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WEIDNESDAY, DECEMBER 12, 1804.

United States of America.

HOUSE OF REPRESENTATIVES.

Debate in Committee of the whole, ON THE IMPEACHMENT

JUDGE CHASE. Continued from our last.

MONDAY, DECEMBER 3, 1801.

Mr. VARNUM in the chair. The third article before the commit-

Mr. J. Randolph read the following testimony in support of this article, viz. " When the trial commenced, Col. John Taylor, of Caroline, was introduced as a witness for the prisoner. I believe he was sworn. The counsel wished to interrogate him. This they were not permisted to do, until they had stated the point to which his evidence related. They were then obliged by Mr. Chase, to reduce the quescons, which they wish ed to propound to Col. Taylor, to writing, and then to submit them to his ins, echo, that he might determine, whether they should be propounced or not.

" Col. Taylor's evidence was reject.

"The grownd of this opinion as stated by M. C ase was this, that col. Maylor could not plave the whole of one charge The charge was, the judge (Chase) said 1. the President was a professed acis tocrat-that he had proved faithful and te viceable to the British interest." Prov. ing half he said, was doing nothing; both facts must be proved. It was contended, on the part of the prisoner, that points would be proved by the testimony el col. Taylor. He would prove that I.I. Adams had professed aristocratical op mores; and that he had proved faith 141 a at servic able to the British interes, in the way meant by "the Prospect, &c by vo ing against sequestration law, and the law suspending all intercourse with Great Britain. The judge (Chase) repeated that the evidence was inadmissible, that the chunsel knew it to be so, and that they only wan ed to deceive and to mislead the populace."

A d afterward he added the following vz.

Interrogatory 4th. Dd Mr. Chase refuse to the prisone: the testimo y of a witness, because he the said witness, could not prove the trust of ail the facts se. forth, and upon which the indictment

was graunded?

" Answer. After the jury in Callen der's case were rwoin, col. Taylor, of Ca oln who at ended as a wines., it. cons.q.e.ce of a subpæna served upon him on benaif of Callender, was cailed to the book and sworn in the usual form. Judg: Chise a this momen asked, with considerab e haste & eargerness of manner, what the cou sel expected to prove by the witness? He was informed that they meant to ask him whe her Mr. A. dains had not avowed in his presence, sentiments inimica, to a republican form of government, and whether he did not, Whilst Vice President, give the casting vote in the Senate against the seques ration of British debts, and against the suspension of intercourse with Great Britain. Judge Chase demanded that the counsel should state in writing the questions meant to be asked. The counsel for the defendant opposed this, because, although a number of witnesses had been examined on the part of the United States, no sim lar requisition had been made with respect to them, because it was contrary to the practice in the state courts, and because also it Was unreason able mitselt, and calculated to subject every question of fact to the controll of the court. Judge Chase, however; insisted that the questions should be sitmitted to his previous decision. T: ey were accordingly patin,writing, and were as follow, to wit :

44 1. Did you ever hear Mr. Adams express any sentiments favorable to monarchy or aristocracy-and what were

2. Did you ever hear Mr. Adams, whilst Vice-President, express his disapprobation of the funding system?

"3 Do youknow whether M. Adams did, in the year 1794, vote against the acquestration of British debts, and for stopping all intercourse with Great Bri-

"After having examined the questions, judge Chase declared that Col: Taylor's evidence was inadmissible. He declared that no evidence could be received that did not justify the whole charge. The charge, said he, is, that the traverser said of the President, he is a professed aristucrat and has proved faithful to the British interest ;-now you must prove both points, or you prove nothing; and as

judge whether they could not be allowed | tution without the establishment of a ful and serviceable to the British interest, in the sense in which those expressions were used in the Prospect. The judge, however, adhered to his determination to exclude the evidence; and co. Taylor retired from the court with evident marks of astonishment."

article without a division, and carried. The fourth article being before the committee, it was considered by para-

graphs, Mr. 7. Ranlolph. The testimony in day of support of the first paragraph has been an add ess from John Adams, President read on the preceding article; it is that of the United States, in answer to the part of Mr. Nicholas's tes imony stating fied flice's of Bath county, in which the demand of judge Chase that the the said President dies avow, that there counsel should state in writing the ques tions meant to be asked.

