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CONGRESS.

HOUSE OF REPRESENTATIVES.

November 27.

Mr. Richards from the joint committee of enrolment, made a report that the joint resolution of the two houses in relation to captain Decatur, his officers, and crew was found upon examination to be correct.

The engrossed bill declaring the assent of Congress to the act of North-Carolina relating to lands in Tennessee, was read the third time, passed and signed by the Speaker.

On motion of Mr. Nicholson the committee of the whole on the bill for preserving peace in the ports and harbours of the U. States, and the waters within the jurisdiction was discharged, and the bill was recommitted to the committee that reported the same.

Mr. Crowningshield from the committee of commerce and manufactures reported in favour of allowing a drawback on goods exported from the United States to that port, when re-exported to a foreign country, with a bill intended for that purpose. Referred to the committee of the whole on Friday, and in the mean time ordered to be printed.

Mr. J. Randolph reported from the committee of ways and means, a bill making further appropriation for the contingent fund of the house, for the current year, and a partial appropriation for the year 1865, which was read twice, went through a committee of the whole, and was ordered to be engrossed for a third reading to-morrow.

November 28.

The engrossed bill for making further appropriation for the contingent fund was signed by the Speaker.

A message from the President informing that he had acted upon the joint resolution in favor of captain Decatur, officers and crew.

November 29.

Mr. J. Clay presented a representation and memorial signed by 237 American citizens settled in Louisiana, expressing their satisfaction on the arrangement made in that country as to its government. Referred to the committee on that part of the President's message relative to the amelioration of the government of Louisiana.

The house resolved itself into a committee of the whole, Gen. Varnum in the chair, on the bill restraining merchant vessels from arming and forcing a trade to St. Domingo, sundry amendments were made and reported to the house; but finally the bill was recommitted to the committee of the whole for Wednesday next.

On motion of Mr. J. Randolph all the papers of last session relating to the Yazoo lands were ordered to be printed. A singular circumstance gave rise to this motion. The papers on the subject, he observed, were cut out of the books of documents which are preserved for the use of the house.

November 30.

A message from the President of the United States, covering the treaties with the Delaware and Pehankishaw Indians, recommending provision to be made by law for carrying the same into execution.

Referred to the committee of ways and means.

A letter from the Rev. Mr. Parkinson to the Speaker, declining to accept the office of Chaplain to the house was read and laid on the table.

Mr. Nicholson from the committee on that subject reported a new bill for preserving peace in the ports and harbours of the United States, and waters under their jurisdiction. Referred to a committee of the whole on Monday next, and in the mean time ordered to be printed.

Gen. Varnum presented a petition and memorial from the agents of the company and others on the Yazoo claim.

Referred to the committee of ways and means.

Mr. Crowningshield called for the order of the day on the bill allowing a drawback on goods exported from New-Orleans, &c. and the same went through a committee of the whole, Mr. J. C. Smith in the chair. The bill was afterwards ordered to be engrossed for a third reading.

The order of the day on the bill for regulating the clearing of armed merchant vessels was called for, but upon the request of Mr. Nicholson, who stated the subject to be one of the highest importance now before the house, and wished a little more time to consider the same; it was further postponed till Monday next.

On motion of Mr. Claiborne the house proceeded to ballot for a Chaplain in lieu of Mr. Parkinson resigned; and the Rev. Mr. J. Lowrie was elected.

Mr. J. Randolph from the committee appointed on the 6th inst. reported articles of impeachment against Judge Chase. They were nearly the same as reported at the last session, except the 5th and 6th articles, which are new ones.

Mr. J. Randolph moved to refer them to a committee of the whole on Monday next.

Mr. Elliott rose to move a more distant

day, and to affirm his reasons for the motion. It had been to him a subject of considerable regret that the present report had been so long delayed, and he had repeatedly examined his own mind to imagine reasons for the delay. Twenty-four days ago the gentleman who now presented the report, announced to the house his conviction that all the time which our political existence would allow should be given to the persons accused for the purpose of making his defence; and he moved a re-commitment of the report of the last session for the purpose of alteration or amendment. A solution of the difficulties which have occupied my mind upon this subject, said Mr. L. may perhaps be found in the report itself. If I understand it, it embraces accusations, the evidence of which repose in the breasts of the committee alone, and it has never been exhibited to the house. The course of proceeding may be parliamentary and proper, but it strikes my mind as possessing a very different character. At the last session a voluminous body of evidence was reported, upon which the house decided the general question of impeachment. The committee appointed to prepare and report articles of impeachment, possess not the powers of a committee of enquiry; the enquiry is already at an end; they are only to reduce to form the decision of the house upon the evidence before them; and if they have proceeded to make a new enquiry, to obtain new evidence, and report new articles thereon, they have wandered beyond the limits of their duty. Nor am I furnished with that intuitive knowledge of the right and wrong in cases of this kind, which would be necessary to enable me to decide almost instantly upon a question of such magnitude. While it is our duty to grant a reasonable time to the person accused to make his defence, it is indispensably necessary to proceed not only with deliberation but with caution. He concluded by moving that the report be made the order for Thursday next.

