

# THE NORTH-CAROLINA MINERVA.

RALEIGH.—PUBLISHED EVERY TUESDAY BY HODGE & BOYLAN.

Quarterly—five Shillings per Year.]

TUESDAY, MARCH 1, 1863.

VOL. VIII. NO. B. 362.

LANCASTER, (Penn.) Jan. 29.

## COURT OF IMPEACHMENT.

TESTIMONY ON THE PART OF THE PROSECUTION AGAINST JUDGE ADDISON.

JOHN B. LUCAS, on the part of the prosecution was first sworn. He said he attended as an associate judge at the court of common pleas for Allegheny county, on the 28th of March, 1861, when an action of slander was tried between Jonathan Coulter, Esq. and James Moore, in which a verdict was found for the plaintiff. At that trial, Mr. Addison, the president, addressed the jury on the subject of giving exemplary damages in cases of defamation. Mr. Lucas said his opinion was different from Mr. Addison's; was for very low damages in the present case and he gave his reasons for doing so. After this Mr. Addison addressed the jury and said, gentlemen, what the judge has told you may be strictly true, but it has nothing to do with the present question. The judge & I differ in opinion; it is probable we shall often differ; but what he has now said has nothing to do with the question before you.

Question on the part of the Impeachment Managers.—Were those expressions of Mr. Addison delivered in a passion? Answer.—I did not consider them as uttered in a passionate manner. I considered it as bordering on contempt. I thought both from the words and the affirmative way of making the observations that he wished to make me contemptible, and lessen my standing as a judge.

Question by the same. What was the verdict of the jury in that case? Answer.—6 cents or 12 cents, without speaking of costs. Mr. Addison observed, that if they intended Coulter should be allowed the costs, their present verdict would not embrace that object. The jury then without going out of the box, in a kind of club put their heads together, and awarded such damages as would probably amount to or cover the costs—35s. or 36s.

Question by the same. Did you express what damages you thought would be proper? Answer. No. As he (Mr. Addison) was not explicit, I was not explicit. I thought that Mr. Addison had attended only to one side of the argument, I thought his observations would have a tendency to produce high damages, whereas I was in favor of low.

Question. Did Mr. Addison say that in the present case the jury should give exemplary damages? Answer. I do not recollect that he made use of the word *exemplary* but his charge was to that effect.

Question by Judge Addison. You say that my address had a tendency to produce high damages, will you say what part of it expressed the necessity of high damages in the case of Coulter against Moore? Answer. I believe you evaded or you did not think proper to apply your arguments to the particular case. You took things on a general scale. You observed that "a good name was a jewel," and quoted the rest of that passage from Solomon. [Here Judge Addison observed that the question was from Shakespeare and not from Solomon.] To which Mr. Lucas replied, "it is no matter." I am not acquainted with Shakespeare, and it may be so or may be not.—I state facts.—You (Mr. Addison) said that a good name was a jewel.—Mr. Addison here asked Mr. Lucas if he meant to say that a good name was not a jewel, on which Dallas rose and observed that it was not proper to ask the witness such a question. He wished the business to proceed with the utmost delicacy on both sides. Mr. Addison replied, I will

not willingly fail on my part to observe the strictest decorum. The gentleman has stated my expression in such a manner as to imply a doubt of its correctness, and I think I have not violated decorum in asking for an explanation.

Mr. Whitehill said that the present mode of procedure was too wide apart from the usual mode. The Senate, he said, wished to be informed of facts & not opinions.—He wished, therefore, the gentleman would confine himself to the facts and the evidence only.

Mr. Lucas said, "I wished to have expressed myself fully, and had not you (Mr. Addison) interrupted me I should have explained myself."—He proceeded—"Well, I was saying that Mr. Addison used an uncommon degree of zeal to impress on the minds of the jury the magnitude of the offence of slander, and as I knew that Coulter had always acted improperly, and that in this case an instance was adduced, therefore if a good name was to be an evidence of immaculate rectitude, Mr. Coulter was not entitled to it, and the damages ought accordingly to be moderate."

Question on the part of the managers. Was there in the case of Coulter against Moore any evidence adduced of improper conduct on the part of Coulter or of any improper person being kept about his house? Answer. So far as I can recollect, it was produced in evidence that a certain man had boasted that he could keep company with a girl who was under the guardianship of Coulter; that a hint of this had been given to Coulter, and he seemed to pay no attention to it.

Question by Mr. Addison. Do you not remember that when I addressed the jury I said that although if they found him guilty they must award something, yet that they were the sole judges of the amount of damages. Answer. I do not recollect it, sir!

Question by the same. Do you not recollect my saying, before you attempted to address the jury, that Mr. Coulter's not having bro't an action against the person who reported relative to the intimacy with one of his family, was no more reason why he should not recover damages in the present case than that a man who had bro't an action to recover damages for taking away his horse should not recover damages because he had not bro't an action against another for taking his cow, nor why a man should not recover damages in an action of slander because he had not prosecuted another for an assault and battery. Answer. I do not recollect, sir.

Question by the same. From what circumstance did you discover that I was in favour of high damages? Answer. It was from a compound of circumstances.

Question. Was not Judge Wallace on the bench, and did he not sit between you and me, did you not consult him on the subject, and did he not dissent from your opinion? Answer. I do not recollect, sir!

Question. Was not Mr. Wallace placed on your right hand? Answer. I do not recollect!

Question. What judges were present? I do not remember; but I believe Mr. Wallace was there and you and me.

Judge Addison said. The fact is—all the Judges were present.

