

and present situation, in regard to one of the Judges of our General court, and expressive of wishes, that the office of the late deceased Judge Davis, should be supplied by a gentleman of legal talents and eminence, who had practiced in some of the superior courts of the United States, and "who was not allied to the Territory by connections or property," with an earnest solicitation that the Grand Jury should return the presentment in that manner—the Grand Jury, not believing with the attorney, that it was *indispensably necessary*, or in fact *proper* to request the appointment's being made to a gentleman not resident in our territory, of whatever standing he might be; but on the contrary, knowing and believing, that there were characters in our Territory who were sufficiently learned and every otherwise qualified to fill the office of Judge, and wishing (as I believe every other citizen and well-wisher of the Territory does) that a citizen of Indiana should be appointed to the office, the Jury, notwithstanding the threats of the attorney, that the presentment is found in any other manner than as he had drawn it up, would never be bound without the court-walls, after erasing that part of it which requested the General Government to make the appointment to a non-resident, returned the presentment to court, with a request to forward on a copy, signed by the presiding Justice, to the President of the United States. The presentment was noted on the minutes of the court, as you will see by the annexed letters which passed between Genl. W. Johnston Esqr. (A) an attorney at the bar, and Robert Buntin, Esqr. (B) the clerk. But what became of it afterwards? there lies the *Farce* and *Tragedy* and the *butchery* committed on the Constitutional and inherent prerogative of the Grand Jury!!!

for the sake of justice, I would fain not name it! I would not let it be told in Gath nor published in the streets of Askelon, lest the votaries of law and good order should mourn in sack-cloth and ashes, and those of anarchy and confusion rejoice!!! But as I have put my hand to the plough, I must not look back. From the most correct information I have been able to collect, I believe the presentment slept one night in the archives of the court!! (what sum the attorney may charge the county for *this one night's lodging* of the presentment, I can't now tell, but if peradventure I should ever hereafter find out, I'll then let you know) the next day the attorney, in a *hook-em-sneaky* of a manner, in the absence of the clerk, took the presentment out of the files, the day after, Mr. Johnston called upon the clerk, in open court, for a copy of the presentment—the clerk called upon Mr. Hurst the attorney for it—and Hurst, forsooth, claimed the protection of the court, laying the presiding Justice or the court gave him liberty to withdraw it!! that he had done so, and would keep it (*in terrorum* or by way of example I suppose!!) it was even observed, at the time of the application by Mr. Johnston, by the attorney, and another gentleman who sometimes represents the attorney general, and the presiding Justice, that "the prosecuting attorney could enter *nolo prosequi*'s and withdraw from court any and every indictment or presentment of a Grand Jury, whenever he pleased." All omnipotent no doubt!! And grand jury's are of no use, nothing but a machine to answer the views of a prosecuting attorney!!! Was I a "limb of the law," I would cite to you authorities describing the province of grand juries, and the legal powers of a court of justice over their presentments. Not being such, I hope I stand excused, but should the attorney or the court, or even one of my fellow grand jurors request a legal deftartion on the subject, I will call in aid!!!!

One of the Grand Jury.

(A.)

Vincennes, Dec. 7, 1807.

ROBERT BUNTIN, Esqr. Clerk, c. c. p. k. c.

SIR.

I have been informed by some of the last grand jury of this county, which information I see verified by the records of your court, that they found a presentment of the former and present situation of this territory, in relation to one of the judges of our general court, and their acts and wishes upon the appointment of a successor to Judge Davis, with a request by them, that the presentment should be sent on to the general government. Being a citizen of the territory, subject to

its laws and liable to its tributes, and notwithstanding the province of a grand jury to be completely disgraced by the court. Who, if they have not neglected their duty, have (I fear) contemptuously disregarded the request of so respectable a body as the grand inquest—I now call upon you for a copy attested in due form, of the presentment above alluded to.—Your fees I'll account to you for.

I am, sir,

Yours obediently.
Genl. W. Johnston.

(B.)

Vincennes, Dec. 7, 1807.

GENL. W. JOHNSTON, Esqr.

SIR,

It is out of my power to furnish you with a copy of the presentment mentioned in your note of this day. That presentment was delivered to me by the grand jury, accompanied by another on Tuesday, and both by me filed with a number of other papers, then on the clerk's table.—On Wednesday I took up the file to lay that paper before the court, but could not find it, on mentioning that it was very extraordinary what could come of it, Mr. Hurst replied that he had it taken by permission or by order of the court—on requesting him to return it to me, he answered that he would not, that he had taken it by permission or by order of the court, and he would keep it.