The question was taken on Thursday as the most distant day, and lost, 40 voting for and 68 against it.

Wednesday was next tried and lost.

It was then ordered for Monday, and in the mean time to be printed.

On motion of Gen. Varnum a committee of five was appointed to revise the rules and regulations for the government of the army of the United States with leave to report by bill.

THE committee to whom was referred on the 6th inst. the report of a select committee appointed on the 13th of March last, "to prepare and report articles of impeachment against Samuel Chase, one of the associate justices of the Supreme Court of the United States," submit to the house the following REPORT.

Articles exhibited by the house of representatives of the United States, in the name of themselves and of all the people of the United States, against Samuel Chase, one of the associate justices of the Supreme Court of the United States, in maintenance and support of their impeachment against him for high crimes and misdemeanors.

ARTICLE I.

THAT, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood, bound to discharge them "faithfully and impartially, and without respect to persons," the said Samuel Chase, on the trial of John Fries, charged with treason before the circuit court of the United States, held, for the district of Pennsylvania, in the city of Philadelphia, during the months of April and May, one thousand eight hundred, whereat the said Samuel Chase presided, did, in his judicial capacity, conduct himself in a manner highly arbitrary, oppressive, and unjust, viz:

1. In delivering an opinion in writing, on the question of the law, on the construction of which the defence of the accused materially depended, tending to prejudice the minds of the jury against the case of the said John Fries, the prisoner, before counsel had been heard in his defence:

2. In restricting the counsel for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the United States, which they deemed illustrative of the positions, upon which they intended to rest the defence of their client:

3. In debaring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as on the fact, which was to determine his guilt, or innocence, and at the same time endeavouring to wrest from the jury their indisputable right to hear argument, and determine upon the question of law, as well as the question of fact, involved in the verdict which they were required to give.

In consequence of which irregular conduct of the said Samuel Chase, as dangerous to our liberties, as it is novel to our laws and usages, the said John Fries was deprived of the right, secured to him by the 8th article amendatory of the constitution, and was condemned to death, without having been heard,

by counsel, in his defence; to the disgrace of the American Bench, in manifest violation of law and justice, and in open contempt of the rights of juries, on which, ultimately, rest the liberty and safety of the American people.

ARTICLE II.

That prompted by a similar spirit of persecution and injustice at a circuit court of the United States, held at Richmond in the month of May, one thousand eight hundred, for the district of Virginia, whereat the said Samuel Chase presided, and before which a certain James Thompson Callendar was arraigned for a libel on John Adams, then president of the United States, the said Samuel Chase, with intent to oppress, and procure the conviction of the said Callendar, did overrule the objection of John Basset, one of the jury, who wished to be excused from serving on the said trial because he had made up his mind, as to the publication from which the words, charged to be libellous, in the indictment, were extracted; and the said Basset was accordingly sworn, and did serve on the said jury, by whose verdict the prisoner was subsequently convicted.

ARTICLE III.

That, with intent to oppress and procure the conviction of the prisoner, the evidence of John Taylor, a material witness on behalf of the aforesaid Callendar, was not permitted by the said Samuel Chase to be given in, on pretence that the said witness could not prove the truth of the whole of one of the charges, contained in the indictment, although the said charge embraced more than one fact.

ARTICLE IV.

That the conduct of the said Samuel Chase was marked, during the whole course of the said trial, by manifest injustice, partiality and intemperance: viz.

1. In compelling the prisoner's counsel to reduce to writing, and submit to the inspection of the court, for their admission, or rejection, all questions which the said counsel meant to propound to the above named John Taylor, the witness.

2. In refusing to postpone the trial, although an affidavit was regularly filed, stating the absence of material witnesses on behalf of the accused; and although it was manifest, that, with the utmost diligence, the attendance of such witnesses could not be procured, at that term.

3. In the use of unusual, rude, and contemptuous expressions towards the prisoners counsel; and in falsely insinuating that they wished to excite the public fears and indignation and to produce that insubordination to law, to which the conduct of the judge, at the same time, manifestly tended:

4. In repeated and vexatious interruptions of the said counsel, on the part of the said judge, which, at length, induced them to abandon their cause and their client, who was thereupon convicted and condemned to fine and imprisonment:

5. In an indecent solicitude, manifested by the said Samuel Chase, for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge as it was subversive of justice.

ARTICLE V.