[What a surprising memory this principal evidence must have been blessed with. He could recollect very particularly all the circumstances tending to incriminate Mr. Addison. But he could not recollect anything in extenuation. He was sitting as a Judge on the bench; but he could not recollect how many Judges were on the bench, nor who was on the right hand, nor who on the left of him!—Citizens of Allegheny, we wish

you much joy of your "second Gallatin" your Gallic American member of Congress.]

William Ayres, on the part of the prosecution, next gave his testimony as follows:

I was present at the court of Common Pleas, on the 23d. of March, 1861. The action then tried, was an action of slander, bro't by John Coulter, Esq. then a justice of peace and tavern keeper, against James Moore.—The defendant undertook to prove the truth of the allegations, the principal of which was that he kept a house of ill fame. The defendant gave in evidence sundry irregularities that went a considerable length to justify his assertion. After the testimony was closed, Mr. Addison gave a charge to the jury, of which I cannot recollect the words, but they appeared to be favourable to the cause of the plaintiff, and implied, that the defendant had not made out his charge—hat considering the situation in life of the plaintiff, the jury might find something proportionate, or more than mere nominal damages. After Mr. Addison had concluded, Judge Lucas turned to Judge Wallace on his right hand, and said something, on which Mr. Wallace shook his head. The reader will mark, that Lucas "swore he did not recollect" where Mr. Wallace was!—Mr. Lucas then observed that he had something which he wished to address to the jury—and made some observations, which I do not particularly recollect; but they were of a tendency that Coulter should have less damages—that the defendant had justified so far that they ought not to give more than nominal damages. Both Judges expressed their opinion that the jury had the sole right to determine the damages, and left it to them entirely.—[mark again reader.] After Judge Lucas, had concluded his observations, Judge Addison said to the jury "you see gentlemen there is a difference of opinion; and it is very probable, that that gentleman and I will very frequently differ in opinion—Judge Lucas then said, gentlemen, you have heard the learned Judge's opinion; however, this is my opinion. Judge Addison immediately after observed, "what the Judge has said may be all true; but it has nothing to do with the purpose. You will therefore pay no attention to it. No farther observations passed, and the jury retired.

Cross-examined by Mr. Dallas. Mr. Ayres said, that he had no impression that Judge Addison spoke with more warmth than usual. He was something warm, and spoke in a short manner, when he spoke to impress the jury, that what Mr. Lucas said was irrelative. No impression of unmutual warmth.

Judge Addison wished the witness to be asked, if he did not, generally, in addressing the jury, speak so loud as to be heard distinctly through the court-room.—And, as Mr. Ayres was a lawyer, and had been in the habit of hearing the Judges of the Supreme court, and others, he wished him to be asked if he did not usually speak more audibly than they.

Mr. Ayres replied.—Judge Addison generally speaks so loud as to be heard distinctly. So far as my recollection goes, of the Judges of the Supreme court, they do not speak so loud or so distinctly as Judge Addison. It does not appear that he spoke louder or warmer than commonly.

Charles Bates, was next called by the managers of the prosecution. He said he was present at the trial in March, 1861, but did not recollect the particular charges of the judges, and probably it would not be proper to give his opinions or his impressions

at the time. He said the president (Judge Addison) had delivered an animated charge of considerable length, to the jury, which in his opinion, went to impress the jury with the necessity of high damages. Judge Lucas endeavored to impress the jury with a contrary sentiment, and spoke in favour of low damages. Judge Addison then turned to the jury, and said, that judge, and that gentleman and I, differ in opinion; and it is likely we shall frequently differ—but that what Mr. Lucas had said was not to the purpose, and they should pay no attention to it. The verdict of the jury was six cents damage. The president asked if it was not the intention of the jury, that the defendant should pay the costs; and had their verdict did not embrace that object. On which the jury in a few minutes returned, and gave a verdict of *six cents* shillings. [Reader, mark again, that Judge Lucas said, *I state facts!*]

Witness cross-examined by Dallas.

Said, that according to his strong recollection, Judge Addison turned round with his face to Judge Lucas, and his left hand to the jury, and said "that judge," &c. with some warmth.

On the cross examination of this witness by Judge Addison it appeared that Judge Lucas sat on the left hand of the president, that the jury boxes were also on the left hand, that they came up nearly to the front of the bench, and that it was impossible for Judge Addison to address the jury without turning towards Mr. Lucas.

Thus closes the testimony on the first article of impeachment. We shall publish the testimony on the second article in a supplement of to-day next. We earnestly solicit the attention of the public in this interesting cause and sincerely regret that it is not in our power to lay the whole before them in one paper.

The pleadings in the case of Judge Addison ended on Monday evening. The Senate adjourned till Tuesday morning; when as there was no debate, and as all the members had heard the testimony, we expected they would have been as able to decide that day as the next. But whether it was with a view of seeing an *animus* among the democratic members or for the purpose of gaining further information, is not our province to determine;—but so it was that they adjourned till the next day, when to the surprise of many speculative folks, the whole democratic vote voted *non, ne contradicente*.—"God save the commonwealth and the honorable court!"—*Conc. Jour.*

Wednesday, Jan. 26.

The senate returned the consideration of the articles of accusation and impeachment against Alexander Addison.

Mr. Rodman called for the reading of the articles of accusation and impeachment exhibited by the house of representatives against Alexander Addison, and the same was read.

It was moved by Mr. Barton, seconded by Mr. Jones, that a question be taken on the articles separately.

The question on the motion being put, it was determined in the negative.

The senate decided that the question should be taken on the articles jointly.

The speaker then stated the question as follows:

"Is Alexander Addison guilty or not guilty of the charges contained in the articles of accusation & impeachment exhibited against him by the house of representatives, just read," and

who would be...