

Wm. Carleton, Jr.

WILMINGTON GAZETTE.

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DOCUMENTS.

Accompanying the report of the Committee appointed to enquire into the official conduct of SAMUEL CHASE & RICHARD PETERS.

[CONTINUED.]

Interrogatories exhibited on the part of the House of Representatives to George Read, Esq., United States attorney for the district of Delaware, and Robert Hamilton, Esq., late Marshal of the said district, in the matter depending before the committee of the house of representatives, instituted to enquire into the official conduct of Samuel Chase and Richard Peters, Esq's, or either of them.

1. Were you present at a circuit court of the United States holden at New-Castle, in the month of July 1799, or 1800, in and for the district of Delaware, before Samuel Chase one of the judges of the supreme court of the United States for Delaware?

2. Were you present when the grand jury after having received a charge from the said Samuel Chase, retired to their room, and also when they returned to the bar of the court?

3. Did the said grand jury, through their foreman, upon being asked by the clerk of the said court, whether they had any bills of indictment, or presentments to deliver to the said court, answer that they had not?

4. Did the said Samuel Chase, then and there, in your hearing, observe to the said grand jury "That he had understood that there was a great deal of sedition in that state; that there was a very seditious printer, who resided in the town of Wilmington, and whose name was"—but checking himself, said—"perhaps it might be going too far to mention his name"—or words to that effect—or what other words did he use on that subject?

5. Did the said Samuel Chase then and there further observe that he would not consent to discharge the grand jury on that day, although solicited by several so to do; and did he direct them to attend, on the next day, for the purpose of examining a file of the papers published by the said printer?

6. Did he also order the said district attorney to procure a file of the said papers, to be laid before the said grand jury, and were they procured by him and laid before them?

7. Did the said grand jury, on the next day, return into court after having examined a file of the said papers, without any bill or presentment, and were they then discharged by the court?

8. Do you know any thing further relative to the conduct of the said Samuel Chase, or do you recollect any conversation on the same subject which took place in open court between the said Samuel Chase and the said grand jury, or the said district attorney, or either of them?

9. Relate the same fully and at large, as if you were thereunto particularly interrogated?

10. Did the said Samuel Chase, at any time, express his surprise at the conduct of the said grand jury, and observe that whilst in the federal state of Delaware he could not get a seditious printer indicted, in Virginia, he could not only get them indicted, but convicted and punished, or words to that effect?

JOHN RANDOLPH,
Chairman of the Committee.

George Read, attorney of the United States of America in and for the Delaware district, residing in the town of New-Castle in the said district, aged 57 years and upwards, being produced, sworn and examined on the annexed interrogatories exhibited on the part of the House of Representatives of the United States, in the matter depending before the committee of the House of Representatives, instituted to enquire into the official conduct of Samuel Chase and Richard Peters, Esq's, or either of them, pursuant to a commission bearing forth in that behalf, directed to Nehemiah Tilton and Archibald Alexander, of the county of New-Castle, Gentlemen, or either of them, before the said Archibald Alexander, one of the said commissioners.—deposeth as followeth:

1. To the first interrogatory this deponent saith, that he was present in the character of

the district attorney of the United States of America, in and for the Delaware district, at a circuit court of the said United States, holden at New-Castle, on the 27th and 28th of June, 1800, in and for the said district, by and before Samuel Chase, one of the judges of the supreme court of the said United States and Gunning Bedford, district judge of the United States, aforesaid for the said district.

2. To the second interrogatory, this deponent saith, that he was present in court on the first day of the said court, mentioned in this deponent's answer to the first interrogatory, when the grand jury then and there attending, after having received a charge from the said Samuel Chase as presiding judge, retired to their room, and also when they returned to the bar of the said court.

3. To the third interrogatory this deponent saith, that the grand jury, through their foreman, upon being asked by the clerk the question stated in the third interrogatory, did answer, that they had found no bills of indictment nor had any presentments to make.

