PORTLAND, December 20.

Separation of Maine from Maſſachuſetts.

The important queſtion is revived reſpecting the erection of the diſtrict of Maine into a ſeparate and Independent State.

About a month ago, a number of perſons, who had conſidered the expediency of renewing the ſubject which a long time has been contemplated, of erecting the diſtrict of Maine into an independent ſtate, met in this town, and appointed a committee to conſider a proper mode for collecting the preſent ſentiments of the people thereon.

The report of the committee was the laſt week agreed to, and will appear by their letter and form of a petition to the general court, which we this day publiſh.

To the honorable the ſenate and houſe of repreſentatives of the commonwealth of Maſſachuſetts, in general court aſſembled at Boſton, January. 1803.

Humbly repreſent the ſubſcribers, inhabitants of the town of in the Diſtrict of Maine,

THAT they are deeply impreſſed with the importance, and convinced of the expediency of erecting the Diſtrict of Maine into a ſeparate and independent commonwealth.

That this impreſſion does not reſult from any averſion to the conſtitution or government of the ſtate with which they have been ſo long and happily connected; but from certain natural and immutable principles which unequivocally dictate the propriety of ſuch a meaſure.

Thoſe poſitions, which, without the aid of reaſoning, are accredited as truths by every unprejudiced mind, need not be enforced by detailed argument or labored inveſtigation.

That the diſtrict of Maine ought to become a ſtate, whenever its population and property ſhould be ſufficient to render its government reſpectable, has ever been received as a ſelf-evident propoſition.

That its population is now ſufficient, is proved by the late cenſus; which gives upwards of one hundred and fifty thouſand inhabitants to this diſtrict.

That it has property to ſupport a government, is proved by the recent valuation which is among the public records.

That a territory having three hundred miles of ſea coaſt, for one of its boundaries, the Britiſh dominions for two others, and the ſtate of New-Hampſhire for the fourth, with 150,000 inhabitants, will be accommodated, improved and enriched by making its own laws and having its own legiſlature, inſtead of being a diſtant member of a commonwealth, ſeparated from it by the ocean and by an indepent ſtate and territory, will in our opinion be doubted only by thoſe who have not paid a due conſideration to the ſubject.

A majority of the people have declared their wiſh upon the ſubject. The years that have paſſed ſince that declaration, have, in the opinion of your petitioners, greatly increaſed that majority.

Your petitioners would do nothing without the ſanction of the government. They therefore pray, that meaſures may be taken to put in execution the wiſh of the inhabitants of this diſtrict as heretofore expreſſed to the legiſlature on this ſubject.

And they humbly ſuggeſt, that the beſt mode will be for the legiſlature to authorize a convention of delegates from all the towns in the diſtrict, at ſome central and convenient place, which convention ſhall have power to declare the ſenſe of their conſtituents, to frame a conſtitution of government; and to do and tranſact all things which may be neceſſary to the perfect eſtabliſhment of a ſeparate and independent ſtate.

Portland, December, 1802.

SIR,

A number of gentlemen in this quarter, who think the time has arrived when the diſtrict of Maine ſhould aſſume the reins of government for itſelf, provided it can obtain the conſent of the conſtituted authorities, have diſcuſſed the various modes in which this queſtion may properly be bro't before the public. They have finally concluded, that a petition to the legiſlature for the appointment of a convention, is the moſt proper. The ſenſe of the people has already been taken. If a convention ſhould take place, it will be taken again, we think, in a better manner. The wiſdom of the diſtrict will then be aſſembled, and there is little doubt but the diſcuſſion will be temperate, and the deciſion prudent. Believing that you coincide in this opinion, they have forwarded a petition to you (as they have to the other towns in the diſtricts) in hopes that you will obtain the ſignatures of thoſe in your town and vicinity, who are in favor of the meaſure. It will be beſt to forward your petition to one of the ſenators of your county, or to a repreſentative of ſome town in the diſtrict, ſo early as that it may be laid before the general court in the beginning of their next ſeſſion.

Samuel Freeman,
Woodbury Storer,
Daniel Davis,
Daniel Tucker,
Iſaac Parker.

