honor has decreed, that the printer of Castigator shall be prosecuted for a libel. If you think thereby to limit and check Castigator's zeal in the cause he has undertaken, you miss your object by a distance. You will find such a prosecution, in the sequel numbered amongst your greatest acts of folly. On whom is this charge of libel committed? If on yourself, recollect that the truth may be given in evidence. The doctrine that the greater the truth, the greater the libel, is not in force in this country. Were it the case, your honor might indeed ruin poor Castigator and his printer—nay, hang them! Castigator, sir, knows his own rights and can calculate yours—though not to the extent you exercise power.

Do you imagine, that all your numerous errors and exceptionable acts have taken place in the face of a noticing and intelligent people, without being debited in your account current of folly? Although you are a large creditor on this score we mean not to cheat you: though we may never be able to balance the account.

Castigator understands the curiosity of your honor is greatly excited to know him;—that you offer great premiums to have him pointed out? If the cause in which he is engaged was individual, or of a private nature, your honor might be gratified without a premium; but he conceives it of great public importance—all are interested directly or indirectly. He, therefore, is not at liberty to sell or barter himself, or the advantages his situation affords for money or office.

However, your honor shall be gratified so far as to know, that Castigator is your associate—is not your enemy. You are in his company, eat, drink and jest with him almost daily. He is well acquainted with all your tricks, intentions

and designs. You cannot, nor never will know him better than you now do, except by his exposing your errors. Rely, he will do this for the public good. They ought to be judged on their own demerits. Castigator has no idea your honor would assassinate; but minions might for half the sum you offer to know him.

CASTIGATOR.

October 29, 1824.

LETTER II.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—I observe Castigator supposes your late attack, on the liberty of the press, was ignorantly or wilfully made. By the first he impeaches your understanding—by the last your honesty. To form satisfactory conclusions, and those which will do justice to your honor, and satisfy public curiosity; a little attention to the manner of proceeding may be necessary.

I believe, sir, your opinion and sentence against col. Marschalk, were made up, and reduced to present form *before he was heard*, to ascertain this fact, I am not disposed to torter your honor by interrogatories—a mode of investigation, requiring, perhaps, more candor than you may be disposed to spare on the present occasion; but will apprise you that many of the spectators, as well as officers of court, can testify, you did not write pending the argument, nor alter, before you delivered the sentence drawn at large and in full form.

Your giving col. Marschalk a hearing then, was all deception a judicial trick played upon him, his counsel, and the public. To sentence a man in anticipation of a legal knowledge of the facts charged against him, is not warranted by our forms of government. I believe, sir, if a man swears to a fact the existence of which he has no knowledge at the time, he will be guilty of perjury, although the fact did exist.

The remarks of your honor, preparatory to handing down this sentence were truly disgusting, and were calculated to excite contempt, rather than respect for your opinion. You apparently indulged the most revengeful dispositions towards the colonel—calling him culprit, fellow, &c—dilating on his poverty and the effects of his misfortunes—insinuating

that fines and imprisonment had little to operate on; yet you had already decreed to fine and imprison him to the utmost extent of the law, for contempt, and to the utmost gratification of revengeful malevolence, for the balance. Is it not strange that Judge Poindexter should be less prudent on the score of personal abuse, and individual insult, than George Poindexter has ever been?

Your honor seemed perfectly unaware of the effects these unmanly undignified, and unlawful proceedings might have among the people. A man with less sense, and more prudence than your honor, and not laboring under the influence of passion, would have calculated the consequences.

In a very short time after col. Marschalk was fined and imprisoned, more than double the amount of the fine was subscribed by the citizens on the ground, and paid over to him. By similar patriotic contributions two gentlemen of the bar (Read and Rankin) were employed, the force of whose eloquence and reasoning, on a hearing of the *habeas corpus*, drove your honor into nothingness, except a sacrifice to public indignation. A two-fold motive, sir, influenced the people on this occasion. A contempt for such abuse of authority—and, because they considered the case their own, so far as the liberty of the press was involved.

Now, sir, I do assert, that if your sentence had been in all its parts according to law; yet would it be illegal, having been decided on *before trial* or hearing. It is not enough that a man is guilty of an offence, to condemn him; it must be done agreeably to the forms of law, to make it legal.

Here your honor presumed to impose on us some of your practical information, which, however, we suppose, are rather the feuds of a frightened imagination, than of sound sense. You say in traveling, whenever you enter a little town or village the first enquiry you make is, whether it contains a printing press; if so, the people are all by the ears, scarcely any three on speaking terms with each other. Meaning, I suppose, that the people are not qualified for the enjoyment of one of their greatest constitutional privileges—the liberty of the press; the power to abridge which, they have refused to any department of government.

How long since your honor made this mighty discovery? By what microscope were your optics directed? Was it since

you became one of two or three proprietors of a press in Natchez, and for which your note is now in bank? Or have you lately become convinced, that all village presses ought to be put down, and that you have the power of doing it, when they seem not likely to answer your purpose? *Your press*, sir, has been as unlimited as it has been unsuccessful in traducing the first officer of our government (the governor) without exciting the attention of your honor or the attorney general, when, I presume, it is quite as easy, to libel and slander the governor as your honor.

We assure your honor that the following curious anecdote is not without its bearing. But on whom most, of the several actors, the public must judge. Whilst you was vexing Mr. Rees with apprehensions of a prosecution for libel, you returned from the *private room*, mentioned by *Castigator*—ascended your seat on the bench—the man you had there *in cog.* came to the clerks table—was sworn to the certificate* you drew for him. And in quick succession a *nolle prosequi* was entered in a pending prosecution against *his son* on indictment found for a most violent assault and battery. Far be it from me to insinuate that this was the price of the certificate *your honor wrote*. The attorney general can best tell, how, and wherefore this prosecution ceased. All I mean to suggest is, that it forms one of the many *singularities* attending this whole affair.

Now, sir, if these transactions bear no affinity, they must be numbered amongst your honors misfortunes—That they should have so tallied is not less strange, than true. Miracles have once existed, and who can tell when they may not recommence?

I will not, for the present, trouble your honor farther; as I dare say you will think the correspondence of *Castigator* much more worthy your attention.

*See Appendix F.

PHILO-CASTIGATOR.

October 30, 1814.

JUDGE POINDEXTER'S ADDRESS TO THE PUBLIC.

No. I.

When by the desire of the President, and with the unanimous approbation of the Senate of the United States, I accepted a judicial appointment in the Mississippi Territory, the considerations by which I was influenced on the occasion, were exclusively of a public nature. So far from having importuned the executive for that or any other office in his gift, I had signified my intention of entering the army during the just and necessary war in which we were involved with Great Britain, & in a private letter to the then Secretary of State (Col. Monroe) declared unequivocally my utter aversion to remaining an idle spectator in this second struggle for independence; and requested him to communicate to the president my unwillingness to fill the civil office which I had understood it was his intention to offer me. I had in fact recommended a citizen of this territory, who did by letter to a member of congress from South-Carolina, solicit the appointment, and who is now, and always has been, my political, if not my personal enemy.

But the nomination was nevertheless made to the Senate, and by the advice of a highly estimable and valued friend, I was induced to relinquish my scheme of a military career, and embark in the "dull pursuits of civil life."

In entering upon the discharge of my official duties, I felt in its full force the delicacy of my situation, and the high responsibility which I incurred from the local jealousies which I must encounter, in consequence of pre-existing political collisions in the territory, in which, I had necessarily participated.

I well knew the difficulty of administering justice in a manner calculated to render general satisfaction, in a community where the judge had so frequently passed the ordeal of public scrutiny.

Under these impressions, and with an anxious solicitude to divest my own mind of every personal feeling or lurking prejudice which might exist in it, and to which all men are liable, I prescribed a rule of conduct to myself which I fondly hoped would have shielded me from the slightest imputation of partiality on the bench, and from the vortex of party animosities,

so destructive of social order, and so unfriendly to those calm, dispassionate, and unbiassed reflections which ought ever to characterize the deliberations of a court of judicature.

I appeal with the utmost confidence to every candid man within the jurisdiction of the circuit where I have usually presided, and more particularly to every gentleman of the bar, whose vigilant attention must be drawn to the interests of their clients, to say whether they have known a decision of mine, in any case, which did not appear to be founded in an honest conviction of its correctness both in law and fact.— With a reasonable indulgence for the imperfections of my nature. I feel satisfied that according to the best of my poor ability I have fulfilled the trust reposed in me with an even hand, without regard to person or consequences. Conscious of this, and of the integrity of my own views and motives, I had anticipated a respite of at least a few years from the furious attacks of those boisterous spirits whose malignant passions sweep, in their course, all the charities of human life into oblivion; but in this expectation I have been disappointed. The deep-rooted hostility which a few individuals chiefly resident about the little town of Washington, had imbibed against me, was only kept in check a moment, for some favorable opportunity to exhibit itself with increased rage and vehemence. They have at length displayed their whole force in a series of letters addressed to me by an anonymous writer. I know the author and the group with whom he is associated. Some one hereafter, with more leisure than myself, may possibly favor the public with biographical sketches of the *Dramatis Personæ*. I know also the present and ulterior objects which they have in view. The poor printer is but the conduit through whom they introduce their specimens of *literary taste* and good breeding before the people of the Territory.— They hiss or clap him just as it may suit the audience, in whose presence they are performing. I have at this time nothing to do with these men, or their motives; nor shall I stoop to notice the vulgar personal abuse, and Biting (gate) baldry with which this pamphlet abounds; my business is to set the honest well-meaning part of the community right, by a simple detail of facts on the subjects which have *professedly* given rise to the very indecent attack which has been made on my public and private character—no other consideration

could have drawn me into a newspaper controversy.—It is alleged, that in one sentence, I denounced the whole people of the Territory, for signing of a petition to Congress, to obtain the adoption of a measure, which I had earnestly struggled to effect for six years;—the compromise of those British claims which have been filed according to law, where the lands are also claimed by actual settlers. Now I think it might reasonably be supposed, without any effort on my part to contradict this sweeping charge, that the nonsense and absurdity of the thing itself, would induce every one to whom it was told, to laugh at the folly of a fabrication so foolish and shallow, to bring into disrepute a man who has so long filled offices of distinction in the country. It seems that these guardians of the public feeling, wish to make me quarrel with my friends and neighbors, whether I will it, or not!! They must have a lumping dispute of it or none at all!—For my part, as I feel the greatest affection and esteem for the people of the Territory, and have every reason to believe, they (or at least nine-tenths of them) entertain the same friendly dispositions towards me, they formerly did—I see no good reason why we should fall out, because some half-dozen *learned men* have written a book of thirty four pages to prove that we ought to do so.—But to treat this wretched affront which has brought forth the lucubrations of the grand council of censors, assembled at Washington, and two or three other heroes of the quill, who are brandishing their pens, ready to take the field, whenever the van guard of their artillery shall be vanquished; with more respect than I can possibly imagine it to merit, I will proceed to state its origin, extent and termination, in the memorial conversation with Mr. Ebenezer Rees, which is likely to become as celebrated in this territory, as the interview between Lord Wellington and General Blücher was in Paris.—Some time in the early part of the last spring, it will probably be recollected that a paper signed Philander Smith, was published in the Washington Republican newspaper, in which it was explicitly stated, that a memorial which was said to have passed the Legislature of the Territory, in 1811, respecting the Yazoo, and British claims, was “not presented to Congress.” I felt a good deal vexed at being thus openly charged with having embezzled an important document, which was directed to be transmitted to me as the delegate from this

* See Appendix G.

Territory in the Congress of the United States, and which it was my solemn duty to have laid before that body. Not wishing however to engage in an altercation with any one, in the newspapers, I simply requested the editor of the Mississippi Republican to deny the charge, and to assure their readers that it was without any foundation. I do not know that Mr. Smith was at that time acquainted with the fact that the memorial alluded to, had never been forwarded to me by the speaker of the House of Representatives, in the Territorial Legislature, but I have since been informed, that more than twelve months prior to his publication, it was publicly known here that the document had not been forwarded. If he was uninformed, on the subject he is certainly excusable for the mistake, but if he was not, I am unable to perceive how he can justify so serious a charge on a public officer, with a previous knowledge that it was unmerited. I shall not stop to give any opinion as to the time and manner of this unfounded allegation; but to put the subject forever at rest, I subjoin the written evidence with which I have been furnished by Col. Mead, (A) and leave the reader to judge for himself, as to the motives which gave origin to this transaction. Notwithstanding the facts established by these papers was well known to a most every individual, about the seat of the Territorial Government, and particularly to those who meddle in elections, it has been since the denial of Mr. Smith's publication, asserted in a variety of paragraphs that it still remained a matter of serious doubt, whether I had withheld the paper from Congress, or the speaker had failed or neglected to forward it. To these idle calumnies I paid very little attention, knowing as I did that it came from a man, who is in the constant habit of writing slander for the print lately established in Washington. This same individual as I am informed, wrote the petition, which I saw in the hands of Mr. Rees, and which I found to contain a repetition of the same calumny so often repeated before. It alleges that the former memorial “from some untoward occurrence did not reach the information of Congress.” not that it was never forwarded to our delegate in Congress; a truth perfectly in the knowledge of the writer; “but it did not reach the information of Congress.” Combining these expressions with those which had been previously used by Mr. Smith, and afterwards in the

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Washington paper, it obviously appeared to me that the object of these people was to crowd this calumny into a petition, for a public measure of great interest, and thereby obtain the signature of almost every honest man in the country to it, and in this sly insidious manner to strike at my reputation, in the house of representatives of the United States, where it would be impossible for me to explain the circumstance, or counteract the impressions it was calculated to make to my prejudice: believing this to be the intention of the individual who originated the paragraph in the petition, and of a few others who assisted in it, I felt indignant at such unwarrantable treatment, and after reading it to Mr. Rees, I enquired of him if he could vouch for the fact which was therein stated, to which he very candidly replied that he could not; I then spoke with considerable warmth of those who had thus attempted to slander me, knowing that the insinuation was destitute of truth at the time they gave it circulation. So far from intending to apply my remarks to the subscribers generally, I did not mean them to reach even Mr. Rees himself, with whom I was conversing; for by his own acknowledgement, he was ignorant of the circumstance referred to in the objectionable part of the petition; (B) but it is said that the charge is as applicable, from the words in which it is made, to Col. Mead, the late speaker, as to myself:—hence it follows that it is as applicable to myself as to him, and therefore unwarrantable, because it was made with a full knowledge, that the paper never came into my possession. But these bold adventurers in falsehood are not content with the privilege of transferring those expressions which they well deserved, and which was intended exclusively for themselves, to the Lord knows who; but they have been obliging enough, to furnish as the basis of the feeling which I manifested, a settled design to oppose the compromise of British claims. They have said, to use their own language, “The settlement of British and Yazoo claims were the most important subjects our delegate could bring before congress. *In support of neither had we the aid of your talents in Congress such as they were.*” I should really feel degraded, in my own estimation, were I for a moment to indulge the opinion, that such naked, unblushing fabrications as this band of *worthies* promulgate respecting me,

could either exalt or lessen me in the esteem of my fellow-citizens.