The chairman proceeded to read the second paragraph, and

Mr. J. Pandolph read in its support, the fall was affidavit:

City of Richmond, to wit:

m de oath before me. a magistrate for autheu ic copies of sundry answers made the said ciy, that William Gardner, by the President of the United States to kering. William B. G:les, Stevens | United States in various parts thereof, Thompson Mason, and General Back- | which authentic copies he cannot proburn, he believes to be material wit less- cure, so as to be in readmess for trial es in his desence, against an indichment du ng the present term. term of the circuit court of the United and doth believe that a certain book ex-States for the middle circuit, Virgi ia titled "An Essay on Cason and Feudal district;-That William Gaudner, afore | Law," or entirled in words to that putsaid, resides, he believes, in Portimouth, port, ascribed to the President of the in the state of New Hamps are ;- I nat | United States, and of which he believes Tench Coxe, aloresa.d. resides in Poils | the President is the author, is material delphia, in the state of Pennsylvania; - to his detence, and that he cannot pro-That judge Bee resides, the deponent cure a copy of the same, and evidence if it was necessary to prove both facts by | hath understood, in South Carolina, bu | toprove that the said President is the the same witeess, the charge in both in what part of the state he knows no; a thor hereof, we nout be any allowed -That Timothy Pickering, at resaid, seve weeks and perhaps months for resided of late, in Philadelphia in the state | the purp se of Pennsylvania, but where he resides at "He fit ther saith, that he is told by this time the deponent doth not k ow; the counted who mean to appear for him, -That William B Gles, afnesaid, he hach understood since he nath been furnished with a capy of the ind clmen., and since the said Giles hath lele t win, resides in the councy of Amelia, and that Gene al Blackburn resides in the could ty of Bath.

"The said James Thompson Callender further declares, that he expects to prove by the said Wm. Gardner, and that he verily believes that he shall prove by the sad William Ga dner, that the said Wilham Gardener was commissioner of loans for the state of Rew-Hamdshire, under the governmen, of the United States, and that he was turned out of the said office of commiss oner of loans, because he the said Gardner relused to subs tibe an address circulated in the town of Por s mouth, i New Hampshire, and present. ed to the President of the United States, in the year 1798, at the instance of several inhabitants at the said town; in which addies, unequire cal app obation of the conduct of the sai! President in the administration of the United States is

expressed. is 3d. The said James Thompson Callender also decirres on oah; -That he verily believes that he shall prove by me evidence of Touch oxe aforesaid, that in, the said Tench Coxe, in the year 1793, held an important office under the government of the United Sates, to wit, commissioner of the revenue, from which office the said Coxe was ejecled by the present President of the Unied Sates; because he did not approve the measures of his, the said Preside it's sije i ministration, or the principles on which it was conducted.

"That he verily believes he shall be able to prove by the evidence of Judge Bee that he did receive from the Presi dent of the United Seates in the year 1799, a letter, in which he the sa d Pre sident did advise and request the said Judge Bee, hen aching in his judicial character, to deliver to the Consul of the British nation in Charleston, Jonachan R. bbins alias Thomas Nach, who had been ap rehended and carried before the said Judge on a charge of marder committed on the high seas on boald the

British frigate Hermione. "He farther deposes on oath, that he verily believes that he shall be able to prove by the evidence of Timothy Pickering, that the President of the United States was in possession of dispaches from Mr. Vans Municy, American minister in Holland, contami g assurances on the part of the French republic, that ambassadors from the United States would be received in a way satisfactory to the people and government of the United States, many weeks while Congress was in session, befere he commu-

nicated the same to Congress. " The deponent further saith, that he verily believes that he shall be able to committee, that he was not fatisfied to p ove by the evidence of Stevens Thom- vote in favor of the 4th article, whereas son Mason and William B. Giles, that | had he been allowed time he might join in John Adams, President of the United | a vote with the majority.