Bright Maryland Tobacco
WANTED.

CASH will be given, and a liberal price, for about 30 hhds. prime Maryland Tobacco. Apply to CHARLES GHEQUIERE.
December 27. eo6t

HAVING this day taken into partnerſhip my two ſons WILLIAM and ROBERT, our commercial buſineſs will be conducted under the firm of *William Patterſon and Sons.*
WM. PATTERSON.
January 1. (J3) eo6t

From the VIRGINIA GAZETTE.

JAMES T. CALLENDER.

HENRICO COUNTY COURT, January 3, 1803.

PRESIDING MAGISTRATES.
Daniel Hylton,
Bowler Cocke,
William Mayo,
Richard Adams,
Thomas Williamſon,
Hezekiah Henley,
William Randolph.

The court of Henrico county met at 12 o'clock, on Monday, the 3d January, when the caſe of James Thomſon Callender came before them.

Mr. George Hay roſe, and began his ſpeech againſt Callender, and in vindication of the ſtep which had been taken in binding over Callender and Pace, by obſerving that the caſe which now was brought before the court, was, not only of the greateſt importance to himſelf, as an individual, but to the community at large. Upon the deciſion which they would give, depended the ſafety or the deſtruction of character. It remained for them to decide, whether the torrent of calumny and ſlander, which now deluged in a manner, as well as diſgraced the United States, ſhould be ſtopped, or whether it ſhould be allowed to flow with impunity in the channel of virulence, carrying with it, and overwhelming all that was moral and virtuous. He quoted a ſentence from governor M'Kean's ſpeech, which recommended to the legiſlature of Pennſylvania to take into conſideration the preſent unbounded licentiouſneſs of the preſs. He ſaid it was advanced by the counſel of Mr. Callender that the ſtep which had been taken with regard to the editors of the Recorder, was an invaſion of the liberty of the preſs; but he truſted he ſhould prove to the ſatisfaction of the court, that to protect the freedom of the preſs, & not to lay any check upon it, was both his zealous deſire and moſt anxious wiſh. He was actuated upon the preſent occaſion, by motives the moſt natural and honorable to the human mind, the protection of his own feelings and thoſe of his family. Some people he remarked, were ſuch philoſophers, or could conceal their thoughts ſo well, as to bear, with every ſympton of indifference, all the attacks which malice or calumny could attempt againſt them. He owned this was not his ſituation, that he both felt and was wounded by the ſlanders of the Recorder. That he was repreſented by the unprincipled editor of that paper, as a murderer and an aſſaſſin. It publiſhed to the world that he watched for eight days ſucceſſively, an opportunity of depriving Callender of exiſtence; and it threatened in the future numbers to rip open and tear aſunder both his profeſſional, his public, and his private character. So far from this being correct, he proteſted his meeting with Callender was entirely the effect of accident; and that he was ſolely reſtrained from puniſhing him as he deſerved, with the apprehenſion that he ſhould have given him a fatal blow. He argued that if ever the ſtatute under which Callender was bound over, ſhould be acted upon, that there could be no caſe more proper than the preſent. Callender, Mr. Hay ſaid, was the moſt unprincipled man in exiſtence; that he was known to the court, known to the numerous audience there preſent, known in ſhort, not only to the city of Richmond, but in every corner of the union where party prevailed, to be an infamous and notorious libeller. That his whole pleaſure conſiſted, and all his days had been devoted for the ſole purpoſe of deſtroying the good reputation of thoſe, againſt whom he conceived the ſmalleſt diſlike. This was well known to the court. Three years had not elapſed ſince he was publicly convicted by a jury, of a moſt ſlanderous libel. It was freſh in the memories moſt preſent, the diſturbance and diſcontent that this ſame libeller had occaſioned in Richmond. Callender had then very nearly brought upon the inhabitants of this town a diſgrace that would have plunged into miſery, many an inoffenſive citizen; he had, in ſhort, excited the inhabitants to a civil war. What the good fortune of the country had then warded off, might yet happen, if he were permitted to purſue without reſtraint the abandoned courſe he was lately following. Were the court to pronounce the illegality of the commitment, Mr. Hay predicted, that the vengeance of the community would ſooner or later overtake the editors of the Recorder; and that they would bitterly lament that their hands had not been tied up from committing thoſe deeds, which would terminate in their perſonal deſtruction. He made uſe of that well known and forcible expreſſion of Cato's ſon.