In direct contradiction to the above declaration as to the part which I took with respect to British and Yazoo claims, it will be seen by a reference to the journals of the house of Representatives; that in support of a final compromise of both these respective claims, the territory had the aid of all my talents and exertions, “such as they were.” But it will cost such men nothing to be convicted of one or two thousand untruths—all they desire is the privilege of pouring a torrent of virulent abuse on the head of a man whose ruin they have long labored in vain to effect, and whose good conduct they view with more mortification and chagrin than all the errors he could be prevailed on to commit. It is perhaps due to myself, as well as to the public, that I should submit a candid review of my conduct in congress in relation to both British and Yazoo claims. The development will afford me but little trouble or difficulty as the evidence is on record, and it may serve to illustrate some truths which will shed additional light on the real situation of our titles to land in the Territory.

I propose therefore to consider these subjects in a separate communication.

To investigate as *a citizen*, the ground of any judicial proceeding, which may have taken place under my superintendance in court, would be to introduce a precedent novel in practice, and dangerous in principle. The constitutional remedy, by which to inculpate the conduct of a judge, is sufficiently familiar to every man whose attention has been drawn to the jurisprudence of our country. In this manner I shall always hold myself bound to answer any accusation which may be preferred against me; and with a conscience void of internal error I stand erect.

GEO: POINDEXTER,

Natchez, Nov. 9th, 1814.

(A.)

Washington, October 8th, 1814.

DEAR SIR,

Much has been said in this neighborhood relative to the memorial of the House of Representatives of this Territory,

passed 1811, concerning Yazoo and British claims. I have intentionally deferred any publication on that subject, until the arrival of Col. Carson, who knew the true and only cause, why it was not forwarded agreeably to the request of the House over which I had the honor to preside. No man feels more sensible than myself, the sacredness of official obligation, nor could any one owe more to a body politic, than I did to the members of that house collectively and individually; but, sir, when I examined the copy which I had been requested to forward, I did feel it my duty to withhold it; its errors and omissions would have degraded the house in which it originated, and instead of respect and attention, it could alone have demanded the derision of Congress—These errors I did believe were the offspring of inattention only, on the part of the engraving clerk, and the house having adjourned sine die, there existed no correcting power in the Territory.

I enclose you the statement of Col. Carson, to whom I submitted the memorial.—When the Col. entered my room I was in doubt whether, under any circumstance, I ought to keep back the paper, however altered from the original; but the cool, deliberate and unbiassed opinion of Col. Carson settled my doubts and determined me to adopt the course which was taken—thus then, I stand before the public—To have sent on the memorial, in my opinion, would have lessened the House of Representatives in the estimation of every gentleman who would have heard it read; to keep it back, puts on me a responsibility which I meet with confidence.

Your friend, and very obt. servt.

COWLES MEAD.

Postscript—The foregoing facts were made public by me more than eighteen months past. C. M.

(B)

At the request of Cowles Mead esq I certify that some days after the close of the Legislature of the Mississippi Territory, in the year 1811, Col. Mead, who was the speaker of the House of Representatives, shewed me a memorial which had passed that body, to the Congress of the United States, praying for a compromise of British and Yazoo Claims, and finding it had been very incorrectly engrossed, he asked my

opinion, whether he ought to forward it to our delegate in Congress. I examined the engrossed memorial, and found many words omitted, so as to make the memorial almost unintelligible, in consequence of which I told Col. Mead it was my opinion he ought not to commit the character of the house so far as to lend on such a paper to the House of Representatives of the United States.

JOSEPH CARSON.

November 8th, 1814.

(C)

Ebenezer Rees waving the objection to the fourth interrogatory proposed on behalf of the territory answers in addition to and explanation of his certificate alluded to in said interrogatory. That after the expression made use of as stated in said certificate, Judge Poindexter observed that the petition contained a rascally insinuation against himself and others, which the writer must have known to be false, and taking the petition pointed out and read the exceptionable passages which alluded to a former petition on the same subject passed by the House of Representatives, the judge then asked the deponent if he could vouch for the facts stated therein, to which the deponent answered in the negative.

EBENEZER REES.

Sworn in open Court, October 20, 1814.

THEODORE STARK.

LETTER IV.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Castigator has perused the first number of your address to the public. He has no disposition to interrupt the felicity which you seem to enjoy in founding your own panegyric. The people are only interested in an exposure of your *illegal public acts*. The disgrace *they* inflict on your honor, may facilitate our relief; For, to persevere in mischief with effect, the author must retain a proportional influence in society. In this respect I apprehend your honor will soon be harmless.

Your official acts alone attract public notice, and are worthy the attention of Castigator. The people wait your explanation or condemnation. The first is for your own ingenu-

ity to accomplish—the last for Castigator to perform. The former may cost you much time and trouble—the latter Castigator very little.

The public, however, will expect something more than a whining apology, or the avowal and exposure of the errors of others* calculated to excite disgust in your friends, and contempt with your enemies. Castigator is conscious of the means he possesses to convict you before the public of the charges he makes against you, with others not inferior in degree of enormity. This he pledges himself to fulfil.

Your honor seems disposed to talk about military affairs. Some men are such bad judges of themselves, as always to conceive they can do that best, they are least qualified to perform. I presume the President of the United States was aware of this, when he rejected your application for a military appointment. Perhaps he thought it better the territory should be, for a time, afflicted judicially, than commit the interest of the nation, and hazard the safety of a regiment.

Should your honor muster bravery enough to attack the strong works of Castigator, you shall be honored with a fire: And if you have not lost the accustomed use of your legs, he presumes you will soon be beyond the reach of a second; for you are well aware, that

*He who fights and runs away,
" May live to fight another day;
" But he who is in battle slain,
" Will never rise to fight again."*

Your honor cannot charge me with a diversion of our correspondence, from civil and political to military subjects. You made the digression yourself: and I fancy, without reflecting on the consequences. These you will experience in due time: Your honor will then be convinced of the error you have committed in so doing.

PHILO-CASTIGATOR.

November 12, 1814.

LETTER X.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—I acknowledge the receipt of your suitable favor, No. I, addressed to the public. I have waited for your second; but you have acted consistently with yourself—like all other cowards, you create a quarrel, give one blow, and run away.

* Col. Mead and the memorial.

I have read this address with the little attention it deserves. It is more to be understood from knowing what you ought to do, than from any merit it possesses. Your honor seems at a loss whether to defend yourself, *try* to explain your illegal acts, or to expose those of others. It creates no surprise, that your honor should be bewildered; for, when ever a man undertakes to maintain falsehood by argument, he is sure to wander and speak nonsense. This seems to be the sum total of your address.

You are now, agreeable to your own example, fair game. You appear in your usual way: your head full of idle suspicions—your mouth full of abuse. Your jealous disposition, sir, has often inclined you to imagine ill of others without proof even of your closest friends.

If people could kill with quills as *porcupines do* your death might be thought near at hand. You suppose groups about Washington are brandishing them against you. Truth requires your honor should be corrected in this respect, *Castigator* is the sole "*hero!*" of his own pen. You may invite hostility from others, but not from him. He writes for the public good. Your name is only used to point out the author of the evils of which he complains.—Castigator is much more familiar with your honor, than any of those to whom you allude. Of this you have been warned and shall have ample proof before we part.

Quit your idle insinuations. Your readers shall not be imposed on by such fallacy—nor shall you get clear of Castigator, by aiming arrows at others. In this, you only shew you are master of your own weapons. It has always been your habit to wince as you fight —"*andabatarum more pugnare.*"

Your indiscretions have often driven you headlong into errors and insults, from the effects of which your ingenuity could not extricate you: nor your deficient magnanimity atone for.

Nature seems to have designed you for turbulence, false friendship, and sordid flattery. As yet you have done honor to her designs. The gravity you sometimes affect, is only the mystery of the body, invented to conceal the defects and wickedness of the mind. Your resentments are due to yourself: No one delights in your folly—none desire your errors.

In your reasonable allowances for yourself, your honor reminds me of the amiable *Horace*, in speaking of himself—

“*Solibus aptum;*

“*Irasci celerem, tamen ut placibilis essem:*”

I would translate this for your honor, but for your jealousy: you might conceive it a censure upon your understanding, and a robbery against your delightful cuts at literature. No food shall be taken out of your way—taste, and follow the bait.

Don't let the few general remarks I have made alarm your honor. We will now enter more minutely into the demerits of your address.

Whether you mean more to commit the character and expose the errors of others than defend yourself, is doubtful. However your honor seems much disposed to divert public attention from the outrages you have committed on decency, the rights of the people, and the liberty of the press by referring to those of some others, equally important in principle; and by calling the attention of the people to consider acts of foreign usurpation, instead of domestic violations of their rights. This will not now do: Such manœuvring might answer among people less free, intelligent and patriotic than those of the United States. Such a departure in pleading, *Castigator* cannot admit. You must answer for your *own sins*; so must others. A solitary *sacrifice* will not atone for you *all*. Characters much more considerable, would be but a partial *peace-offering* for such violations of law; the first principles of freedom and republican government.

You commence with a statement, evidently intended for a denial of your ever having manœuvred to obtain the office you now fill;—and that you desired a military appointment in preference. In this, your knavery shall appear as conspicuous as your vanity and want of veracity. Should the remarks candor and truth authorize, place your honor in an awkward and ridiculous point of view, you must blame yourself.

Will your honor be vain enough to fancy yourself lord Wellington talking with general Blucher, instead of justice Rees? One would suppose, that a knowledge of yourself might have produced a better similitude. From a candid man, such would have been the fact. The world cannot af-

ford characters more dissimilar. Your honor's imprudence is manifested by the comparison. A respectful distance from an adversary, makes some men brave. Your *speed* has generally given you a decided advantage of an opponent in this respect.

It is not the means by which a man obtains office, but the manner of discharging its respective duties, that interests the public and affects its citizens. You are charged with importuning, &c. for the office of judge, when you first went to congress. This by way of evidencing your disinclination to fulfil the duties of your station as a representative, and to comply with the wishes of your constituents, that you were rejected three times: and then presume your importunities continued on the fourth vacancy, when you succeeded. Your insinuated denial is confined to this period, when you wanted the military appointment. Why do you not insinuate a denial as broad as the assertion of *Castigator*? Say you never solicited the office of judge;—did not previously use the petition of members of congress on the occasion;—that the gentlemen of the bar did not address the president against your appointment.* Most of the evidence to these facts *Castigator* has, and can procure. He will not use it officiously, but will do it officially. Your honor and the attorney general, he presumes, know how to bring that about.

You then say, “you felt in full force the delicacy of your situation, &c. in consequence of pre-existing collisions, in which you had necessarily participated,” and intimate the office of judge was forced upon you. Is it matter of surprise, that a man should be forced in a few moments to do what he had been striving to accomplish for six years? Many a bawd has been debauched in this way.

But pray, sir, were not these causes of delicacy known to you before and when your first and successive applications for the judgeship were made? Your “necessary participation in the political collisions of the territory” were anterior to your respective solicitations for the office of judge.

* When Mr. Poindexter first went to congress he made application for the appointment of judge, to fill a then vacancy in this Territory. The gentlemen of the bar with one or two exceptions, called a meeting and addressed the President of the U States against his pretensions, enumerating his disqualifications for such an appointment; which no doubt had the intended effect.

Your honor proceeds in the defence of a charge, which, although you make against yourself, is false, and never existed. Castigator, nor the memorial of the people, never implicated you, because the memorial of the house of representatives did not reach congress. It was known to many, and to you, why it did not: therefore the terms "*untoward occurrence*" did not include you; and if any one, him only, who caused its failure. This explanation you have in the first letter of Philo-Castigator;—yet you are not content.

But, sir, let us admit for the sake of argument, that the terms "*untoward occurrence*" do necessarily implicate some one; rejecting all other accidents, and that person is known; what right have you, or any other to claim the implication? Suppose an offensive act is committed by an individual: he is in the company of many others; an allusion is made to the act; will any man, who is not guilty, be silly enough to take it to himself; especially when it is generally known who is intended by the allusion?

If your honor supposes that you can satisfy justice as to the charges made against you, by publicly exposing a single *act of your friend, col. Mead, in violating the sovereign will of the whole people, unanimously expressed; or that you can by professions for the public weal; an indiscriminate abuse and denunciation of gentlemen "*about the little town of Washington,*" (where the vices and errors of your life have been so conspicuous; nay! by supposing yourself lord Wellington talking with general Blucher, when it happens to be judge Poindexter talking with justice Rees; you are mistaken, and underrate the intelligence of the people. This may be consolation to yourself, and flattery to the vanity of Mr. Mead. He may be satisfied with the pride of example—it may qualify merited resentment in him—but depend you will both stand convicted in public estimation.

I am not inclined to impose additional burthens on your honor. The defence of your own conduct will be more than equal to your cunning, and the advantages you may derive from deciding in your own cause; thereby violating the first principles of natural justice.

Come forward then, sir, under your "*reasonable allow-*

**Suppressing, when speaker, a memorial to the house of congress.*

ance"—acknowledge your crimes and your errors, that you remanded colonel Marschalk to jail, after his time of imprisonment consequent on the *sham trial*, had expired, in obedience to your revengeful disposition, instead of a compliance with law. We should then have more favorable impressions of your candor, and no worse opinion of your integrity.

You say you know the author of Castigator. What one knows, he must be certain of. If you know him, and think so contemptible of his services, order his works burnt, and himself prosecuted. The attorney general, no doubt, will *obey your order*. The want of law, or precedent, 'tis presumed, will create no obstacle. Or, why do you not make a *peace offering* of your judge-ship, as you promise?

After dealing out your suspicions of men hostile to you, which is a poor apology for not answering the charges against your honor, you assume a deal of gravity; talk of "*reasonable allowances*" for your vices, and your errors. I do not mean to affront your honor, by opposing my opinion to yours on these points; but rely, you were not born for the good of mankind farther than your vices may effect it. Your acts, and not your professions, instruct us on this topic.

Your honor seems to understand your own case. Professions cost you nothing, except the sacrifice you make to truth. These, you ought to know, are susceptible of demonstration two ways—by your own testimony, and by your acts. The first will not be received—the latter you cannot object to. The integrity of public men should be measured by their acts, not by their professions. It is not material to the man who is slain, whether the blow was aimed at him or another.

You say, "*some person hereafter, with more leisure than yourself, may possibly favor the public with biographical sketches of the Dramatis Personæ.*" Agreed. Castigator will be much obliged for an occasion to favor the public with your honor's biography.