your evidence relates to one only, it can- / States, has unequivocally avowed in connot be received-you must prove all or | versation with them, principles utterly none. This was in substance, and it is incompatible with the principles of the believed the precise words in which judge | present constitution of the United States, Chase stated his objection to Col. Tay- principles which could not be carried ler's evidence. The council asked the into operation under any political instito prove part of a charge by one witness | direct, powerful and dangerous aristocraand part by another? To this judge cy; that he declared in express terms Coase replied, that if the counsel could to the said Stevens Thompson Mason, prove the whole of any one charge by that he had no more idea that the pre-Col l'ayior, they might doit, otherwise, sent federal constitution could for any they should not examine him. The coun- length of time, control the people of the sel contended that Col. Taylor's cridence United States, than that it could control applied to the whole of the charge which | the motions of the planets that he also the judge had stated in his opinion .- declared to the said Stevens Thom-That they must to prove by him, that son Mason, that he had no more idea that the President had professed anti-repub- | a political society could exist without a lican tentiments, and had proved faith - disticchian of ranks than that an army could exist without officers: And also that he can prove by the said William B Giles, that the President of the Unied States has avowed in conversation with him a sentiment to this effect, that he thought the executive depar ment of the United States nught to be vested The question was taken upon the third | with power to direct and control the public will.

"That this deponent verily believes that he shall be able to prove by general Blackburn the ne did on the

in the year 1798, receive was a par y n Virginia which deserved to be humbled into dos, and asnes, before the indignant flowns of their injured, insulted and affended country.

And this diponent faither saith, that he is advised and coheves that it material to his defence against the indict-This day James Thumpson Cailender, ment aforesaid, that he should procure Teach Coxe Judge Bee, Timothy Pic- addresses from the inhabitants of the

found against him during the present " He plio saith, that he is advised

that they carnot possibly be prepared to i vestiga e the evidence relating so the everal charg, a in the indicament, even if all the persons and documents wanted were upon the spot

WM. DUVAL. May 28 h, 1800

District of Virginia, ? to wit. 5:h Ci cuit. .

" I certary that the foregoing is truly copied from the original in my office.

> WILL. MARSHALL, Clk. Ct. of the United States 5.h Circuit, Va. D:."

The committee proceeded to consider the third paragraph of the 4th article.

Mr. 7. Randsigh Under another paragraph part of the tellimony has been read, but the following mould be audeu:

Mr. Hay fays. " The countel, who were affociated with me. in Callender's desence, attempt ed to address the jury on the unconditutionality of the law. on which the indictment was founded. They were interrupted, and obliged by Mr. i hate, if not or cered to at down. I then addressed Mr. t hase himself, with a view, to satisfy him, that I had a right to discuss this point before the jury. I told him that what I was then about to say was intended for the court alone. Lie interrupted me; he asked me some quellion which was answered : In a very thort time, after I had refumed my argument, I was interrupted again, by Mr Chase. How ofren I was interrupted I know not; but I was interrupted, rudely interrupted several times. Having feen in the course of this trial what I had never feen before having ! felt what I never feit before, and what I cectainly expect never to feel again, and being impressed with a belief that Mr. Chase was determined to silence me, if he could, my mind was overwhelmed by conflicting sentiments, and I quitted the bar, my client and the court "

When the quettion was about to be put on agreeing to the whole of the 4th arti-

Air. Mott rose and remarked that he was not here when the committee on this subject reported at the last session, and of course did not get a copy of the evidence, he had-however feen a part thereof in the new spapers and examined so much of the subject as to have fanished hun, that it was proper to vote in favor of two of the articles, to wit; the hull and third, but as he had not an opportunity since coming to this place of comparing the articles of impeachment with the tellimony on which they were founded, and fince he could not make up his mind in hearing the evidence artially read, and as the House have refused to put it off for a flort time, and he was not allowed to make the examination for himself, he was obliged to inform the

-He read the following:

Wythe and Joseph Scott Esquires, unsentatives of the United States.

ender, answers-

for the conviction of the prisoner, which, States in the estimation of said Nicholas, was improper in a judge fitting in a criminal profecution - The faid Nicholas further flates, that the department of judge Chase to the couniel, who appeared for Callender, was rude and overhearing, and calculated to provent that full and free defence without which it was impossible for them to do junice to their chent.

PHI- IP N. NI HOLIS. Richmond, February 7th, 1804.

The additional deposition of George Hay, who being asked, what were the manners and deportment of Samuel Chase during the trial of James Thompson Callenaer, deposeth and

That it appeared to him at the time of the trial, and he vet believes that the manners of Mr. Chase were intentionally rude and infolent. The deponent thought and vill thinks, that Mr. Chale wes determined that Callender should, if possible, be convicted, and that to accomplish this purpose, lie endeavored to intimidate. to depreis, and to lilence his counsel. H. interrupted them frequently, with wanton rudeness. He ordered one, if not more, of them to sit down. He charged the " with advancing do" rines which they knew to be illegal, and which they advanced, he said, only to deceive and missead the populace. The patience of the deponent was at length exhaulted and he quitted the court and the cause under a belief that farther exertions in thed sence would only tend to cover him: If with tull greater thame, to lubject him to fill greater humiliation.