None, he ſaid, declaimed more loudly about this ſuppoſed invaſion of the liberty of the preſs than the libeller Callender; to make that impreſſion ſtill ſtronger upon the public, he himſelf went to jail, and the Recorder came forth clad in deep mourning—May that mourning long continue, ſaid Mr. Hay, and, may the editors of the Recorder mourn for ever in ſackcloth and aſhes for thoſe crimes which they have committed in the malevolence and wantonneſs of their hearts, and for thoſe interruptions, which they have occaſioned to the domeſtic happineſs of families and of individuals. Callender's clammors about the liberty of the preſs, he ſaid, reminded him of the Italian murderer, who after imbruing his hands in the blood of a neighbor, had ſought ſhelter in one of thoſe ſanctuaries which the ſuperſtition of the Roman Catholic religion affords in ſuch caſes, but being dragged forth by the enraged relations of the deceaſed, he was the firſt to bawl about the horrible crime of ſacrilege, and of the daring audacity of thoſe who had violated by their impure ſteps the ſacred ſhrine of the altar.

Mr. Hay ſaid, he ſhould have preferred had the counſel of Callender confined their reaſoning to the laws of the ſtate of Virginia, without reſorting to the precedents to be found in the ſeveral courts of Great-Britain; but ſince they had gone abroad in ſearch of law to ſupport their cauſe, he would follow them there; and argue the caſe upon their own grounds. He then cited the ſtatute 34th, of Edward the 3d, which after the lapſe of ſeveral centuries, had been again enacted in the Britiſh parliament. This ſtatute expreſsly authoriſes all juſtices of the peace to bind over thoſe that be not of good fame. The definition of the expreſſion not of good fame, he ſaid, admitted of great latitude in interpretation, but he ſhould requeſt the attention of the court to the opinion of judge Blackſtone on this point. Mr. Hay ſaid, the authority of Blackſtone was the higheſt that could be produced. The commentaries of that learned lawyer, were not only generally known, but every where reſpected as the firſt authority in Engliſh law. They were the firſt book put into the hands of every ſtudent who intended to ſtudy the profeſſion of law, as being both the plaineſt and ſoundeſt elements of that ſcience. Blackſtone, therefore, he ſaid, ought juſtly to be received in every court of this country, where diſcuſions of this kind took place.—The opinion which Blackſtone has given on this point, is as follows:—"Firſt, then, the juſtices are empowered by the ſtatute 34 Edw. III. C. 1. to bind over to the good behavior towards the king and his people, all them that be not of good fame, wherever they be found; to the intent that the people be not troubled nor endangered nor the peace diminiſhed, nor merchants and others paſſing by the highways of the realm, be diſturbed, nor put in the peril which may happen by ſuch offenders. Under the general words of this expreſſion, *that be not of good fame*, it is holden that a man may be bound to his good behavior for cauſes of ſcandal, *contra bones mores* as well as *contra pacem*; as for haunting bawdy houſes with women of bad *fame*; or for keeping ſuch women in his own houſe; or for words tending to ſcandalize the government; or in abuſe of the officers of juſtice, eſpecially in the execution of their office. Thus alſo a juſtice may bind over all night walkers; eaves droppers; ſuch as keep ſuſpicious company, or are reported to be pilferers or robbers; ſuch as ſlee in the day, and wake in the night; common drunkards; whore maſters; the putative fathers of baſtards; cheats; idle vagabonds; and other perſons, whoſe miſbehavior may reaſonably bring them within the general words of the ſtatute, as perſons not of good fame: an expreſſion it muſt be owned, of ſo great a latitude, as leaves much to be determined by the diſcretion of the magiſtrate himſelf. But, if he commits a man for want of ſureties, he muſt expreſs the cauſe thereof with convenient certainty; and take care that ſuch cauſe be a good one." Mr. Hay obſerved, that from the above words of Blackſtone, it was evident that a libeller was a perſon of bad fame. He next referred to Hawkins's Pleas of the Crown, and to Viner, vol. 15. where it is affirmed that the author of an obſcene book or of ribaldry, although he cannot be puniſhed by law as a libeller, yet he may be bound over as a perſon of bad fame. Much more, therefore, argued Mr. Hay, ſhould a writer of libels be obliged to find ſecurity for his future behavior, if the author of an obſcene book can be committed unleſs he produce ſecurity. He quoted alſo from Bacon's Abridgment and from Burn's Juſtice, ſentiments to the ſame purpoſe. With regard to the latter he obſerved that Burn was a very different character from Blackſtone, that Burn's own opinions could carry no weight with them, but only in conſequence of thoſe authorities which he produced in his Juſtice.—Burn's Juſtice, he ſad, was a book ſo little known, that it was with difficulty he was able to procure a copy in Richmond, but that ſtill, notwithſtanding, he thought it proper to cite him in this inſtance, as he has quoted the ſentiments of others on the interpretation that ought to be given to the expreſſion not of good fame. Burn, he remarked, always gives his own opinion in expreſs terms, when he does not agree with the authority which he cites, and his ſilence on this matter was a proof that he himſelf entertained the ſame ſentiments on the ſubject.