That part of your address which requires the most serious consideration, is the last paragraph. You say, "*To investigate, as a citizen, the grounds of any judicial proceeding, &c. would be to introduce a precedent novel in practice, and dangerous in principle.*" I believe, sir, your conduct has no precedent: and you conjecture right in supposing an investigation of it might be dangerous; you omitted saying to

whom—you must have meant yourself: for, you cannot suppose the people such fools as to believe, that the illegal public acts of an officer are secure from investigation by the people, because he is punishable under the law. What scale of justice, or principle of government would be violated by such an investigation? Where, sir, do you find any moral, political or constitutional inhibition? The conduct of men who administer the laws, are as cognizable in this way as those who make them. Innocent men never apprehend dangers of this kind—the guilty do. It is true, your honor has as little to lose by an investigation, as any other could possibly have.

Is this the way your honor means to account for the most flagitious violations of the fundamental principles of government, law, and the rights of individuals? Had your honor regarded the obligations of your office, to administer justice agreeably to law, manifested by practice and precedent, and authorized by principle, you would not have been involved in your present difficulties.

Had your honor observed these land marks, you would not have imprisoned the printer, col. Marschalk, for refusing to comply with your illegal sentence;—committed a citizen to jail for one of your private quarrels in the street, out of term time; attempted to strike him while in the custody of the officer; assaulted him with brick-bats on his way to prison;—resisted and defeated, from the bench, the presentment of a grand jury against yourself for an assault and breach of the peace—decided in anticipation, that a clerk of the court was not liable to do militia duty, on a question whether he was liable to perform high way labour;—come from the seat of justice, and carry a citizen into a private room; there procure his affidavit in a case pending before you, and in which you were interested;—worry a gentleman in court more than a week, to make him contradict the truth he had asserted against you;—nor would you, finally, have disgraced the judge, though you may have honored yourself.

Well may you shrink from an investigation of acts of this kind. They are sufficiently shameful to cover with infamy any judge, much less your honor. To avoid such an investigation, shews your prudence and manifests your guilt.

Your honor seems to be fond of *Cards*. By that published in your paper of last week, you sentence Castigator to death:

call on the public to perform his obsequies, and for the people to forget his works. You cannot yet rightly understand your own powers: This you cannot do; nor will the public observe, or the people obey. Your memory will only live in Castigator's works, founded on your illegal and unconstitutional public acts. You may be fortunate in this beyond your own expectation, or Castigator's intention.

I will now finish this letter by a few aphorisms, and then wait for you to come up.

Some men never reason, but think and act according to example, regardless of analogy. Those who think and act for themselves, you consider hostile to you. Others substitute passion for reason—Neither harken to truth nor reason, farther than suits individual interest or party views. They content themselves with words without meaning, and sense without prudence. In this class I place your honor and a few others for whom you are the orbit.

You treat of yourself, your virtuous deeds, and patriotic intentions. The sole trouble of your fame shall not be imposed on your own pen. Do not blind your prospect—you shall have a sight of that, all but you wish to see—truth in its full extent.

Vanity is apt to eclipse all other faculties. You have made an appeal to the gentlemen of the bar, for the correctness and honesty of your opinions. Your honor has been distinguished from one of your associates as a logical chicaner, by the side of a man of reason—two characters as wide apart, as the limits of the intellectual world will admit.

CASTIGATOR,

Nov. 22, 1814.

LETTER V.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—Were it not that you promised to answer Castigator by other signatures than your own name, I should conjecture your piece signed N. D. in the Mississippi Republican of last week, to have been written by your *enemy*, or Castigator's *friend*—That his object was to commit your honor by such a production. Castigator desires no such advantages over an already *confounded* and *guilty* correspondent.

Whilst Castigator is in waiting for something from you

worthy his notice, I will try and amuse *your honor*. Should I refresh your memory, perhaps you may be a little more content, and sooner claim the attention of Castigator.

Your honor seems to be coming a little to your reason. You now admit, "that the well-being of society" may depend upon a faithful discharge of the respective duties of public officers. You also seem, *at last*, disposed to appreciate the liberty of the *press*, and to acknowledge its usefulness—"that public characters are fit objects for praise or censure, and that the press is the proper vehicle of communicating information to the people." These must be very recent *convictions* to the mind of your *honor*. So far you seem to have benefited by the writings of Castigator.

Correction is an excellent thing for *bad men* and children. Although it seldom reforms the morals of the *first*, it generally instructs the minds of the *latter*. The former are frequently rendered harmless by having their *errors* and their *vices* exposed—the latter are benefited by the example.

With how much more *grace*, if not satisfaction to your *honor*, would your acknowledgments have been made, without being *lashed* into them by Castigator! The sincerity of *forced prayers* is always to be doubted. They oftener evidence *guilt only*, than true repentance—hence forgiveness should be cautiously afforded.

After your acknowledgments, your *honor* talks about *decency, truth* and *candor*. Make their application abstractly, this no one will deny. Why do you not apply the terms truth and candor to your *illegal and arbitrary* public acts—and decency to your vulgar abuse, in the tavern, of the memorial and those who should sign it? to your assault of a citizen while in the custody of a peace officer, under your own commitment? to your personal abuse of the printer, from the bench, when you sentenced him to prison?—The fitness of your application might then be judged of. No, sir, this you chose to avoid: You either cannot justify your conduct; or you are ashamed of it, and too obstinate to admit you erred.

Castigator has specifically exposed some of your illegal, arbitrary, and indecent public acts. He has not pursued your *honor* into your private retreats to vice, or enumerated your individual evil deeds; but he has called the attention of the people to your public and official acts, as notorious as they

are illegal and vicious, committed in the face of a whole community, many of which now remain of record—yet you complain of Castigator on the score of *decency, truth* and *candor* towards you.

Your *honor* commenced your present difficulties by disregarding all decorum, and outraging every idea of decency.—You now seem to persevere by violating truth, regardless of falsehood. It frequently happens, the greatest rogues cry out thief first; but seldom have candor enough to acknowledge facts which relates to themselves.

It may not be amiss to inform your *honor*, that Castigator knows he does not possess the powers you profess and exercise. He is speaking of your official conduct, and public acts—of your testing your authority by individual and party resentments—deciding that to be law, which violates the rights of the citizens, and screens yourself from prosecution and punishment. He is too candid to attempt to make your foul conduct decent—to acknowledge that to be law, which is not, merely because your honor wills it. He has more regard for truth, and to the malevolent disposition of your honor, than to exhibit any charge against you, which is not capable of substantial proof.

Your honor complains, that your private character has been attacked. It is not the fact. The *enormities* of your public acts, which are exposed, must have induced apprehensions of this kind. They may be such as to render a resort to *those* of your private life agreeable; as to be second in sin, and first in virtue, have both consoling effects.

Castigator has not made a single charge against your *honor*, but appertains to your public character; except your rudeness to Mr. Rees and others in the tavern, about the memorial—this you think proper to carry to your account decent. You are welcome to the item. Castigator will never attempt to exhibit a set off. It is true, he has alluded to your private *vices* and *dispositions* generally, by way of manifesting the *wickedness* of your public acts. This the rules of debate authorize, and the fairness of argument justifies. Nothing is more common than to advert to the general character of a *criminal*, to effect his conviction or aid his acquittal. This is law, though it may not suit your *honor's case*.

You next fall *pell-mell* on the printer of Castigator—abuse

him in the ratio you have injured him—say “ he is notorious for the want of all principle; that his press is prostituted; like his conscience, is always at market, and the highest bidder sure of the purchase ” The best evidence that these charges are false is, that your honor has not been a purchaser,—for, you know too well the value of prostituted presses, to let any but yourself get a bargain in that article: Especially when you have the *means* always at command without the *alloy* of virtue.

But, sir, be the printer and his press, all you say, does that adulterate the works of Castigator? Will it weaken the charges he makes against you, or can it legalize your *unlawful* and *arbitrary* acts? The mechanic may be filthy, yet his mechanism pure and cleanly.

Your honor calls the writings of Castigator “ *hard labored vulgarity*.” That you should talk of vulgarity in others is another proof of your *incorrect sensibility*; and when applied to Castigator’s writings, is additional evidence of your *want of veracity*. Castigator has nothing to apprehend on this score, from a comparison of his, with your honor’s writings. The people will judge for themselves. The opinions of your honor, nor of Castigator, ought not to weigh on the occasion. You are both interested: Castigator for the public—your honor for *yourself* and your *illegal* acts.

Terms are used to describe persons and things: whether they are vulgar depends on the thing or act to be described.—Terms which describe most aptly, are the most authorized by the rules of language. Apply these rules to the *indecent* conduct, *illegal* and *arbitrary* acts of your honor, of which Castigator complains, and we shall find no vulgarity in his correspondence with your *honor*. Terms most proper to describe blackguardism, illegal and wicked acts, would be least so when used in describing gentlemanly, legal, and virtuous acts.

You next murmur at what you call Castigator’s “ *plagiarism* from Junius—an author (you say) more celebrated for the elegance of his language and severity of his satire, than the purity of his motives, or usefulness of his productions ” In this opinion your *honor* violates truth as much as you have law and the rights of the people. No man has, before you, been hardy enough to venture such an opinion of Junius’s writings, except the partial judge and the corrupt court against

whom he wrote, and whose illegal acts he exposed. The people hailed him as the supporter of their constitution and laws—the maintainer of their rights and liberties: and as such have his works been handed down to posterity.

Those alone who were the objects of his strictures railed out against him, as you do against Castigator. They tried to divert the attention of the people from considering their corrupt and illegal acts, by charging him with personal abuse to gratify private malice; to answer party purposes; enlist the passions of the weak and unprincipled, and finally prosecuted his printer as you have done the printer of Castigator; but all to no purpose. This only produced the intended effect: The people investigated the facts which he exposed, and judged for themselves, regardless of the railing of power, or the whining of *corruption* and *guilt*. The memory of many of the *authors* of the *abuses* he wrote against would have sunk into *oblivion*, but for the writings of Junius, which hold them up as *monuments* of *infamy* and *traitors* to the constitution, laws and liberties of the people.—Persevere—the course shall be cleared for you. Your honor’s fate will be as their’s.

But pray, where is the harm in Castigator’s adopting the opinions of Junius, or any other correct author, under similar circumstances, or of his quoting a whole line written upon one *wicked judge* against *another*? Time and distance do not destroy the analogy. The people will judge of the applicability. That honest men should think and speak alike, is as natural as that wicked ones should conceive and act alike.

Your honor must be very badly read in Bell-letters, law and politics, if you can’t discover that Castigator has benefited much, not only by reading Junius, but many other correct authors on the science of government and law; appreciated their sentiments; imbibed their principles, which enables him to make apt quotations and references against the *tyranny* and *illegal* acts of your *honor*.—These are the means by which he obtained his knowledge of right and wrong; knows how to expose the *errors* and *wicked* acts of your *honor*. Were you more of a plagiarist, and had you a little more of this kind of learning, it might have saved your *honor’s* present *disgrace*, and Castigator the necessity of exposing your errors.

Truth and falsehood, virtue and vice, are the same every where, and at all times,—as well may you complain of the

sentence of *condemnation*, that awaits your *honor*, because the terms employed were used against your predecessors in crimes.

You say on the impartial administration of justice depends the safety of our property, as well as personal security." Here your honor has plagiarized a little from Castigator. This is what he contends for—and then shews that you are not the impartial judge.

Does your honor suppose, that any man will consider you qualified on the score of impartiality, to try the printer, (col. Marschalk,) for a charge of libel against yourself? No, sir, better men thus circumstanced could not satisfy the inquisitive and jealous eye of justice; comply with the genius and spirit of our government on such an occasion—much less can your honor who has already violated all law, disregarded all precedent to satiate your malice against a printer; and who in all your publications, you continue to abuse and vilify, in the most bilingsgate style—this too while his prosecution is pending before you. If this is decency, and the evidence you mean to offer of a "pure and impartial administration of justice," God help us! I presume such a definition of the terms, decency and justice, can only be found in the wickedness of your own designs.

You say to bring the personal character of the judges into public contempt, is a subversion of all order, and final destruction of courts of justice." What! if judges become *contemptible* by their *own* conduct shall not the public believe it, and may not individuals say it, nay! publish it? Do you suppose that you can make the people relinquish their unalienable rights to screen the *guilty* of any description—induce them to sympathise for a public officer, who will *disgrace himself* by attempting to sap the foundation of their government; destroy their own rights and liberties; or that you can make them believe that the expulsion of one *wicked judge* from the bench, will operate the destruction of courts of justice? No, sir, it will be the means of preserving them.

But it seems you have taken it into your head, that you are amenable for your *crimes* and *evil deeds* in one way only. Many men less *vicious* and more *cunning* than your *honor*, has been mistaken in this respect. Public *reprobation* is one mode, legal *punishment* another, by which public officers are

made to atone for their *evil deeds*, and answer the demands of public justice.

In speaking of the writings of Castigator, which you call "disorganising" you say—"For to me, it seems not to rage against the judge alone, and that those who would support the laws & justice of the country, must be marshaled on one side, since the opposite is taken by Castigator, supported by the bloated and unblushing front of *Mars*, and his grub-street press." Here your honor discloses your real designs: manifests a wish to create party, and makes known your disposition to support it. What, sir, a judge talk of marshaling the people into two conflicting *classes*, in one of which *he* includes *himself*? This *party* or *class*, of course *he* means to support, and intends it shall *aid him* in the *destruction* of the other.

I will ask your honor, to use your own terms if this would be "administering justice with an even hand?" In a numerical and gambling sense it might be so considered by your honor and may answer your purposes well enough. That a judge acting, under the highest and most solemn obligations of office, should thus avow his intentions to create and support party, is without precedent. Its *wickedness of design* can only be imagined and sought for in the breast of *judge Poindexter*. Such *depravity* of intention has never before been exhibited by any judge: Even the cruel *Jefferies*, when he acted on the same principle, was not unblushing and hardy enough to make the avowal among the people although he had the power and influence of the *crowns* to support him. The conception of such judicial wickedness would confound the "unblushing front of *Mars*," though it might find a *dome* in the *meagre* and insidious visage of *judge Poindexter*.

The avowal, openly, of your honor's intentions, may form an antidote to your judicial *poison*. The people will be on their guard against your *marshaling* system—be prepared to foil you on your first onset.

You continue to insinuate that your conduct and decisions are correct, by calling on those disposed to support law and justice to unite with your honor against Castigator, his printer, and all others who do not enrol themselves with judge Poindexter. That you are wrong and Castigator right, all men who understand law and the principles of their government

unite; Judge Simpson has so decreed, and the chartered rights of the people prove.

Are your honor so void of the powers of inference as to believe (were there no other causes of preference for judge Simpson's opinion) that the people will have the same respect for your interested and passionate decisions as they will for those of a man freed from both? You decided in your own case, from your own intimations with a view to party: and apparently under the influence of the most malignant dispositions against the printer. heated by a rancorous vengeance towards others, whom you by a theatrical air, insinuated resided about "the little town of Washington;" will your honor reflect that vice and malice always precede vengeance; and that justice follows after. *Raro anteceditur, sceleratum decernit pede pœna claudo.*

I wish to know of your honor with what propriety you charge Castigator with attacking, others or even yourself. He has only incidentally mentioned the attorney general. And col. Mead created the cause of war—you declare it publicly in the tavern, and confirmed it in court, have continued to avail yourself with offensive means of carrying it on with increased provocation.