" The deponent believes that there did not escape from him during the trial, a to the sale. word or gesture, that could have given offence to the Judge. The conduct of Lis affociates was. he believes, equally. guarded he does not therefore afcribe; the insolence of Mr. Chase to irritation occasioned by the conduct of the bar

· The deponent is under no apprehension, that his judgment has been much misled by the circumflances attending Lis own lituation He knows, and can now name men, whose politics ther ditfered from his own, who expressed their abhorrence of Mr. Chase's c nduct in terms as throng as language affords .-In fact the public mind was very much excited, and apprehentions were entertained by many, that some serious ditturbance might take place. Mr. Munroe, then governor of Virginia, was fo complete y convinced of the danger, that he not only earnetily recommended moderation and forbearance to those who were I daisy crowding about tien, but kest his eve coult nely on the capitol, that he might be ready to command the peace, at the first appearance of commotion -To him Mr. Chafe is probably indebted for e tatety of his person during his residence in Richmond.

" The solicitude of Mr. Munroe to preserve order, arose from causes totally unconnected with Mr. Chase The charatter of the state, he observed, had never been tarnished by any opposition to the laws, or any outrage on persons clothed with its authority. The preservation of this character at that period, (May 1800) was in his estimation a motter of infinite importance, he therefore urged and intreated those, who supposed might come into collision with the Indge, to be patient, under every cou-

GEORGE HAY. Richmond. Feb 7, 1804.

The quellion was taken on the 4th article and carried without a division. The fifth article was then taken into contideration.

Mr J. Kandolph stated the circumstances upon which this article was grounded: by the 33d section of the act of congress establishing the judicial courts of the United States, it is provided that for any crime or offence against the Un ted State, the offender shall be arrested, i.npritoned or bailed, agreeably to the usual mede of process in the state where such ofiender may be found; and it is provided by the laws of Virginia, printed in a volume commonly called the Revised Code of 1794, that the manner of proceeding against persons charged with crimes shall be in one of these two modes, the first in capital cases such as treason or felony, the second in cases, not capital The Virginia laws authorise expressly the issuing of a capias on which the hody of an ossender may be taken and committed to close cuttedy in the first species of offence. In the other cafe, that is of ossences not capital, this process is not warranted by our laws which require ? different process: viz. 2 summons, which , the court may order the clerk to issue returnable to the next ensuing court.

Mr. Nicholson said all the evidence on In the case of Callender, who was prethe subject of this article had not been tented and indicted for a crime not dapital, read, he would therefore read it himself as the circuit court did issue the process the clerk was indisposed with a hoarsenel's which is only warranted in capital, cases. To convince the committee on thefe " The additional deposition of Philip Nor- points, he read the 5th section of the bone Nicholas, taken before George law of Virginia, page 110, respecting the trial and punishment of crimes, and allo der authority of the House of Repressie lie lion 28, page 112. From these regulations he said there could not remain "The faid Nicholas being asked by the a lhadow of doubt that the process which said commissioners what was the general was issued against Callender, by order of deportment and manner of Judge Chase the circuit court, and which is annexed to during the trial of James Thompson Cal- | the articles of impeachment and which commands the marshal of the Virginia "That the general deportment and man- diffrich, to arreit the body of J. T. Calner of Mr. Chase during the said trial, ap- | lender and bring him forthwith before the peared to the faid Nicholas to be marked judges of the court, was illegal, being with great violence and precipitation ; and | contrary to the laws of Virginia and of that judge Chase manisested a solicitude | course contrary to the laws of the United

The question was taken on adopting the 5th article, and carried, 71 voting in the affirmative, and 30 in the negative.

le fixth artice under confideration. Mr. J. Randolph fied the law of Vizginia relative to this point having jutt been read, he would aly point to the words which are repeated from that law by the article of impeachment, they evince that the authority of congress as well as the laws of the thate of Virgie's nia had been both diffiegarded and con-

On the quellion to agree to the firth article the committee divided, the e being 70 in its favor and 22 against it; it was carried.

[To be continued.]

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