Mr. Hay next read a caſe from Forteſcue, and from the ſecond edition of the book known by the name of Modern Reports, that was nearly of the ſame nature with the preſent. A perſon who had the repute of a libeller had been obliged to give ſecurity to keep the peace, and upon his afterwards publiſhing certain words which were found to be libellous, his recognizance was forfeited. He thence inferred, that there could not remain the ſmalleſt doubt of the propriety of binding over Calender and Pace. That they were men of notorious bad fame. He appealed to the court whether there was one ſingle individual who could come forward and deny this aſſertion. All were ſilent he ſaid, they were convinced of the truth of what he ſtated, and they muſt alſo be convinced if Callender was let looſe that he would riot more than ever in the field of calumny. That the peace of the community would be broken; that the ſociety of the ſtate of Virginia would exhibit a picture of wild diſorder, and that the harmony and domeſtic happineſs of private individuals would be interrupted. He declared that when he before ſtated that the editors themſelves would repent if their hands were not bound up from ſlander, he did not allude to any deſigns that might be concerted by him for their deſtruction, but that it would happen that the general indignation would be ſo excited againſt them, that vengeance would be hurled on their heads. This, he ſaid, Callender himſelf was ſenſible of, and knew it ſo well, that according to his own confeſſion, he was under the neceſſity of making a clandeſtine and precipitate retreat into jail in order to avoid the marks of that public contempt which he had ſo juſtly incurred. All parties and all men, ſaid Mr. Hay, however they may differ in their political ſentiments, agree in holding Callender in abhorrence. They agree in conſidering him as the vileſt of mortals, as a ſlanderer, at the mention of whoſe name humanity ſhudders. What character of reſpectability does he not dare to calumniare? One he ſtigmatizes as an aſſaſſin, another he charges as a perjured villain. Not a ſingle Recorder has appeared which has not contained ſome infamous libel, for which both Callender and Pace, were they indicted and tried, would ſuffer both fine and impriſonment. This is forſooth the mode of puniſhment which their counſel adviſe. I am not under the neceſſity to declare the reaſons which have cauſed me to adopt the mode of binding them over in preference to a proſecution by indictment or civil ſuit. But for the ſatisfaction of the court I will freely and candidly confeſs my motives. Were I to have proſecuted Callender by either of theſe methods, or by both, I ſhould during the period of eighteen months, or perhaps two years, have had all the calumny and venomous ſlander heaped upon me which the infamous pen of that libeller could have produced. What ſatisfaction would the fine and impriſonment of Callender at the lapſe of two years be to me, after I had received all the injury and borne all the abuſe which he was capable of inflicting? Individuals are not to wait the tardy and uncertain iſſue of a law ſuit, and in the mean time have their character and every action of their life, public and private, calumniated, perverted and abuſed. Were Callender's pen now ſet looſe, I would be the object of his foul and inveterate rancor for months to come. This he has declared. I do not ſpeak from ſuſpicion, but from the words of the Recorder. He has made no ſecret of his intentions; he has promiſed that he would expoſe my conduct both public and private, and to uſe his own virulent expreſſion, that he was in poſſeſſion of documents the moſt blaſting and damnatory to my reputation. Theſe documents by Callender's account, related to a charge of ſuppreſſing evidence, of which he has accuſed me, and by which act doctor Read had ſuſtained the greateſt injury. It happens, however, by the moſt ſingular coincidence of circumſtances, that upon the very day, the 22d of December, when Callender was writing this libel on my character, that doctor Read, the gentleman whom Callender aſſerts became the victim of my deceitful conduct, was employed in writing me a letter, requeſting me to become the guardian and inſtructor of his wife's ſon. [Mr. Hay then read doctor Read's letter.] This gentleman, therefore, who by Callender's ſtatement, received the greateſt injuſtice from my hands, had ſingled me out from among all his acquaintances in Richmond, who entertain the ſame ſentiments with regard to politics with himſelf, and they are not a few in number, in order to take the fatherly charge of this young man; in order to watch over him during that period, theſe four important years which the letter mentions, in which youth are moſt apt to be miſled and to err from the path of rectitude.