4. To the fourth interrogatory this deponent saith, that the said Samuel Chase, did, on receiving the answer from the grand jury mentioned in this deponent's answer to the "third interrogatory," observe to that body in his hearing:—"That he had been informed, or heard, a highly seditious temper, or disposition had manifested itself in the state of Delaware, among a certain class of people, particularly in New-Castle county, and more especially in the town of Wilmington, where lived a most seditious printer, unrestrained by any principle of virtue and regardless of social order—" that the name of this printer was"—(Here the learned judge paused for a moment, and then observed)—"Perhaps it might be assuming too much to mention the name of this person, but it becomes your special duty, and you must enquire diligently into this matter." That although this deponent will not undertake to say that every word, as here set forth, is precisely what the honourable judge expressed; yet he is perfectly convinced that the language is for the most part, what was used by the said judge, and the ideas conveyed by him at the time, precisely what the context imports.

5. To the fifth interrogatory this deponent saith, that several members of the grand jury on the behalf of themselves and their brethren, did, as soon as the said judge had closed the observations detailed in the answer to the fourth interrogatory then and there earnestly request the court to dismiss them from further attendance on that duty, mentioning to the court, as a reason for the request, that they were generally farmers, and it being the season of harvest, their personal attention was most requisite on their farms; to which the judge replied, "that the business to which he had called their attention, was of a most urgent and pressing nature and must be attended to, that he could not therefore discharge them until the ensuing day, when further information should be communicated to them on the subject he had referred to,"—or words to that effect—but this deponent did not at the time hear the judge say that his detaining the grand jury was for the purpose of examining a file of papers published by the said printer.

6. To the sixth interrogatory this deponent saith, that immediately after the conversation mentioned in the answer to the fifth interrogatory had been terminated, the said Samuel Chase addressed himself to this deponent, who then also was the district attorney for the said district; and asked him whether he had any criminal charge to prefer to the grand jury, to which this deponent replied, that no indictable offence had come to his knowledge—and he had no reason to believe that any business of such sort could occur as would require the attendance of a jury during the term—but certainly, Sir, observed judge Chase, you might by pursuing proper researches, make some discoveries.—Have you no persons in this [Delaware] state who have made it a uniform practice to libel the administration of the government of the United States; I have been told, Sir, continued judge Chase, and the general circulation of the report induces me to believe it true, that there is a printer in Wilmington, who publishes a most scandalous and seditious paper—but it will not do to mention names; have you not two printers in that town? To

which this deponent answered in the affirmative, judge Chase further observed, that is so, and one of them, if report does not much belie him, is a seditious printer, and must be taken notice of: I consider it a part of my duty, and it shall or must be noticed. And it is your duty, Mr. Attorney, to examine minutely and unremittingly into affairs of this nature; the times, Sir, require that this seditious spirit which pervades too many of our presses should be discouraged and repressed. Can you not procure some of this printer's papers between this time and tomorrow morning, and by strictly examining them, find out whether he has been guilty of libelling the government of the United States, or some of the officers thereof. This, I say, Sir, must be done; I think it's your duty. That this deponent not approving of the manner in which this subject was pressed upon him, then stated to the judge in substance, that he was well acquainted with the duties of his office, and would certainly perform them, but that he had never been in the practice of hunting out offences; that he had not in his possession the papers alluded to by the honourable judge, nor had he read them; if, however, this deponent should be furnished with them, he would make the examination and communicate with the grand jury on the subject. Judge Chase then said he was satisfied, and turning to the grand jury, observed, that they could not be discharged, and however inconvenient it may be, they must attend on the subsequent day, at the usual hour. Judge Chase then directed that a file of the said papers should be procured and laid before this deponent. The newspaper, the files of which were referred to, was then understood to be that which was styled "Mirror of the Times and General Advertiser;" but the deponent does not recollect that this title of the paper was at the time mentioned by judge Chase; and this deponent further saith, that a file of the said newspapers was procured by some person in the afternoon of that day, after the adjournment of the court, and delivered to him—that after examining the file of papers for some time, he discovered, no libellous matter or any publication coming within the provisions of the sedition law—that this deponent conformably to the directions of the judge, sent on the next morning the said file of papers to the grand jury then assembled in their room.

7. To the seventh interrogatory this deponent saith, that the said grand jury did, after examining the said file of papers, return into the said court, then convened, and in answer to the usual questions put by the clerk, said through their foreman, that they had not agreed on any bills, nor had they any presentments to make.