I am with the greatest

Respect, sir,
Yours, &c. &c.
R. BUNTIN, c. c. p. k. c.

AND here comes Davis Floyd again! What again? Mercy on us! Why when in the name of all that's wonderful, shall we have done with this man and A. Burr? They have made more fuss than enough already. I can't help that, it is my duty to pursue this traitor through all the wily wanderings of his infernal conspiracy. The indictment of which the Indiana man speaks, reads as I am told (for I don't like to be caught in a court of laws) that Davis Floyd not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil on the day of December (the particular day was mentioned but my memory being bad, and not expecting to be called on, I don't now remember it) in the year of our Lord 1796 at Clarkesville in the Indiana Territory aforesaid, did begin set on foot, and carry on on a military enterprise, against his Catholic majesty the King of Spain, to the evil example of all others in the like case offending, and against the peace and dignity of the United States! Now, who that knows Floyd, his then situation, the character and conduct of A. Burr, and the circumstances of the case, but will as a candid man and a true republican, acknowledge at once that the indictment is every word of it true; if indeed every word of it is not true, yet there is enough in it unsupported by evidence, to convict the cleverest fellow among ye, aye, and to have ye punished too—Why, only mind how it charges Floyd "Not having the fear of God before his eyes," this is enough of itself to condemn him, 'tis the appropriate character of the wicked as expressed in Holy Writ, and on whom a woe is denounced, and I hope that you'll not dispute this authority; 'tis at least equal to that of the Indiana man and his coadjutor; to be sure it might be said by Floyd or some of the Burite conspirators, that human nature is prone to err, and let him who is without fault in this respect, cast the first stone, but if we wait for that where will the judge be who shall be the executioner in any case? No, no sir, this won't do—the doctrines of forbearance, mercy, charity, moderation and all that is obsolete, and fit only for women and children: We the people are vested with a sovereign authority, and have a right because we have the power advance a man to honor and profit, or degrade him to infamy and indigence. Whether we be guilty of the same, or even crimes of a blacker dye, is nothing to the purpose, and what is still more, we may if we please upon a very rotten foundation, upon the most palpable falsehoods, generated by malice upon the body of ignorance, consign any man's name and that of his family to the scorn oblique and contempt of the present and each succeeding generation.

If we suspect him of being suspicious, that is enough, and this is entirely consonant

with the axiom in politics *vox populi vox dei*. But independent of our right, we have abundant proof in this case, and by the mouth of two witnesses shall everything be established. Lo! there's the Indiana man and his zealous friend and anator; they have never been convicted as Floyd has been, of treason and high misdemeanor, nor yet of telling fibs, nor of propagating malicious flanders; now Burrites what can ye say, why this man Floyd should be suffered any longer to breath the common air, to drink of the streams which water your country, to meet with the common civilities of urbanity, or to enjoy for an hour more the light of that sun which the God of nature designed for the benefit of his creatures? Away with him! Away with him, he's not fit any longer to live—and I much question whether he's fit to die!

"Being moved and seduced by the instigation of the devil," some fool-hardy fellows, and some wits (with such our country is plentifully stocked) vainly imagine, and positively deny, that there is any such being as the Devil. Nothing pleases this prince better, for it is his master stroke of policy, to persuade folks to believe in his non-existence. I shall not here enter into a critical investigation of this matter, but leave it to be discussed and settled if possible, by polemic divines, academicians, schoolmen, sceptics, infidel latitudinarians, and all the long et cetera of disputations, cavillers, and thorough-pacid controversialists who may please to shew their learning, exercise their wit, or disgorge their nonsensical whims upon the subject—suffice it at present to say, that I believe that Floyd believes that the Devil had a hand in the letter addressed by the Indiana man to a certain Editor, and that Editor has also felt the unkind influence of the power of his terrific majesty from Pandemonium—But this is digressing, let's return to the point. I am to prove that Floyd was moved and seduced by the instigation of the Devil, as stated in the indictment and I do it logically thus—A. Burr is the D....l. Floyd was moved and seduced by A. Burr—the consequence is plain that Floyd was moved &c. by the D....l, deny it who will or can. The premises are incontrovertable; it is an essential and essential characteristic of the D....l, that he is going to and fro in the earth seeking whom he may devour. Did not Burr go about seeking gulls and greenhorns? He is also compared to a roaring Lyon, and is not Burr bold as a Lion? To be sure he did not roar much while in the western country, he was wrought by secret means and practised his arts of deception upon the credulous and unwary, and even some of the knowing ones were made the dupes of his deep designing, and ambitious mind. I trust then that this last point is proved to you in a satisfactory manner. "Did begin, set on foot and carry on a military enterprise against" &c. This is just as true as the rest of the indictment. All the neighbors know (and if other people want to know let 'em come and ask the Indiana man, or may be he'll lend 'em word) that Floyd was always full of cash, and had other means whereby he could at any time have had a flotilla, like Bonaparte's, built and replenished with all necessary military stores, for a voyage of six, nine, or even twelve months, neither his family or creditors would have been at all affected by the expenditures of such trifling sums. He had guns, pistols, bayonets, and many other implements of death; nay, he might have had cannon, but they are rather a scarce article at Jeffersonville: and besides, if Floyd's resources were weakened at any time, all that he had to do was to apply to that foxy fellow Burr, for a few bank bills, and his wants were supplied, bank bills and Burrit drafts were, one while the order of the d-y, they were flying about the country in all directions, and for any thing that I know the Indiana man and his friend may have handled some of them, and they may have given value for them; I don't pretend to say they did not, for I hate to deal in scandal; I wish some other people influenced by the same principle. In all events, Floyd's means were amply sufficient to attain the end. He had so many boats [of formidable size though unwieldy] built, he enlisted so many men [choice spirits, true as steel, Indian fighters, why man, they'd take an eye out of your head at the distance of one hundred yards or less, and think nothing of it] and he bought this, that, and the other thing, parading away so monstrously that had you seen him when he entered on board his ship, his tricolored