Callender's counſel, the ſecond on my left hand, (Mr. Rind) expreſſed his fears, nay he declared that if the doctrine advanced ſhould be found to be law, that the liberty of the preſs was gone, gone for ever. He attempted to intimidate the magiſtrates, I truſt not intentionally, by picturing to them in the moſt dreadful manner, the conſequences that would enſue from preventing the miſcreant Callender from propagating his ſlander; he told them that if a magiſtrate in the city of London dared to commit a printer to jail for not giving ſecurity in a caſe ſuch as this, that his houſe would in a few hours be pulled about his ears, and that probably his life would even pay for his temerity. But I truſt were this ſtatement of Mr. Rind's even correct, that the court now ſitting would not form their judgment from the caprice of a London mob. The laws of England and the deciſions of the courts in that kingdom, are not to be determined by the whims or the actions of men heated by fury, and led on by ignorance.

But the magiſtrates of a monarchical country, and thoſe under a republic are very differently ſituated. Thoſe of the latter have a much greater diſcretionary power allowed them, than thoſe of the former—in a monarchy ſuch as Britain, every action of the civil magiſtrate is watched by the people with the eye of ſuſpicion. They know the government are eager to lay hold of every opportunity, that may offer for an uſurpation of power, and they are therefore juſtly jealous of the moſt trifling invaſion of their rights. The ſmalleſt deviation from the paths of legal rectitude in an Engliſh magiſtrate is ſeverely puniſhed. There occurred an inſtance about thirty years ſince. I do not preciſely at this moment recollect the particulars; but I think damages to the amount of 10,000l. ſterling were recovered for the granting of an illegal warrant by one of the ſecretaries of ſtate. In a monarchy the people ought always to be afraid and to guard over the conduct of the magiſtrate with the watchful eye of jealous ſuſpicion. In a republic the reverſe is the caſe, there, the magiſtrate feels a dread of incurring the diſpleaſure of the people; there are inſtances certainly to be found where magiſtrates in this country through ignorance have erred, I have known ſuch inſtances myſelf; although I do not believe in the ſtate of Virginia a ſingle caſe can be produced.

Here they are timid to an extreme. They never venture upon the moſt trivial act of authority without being firſt certain that they are treading in the path of law. Mr. Foſter, the mayor of this city, is a ſtriking inſtance of this extreme caution and timidity of giving offence to the people. When I applied to him for a warrant againſt Callender, although both Mr. M'Rae and myſelf aſſured him of the legality of granting it, and explained to him the law on that head, yet he was not ſatisfied; he was afraid of exceeding the limits of his authority. The magiſtrate who at laſt granted it was equally ſcrupulous at firſt, he read the law over and over until he was confident he was acting legally. There is not therefore the ſmalleſt danger that any magiſtrate in this country will ever exert his authority beyond the bounds of law and juſtice. If there ſhould ever ariſe ſuch an unfortunate inſtance the vengeance of the community would aſſail him, and he would ſink into eternal diſgrace.

