



AND
North-Carolina State Gazette.

Ours are the plans of fair delightful peace,
Unwar'd by party rage, to live like brothers.
MONDAY, APRIL 16, 1864. No. 235.

IMPEACHMENT.

The testimony of Philip N. Nicholson follows that of Mr. Hay, and establishes the same facts. Next comes that of J. T. Mason as to the charge delivered by Judge Chase at the Circuit Court of Maryland. It is as follows:

I was present on the first Monday of May, at the circuit court held for the district of Maryland, in Baltimore, and heard Mr. Samuel Chase, the presiding judge in the court, deliver a charge to the grand jury who were summoned to attend and did attend that court. In that charge there was much political matter; he spoke of the act of Congress, entitled "An act to repeal certain acts respecting the organization of the courts of the United States, and for other purposes," as alarming and dangerous in its consequences, as it went to destroy the independence of the judiciary. He inveighed in very strong terms against the amendment made by the legislature of Maryland to their late constitution, by altering that part of it which required that a voter should be possessed of property to the amount of thirty pounds in value; and also expressed, in terms as strong, his disapprobation of the proposed amendment to the constitution of Maryland, respecting their state judiciary, then submitted to the people for their consideration, and in very strong terms commended it to those whom he addressed to return to their respective homes, and at the approaching elections for the State Legislature to exert themselves in preventing the re-enacting in the mode prescribed by the constitution, that law then under the consideration of the people. The room in which the court was held was crowded; there were in it many of my friends and acquaintance, whom I had not seen for some time previous to this, and the ordinary interchange of civilities which passed between us, prevented me from attending to the charge in such a manner as to be able to detail it with particularity, if I had been disposed so to do, which according to my present recollection was not the case. I have seen in the National Intelligencer, edited by Samuel H. Smith, under the date of the 20th May, 1863, an account given of the charge. It appears to me to be, as far as it goes, a correct statement of what fell from Judge Chase, on that occasion. I have before said my recollection does not enable me to speak with particularity and certainty. I mean to be here understood as expressing my opinion that it is generally correct. I have also seen in the same paper, under the date of the 5th of August, 1863, a publication purporting to be an account given of this charge by Judge Chase himself. Upon this I must observe as upon the other, that according to my general recollection of what then fell from the Judge, this statement of it is also correct as far as it goes—indeed I do not perceive any substantial difference between the two; if there be a difference it is not my intention to express an opinion which is the most correct.

JOHN T. MASON.

John Campbell, one of the grand jury, deposed much to the same effect.

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, late Marshal of the said district.

1. Were you present at a circuit court of the United States holden at New-Castle in the month of June, 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, and G. Bedford, District Judge 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 re-

sided 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 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.

The answers of 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.

1. To the first interrogatory this deponent saith, that he was present in the character of 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 twenty-seventh and twenty-eighth days of June, one thousand eight hundred, in and for the said district, by, and before Samuel Chase, one of the judges of the supreme court of the said U. 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 been manifested 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 every 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 honorable judge expressed; yet he is perfectly convinced that the lan-

guage 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 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 being farmers, and being the season of harvest, their personal attention was most requisite on their farms; on which the judge replied, "that the business to which he had called their attention, was of the 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 would occur as would require the attendance of the 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 answering 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 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 to-morrow morning, and by strictly examining them, find out whether he has not 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 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 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 was, 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 newspapers, the files of which were referred to, was then understood to be that which was styled "Mirror of the Times and General Advertiser;" but this 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, conformable 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 eighth 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—for 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 U. States, and so not being cognizable as an offence by those courts by virtue of any act 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 U. States of America against Worrel, 2d Dallas's Reports, 384, 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 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, was 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 eighth 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 that interrogatory.

G. READ.

Schedule [A] referred to in G. Read's answer to the eighth 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 review, and to account for themselves before the public, whom

they have so 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 for ever hide the most 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."

[Besides these documents, several other were introduced to the committee of enquiry; but these being the most material, the editor is unwilling to occupy more of his paper with this business at present.]

By Authority.

AN ACT
For the relief of Samuel Corp.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the collector of the customs for the port of New-York be, and hereby is directed to allow to Samuel Corp, of New-York, merchant, the drawback of duties by him paid on merchandise, which arrived at New-York, in the ship Chesapeake, Andrew Lombs, master, and without being there landed, were thence exported in the same ship for New-Orleans, in the month of August, one thousand seven hundred and ninety-nine, according to the tenor of two certificates, issued by the collector of said port, and made payable, respectively, on the twenty-third day of June, and on the twenty-third day of August, in the year one thousand eight hundred: Provided, That due proof of the landing of the said merchandise at New-Orleans, shall have been exhibited at the office of said collector, as is by law required in other cases of exportation: And provided also, That it shall appear to the satisfaction of the collector that the master, or other person having the charge or command of the said ship, had at the time of making report of the arrival of the same at the port of New-York, reported the merchandise brought in, her, and which was afterwards exported, as aforesaid, to New-Orleans, to be destined for the said port of New-Orleans, in conformity with the provisions which were by law in force, previous to the thirtieth day of June, one thousand seven hundred and ninety-nine.

NATH. MACON,
Speaker of the House of Representatives.

JOHN BROWN,
President of the Senate, pro tempore.
Approved Feb. 25, 1804.

TH. JEFFERSON.

AN ACT
For the relief of several military pensioners in the State of South-Carolina.

BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the persons to whom military pensions have been heretofore granted and paid by the State of South-Carolina, in pursuance of the resolves of the United States, in Congress assembled, for the payment of pensions to the invalids who were wounded and disabled during the late war with Great-Britain, and who have not been placed on the books, in the office of the Secretary of the Department of War, shall be, and the same hereby are directed to be placed on said books, and their said pensions shall be hereafter paid by the United States, in the same manner as to the other pensioners of the United States, out of the funds already appropriated for that purpose.

Sec. 2. And be it further enacted, That in placing the names of pensioners on the books, pursuant to the directions contained in the foregoing section, the Secretary of War shall be guided by a certificate from the State of South-Carolina, when the same shall be delivered to him under the proper authentications; which certificate shall specify the names of pensioners and sums of pensions, and likewise that they have not been paid since March the fourth, one thousand seven hundred and eighty-nine, by said state; which certificate shall be recorded in the books of the department of War, and the original kept on file. And each officer, non-commissioned officer and soldier, whose name shall be placed on the said list as a pensioner, in conformity to the provisions of this act, or in case of the death of any such officer, non-commissioned officer, or soldier, his heirs or legal representatives, shall receive a sum equal to the arrears of his pension, which shall have accrued from and after the fourth day of March, one thousand seven hundred and