flag hoisted, a band of music playing *caja* or the *Marieilles* hymn, I forget which, the major with his cocked hat, and a bicolor colored plume, his square toed boots and his broad sword, you might have taken him for Lord Nelson, for Anson or for admiral Drake, who you well know were wonderful fellows and great seamen; I hope that I have proved to a demonstration, that Floyd began and set on foot this military enterprise against his Cathlick, majesty, which has greatly alarmed the fears of some weak but honest men, which has awakened the suspicions of the watchmen, and called forth the energy of government, and which hath moved upon the hearts of all true and genuine republicans throughout the United States, like a mighty wind moveth the trees of the wood, and furthermore, our good friend, the faithful sovereign of the kingdom of Spain an independent foreign potentate at peace with the United States, and whose subjects enjoyed the most perfect state of liberty, and equality hath been much disturbed in the cogitations of his heart and the visions of his head! What then shall be done unto the man who shall thus have traitorously dared to demolish the fair fabric of virtue, independence and happiness, which has been erected by the arm and connected with the blood of our forefathers—and who hath wickedly dared to disturb the peace of the good King of Spain. If any there are who pertinaciously insist that more and stronger proof of Floyd's guilt is yet wanting—Lo! we have it registered among the records of Clark. When there it stands in black and white, that Davis Floyd was guilty of the facts charged in the indictment! Whether justly, properly and legally or not is nothing. It is downright folly to pretend that one of the jury was the personal enemy of Floyd, that he was prejudiced against him, that that man possessed influence among the jury and exercised it in this case, to the disgrace of himself, and to the injury of Floyd, and that if it had not been for him the jury would not have returned the verdict which they did! Such a shameful thing as this did happen in any country, how then could it happen under this mild administration of equal laws in this land of liberty? It did not happen in this case, it was morally (although perhaps not physically) impossible that it could happen, considering that the court (the presiding judge especially) was the staunch friend of Floyd, and the same judge who was strongly suspected of having a hand in the plot, and doubtless he would have thrown the impenetrable rampart of his veto around the man whom he delighted to favor.—Nothing of this is done, the prosecutor true to his trust, pursue the almost blood-stained monster through all the supposed necessary forms of law, and drags him to the alter of public justice—The judge indignant at the daring outrageous wrongs which his country had suffered by the machinations of this instart and twany would-be conqueror of Mexico was rejoiced to find that there was yet energy enough in the laws, and independence of the citizens to punish in the same man the contriver and perpetrator of a most nefarious conspiracy. I have heard that it has been said and generally credited, that several of the jury, although they had been persuaded, forced, or deceived into the finding of the verdict in the manner they did, immediately afterward upon application unhesitatingly, and cheerfully certified that they did not believe Floyd criminally guilty. If this be so as the matter now stands upon the verdict and the certificates, it appears that Floyd was guilty, without intending to do wrong! Humph! This I grant seems to be a little puzzling or so, and I must call in the aid of the Indiana Gentlemen, and his right worthy friend to solve the difficulty.—In the mean time I subscribe myself,

BROKEN BLUNDERBUSS.

Letters from Paris state that the boundaries of Louisiana had been settled by the French Emperor to the satisfaction of our minister in Paris.

[True Am.

BLANK WARRANTS,

For sale at this office.