In your retreat from the "little town of Washington," where you made the first attack, and since repulsed by Castigator, you have blundered headlong against a strong *fort on Second creek, where without quarters you must perish!

PHILO-CASTIGATOR.

December 6, 1814.

TO THE PRINTERS OF THE M. REPUBLICAN.

That the well-being of society depends much on the faithful discharge of their respective duties by public officers, does not admit of a doubt, and that the liberty of the press is essential to the happiness of the people, is on all occasions admitted; hence it follows that public characters are considered as fit objects for praise or censure, and the press as the proper vehicle of communication, intended for the information of the community, and reprehension of the guilty.—But to be useful to either, decency should always be the accompaniment of

*Attack on a late member of assembly, Philander Smith.

†This letter which precedes the signature of N. D. should have followed it.

truth, and candor stand prominent in every production.—The private character of the officer should not be attacked to gratify personal hatred, or the purposes of party, to enlist in the pursuit of vengeance, the passions of the weak or unprincipled. An honest censor would scorn an alliance with an editor as notorious for want of all principle, and for his living by the prostitution of his press, which like his conscience is always at market, and the highest bidder sure of the purchase. Such however, is the alliance formed by a writer over the signature of Castigator, and such the character of the press he has chosen to foist on the public his own hard labored vulgarisms, and his numberless plagiarisms from Junius—an author it may be remarked, more celebrated for the elegance of his language and severity of his satire, than the purity of his motives or usefulness of his productions.

I think it will not be denied, that on the impartial administration of justice in our courts of law, depends the safety of our property as well as personal security—bring the personal characters of the judges into public contempt, and the subversion of all order and final destruction of courts of justice must ensue. hence, to my mind, it is clear, that they who like Castigator and his colleagues, labor to produce such consequences are the enemies of society, and merit the contempt or opposition of every honest citizen.—If a judge has done a wrong to an individual, violated the law, or committed an outrage in any way upon the dignity of his office, or the liberties and happiness of the people, the remedy is known, and it is certain; the constitutional course, is not only easy of attainment, but it is also the only one that can remedy the evil. The ingenious writer may invent, or the plagiarist may, like Castigator, steal the invectives of another—these publications may mislead and inflame the minds of the people, but never, did, or can such productions correct the offending, or tend to the happiness of society.—Whilst such pieces as those compiled by Castigator, are weekly issued from the press and disseminated amongst our citizens, to my mind, every honest man has a stake in the contest—for to me, it seems not to rage against the judge alone, and that those who would support the laws and justice of the country, must be marshaled on one side, since the opposite is taken by the disorganizing writings of

Castigator, supported by the bloated and unblushing front of *Mars*, and his grub street press.

To a late member of the legislature, who has perhaps with more gallantry than wisdom, thrown down his glove, (or rather gloves, for he has twice essayed his force in print) I would just remark, that certain talents are more calculated for the management of a farm than party disputes—that the former is more profitable, and not unfrequently as honorable—that public notice will be drawn to the good man in his retirement—that officious attempts to obtrude on public attention, are always disregarded, often despised—more especially when coming from those who once enjoyed the public confidence, and like the cause of Zangas Blæ, “for something or for nothing,” have long since forfeited their good opinion.

If the few remarks, Messrs. Printers, that a few moments of leisure have afforded me to make, shall be deemed worthy of insertion in your paper, I may, perhaps, be induced to offer some further observations on this subject, which to my mind, is of high importance to every member of the community.

N. D.

N. B. Why has Castigator transposed the 6th line of Junius's letter to Lord Mansfield, and given it verbally in his last, to Judge Poindexter?*

Natchez, Nov. 30, 1814.

FOR THE M. REPUBLICAN.

The public mind has been considerably agitated of late by a certain scribbler in the *Washington Republican*, signing himself Castigator.—Great doubts have arisen concerning this same personage, and no one can ascertain who he is. Let it suffice, that whoever he may be he is a *blackguard*. With the labored stiffness of a pedagogue, he only strives to imitate Junius, and like most other imitators, he copies his faults without touching one of his virtues. Let not the public be disturbed. The subject of this vile calumniator's abuse, bears a character too well known in this territory to be injured by a poltroon. Whatever little trifling foibles he has found in the character of Judge Poindexter, he has strove with the creeping malignity of groveling minds to magnify into the most

* This letter which follows the signature of Philo-Castigator, should have preceded it.

enormous crimes. Under the cover of an anonymous signature, he has uttered falsehoods which he dare not for his life openly avow in his personal capacity. He, like the lurking and insidious serpent, has fixed himself in an unobserved posture, and with the rage of a thousand Hydras, fixes his fangs on the unsuspecting traveller. The obscure and secret manner in which this correspondence is carried on, ought to convince the public of its wickedness. The author dare not shew his head to the public; besides the *Washington Republican* is made the vehicle of all this abuse and slander—the editor of which is known to be the personal and rancorous enemy of Judge Poindexter. He has felt the rod of justice, and he knows no way to retrieve his character but by slandering the organs of the law: a poor subterfuge indeed! Where a Judge has acted uprightly and correctly he has poured down a torrent of inveteracy and malice upon him, in hopes by his superior clamor to drown the just execrations of his countrymen upon himself and turn the public attention to the honorable Judge. I do not mean to insinuate that the editor of the *Washington Republican* is the author of Castigator: I do not believe he has sense enough to play the ape and even make this poor incitation of Junius. But he is the tool, the engine, the powder-monkey by which all this Bilingsgate is heaped upon an honest man.

VERITAS.

Natchez, Dec. 7, 1814.

LETTER XI.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—I did hope, and intended that my last letter of the 13th ult. should close our correspondence. That letter, however, the editor of the *Washington Republican*, for reasons not satisfactory to me, has as yet postponed publishing. The vanity of yourself or friends, for an appearance of victory, as though it depended on your last tag, will induce me to resume our correspondence. This short letter, however, is only intended for a recent and existing occasion, which caps the climax of your knavery, and shews the contemptible opinion you entertain for the discernment of the people.

Your propensity, sir, to do wrong, exceeds all human calculation. Were I more your enemy than I am, I should not so often expose your errors by reminding you of your duty.

You have now deserted your official situation as judge.—What right had you to do this? You were not asked, and no one forced you to it. By what rule of propriety then have you taken this step? at a time too, when your colleague, judge Simpson, is gone to the states for his family. Is it because your own dispositions have so often directed you into errors?—This, sir, is one of your wrongs too important, as regards principle (not act,) to be passed over in silence in the worst of times. Had you possessed influence enough to have taken any others with you, some allowance might be made; but you *accompanied yourself!*

Motives are excellent things to test the integrity and candor of men. They frequently render vicious, apparently laudable acts—and so, vice versa; as the fire which smelts the ore separates the *gold* from the *dross*.

Do you suppose that any man will be obsequious enough to attribute this desertion from your official station to patriotism? The civil as well as military operations of government, are necessary to the enjoyment of liberty, and protection of our rights. You have accepted a situation intended to afford those, secured by the former—taken an oath to perform the duties thereof, and for which you are paid a salary. Notwithstanding your delinquency in this respect, you have no right to select your time of performance, though you may the victims of your vengeance. Ought you not, rather to imagine, that this act will be ascribed to the proper motives—a forlorn attempt to retrieve an already shattered reputation—a catch at popularity, and to moderate the just strictures of *Castigator?*

If you conceive the public claim, of you, additional services, why not appropriate a part of your salary to effect that purpose?—Employ, one, two, or as many men, as you conceive equal in military prowess to *yourself?* What experience, or military feats have you ever achieved, to render you more formidable than another in an army; except on a *retreat?* In this respect, it is true, you might be an over match for most men; but for the simple act of resistance, all will admit, that any other individual would be as formidable.—This is a subject on which I consider it a waste of time, ink and paper, to say more. I will only remind you of your inconsistency and want of foresight.

Independent of the high obligations you are under to attend, and perform the duties of your office as judge; what is the public will, as expressed through the representatives of the people? Is it not that the civil administration of government shall go on as heretofore—that our courts shall be holden as usual? For this purpose they have exempted the officers of courts,—clerks, sheriffs, &c. from military duty. What *you decided extra judicially and without law*, they have made lawful. These exemptions, including, (generally) a class of young active men, numerous enough to form a company, operate an injury to the public, and injustice to others, less qualified to perform military duty: besides there is much intermediate business the people have with a judge, and without which many may be greatly injured.

You, cannot say, sir, that this act of the assembly was passed sub silentio, or that the occasion you have taken to violate it, was subsequent. The question, whether judicial proceedings should be suspended, on account of our present foreign and domestic embarrassments, was brought directly before them, and decided in the negative. You are, therefore, as excusable in this, as in the numerous previous errors you have committed.

Your honor professes to be a great stickler for public opinion. *Run home* then. Do not disgrace the military character of the nation, as you have its judicial. All, for once, will applaud your prudence; none will miss your bravery, though many experience your knavery.

CASTIGATOR.

Jan. 2d, 1815.

LETTER XII.

TO THE HONORABLE GEORGE POINDEXTER.

SIR—You seem much at a loss under what name you shall plead to the charges made against you. You need not puzzle yourself farther on the occasion. No advantage shall be token of a misnomer, even on your *own* affidavit. Although the name of George Poindexter might aid your conviction, you are at perfect liberty to assume any other. The facts you are guilty of, are too stubborn and wicked for any name to moderate, or situation to protect. You may, therefore,

appear with as many names, as you have exhibited characters.

Falsehood frequently finds it expedient to shift its ground. Its residence seldom entitles it to naturalization. It is an inhabitant of *cowardly* souls—such as are mean enough to discard, rather than attempt to support their own offspring.—This may account for the great variety of forms, by which you appear.

Your style and language is suited to your manners, and your crimes. Some of your pieces evidence a mind labouring under the pressure of guilt and conscious conviction.—Their incorrect diction and arrangement of thought shew the embarrassment under which you wrote. Falsehood and guilt always produce obscurity—truth and innocence, perspicuity.

Arguments built on the existence of facts are not easily refuted. They are not to be answered by general assertions or reproaches. There may be a deficiency of eloquence in describing acts, which truth will always supply. It is the evidence of facts acting on the senses, more than persuasion or argument, that convinces a whole community; and which can rouse the just indignation of a free and intelligent people against tyranny.

Had nature favored you with an understanding, equal to the wickedness of your heart, you might be formidable indeed, as a *tyrant*. But the ways of Providence, to effect good and prevent evil, are as various as they are just and wise.—We owe it to this, that the depravity of the heart is frequently united with the confusion of the mind. They counteract each other. Render harmless the very worst of principles. Nay! make the same individual treacherous without art, and a hypocrite without deceiving.

Your lawless acts have been so malevolent and imprudently executed, that the lowest capacity may detect, and determine for itself. Of this you and some of your friends, seem at last, to be aware. Hence your exertions to divert the public attention, and to prevent a consideration of them, by every possible artifice.

That of the presentment of a grand jury in Wilkinson county, is a disgrace to all civil institutions of the kind. It is a *great example*. It evidences the influence of corruption and power, with the credulous and inoffensive. I am completely

informed of all the circumstances of this presentment, and do pronounce it: one of the most base transactions the human mind is capable of performing. Perjury and subornation would lose much by a comparison with it. No culpable allusion I make, is intended for this grand jury; nor am I disposed to impute to them intentional wrong. They were the dupes of men who are not what they should be—whose official situations were imposing and authoritative. I presume they are honest, upright men, with just sense enough to do wrong without intention and to sin without guilt. It was not enough, it seems, to answer your purpose, that this harmless grand jury should declare on oath respecting things not cognizable by them, and upon which they were uninformed, but they must be made to swear, that the charges of facts you have notoriously committed (whether criminally or not) are “base and scandalous aspersions.” And that those who have exposed them, “dare not sign their true names to such scandalous libels.” The apparent opinion of twelve or fifteen obscure individuals, thus obtained; at a distance from the principal scene of your wickedness, you attempt to impose on the community for “*public sentiment!*”—Why not also exhibit the address *dictated by yourself to yourself*,* in the same county which your own hand writing will shew?—Desperate indeed must be the situation of any man, especially a judge, when such foul and weak means are resorted to for his defence. Depend sir, those more substantial must be employed to moderate the effects of acts calculated to overwhelm a hundred such characters as yours, if they could be found, with everlasting disgrace.

A man more prudent and less vicious than your honor, would not have ventured on such an expedient of defence.—None but he who was weak enough to hazard a direct violation of the first principles of government, without consulting the dispositions of the people, would have done it. You must have mistaken the extent of your capacity, as much as you have the limits of your powers. Your vanity, and a partial silence touching the business of your previous acts, may have betrayed you, beyond the depth of your understanding, respecting your future as well as your past conduct.

*The evidence of this ingenious piece of management of his honor, is now, and long has been in our possession.

For you have made known to the people your disposition to marshal them into two parties, in one of which you include yourself. This party of course, you mean to protect at all hazards when your speed is not necessary; whilst we presume your oath to administer the laws impartially and to do equal justice, will be no security to the other. However, perhaps, the preference is not worth disputing about. The one may have your person—the other will have your oath. The first will be disregarded—the last discredited.

If, however, you had not prudence enough to maintain the villainous triumph, which your situation over an individual (the printer) afforded, without violating fundamental laws, you will assuredly fail in undertaking the destruction of one half the community, and the rights of all. These can only be annihilated with the people themselves, who are as much superior to the wickedness of your designs, and your capacity to injure much longer, as virtue is to vice, and that of an honest man to your honor.

Notwithstanding the neglect & disrespect with which you are treated, wherever you appear, except on official ground; which a mannerly people will always respect, though the occupant may be contemptible; you cannot relinquish the idea of being compared to great men. You first likened yourself to Lord Wellington. You now conceive you are simulated to lord Mansfield. The ridiculous view, in which the first placed you, it is presumed, might have prevented any farther attempts of the kind on your part. If you mean, by the comparison, his vices you are for once, correct. He was learned in the law but partial. Though you are deficient in the first, you more than equal him in the last. He was cursed with political vices, but blessed with mortal virtues. You enjoy the former, without possessing the latter. Nor was he mean enough while attempting to smother his vicious public acts, to wickedly involve others in his guilt.

Pursuing your ideas of greatness in speaking of the writer of Castigator, you say "great doubts have arisen concerning this same personage, and no one can ascertain who he is, let it suffice, that whoever he may be, he is a *blackguard*." Here your confusion of ideas corresponds with your inconsistency. The term, personage, is only applicable to the higher order of our species combining the attributes of elegance and great-

ness; but is never descriptive of such a being as yourself, or what you call me, "*a blackguard*." You are therefore mistaken, if you suppose either you or myself belong to that order. However, your honor is so seldom right by design, that mere mistakes shall not be counted against you. We will advert to those of more importance.