Mr. Hay next proceeded to ſtate to the court the idea which he entertained of the liberty of the preſs. This liberty, he ſaid, conſiſted in the entire privilege of making any ſtrictures even of the ſevereſt nature, upon any of the public meaſures or acts of adminiſtration, or upon the conduct of any of the public officers or ſervants of government. He allowed that Callender was at full liberty to calumniate either him or any other public officer, ſo far as related to their official capacity, with impunity. He allowed that Callender had the right of accuſing him of ſuppreſſing evidence, although the circumſtance was not true, as he was then in a manner acting officially. He ſaid he hoped this liberty would be always enjoyed in the fulleſt extent in this country. Nor did he ever wiſh to ſee the day when the ſmalleſt check would be attempted againſt the freedom of the preſs, in this reſpect. He hoped public meaſures as well as religious opinions would be allowed a free and fair diſcuſſion, and that the official conduct of public men would always be open to whatever obſervations or even undue cenſure which individuals might fancy to expreſs. He truſted no reſtraint whatever would be laid upon the preſs. He argued that reſtraining the licentiouſneſs of the preſs was not reſtraining the liberty of the preſs; for that no man had a right to be licentious or to advance libels upon private characters. That it was illegal, and that no perſon was authoriſed to do an illegal act. He therefore ſincerely hoped that the court would confirm the deciſion of the magiſtrates in binding over Callender and Pace to the peace.

As Mr. Hay ſpoke upwards of three hours it is not to be expected that we could follow him cloſely in every argument which he advanced; but we flatter ourſelves that we have given the leading features of his ſpeech, as nearly as could be expected. At the concluſion of Mr. Hay's ſpeech, the court adjourned until Tueſday morning.

We ſhall give a detail of the proceedings of yeſterday in our next.

Late on Tueſday afternoon, the court, after hearing the arguments of counſel on both ſides, diſcharged Meſſrs. Callender and Pace; *the binding of them over being, in their opinion, an illegal act.*

Congreſs of the United States.

HOUSE OF REPRESENTATIVES.

Wedneſday, January 5.

A meſſage was received from the preſident by Mr. Lewis his ſecretary, encloſing, in compliance with a reſolution of the houſe, a ſtatement of the militia of thoſe ſtates from which returns have been received; ſtating that the returns compriſed but a ſmall part of the aggregate militia of the United States; and encloſing a copy of a circular letter addreſſed by the ſecretary of war, to the ſeveral ſtates.

Referred to the committee appointed on ſo much of the meſſage of the preſident as relates to the militia inſtitution.

Two engroſſed bills; the one making a partial appropriation for the naval ſervice during the year 1803—the other making appropriations for the military eſtabliſhment of the United States for the year 1803, were read a third time and paſſed.

Mr. John C. Smith, from the committee of claims, reported againſt the prayer of Sarah Peters for a penſion.

The houſe immediately took up the report, concurred therein, and granted leave to the petitioner to withdraw her petition.

Mr. Leib moved the reference of a petition from the cordwainers of Philadelphia preſented laſt ſeſſion, but not acted upon, to the committee of commerce and manufactures—carried.

On motion of Mr. Dennis, the committee of claims were diſcharged from the further conſideration of the petition of James Stelle.

Mr. S. Smith, from the committee of commerce and manufactures, made a report on ſundry petitions; and reported a bill for the relief of Henry Meſſonnier.

Mr. Griſwold queſtioned the authority of the committee of claims, to report by bill without ſpecial permiſſion, and aſked the deciſion of the chair.

The ſpeaker decided againſt the authority of the committee.

Mr. S. Smith then moved that the committee ſhould be empowered to report from time to time, on buſineſs before them, by bill or otherwiſe.

This motion was ſupported by Meſſrs. S.