8. To the 8th interrogatory this deponent saith, that soon after the said court had convened on the morning of the second day of the said term, this deponent at the request of the grand jury, attended in their room; when the foreman of the jury directing the attention of this deponent to a certain paragraph in a publication contained in one of the said papers, dated the 21st of June, 1800, and republished from the "Aurora" [a true copy whereof is contained in schedule A, annexed to these answers, and to which the deponent refers] reflecting in very strong and pointed language on former conduct of judge Chase; observed there is a difference of opinion among the members of this body, with regard to the nature of that paragraph, whether libellous or not, and although it were a libel, whether it would be proper for the grand jury to present it as such to the circuit court—to which this deponent answered—that he had adverted to the paragraph the preceding day, and further observed, it would not be necessary for him to give an opinion to the jury, whether it were libellous or not, for that in whatsoever light it might be considered, the said court could take no cognizance of the matter of it, as it was not within the provisions of the sedition law, that law not embracing cases of libellous publications against the judges of the courts of the United States, and so not being cognizable as an offence by those courts by virtue of any acts of Congress; the said circuit court could not take cognizance of it, as an offence at common law; judge Chase himself having decided in the circuit court

for the district of Pennsylvania, that the courts of the United States could not take cognizance of offences at common law; in the case of the United States of America against Worrell, 2d Dallas's reports, 334, with which the grand jury declaring themselves satisfied, this deponent left them, and returned into court, and the said file of papers being soon after sent and laid on the table within the bar of the court; judge Chase observing it, asked this deponent what had been done, and whether he or the grand jury had discovered any seditious publications, to which the deponent answered, none of the character which the said court could take cognizance of, unless the said paragraph, which this deponent then submitted to the inspection of judge Chase, were of that nature; and after he had read it, this deponent repeated to the said court the same observations herein before stated to have been made by him to the grand jury on the subject, with which the said court acquiescing, the business was passed over with much apparent good humour on the part of judge Chase; and the grand jury, soon after returning to the bar, were discharged by the court, without finding any bills or making any presentments.

9. To the ninth interrogatory this deponent saith, it containing only matter of reference to the 8th interrogatory, is already answered by the answer to that interrogatory.

10. To the tenth interrogatory this deponent saith, that he doth not remember to have heard judge Chase, at any time, make use of any expressions of the nature alluded to in this interrogatory.

G. READ.

The preceding answers to the interrogatories annexed, were duly taken, sworn to, and subscribed by George Read the deponent, on the 31st day of January, in the year of our Lord, one thousand eight hundred and four, before

ARCHIBALD ALEXANDER.

Schedule (A) referred to, in G. Read's answer to the 8th interrogatory.

Extract from the Newspaper styled the Mirror, &c. printed at Wilmington, of the date of June 21, 1800.

"For this time we shall dismiss Mr. Pickering, because we have about forty other friends of regular government to bring in review, and to account for themselves before the public, whom they have so long disgracefully flattered, while they betrayed."

"Judge Chase has laid down a doctrine which must cover him with infamy, as durable as the history of the man and the transaction; he held up the doctrine that public records were not to be brought forward in a court of justice, though they were alleged to contain truths, which would benefit the country, expose the hostility of persons to the government, or prevent abuses. If this judge's doctrine were to be tolerated, the servants of the people might forever hide the enormous abuses. We are therefore determined to face the doctrine of this arbitrary judge, and to stand upon the ground of justice and the decision of the people, who have the power of depriving these men of power, who have abused or proved incompetent to the discharge of their trust."

"We hope the day is not far off when judge Chase will be impeached for this and other arbitrary acts of his."

Interrogatories exhibited on the part of the House of Representatives of the U. States, to William S. Biddle, touching the official conduct of Samuel Chase and Richard Peters, Esquires, or either of them.

1. Were you present at the second trial of John Fries for treason before the circuit court of Pennsylvania, at the spring term of the year 1800?

2. Have you a correct copy of the opinion of the court delivered in writing to the counsel for the prisoner at that trial?

3. How came it in your possession.

4. Are you confident that the copy which you now produce, is exactly correspondent with the original?

JOHN RANDOLPH.

Thomas Leiper, Mahlon Dickerson,
[To be concluded in our next]