In your publication signed George Poindexter, you say, "I know the author" of Castigator. In that signed Veritas you say "who he is no one can ascertain"—call him a paltroun, and insinuate that you are deprived thereby of redress for the injuries he has done you.

Now, sir, I ask, with what propriety you can thus complain, or call me a paltroun?—You have said that you know me. Why then do you not demand satisfaction for the conceived injury I have done you? By the etiquette of modern chivalry, you are entitled to the call. As you conceive yourself knighted comply with your order? Call on me, as you know me. The public, and your brethren will then see whether you have firmness enough to sustain your order or ascertain a paltroun in any other, except yourself. No, sir, you are prudent enough to wave this. You rather play your old game—pronounce others paltrouns and avoid the means necessary to ascertain the fact—whilst your *agility* has generally kept you out of harms way and approaching danger. Your being in the habits of giving more credit to your own declarations than others have, is the most innocent way of accounting for your being oftener wrong than others, even with less knowledge than falls to your lot. Compare your declaration that I am "a paltroun" with those that "you know me" together with your subsequent conduct, and the inevitable conclusion is, that you are yourself, a paltroun or a liar, if not both. To be called a "*blackguard*" and a paltroun by a man who has only an alternative between both, and that of a traitor to the laws of his country and the liberties of the people excites my contempt for the wretch, and pity for human nature—Nay! almost makes me doubt the genealogy of man.

However, a man being a free agent various are the means, he is permitted to use, for the purpose of distinguishing himself. Some by good and virtuous—others by mean and wicked acts. It seems, you have not mistaken the qualifications of your own mind. Your selection of acts, though in hostility to vir-

ture, corresponds with the viciousness of your innate principles, and will not interrupt that association of ideas necessary for a display of them.

The foregoing I will illustrate by the following quotation from your piece signed Veritas. You there say "the subject (meaning yourself) of this vile calumniators abuse bears a character too well known in this territory to be injured by a palatooon." It is evident the circumstances intended to bear upon your character by this shameless allusion are, the MURDER you committed, and the violations of the laws of this territory, leading to that melancholy event! The punishment you merit for the commission of these crimes, you may yet receive. The Shields* by which you may have been so long screened from prosecution and punishment may be removed.—When humanity and law shall no longer call in vain for that justice the perpetration of such acts demands.

I assure you, and the public, that nothing could have been more distant from my wishes, or more distressing to my feelings, than to see revived among the people a recollection of this villainous transaction—by which one of the most useful private men any country could boast of, was snatched from among them; by a man who, no one can say, ever bestowed a benefit—whose whole life forms one scene of alternate riot, strife, turbulence and bustle. But, sir, you or your friends, have thought proper to revive this subject, as it seems, by way of eulogium on your character. You are wellcome to all the felicity it will afford you, and to roast another ox† on the occasion, into the bargain. For my part, I am not enough your friend to wish to gratify your feelings, even by enumerating and alluding to your crimes.

You admit that you may have been guilty of some "little trifling foibles." Terms are relative things. If by this you mean to include the murder, to which you have just alluded, the qualification of your own mind to commit crimes of an higher order, may authorise such a modification. Perhaps murder may be considered only a "trifling foible" in point of principle, when compared to a disregard of the obligations of

* It is to be recollected that the Attorney General is named Shields.

† Alluding to the great feast made by his honor within a few days after the melancholy event.

office the violations of constitution, law, and the liberties of the people. The one only terminates the existence of an individual, and deprives society of one of its members—whilst the other, aims at the destruction of the civil compact, and strikes at the liberties of all.

Making these acknowledgments as to your "little trifling foibles" you charge me with striving to "magnify" them. Sin and virtue guilt and innocence are abstract terms. There is as much moral and mental turpitude in committing petit larceny as murder—and certainly much more meanness and depravity of principle. He who would cheat for a cent would steal for a dollar.

It is the wound you have inflicted on liberty and the cause of freedom (more than the injury done to an individual) which demands not only justice, but vengeance. Had not your intrigues and sordid ambition exalted you to a situation where honesty and dignity ought to associate, you might have long enjoyed the felicity of your vices and only been despised with moderation. But your vanity has betrayed you. The use you have made of your powers, has disgraced you below the level of contempt. I know the public sentiment. You may depend, sir, the people are not to be intimidated by the unlawful and ambitious exercise of your powers or the violence of your conduct; neither will their sympathies for the punishment and sufferings of a culprit induce them to surrender their own privileges, and to overlook their best rights.

For some purpose or other, than honorable, even to yourself, you call me by a great many hard names. But all to no purpose.—You are still guilty of the facts with which you are charged. Were I all you say or could wish me to be, it would not alter the facts, or aid your acquittal. I know nothing of your motives: these your conduct best explain. I speak of your acts: it behoves you to account for them.

You say "the obscure and secret manner in which this correspondence is carried on, ought to convince the public of its wickedness:" And that the author dare not, for his life show his head to the public." Your honors notions respecting secrecy, seem to be as erroneous as those respecting wickedness. I wish to know what mode of correspondence could be more public than the one at present adopted? It is not material by whom facts are exposed to the public; the people will investi-

gate and judge of them by their merits. Shall we refuse to investigate a *killing*, after the fact is known to numbers, because the man who first discovered it is not known, and reasons to shew the *act to be murder*, and publishes his reasons in a newspaper from time to time? If this is secrecy—if this is wickedness. I confess not to understand the meaning of the terms, or the characteristics, of secrecy and wickedness.

The matter of our correspondence is fully before the public and resolves itself into this concise and simple form:—Were certain acts committed? Did you commit them? Were they lawful or unlawful? This alone is what the public are interested in knowing. It is of no consequence by whom a charge is made; the only question is whether or not it be true. The public are not concerned about seeing my head; they would not be disposed to *murder me*, though you may. You say you know me, that ought to answer every honorable purpose; but I presume that you have reflected that this kind of knowledge may not answer you any very valuable purpose.

Your furious bravados and “plagiarisms” from Sir William Draper, when driven with his friends, from the meridian of respectability, by the force and influence of public opinion, and sinking into the horizon of contempt, under the indignant frowns of an injured people, only evidences a mind similarly criminal, and a situation equally forlorn.—How much more fortunate would it be for your honor, if you could have copied the sentiments and expressions of honest, rather than the exclamations of criminal characters in your favor. However I do not expect you to attempt impossibilities, when not in the catalogue of crimes.

As to your Bilingsgate stuff against the printer and myself, I shall not condescend to notice. I do not mean by this, that I will not notice any thing that has the appearance of argument, and meeting the charges against you, because conveyed in your usual style. Anger has some claim to indulgence, and railing may give a temporary relief to the mind. All the benefits you can derive from both, will give me no concern, nor occupy my thoughts. It is disagreeable enough to delineate the foul and tyrannical acts of a knavish judge—the vulgate of whose life, cannot be easily exhausted, and which will exhibit his vices long after his powers to repeat them

cease. I will now conclude this letter, by some important interrogatories, and close our correspondence forever.

Do you think that you will have the firmness to stand before a court and jury, to answer for *criminally* violating the laws of the territory; Do you suppose that you will have firmness enough to stand with an uplifted hand, before a similar tribunal on a charge of *murder*? And finally, do you imagine your firmness will bear you up before that august body (Senate of the United States) while taking cognizance of the numerous crimes you have committed in your judicial capacity: and to hear in anticipation, from the awful precipice on which you must then stand, that sentence justice will pronounce against you? Rely, sir, that your firmness in these respects shall be tested “by God and your country.”—
Adieu.

CASTIGATOR.

December 13, 1814.

Judge Poindexter is known to be the author of the following letter, from the most respectable authority.

[COMMUNICATED.]

There is not in the wide circle of Civilized man, a more odious and detestable creature, than the retailer of *camp slanders*. He who originates them, compared with the second hand dealer, rises to the eminence of innocence and virtue. Such a being in the true style of a squint-eyed gossip, is ever on the alert to find out something brewing in the great world, which, if told, would make a great noise, and *somebody* would not hold his head quite so high at court. Every hour brings forth materials for a Mr. such a one of *high rank* and great respectability, to his friend in the village, filled with denunciations, imprecations, frightful images, grave surmises and downright matters of fact, which Bill Tattle, and a half a dozen other of his messmates, “all good men and true,” will swear to if necessary, placing it beyond all doubt, that an officer was seen riding one way when on the opinion of Maj. *Neverout*, he ought to have gone the other, and that he was *only* wounded, when according to the most modern system of tactics, he ought to have been killed. Or at any rate, even giving up that point for argument sake, his wound was not so bad as it should have been, for it is now settled, by a late

treatise, written by Dr. Limbo, on amputations, that a wound is not a wound, properly so called, unless the patient loses a leg or an arm, or an eye, and in some cases, even these would go for nothing unless the operation was performed *secundū artem* by a surgeon duly commissioned to perform the same. Such, and a thousand other vagaries, well seasoned with episodes and inuendoes, and cooked up in modern style, to suit the taste of a bloated *personed* printer, would afford a feast at which a *mingo* might well preside supported by his Lord high treasurer, chief of the staff, principal engineer, and the worshipful professor of mathematics. Nothing would be wanting but a little rye beverage to make them the very quintessence of wisdom bravery and hilarity. I have been induced, Messrs. printers, to offer you the preceding remarks, as an *epitome* of the criminal and unjustified abuse which a few of these eye-droppers and letter writers have recently cast on the hon. George Poindexter, in consequence of his having voluntarily relinquished his domestic pursuits to participate in the late campaign, which resulted in the expulsion of the enemy from the Island of New-Orleans. I am not the eulogist of him or any other man. Let his actions speak for themselves, "Nothing extenuate nor set down ought in malice." But let him be judged by those under whose orders he served, and not by a few designing calumniators, who reached the scene of action in time to collect what malice or prejudice might invent, conveyed in silent whispers, from one hand to another, to gratify the worst passions that deform the human heart. He must indeed be a bungler in his occupation, who could not in an army of ten thousand men, elicit a sentiment from some *beated imagination* against any officer in camp, from the commander in chief, down to the meanest sergent. The names of the individuals making these slanderous communications, are withheld to give a factitious importance to their representations. I scorn to dignify them by any personal notice whatever. Let any man, who has earned a character which places him on a level with the person whom he wantonly attempts to destroy, give the sanction of his name to the statements which have been made, to impose on public credulity, and I stand pledged before god and my country, to prove him a public *liar*; and if he does not meet with the punishment due to his temerity, it will be because he

has not the courage to stand in the face of danger. I can not however, believe for a moment, that any honorable man would stoop to the grade of a personal calumniator. In thus presenting myself as the vindicator of an injured fellow citizen, with whom I have long had the honor of an intimate acquaintance, I am actuated by no motive distinct from a desire that truth may predominate over falsehood. No man of ordinary sensibility, can feel indifferent to the opinions of the community of which he is a member; it is a respect for these, which has induced me to touch this subject.

Judge Poindexter is well known to the people of the territory;—he has filled the the most honorable and dignified stations in their gift; and after six years of public service, under the eye of the president of the United States, he retired with the full confidence of the administration. The sanction of the highest authorities of the national government is a testimonial of his worth, of which no faction can rob him. The duties of the office he now holds, have been discharged with a promptitude and ability which has drawn forth the approbation of every individual, whose interests are not arrayed against a vigorous enforcement of the laws. A jealousy of his talents and integrity, has alone given rise to the volume of contumely which is thrown on him from the columns of a venal press. I am happy to learn that it is the intention of the honorable judge, to treat with merited contempt, every thing which may appear through that channel, not accompanied by the name of a man whose standing in society gives him a claim to distinction. He reposes on the good sense of the people, with the confidence which innocence and conscious rectitude inspire. With regard to the idle *rumors*, which have assailed him from New Orleans, they "shiver in the wind." Those who malignantly aim to give them circulation, were not in the battle of the 8th of January; some of them indeed were more than two hundred miles from the ground. I will, for the satisfaction of every candid man, take this occasion to state, that I am in possession of original letters, from those who were personally constant of the simple occurrence which has been so grossly misrepresented; they contain matters of fact, in direct contradiction to the "*rumors*," which have been so wickedly promulgated. I am not at this time permitted to give them to the public, because it is deemed necessary, if not

improper, to treat the anonymous publications, which have appeared, with so much respect. Should it hereafter become expedient, to counteract the allegations of a responsible person, this evidence will be exhibited. It is the plain unvarnished tale of honest simplicity—He who can look on it and indulge a doubt, would not be convinced, “tho’ one should rise from the dead.” To such men truth is deformity, and reason downright insanity.

ARISTIDES.

Adams County, February 26,

LETTER XIII.

TO THE HONORABLE GEORGE POINDEXTER,
Late Voluntary aid to GEN. CARROL.

SIR—I had consoled myself with having closed our correspondence. Not because the catalogue of your errors and vices is exhausted; but because it is by no means agreeable to me, to correspond with one, who is an alien to truth, a stranger to shame; who substitutes vulgar abuse for argument; and whose crimes have already sunk him below the level of respectability, and are such that our language is scarcely copious enough to describe with decency.

Some men render themselves contemptible by the viciousness of their acts—others by the inconsistency of their conduct. The propensity of your honor to err, prevents you from availing yourself of the alternative. You except both. The resources of your mind for wickedness and folly seem inexhaustible, and to correspond with your inclination; never to forsake one vice, because you adopt another, or the extremes of both. Your course of conduct bids defiance to that maxim of a celebrated ancient writer, which says, “*Improbos dum vitia quadam declinant in contraria incidere.*”*

In your late attempt at a military enterprize, you seem to have mistaken self-conceit for patriotism, and an ignorance of yourself for bravery. You ought to have recollected, sir, that negative knowledge is the offspring of vanity, and the forerunner of misfortune.—Notwithstanding your singular situation in this respect, it was not unforeseen. Your enemies no doubt were gratified—your friends, if any, mortified in anticipating the results of your undertaking. Your conduct, on this occasion, comprehends every thing a prudent, brave and honorable man should avoid.

*Hor.

After having astonished all, even your closest friends, by your temerity in going to New-Orleans, you have contributed to their mortification by verifying the predictions of your correspondent Castigator, “that you would run away when ever danger approached,” and farther by taking his advice in returning to your official station. These you have done at the expence of bravery and veracity, for you said you intended to stay and reconitre the enemy; fortunately neither can suffer by your examples.

The act of your return may lose much of its intended merit when the motives by which you have been influenced, are taken into view. Was it dictated by considerations of duty, and your oath of office; to get clear of the “volley of rockets, round and grape shot” which your fearful imagination made you conceive “whistled rund you in high style” or was it because you for once reflected, and conjectured rightly, that so soon as your letters published in the Natchez paper, should come to the knowledge of general Jackson he might have you arrested as a follower of the army† for improperly exposing its situation and his probable views? This you did in defiance of all rule of discretion, and in violation of a standing military general order ‡

There has a strange fatality attended all your honor’s late attempts at greatness. Conspicuousness seems to be your object, regardless of the means employed, or of the consequences. Acts whether proper or not, legal or illegal, appear equally to occupy your thinking faculties and to excite your restless disposition.