And whereas, it is provided by the act of Congress passed on the 24th day of September, 1789, entitled "An act to establish the judicial courts of the United States," that for any crime, or offence, against the U. States, the offender may be arrested, imprisoned, or bailed, agreeably to the usual mode of process in the state where such offender may be found; and whereas, it is provided by the law of Virginia, that upon presentment by any grand jury of an offence not capital, the court shall order the clerk to issue a summons against the person, or persons, offending, to appear and answer such presentment at the next court; yet the said Samuel Chase did, at the court aforesaid, award a capias against the body of the said James Thompson Callendar, indicted for an offence not capital, whereupon the said Callendar was arrested and committed to close custody, contrary to law in that case made and provided.

ARTICLE VI.

And whereas it is provided by the 34th section of the aforesaid act entitled "An act to establish the judicial courts of the U. States," that the laws of the several states, except where the constitution, treaties, or statutes of the United States shall otherwise require, or provide, shall be regarded as the rules of decision in trial at common law, in the courts of the United States, in cases where they apply; and whereas by the laws of Virginia it is provided, that in cases not capital, the offender shall not be held to answer any presentment of a grand jury, until the court next succeeding that during which such presentment shall have been made, yet the said Samuel Chase, with intent to oppress and procure the conviction of the said James Thompson Callendar, did, at the court aforesaid, rule and adjudge the said Callendar to trial, during the term at which he, the said Callendar, was presented and indicted, contrary to law in that case made and provided.

ARTICLE VII.

That, at a circuit court of the United States

for the district of Delaware, held at New-Castle, in the month of June, one thousand eight hundred, whereat the said Samuel Chase presided, the said Samuel Chase, disregarding the duties of his office, did descend from the office of a judge and stoop to the level of an informer, by refusing to discharge the grand jury, although entreated by several of the said jury so to do, and after the said grand jury had regularly declared through their foreman, that they had found no bills of indictment, nor had any presentments to make, by observing to the said grand jury to that he, the said Samuel Chase, understood "that a highly seditious temper 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"—but checking himself as if sensible of the indecorum which he was committing, added "that it might be assuming too much to mention the name of this person, but it becomes your duty, gentlemen, to enquire diligently into this matter," or words to that effect: and that with intention to procure the prosecution of the printer in question, the said Samuel Chase did, moreover authoritatively enjoin on the district attorney of the United States the necessity of procuring a file of papers to which he alluded, (and which were understood to be those published under the title of the "Mirror of the Times and General Advertiser,") and by a strict examination of them to find some passage which might furnish the ground work of a prosecution against the printer of the said paper: thereby degrading his high judicial functions, and tending to impair the public confidence in, and respect for, the tribunals of justice, so essential to the general welfare.

ARTICLE VIII.

And whereas mutual respect and confidence between the government of the United States and those of the individual states, and between the people and those governments respectively, are highly conducive to that public harmony, without which there can be no public happiness, yet the said Samuel Chase, disregarding the duties and dignity of his judicial character, did, at a circuit court, for the district of Maryland, held at Baltimore, in the month of May, one thousand eight hundred and three, pervert his official right and duty to address the grand jury then and there assembled, on the matter coming within the province of the said jury, for the purpose of delivering to the grand jury an intemperate and inflammatory political harangue, with intent to excite the fears and resentment of the said grand jury, and of the good people of Maryland against their state government and constitution, a conduct highly censurable in any, but peculiarly indecent and unbecoming in a judge of the supreme court of the United States, and moreover, that the said Samuel Chase, then and there under pretence of exercising his judicial right to address the said grand jury, as aforesaid, did, in a manner highly unwarrantable, endeavour to excite the odium of the said grand jury, and of the good people of Maryland against the government of the United States, by delivering opinions, which, even if the judicial authority were competent to their expressions on a suitable occasion and in a proper manner, were at that time as delivered by him, highly indecent, extra-judicial and tending to prostitute the high judicial character with which he was invested to the low purpose of an electioneering partizan.

And the house of representatives, by protestation, saving to themselves the liberty of exhibiting, at any time hereafter any further articles, or other accusation or impeachment against the said Samuel Chase, and also replying to his answers which he shall make unto the said articles, or any of them, and of offering proof to all and every other articles, impeachment, or accusation, which shall be exhibited by them, as the case shall require, do demand that the said Samuel Chase may be put to answer the said crimes and misdemeanors, and that such proceedings, examinations, trials and judgments, may be thereupon had and given, as are agreeable to law and justice.

December 5.

Mr. Nicholson presented a memorial from the inhabitants of Louisiana, said to be signed by 2000 heads of families, which takes a view of the laws of the United States, for their territorial Government. He observed that the three gentlemen appointed from that country had requested him to state that the copy which appeared in our papers in the course of the last summer was by no means authentic, many expressions as well as ideas in that do not appear in this, and there are expressions and ideas used in this that are not to be found in that. The translation that accompanies the French original though correct, may contain expressions that the house will have to pardon, ascribing them to the feelings of inhabitants so peculiarly situated, and not to any want of respect for the Government of the Union; they laboured under