Your letters (or bulletins) alluded to, leave you but a disagreeable alternative, and one which very much puzzles your friends. Whether you were in the midst of danger—whether “rockets, grape and round shot whistled round you in high style” be true or false, your character must equally suffer, either on the score of discretion or veracity. For who except a man, *non compos mentes*, or insensible to every honorable and manly feeling, would stroll about a camp unnoticed—and thus expose himself when and where he had no command|| or authority Nor was there a possibility of reaping

† See Gen. Jacksons order of the 8th Feb. last.

‡ See Adj Gen Cusbings order on this subject, of the 25th November 1812.

|| See the judges own letter.

laurels for himself; aiding any individual, or rendering service to his country, until a general storm respect to the civilization you fill, gave you a place in his family with an opportunity (unfortunately for you) of retrieving your character from the imputation of cowardice! Such a person must be considered as acting under the influence of a disordered understanding, or going delirious with despair, from some cause or other. There have been instances where individual sacrifices gave a tone to the national character; but they have generally consisted of those, who lived as they died—examples of virtue, bravery and patriotism, the reverse of every qualification, your honor possesses.

You are charged specifically with the commission of sundry indecent, illegal public and official acts, which violate the constitution and laws of the country. Time place and manner pointed out—with reference to documents, records &c. &c. so that you could be at no loss, in joining issue as to law or fact. How have you attempted to defend or justify yourself? Not by argument; but by an insinuated denial—by abusing the person who exposes your importunities with as many others, as your jealous imagination could embrace—by blackguarding a printer in a style suited to yourself alone, and assailing him in his own door with brick-bats, because he is the mere mechanic, having no more agency with the writing of *Castigator*, than he would have in printing Euclid or the logarithms. Why all this fuss with the printer, when you know *Castigator*? Is it because you wish to divert public attention from considering the charges against you?

Had you the same power to impose on the public, abuse for argument, as you have to enforce the malevolence of your disposition for law, there would be no withstanding your conclusions. The one, however, happens to be the effect of reason operating on the senses while the other is the effect of wickedness acting on the person.

You then tell us that some others, with more leisure than yourself, may undertake your defence. I fancy, sir, there are none so insensible to their own interest and character, as to venture on the defence of your conduct. This you, no doubt, were aware of—hence you thought it expedient to hint its probability, and to prepare the people for your own publications under other signatures than George Foindexter.

Numerous productions of this kind have appeared. A combination of circumstances, as well as your style and manner, (as hard to misunderstand as your gate & physiognomy) point out to be their author. The most unblushing of these productions, is that lately published in the Natchez paper, over the signature of "Aristides." That you are the author of this shameless performance, calculated and intended to gull the people at home, and deceive the public abroad, there is direct and positive proof.* Such an exhibit of egotism compounded of vanity, falsehood and hypocrisy, has no precedent, and renders comment unnecessary.

I will only remark, that you attempt to satirize those who give themselves no concern about you, except regret for the station you fill and disgrace: and that you eulogize yourself, at the expence of decency, regardless of truth; seem to mistake vice for virtue, meanness for honor, and cowardice for bravery.

This miserable attempt to impose on the public, your own, for the opinions of others, proves at once that no acts are too groveling for you to perform, and which together with your timely flight from the battle ground at New-Orleans, have left you without an advocate; turned the sympathies of your very few adherents into resentment, and inspires contempt for yourself.

You have been in the habit, sir, of attempting the oblivion of your own errors, by reviving and exposing those of others, and professing to provide for the safety and quiet of the many, when you intend that of yourself alone. Your sentencing the printer to prison until he should give security not to print, for a given time, against the good citizens of the territory, when it was evident, to all, you designed to inhibit his printing against your rude, indecent and illegal conduct—exposing the capital offences of your friend *Col. Mead, to clear yourself of what was never charged against you—advising the attorney general to do an act bordering on criminality, because you, no doubt, thought him the responsible person, are conclusive on this point.

The last of the above items, may require the following ad-

* J. P. showed this piece to an officer of the army of the United States when in manuscript.

* Withholding a memorial of the House of Representatives to Congress when Speaker.

ditional statement:—Two of the young Callihams were indicted for a most violent and cruel assault and battery, on a Mr. ———. At last April term, one of them was tried, and convicted, when your honor presided. The evidence was, that among other violence used, they hung the man till (to use the witness's own expressions) he tasted death. At last court, the case being called against the other, you observed from the bench to the attorney general, that it was a trifling affair; he had as well enter a nolle prosequi, which was accordingly done; your honor having just before, on seeing old Calliham come into court, descended from the bench; carried him into a private apartment, and obtained his certificate, in your own hand writing, in a case then pending in court, wherein you were individually and judicially interested.

Left you should think any conclusions I might draw, from so barefaced a transaction, harsh, I only state the facts, and let the people draw their own conclusions. I do not expect, however, many will side with your honor, that to hang a man till he "tasted death" is a very "trifling affair". Nor do I suppose to speak in the abstract, that many will think any man capable of drawing such a conclusion, from an act of this kind, but one who himself deserves hanging.

It seems, sir, you have at last discovered that exclusive abuse will not pass with the people, for argument, nor divert public attention from your improprieties. Hence your piece signed, "A Friend of Justice," published in the Natchez paper of last week, addressed to yourself. Well may you err, when your information is derived from so corrupt a source. This, however, may deserve some little notice; though but a sceptical attempt to defend yourself of what has never constituted a charge against you. Your mutilated statement and the manner you have avoided meeting those parts of your sentence against the printer, charged to be illegal, is additional and self evident proof of your guilt.

That you had the power, which, in some instances, gives right to attach the printer or others, and punish them for a contempt has never been denied. But is that all you did?—No sir.—you bound him to answer a charge of libel at the succeeding term. —This you also had the right to do—but you had no right to bind him to good behaviour, in consequence of such supposed libel, much less to order that he

should not in the mean time, print &c. in any form. The two latter members of your sentence, particularly the last, were complained of as violating constitution and law, and as abridging the liberty of the press, and which I again repeat, neither law nor precedent authorized. This it was that the printer refused and was advised not to comply with—on which you remanded him to jail, (saying the whole of your sentence should be literally complied with,) where he remained several days and until released by Judge Simpson, on a habeas corpus, which you promise to treat of in your next: I therefore, omit any remarks on that point at present.

You then go on to state, that after the arrival of judge Simpson, you took no further part in the business. Is this true? or do you suppose that you can induce the whole bar, and a crowded audience, to disbelieve what they saw and heard? Did you not sit on the bench during the argument of the habeas corpus, indecently and rudely interrupt the gentlemen of the bar in their arguments, endeavoring to limit the bar in their arguments, endeavoring to limit the scope of debate, and finally advise one of them, sarcastically, he had better apply to Dr. Thornton for a copy right for his ingenuity? Yes sir—all this you did, and which is but a part of your bullying conduct on the bench.

In speaking of your heroism at New Orleans, you say, "I will, for the satisfaction of every candid man take this opportunity to state, that I am in possession of original letters from those who were personally constant of the simple occurrence which has been so grossly misrepresented," &c. insinuating they will acquit you of cowardice. You had as well undertake to prove that the decisive battle was not fought on the 8th of January. The one is as notorious as the other. Almost the whole troop (some of whom have now returned) saw you under full speed leaving the battle ground, soon after it commenced. This you have positively denied, and produced a certificate of a Mr. Hamilton, who saw you at Gen. Carrol's quarters some time after the battle was over. This is as true as that you run away. You had now run back from having your (supposed) wounds dressed, and was absent just as long as the battle lasted. Why go to the city for this purpose? We had as many physicians belonging to the army as there were men killed and wounded. If not suffici-

ent to attend all, its presumable a general's aid would have been speedily attended in preference.* Again we see the General Assembly of that place, have thanked the physicians of the city for their attendance at the battle ground; so that your preference for a "private physician" could have been accomplished without running six miles, in which time your wounds might have proved fatal. What do you call a "simple occurrence;" your running away or the wounds you received or both? Perhaps you are correct when the facility with which you can run and that your wounds were only the spattering of a negro's brains and a little brick dust on you, are taken into consideration.

The general opinion, sir, from all these circumstances, is that you did not run off on account of corporeal wounds received, but mental ones conceived. Your feelings must have been pitched rather beyond common tone. Mr. Burke, on the sublime, says, that imaginary or anticipated wounds, give more pain and alarm to some, than actual wounds do to others. These, I presume, are the kind of wounds your honor received, and accounts why the doctor could not discover them, as they healed in the exact ratio that you run out of the way of danger.

Your fate on this occasion, has not been singular or uncommon. It was that of cowards generally. They always come off worse than brave men. Had you not been so frightened as to start without your hat, and returned to the house, you would not have been knocked down and wounded with the negro boy's brains.

Had you possessed more prudence and bravery, and bestowed more attention to legal precedents and military tactics, and less to treatises on wounds and amputations, particularly that of Dr. Limbo, you might not have been now in Limbo Yourself. That his definition of wound, to wit: that "a wound ought to be a wound," should meet your disapprobation, is as natural as that you should run from danger, and suppose that you had received a wound when you had not. Why dont you obtain the "doctor's certificate, that you were not mistaken, and had been wounded secundum modo?"

You continue to complain of abuse. I appeal to the pub.

* Doctor of eminence being in the room where he supposed himself wounded.

lic, whether you are not a large creditor on this score, and who raised the first item in the page of abuse.

Let any one read your various publications in the Natchez paper, your editorial notes, your extras and hand bills. It will be seen that you have exhausted your knowledge of the English language, for terms of abuse to vilify, not only individuals, but a large portion of the citizens of the territory, including particularly those residing in the town and neighborhood of Washington.

You say in the first letter of Castigator you are called a blackguard and a liar. Such is not the fact. Read it again. Your conduct towards the petition and signers, is charged to be that of a blackguard, and you are called on to sustain your declaration, that the petition was a "rascally paper or production, and that none but d——d rascals would sign it," or acknowledge you lied.—Whether you were called a liar depended on your future conduct, and rested entirely with yourself. Time and events have determined against you; and you now stand convicted as such in that respect, as clearly as you have been in addressing the public and yourself under anonymous signatures, and denying that you run and acted the coward lately at New-Orleans. Perhaps you conceive for yourself, the right of abusing others *ad libitum* with impunity. Have not I the right to call you a liar when you call me a rascal; especially when I speak the truth and refer to your own acts for proof?

I have not as yet meddled with your private character. You seem not disposed to appreciate, but to abuse my forbearance—speak of your civic virtues, as though you thought them sufficient to smother your vicious public acts. I now warn you, sir, to desist. If you do not I shall feel myself authorized to join issue with you on that subject. This is a coast on which you must assuredly founder.

CASTIGATOR.

March 13th, 1815.

From the Mississippi Republican.

THE HONORABLE GEORGE PONDEXTER.

The low and virulent abuse which has been poured on this meritorious officer from the Washington Republican for the last five months, cannot, fail to have disgusted every modest and virtuous man in the community. A disinterested reader

might well suppose the columns of that newspaper, to be devoted almost exclusively to slander the judge; or to use the slang of the editor, to *break him down*. Under the plausible pretext of exposing to the world, what they term his public and illegal acts, the editor of the Washington Republican and and those who write for his paper, having indulged themselves in the very lowest species of personal invective, and in the fullness of their malignity, have lost sight of every object, but the gratification of personal hatred.—As one among the many, for whose benefit they profess to have written, I should be glad to entertain a different opinion from this, and to allow them at least the credit of being governed by pure motives. Their productions foreclose every idea of so charitable a belief for they do not contain in them a shadow of public spirit.

But Messrs. Editors, it is very far from my intention in this communication, to repel this unmerited abuse, or even to find fault with the authors. Every man who undertakes or volunteers to write for money or fame, must be expected to write in his own way, and to act up to his education. If Judge Poindexter has, indeed, attacked the liberty of the press—if he has violated the constitution and laws of his country, in the proceedings against the printer, (Marschalk) as has been alledged and published, then he deserves the censure of every good man, and might be entitled to receive the reprobation of the basest and the meanest of mankind, in common with the editor of the Washington Republican.

My purpose in this communication is to examine whether the proceedings of Judge Poindexter in the case of Andrew Marschalk, were lawful or not, and whether the punishment inflicted on him was warranted by law, and was such as the nature of the offence and the occasion called for. To determine these points, it will be necessary to state the case as it actually occurred, and not as it has been rumored, or written in the Washington Republican; for if my information be correct, and it was received from several gentlemen who were present during the progress of the whole business, it has been totally misrepresented in that paper. The circumstances were concisely these. On the third day of the last Adams superior court, in which judge Poindexter was then sitting alone, the editor of the Washington Republican, whose print-

ing office is within the verge of the court, issued his paper in the morning, and shortly after the opening of the court, the boy who carries the paper about town, came down to the court house, and distributed a number of them in the court yard, and the gallery of the court house. It is said they were delivered to every person willing to accept one. This paper contained a publication, calculated, and evidently designed, to bring the presiding judge, who alone composed the court, into contempt. It was addressed to him in his official character. In this publication he was denounced a blackguard, a liar and a disgrace to his station.* The effect of such an address at such a time was inevitable. The public tranquility was actually disturbed. Suitors, jurymen and witnesses who were accustomed to look up to the court with respect and attention, had put into their hands printed slanders against the presiding judge, calculated to make him appear in the most odious light. It was absolutely necessary in order to preserve the dignity of the court, and respect for its authority, that the most summary proceeding known to the law should be enforced against the author of the mischief.

*The cause of this inflammatory address was certain expressions used by Judge Poindexter to a Mr. Rees, in speaking of a memorial to Congress then in circulation, praying a compromise of British claims in this Territory. In his first account of the conversation, Mr. Rees represents the Judge to have denounced the subscribers to the memorial in mass, and without any exception, as rascals. Mr. Rees and others who were present have however since explained the fact, and it seems now that Judge P's remarks on this subject were exclusively confined to a part of the memorial, which he conceived to be a dark insinuation against himself, and to those persons who signed it knowingly and willfully, to injure his reputation at the seat of the general government.

†The following extracts from the works of a law writer of the first celebrity, will serve to illustrate the correctness of the proceedings of the court in this case.

• To this head of summary proceedings may also be properly referred the superior courts of justice of punishing contempts by attachment.
• The contempts that are thus punished, are either *direct*, which openly insult or resist the powers of the courts, or the persons of those judges who preside there? or else are *consequential*, which (without such gross offence or direct opposition) plainly tend to create an universal disregard of their authority. After noticing the principal instances of contempts, the writer proceeds.—Some of these contempts may arise in the face of the court, as by rude and contumelious behaviour, by obstinacy, perverseness or prevarication; by breach of the peace or any wilful disturbance whatever; others in the absence of the party; as by speaking or writing

On the succeeding day, the attorney general moved that the printer Andrew Marschalk be laid under a rule to shew cause why attachment for a contempt should not issue against him. A copy of this rule was served on him by the sheriff, and he appeared in court immediately. He was heard in his defence by two counsel, who argued against the rule, and after a full hearing the rule was made absolute; or in other words, it was ordered that an attachment should issue—but the defendant being in court, according to the practice in such cases, the attorney general proposed that he would file interrogatories forthwith which the defendant might answer in discharge of the contempt. To this the defendant promptly and positively stated, that he would not answer any interrogatories. The court then adjudged that he should pay a fine of twenty dollars, be imprisoned twenty-four hours and stand committed until the fine and costs were paid; that he should give security for his appearance at the next term, to answer a charge of libel, and that in the mean time, he would keep the peace, and be of good behaviour, and not print in his newspaper or in any other form, any *defamatory, false scandalous* or libelous matter concerning the good citizens of this Territory. On the expiration of his term of imprisonment, he was brought into court on his discharge, when he peremptorily refused to enter into recognizance to be of good behaviour. He was consequently remanded to jail, for want of such security; whereupon he said to the court, "I thank your honor, I have paid the fine, I meant a contempt."

Such was the conduct of the printer towards the court, and such the proceedings of the court towards the printer, until the arrival of Judge Simpson. From that moment Judge Poindexter declined giving any further judicial opinion on the subject.

'contemptuously of the court or judges acting in their judicial capacity; and by any thing in short that demonstrates a gross want of that regard and respect, which, when once courts of justice are deprived of their authority is entirely lost among the people.'

'The process of attachment for these and the like contempts must necessarily be as ancient as the laws themselves. For laws without a competent authority to secure their administration from disobedience and contempt would be vain and nugatory. A power therefore in the supreme courts of justice to suppress such contempts by an immediate attachment of the offender, results from the first principles of judicial establishments, and must be an inseparable attendant upon every superior tribunal.'

From this statement of facts, and, it is substantially correct, is there any man that respects order and good government, who can pretend to justify such conduct in Mr. Marschalk, or who will hesitate in believing that he willfully committed a contempt of court, and from the whole tenor of his conduct, that he merited more severe punishment than he received. So open and violent an effort to derange the course of judicial proceedings has never been witnessed in this country. On this point indeed there appears to be but one opinion. That the defendant was guilty of the most flagrant contempt. He need not have so declared to the court. It was manifest. The assailants of the Judge with a perfect knowledge of all these facts have cautiously avoided saying a word concerning the unlawful and contumelious behaviour of their printer.

To make out a case suited to their purpose, it was necessary to pass over the contempt, and to represent to the public that Judge Poindexter had sentenced to punishment, an innocent and unoffending citizen.

I shall notice the proceedings on the habeas corpus in a subsequent address.

A FRIEND TO JUSTICE.

Note—*This letter, should have preceded the foregoing letter.*

FOR THE MISSISSIPPI REPUBLICAN.

Happening to look over the Washington Republican of February 8th, 1815, which I had not seen until about the 1st of March inst. I cast my eye on a letter, or epistle, directed "to the honorable George Poindexter," with the signature of his old enemy, *Castigator* annexed. Passing by the usual malevolence contained in the piece as being nothing new, or unexpected, came to the comment on the conduct of the grand jury of Wilkinson county, who are charged with the disgraceful offence of presenting an address to the judge. The palpable falsities and base misrepresentations ascribed to that transaction, and with which the comment abounds, is sufficient to rouse the indignation of any person whatsoever possessing the most common regard for truth or decency, who may know any circumstance concerning that transaction.— That *Castigator* should assert with the most positive and dogmatical boldness, that he is "completely informed of all the circumstances of that presentment," in consequence of which

he pronounces it "one of the most base transactions the human mind is capable of performing," that "perjury and subordination would loose much by a comparrison with it," is truly astonishing, and is a melancholy proof of the low degradation, and sink of corruption. into which human nature is capable of descending!

In order, therefore, to undeceive the public and for the better information of Castigator, also, in defence of the good intentions of the honest citizens who composed that grand jury, and for the purpose of placing the circumstances attendant thereon in a conspicuous point of view, the writer of this acknowledges himself to be *that* of the address before alluded to; but was neither the author nor director of the same; but simply selected by the jury, in general, to exhibit to public view the latent and genuine sentiments of that honest body.

The malevolent persecution to which the judge was subject, while discharging the duties of his office, could not fail to attract the sympathy of the jury, who resolved to let it be seen that their minds were not to be prejudiced by the slanderous aspersions of base characters, they, accordingly concluded to present him with an address, as a testimony of their disapprobation of those calumnies which he had constantly to sustain. This resolution originated entirely with their own body, without the knowledge of the judge or any officer of the court who could be in no expectation of any such thing one moment before his presentment to the bench.

This is a true statement of facts which every member who composed that grand jury can testify on their oaths, if required, and who are still alive and in being in the county, and willing to assert their rights and support their dignity, as a body, in the face of day.

"They were the dupes of men who are not what they should be—whose official situations were imposing and authoritative. I presume they are honest upright men with just sense enough to do wrong without intention, and to sin without guilt."

**Here it is evident there are two distinct sentences; the first pronoun plural refers unequivocally to the grand jury:—the second leaves the mind in suspense to know whether Castigator means those men "who are not what they should be," or "this harmless grand jury." If according to the rules of grammar, we look for the antecedent to which the pronoun refers in the preceding sentence, he must mean the former, which would be a contradiction in terms, and a palpable absurdity.*

Who Castigator can mean by these inuendoes, to wit those men who are not what they should be, is unknown to the writer; but whoever they may be, they are basely wronged, and the informant of Castigator, be him whomsoever he may, if he has delivered his information as being from his own knowledge, has been guilty of a base and notorious falsity which can be proved as heretofore mentioned.

"It was not enough, it seems, to answer your purpose that this harmless grand jury should declare on oath respecting things not cognizable by them, and upon which they were uninformed."

Here Castigator appears to know as little, about what is cognizable by a grand jury as he does about the facts he pretends to state relative to the presentment itself. Now for his better information, I shall take the liberty of stating that not only all crimes misdemeanors and nuisances are probably cognizable by a by a grand jury, as public censors; but that he (Castigator) himself is a nuisance in society and a common disturber of its peace; but he takes particular care to screen himself from this ignominy which he well knows he merits, by studiously concealing his name, under which disguise he can assassinate his victim with impunity.

But Castigator and his adherents appear to be no way apprehensive of the real honor they are doing the judge by their indefatigable and incessant persecutions.—As it is natural and inherent in the human mind to sympathize with the abused and persecuted, so in the present instance it is well known to many, as well as the writer of this, that many who were previously opposed to Judge Poindexter have become his unshaken friends. The unexampled malignity with which he has been pursued has led to an enquiry into the authenticity of those charges, and the major part of them being found to be malicious and without foundation, and the remainder trivial and unsupported, except by the assertions of Castigator, &c. the whole has been condemned by all accurate observers, and deemed unworthy of notice by all men of penetration and discernment who can divest themselves of prejudice.

"But they must be made to swear that the charges of facts
dity:—If he means the latter, he ought to go to school, and get better acquainted with his grammar.

I have not made this ambiguous blunder, but found it.

you have notoriously committed (whether criminal or not) are &c. * * * * * The apparent opinion of twelve or fifteen obscure individuals thus obtained from the principal scene of your wickedness, you attempt to impose on the community for public sentiment."

If Mr. Castigator's informant had given him correct information, he would perhaps, be of a different opinion, respecting this grand jury, whether he would be honest enough to acknowledge it or not. True, the greater number of them were so unfortunate as to have missed a liberal education, but they were men of character, probity and respectability, possessing a strength of mind sufficient to guide them in the paths of rectitude, as far as their official duty required. They were not so simple as Castigator would wish to make them appear, neither were they so obsequious as to be "made to swear," if so base an overture had been made. But they had sagacity enough to discover the malignant rancour of Castigator, and independence enough to despise his malignant assertions.

As to the writer of the foregoing, he is neither the friend or enemy of Judge Poindexter; neither does he come before the public as the champion or defender of the judge's character; it is presumed he is sufficiently able to defend his own without an auxiliary. No intimacy of friendship, or cause of enmity ever existed between him (the writer) and the judge notwithstanding a common place acquaintance of nearly ten years, neither is the writer influenced by any motive whatsoever for bringing this statement of facts before the public, but the detection of falsehood, calumny and misrepresentation; and which he would have passed by as unworthy of notice were it not that he himself is measurably concerned.

As it may further relate to Castigator, I know him not, neither do I wish to provoke or solicit the remotest acquaintance with one of his character. But as one so hackneyed in calumny, and malignant abuse, may be expected to reply, he may know that I fear his abilities as little as I love their prostitution.

He has not subscribed his name, neither shall I mine; but were he to dare to do it, he may know, that, although, never yet engaged in a paper war, I am not afraid to enter the lists with him: his cause is bad and I despair not of success in

the opinion of an impartial public.—But as this "age of chivalry is past," and gone forever, I am not so much of a Quixote as to encounter a knight errant masked in a visor.

ANTI-CASTIGATOR.

Woodville, March 3d, 1815.

LETTER XIV.

TO THE HONORABLE GEORGE POINDEXTER,
alias ANTI CASTIGATOR.

In addressing the public, the *matter* and not the *person* demands attention. I have, therefore, addressed you as a *public* character, and only *investigated* your *public* conduct.

Your piece published in the Natchez paper of last week, I have perused & now condescend to bestow on it some remarks.

I presume my right to address you as the mediate or immediate, author of this bungling performance, will not be denied; since your shameless, production, signed *Aristides*,* and your definition of what constitutes an author or (as you would say) writer of the first. As an extreme hypothesis can alone scan the degree of mental debasement necessary to its execution; I may properly attribute to you the last, now to be considered.

To dwell much on its demerits, might, as usual, be considered, by you as abuse—For you seem not to understand and know acts and things by appropriate terms, and their proper names. Perhaps a new vocabulary of our language is necessary to describe (without incurring your displeasure) your illegal and disgraceful acts. To call a killing with malice prepence *murder*—*falsehood lying*—a violation of constitution and law *illegal*, seem unintelligible to you.

The only important truth that this performance acknowledges, is, that you have but little acquaintance with yourself. This is, no doubt, correct. Thus the guilt attached to your act, and the falsehoods which this, and your numerous productions, contain, may be of the negative kind; but which, I presume, the *quo animo* will supply.

To do you justice, sir, I will not charge you as being the sole author of Mr. Anti Castigator. The same *little* and *ostentatious*

*You could not have assumed a *name* more inapplicable to *your's*, and less characteristic of your conduct; unless you mean that *he* was banished for his *virtues* and that *you* may be for your *vices*.

cially *big amanuensis* to whom I alluded as acting a conspicuous part in the grand jury presentment of Wilkinon county, I believe acted the same part in *Anti Castigator*, yet agreeable to your logic, you and not himself, may be the author of this performance; for you acknowledge he wrote that presentment. The same terms are used in both cases, for the same purpose. This is a kind of quibble characteristic of yourselves, and worthy the conduct you attempt to defend—that he is the writer of both, yet not the author. Agreeable to the common usage of our language, writer and author are used synonymously. Independent of your declarations, that such were the facts, which discloses nothing new, we see that littleness of mind exhibited, by a scholastic aping, in preference to displaying a knowledge of the subject, as is usually the case with half strains mere abecedarians, with a *hic, hac, hoc*, education. Such men never fail to consider themselves epicurians in literature.

A strange fatality seems to attend the conduct and actions of some men. While power prompts their vanity to look for triumph and to suppose they can check an exposure of their dishonorable and illegal acts, disgrace awaits them. This is a dilemma in which you and your *little* coadjutor are generally and alternately involved.

Your first attack on one of the principal constitutional rights of the people—that of petitioning the constituted authorities—and your subsequent judicial conduct, to prevent an exposure thereof, have been so fully exhibited, as to render a remuneration unnecessary, and might have deterred you from further attempts of the kind, or an evasion of the charges against you; but conviction is not always the result of argument. If you were not guilty, the alternative left you was an easy one—silence, or a justification of conduct: Not abuse almost every body, insult and assault individuals, and then cry out that you *yourself* are abused and persecuted. Some men consider it a point of honor not to be disabused and had rather commit a thousand errors than acknowledge one—while the language they apply to others is strictly applicable to themselves, though descriptive of the same acts.

You strive to rouse the resentment of the grand jury against me by saying I abused them. It is not so. I only exposed an innocent act on their part, to manifest your wickedness, wherein you were guilty of what you charged me with.

To force your conclusion, you hypothetically construe my language; pronounce it ingramatical upon your hypothesis, to answer your own purposes.† I never insinuated mental error in that jury. I only commented on their presentment, by way of exhibiting the various and vicious means you adopt to impose on the public;—as I also did your address dictated by yourself to yourself, in the same county, which your own hand writing will prove, and which is now at the command of *Castigator*.

Why do not you or your *little* friend give us some account of that also? It is, no doubt, equally solvable. The fact is, I admitted this jury were all you state them to be—honest upright men—too much so not to be incredulous to the duplicity practised upon them.

You say “*Castigator* appears to know as little about what is cognizable by a grand jury, as he does about the facts he pretends to state relative to the presentment itself.” If he is not more so, he has not err’d, either as to law or fact. Here your reservation authorises me to pronounce you more knowing than ignorant of the law on this subject: Nor am I corrected by your opinion of the law. I again repeat that they had no cognizance of facts beyond the limits of their county.—The acts which they pretended to present took place in Adams county, of which they had no more cognizance than if committed in the state of Virginia.—And on the latter of which a prosecution could be with as much legal propriety commenced. Perhaps as your *honor* has assumed new and extensive jurisdiction, especially when you are concerned, you intended they should present your negative virtues in Wilkinon, as a set off to your positive vices in Adams.

The province of a grand jury, I have always understood to belong to the criminal side of the laws and such is your own definition of their powers. To present all offences within the bounds of their county, or district, whether *malum prohibitum* or *malum in se*. Deny this to be law if you dare.

You state. I charged this grand jury with “declaring on oath, respecting things upon which they were uninformed.” I did;—and renew the charge. And now state as I then did,

† Were it necessary to our purposes to criticise your productions; those of *Aristides* and *Anti-Castigator* would baffle that art: They are below criticism. Knox and Blair could not do justice to themselves and sustain the original. Let any one read your “*whatsoevers*” and “*most common regard*”.

that I believed it honestly done, as respected themselves. Charity and my knowledge of many of them, authorized the conclusion. The distance from them, and recency of the transactions alluded to by Castigator, and a partial relation thereof, emanating from the party himself accused, did not constitute that kind of evidence; which the law requires them to act on. Why not this grand jury make their own expose and defence, if they conceive themselves attacked? I presume they are as capable of stating the truth, as you are of asserting the reverse. We will believe them but not you. The fact is, gentlemen, after wickedly sinning for yourselves, you wished to make others innocently sin with you. You say every man of this jury will swear to your statement. I deny it: and dare you to make the attempt. You are on the affirmative side, it behoves you to do so; but if they were, it would not impeach my statement, that they were imposed on, and acted on your denial of the facts I charged you with having committed.

To put you at ease respecting my opinion of this jury, I will take the liberty of stating, that my allusions to their errors, were for yourselves and not for them. Such was my language, which men less guilty and better critics than you are, will understand to be the case. I am personally acquainted with many of this jury: believe them to be honest virtuous and patriotic—that they would not countenance an infringement of their rights; infractions of decorum and law, by any authority, much less eulogise the violators of them all. Had they been informed of, and believed the facts as they really existed, to wit: that you abused your judicial authority to imprison a man for a private quarrel in the streets; committed him to jail for a contempt; assaulted and pursued him with brick bats while in the custody of the officer, on his way to jail; abused the right of the people to petition Congress, on a most important subject (which that body has acted on, considering it decent and proper)—but which you pronounced a rascally production; that all who would sign such a paper were d—d rascals, being at that time signed by many of the most respectable and intelligent citizens;—throwing the petition contemptuously on the floor, instead of returning it to the gentleman from whom you had intrusively taken it;—held a respectable citizen and a justice of the quo-

rum under an attachment eight or ten days for telling your rudeness, and admitting them to be published, and because he would not contradict himself; imprisoning a printer for refusing to enter into an unlawful recognizance, for four or five days, and until released by judge Simpson on a *habeas corpus*; causing a *presentment* of a grand jury *against yourself* for an assault to be withdrawn; directing a prosecution for a most outrageous assault and battery to be dismissed under the most glaringly suspicious circumstances, as respects the integrity of a judge.

These, sir, are the facts with which you stood charged, and had committed in the face of day, and to the observation of many, at the time this presentment was made—any of which, I venture to say, if known to that body, would have incurred their unanimous disapprobation instead of applause. If not, I confess my opinion of them would alter and be very different from what it was, and now is. All these charges, I must solemnly aver can be judicially established and ripened into facts in a court of justice.

Now, sir, in defiance of all these acts, with many similarly unlawful dishonorable and mean, which you have since committed, together with your disgrace at New Orleans, the falsehoods you have told respecting it, you are still vain enough to suppose that your popularity has risen to a pitch heretofore unknown, and silly enough to assert that the writings of Castigator have contributed thereto. Go on, then, in the felicity of your errors, and enjoy your folly; Pursue your route to popularity and respectability—I believe no one will envy your situation for double your salary. I fancy, also, you will have no competitor on this road—no one ever traveled it before you for the same purposes, nor do I suppose any other ever will. But be in a hurry, the track may get blind, as you follow it alone—you may lose your way, and be brought to your destination unexpectedly notwithstanding your great speed. You, however, may have the honor of fixing your own example.

You say the writings of Castigator gain you friends; increase your popularity, standing and respectability in society. If so why fret at them, and how is it, that he consequently becomes a nuisance and common disturber of the peace, unless you mean that acts rendering you popular, might be a nui-

fance and a breach of the peace? This, I shall not contend might not be the case; or at least offensive to virtue.

But query, sir, are you not deceiving yourself by attempting to deceive others?—Perhaps you think by writing under so many signatures in favor of yourself, the public will suppose many have taken a part with you. You ought to reflect, that your vanity and imprudence in letting yourself be known as the author of one of these exhibits of imposition, have overset your plans, and may blast your flattering expectations. Agreeable to your own logic, we have a right to impure you the authentic author of them all. For you have stated what you *say* you *suppose* to be a falshood in the writings of Castigator, and then tell us the balance must be also false.

Speaking of your acquaintance and friendship with judge Poindexter, you say you are not one thing or the other. You are therefore, nothing. This, I presume, is the fact, and the most apt description of yourself—you also say you are not the defender of the judge's character—that he is able to defend himself. Why don't he do it then?—He knows Castigator or he lies. This might answer all purposes, and yours into the bargain, especially as you seem not to wish an acquaintance with him, since the "age of chivalry is past" this is a mean subterfuge, worthy of "a knight errant masked in a visor," and no doubt more consoling to you than satisfactory to the judge, who is fond of having others between himself and danger.

You state that many sympathise for the judge. I believe it. So do I. His official situation involves our own honor and effects the character of the country, though it may not either that of George Poindexter or yourself. Again I admit such to be the coinage of the human mind, that it will sympathise for the greatest villain after he is brought to justice at the same time it will submit, consent to, and see him executed. You say the public have enquired and found the major part of what you are charged with false, and the remainder trivial. I suppose you call "hanging a man until he tastes death" *trivial*. Go on with your prosecutions against the printer, and the charge Castigator has made shall be established.

Castigator has made several attempts to take his leave of

your honor, and close this correspondence; but you still force him to continue against his will, for the purpose, I presume, (as you seem to think) of gaining you friends and increasing your popularity. A mistaken and consoling reflection—For no man ever needed both more, and merited either less. As Castigator is not inclined to aid your pretensions in this respect, he will now take his final leave of your honor, unless you enter on the merits of the charges brought against you—He has sufficiently exposed to the public your improprieties—knows you are viewed with contempt, and will no longer notice your quibbling evasive publications. Should your honor hear from him again, it will, probably, be at the bar of justice, where you will have to suffer for your sins, and not sport with the rights and liberties of the people.

April 4, 1814.

CASTIGATOR.

THE FOLLOWING CORRESPONDENCE REQUIRES NO COMMENT.

Washington, April 10, 1815.

SIR—As the ends of public justice would be better promoted by the punishment of the authors of certain libellous publications which have appeared in your paper respecting the honorable George Poindexter, than by the punishment of the printer, through whose press they were introduced to public notice, although the publisher is in the eye of the law equally guilty with the writer of these libels; I am instructed to say to you that if you will forthwith furnish me with the name of the author or authors of certain anonymous publications which have issued from your press signed "Castigator," "Photo Castigator," and "A Suiter," they, and not yourself will be prosecuted for said libels.

(Signed)

W. B. SHIFLDS, Att'y. Genl.

Andrew Marschalk, printer of the Washington Republican.

ANSWER.

TOWN OF WASHINGTON, 11th April, 1815—Afternoon.

SIR—On the night of the 10th instant, about eleven o'clock, I had the honor of receiving your letter, with a wet seal by the hands of Cap. Morrow, post master of this place.

Justice to myself, and the community of which I am a member, must be my apology for declining "*forthwith*" to comply with your request, made, you say, for the "ends of

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public justice." But after twenty-four hours reflection, I am still extremely at a loss how to reply to one occupying your station, and who has made such a demand upon my honor. Your desire to come at the writers of the pieces to which you allude, is not so exceptionable to honorable sensations, as the means you have proffered to effect the seducement. Were I even sensible of having offended against good character, order and government, the offer of your clemency to screen such vices from the just operations of the law, could only be received as attempts upon reputation, in their nature and origin base and insulting!—The offences with which I am charged are public offences.—The atonement is due to the public; yet you as the minister of that very public, propose, by way of seducement, to shelter me from the penalties of the law to come at some private person unknown to law and of course to your official duty.—Were others concerned in the commission of these offences, it is your business, I presume, as public prosecutor, fairly and impartially to bring all to the test of the laws, and see that they are punished, and not barter away your authority and the public interests for ends no ways connected with public justice. As to the character of libelous, which you have been pleased to affix with the sanction of your name and station, I presume, sir, a jury of my country is only competent to ascertain that fact.

Even were the writers required under your official signature, given to you as citizens of Louisiana, how would the "ends of justice" be complied with by your honor? The publisher would then be clear by the operation of your seduction, and the writer by his distance from your justice and power. The truth in your hands for the public good, would be exhausted in the price you would pay for private and individual gratification. That so far as you evidently wished to tamper with my honor, pardon me, sir, I SCORN YOUR PROFFER.

But the question is not between your duty and my honor. You tell me you are instructed to make the precious pledge, that I shall not be prosecuted. INSTRUCTED! Gracious God! & have we come to this end at last? Instructed! Where? When? By whom? Who is your superior in cases of prosecution for inroads upon the order & dignity of this territory? Are you dealing for private ends through official means? Is the authority of the territory made subservient to private instructions?

Yes sir, to accede to your generosity would be a silent acknowledgement of my guilt; and I assure you I am not conscious of having done an injustice to any one through the medium of my press. As a public printer in a free land, after the insults and injuries which I have received, I will now see whether the press is to be made liable to previous restraints upon publications. I wish too to see how far truth and falsehood respects the offences of libel. I will not be seduced into your accommodations.

Farther, sir, as I am resolved that attacks upon my reputation and rights shall never be studiously hidden, I shall give your letter and this reply to the public in my paper of tomorrow.

ANDREW MARSCHALK.

W. B. Shields, esq. attorney general M. T. west of Pearl River.

An abridged Report of the Trial of An-
drew Marschalk, esq. on a charge for a
libel on the *honorable* George Poindexter.

~~~~~  
BY A MEMBER OF THE BAR.  
~~~~~

TO THE PUBLIC.

AN apology is perhaps necessary for the manner in which the report of this trial appears. It is true that it was promised to the public at large—But it was found that the expenses of publication could not be defrayed by the sale. It was therefore determined to abridge as much as possible the formal and unnecessary matter which ever envelopes a trial in our courts of justice.

The charge of the judge unfortunately is not inserted. It was not taken down at the time under the assurance that it should be delivered after correction, to the publisher—But the distance which judge Leake, (who presided on the trial) lives from this place prevented me from presenting him the manuscript to review, and procuring of him his charge to the jury.

THE REPORTER.

Washington, May 29th 1815.

REPORT, &c.

MISSISSIPPI TERRITORY, }
ADAMS COUNTY, ss } APRIL TERM, 1815.

The Territory vs. Andrew Marschalk.

The defendant was indicted for a libel. The indictment in the usual form, & the words charged as libellous are as follows:

"This short letter, however, is only intended for a recent and existing occasion, which caps the climax of your knavery, and shews the contemptible opinion you entertain for the discernment of the people."

"Your honor professes to be a great stickler for public opinion. Run home then. Do not disgrace the military character of the nation, as you have its judicial. All, for once, will applaud your prudence; none will miss your bravery, though many experience your knavery."

To this indictment the defendant (by his counsel Reed and Rankin,) pleaded not guilty—[Judge Poindexter at this instant called out from the bench, "let him plead himself;" on which the defendant repeated the plea of not guilty]—and was bound in a recognizance to appear on a subsequent day of the term.

On Friday the 21st of the month the attorney general called up the prosecution.—Present Judge Leake on the bench, and Judge Poindexter in the bar.

It was agreed that any objections by either party should be made to the jurors as they were called to the book to be qualified.

Joel Pate, called as a juror, was objected to by the defendant on the ground of prejudice. On the usual question being put, whether he had formed and expressed an opinion in the present case—answered, that he had formed and expressed an opinion, that the publications alluded to were scurrilous, and that the printer ought to be punished. Ordered by the court to be sworn as a juror.

Mr. Stout being called, was objected to on the part of the prosecutor, on the ground that he was summoned as a witness by the defendant. Set aside by the court.

Mr. R. Moore being called and objected to by the prosecu-

tor, on the score of prejudice; on answering the usual question, said he had long since formed unfavourable opinions of Judge Poindexter; but had never formed or expressed any opinion on the present occasion. Set aside by the court.

Here the court directed Mr. Pate, the juror sworn, to be set aside until it could be seen whether a jury could be made up without him.

Mr. Swayze being called and interrogated, said that he had not formed or expressed any opinion whatever on the occasion. The attorney general asked whether he was not too unwell, and whether he was willing to serve on the jury.—Mr. Swayze said he was not very well, but not so unwell as to form an excuse. He said it was not with him agreeable to serve on a jury at any time; nor could he say that he was more willing or less willing to serve on this than any other jury.

Per curiam set him aside. A jury being impannelled, the attorney general opened the prosecution, and read from several authorities the law respecting libels, from Tucker's Bla. p. 149—Hawk. p. 352, 4. Digest of Miss. Stat. 324.

Mr. Leake opened the defence by stating, that this was an important case, and one in which the rights and liberties of the people were deeply involved; certainly so far as the liberties of the press was concerned, and constituted one of our greatest constitutional rights.

He said the principal ground of defence relied on, in the present prosecution was, the legal and constitutional right which every citizen had to invent, freely and firmly all public measures, and the course of public and official characters; that too through the press, that great palladium of our independence, our rights and privileges.

In the present instance this right, he said, had been exercised in an able investigation of the conduct of the highest officers of the government on great and important public measures, involving also the right of the people to publication their constituted authorities. That being the case the publication in itself was not libellous. That the intention of writing and publishing was necessary to constitute a libel; as much so, as in any other criminal act. If, therefore, the object of the writer and publisher was to investigate and expose, for the information of the people, a public measure, and the conduct of a public character fairly, no libel can or ought to

be infered; although some of the terms used and strictures made might be sarcastic or severe. This he said was the law, even in England where the truth was no justification, and could only go in mitigation of damages. The law he said was very different in this country. Under our benign laws the defendant is allowed to give the truth of the matter charged as libellous in evidence. This I am bold to say we are ready to do, in a variety of instances; although not relied upon, as I have before stated, as our principal ground of defence.

The attorney general asked whether the publication was admitted. The defendant's counsel said it was.

A rule for introducing testimony was then agreed on; that the counsel should state what they expected to prove by each witness, previously to his being sworn.

A Mr. Moore was sworn, whose testimony not being thought material on either side, was not noticed.

Colonel Robert Butler introduced to the second charge in the indictment in the following words: "*Run home then, do not disgrace the military character of the nation, as you have its judicial; none will miss your bravery, though many experience your knavery.*"

The prosecutor (J. P.) objected to this witness, upon the ground that there was no innuendo as to cowardice.

In the charge of disgracing the judicial character of the nation, there was an innuendo to shew that the words "do not disgrace the military character of the nation as you have its judicial," meant that Judge Poindexter had disgraced the judicial character of the nation. So there was likewise an innuendo to shew that the words "though many experience your knavery," meant that Judge Poindexter was a knave.

Mr. Reed said that the truth of the words charged in the indictment to be libellous, he intended to prove by this witness, and it under the singular circumstances that Judge Poindexter went to, and remained at Orleans, he acted the coward, it certainly tended to disgrace the judicial character of the nation, as well as his own situation.

Per curiam. Upon a charge of one thing, you cannot give in evidence another. You must confine yourself to the matter before the court. It is the opinion of the court that you cannot on a particular and specific charge give in evidence the general character. You can only give the truth