

FRIDAY, DECEMBER 14, 1834.

From the Boston Palladium.

Dr. Waterhouse's lecture on the pernicious effects of Smoking Segars.

The professor of the Theory and Practice of Physic finished his discourse last week, by a public lecture in the Chapel at Cambridge, which has justly excited no small attention without, as well as within the walls of the College. We shall not attempt an analysis of it, but simply mention some of its most striking features. The subject is indeed interesting to the community, being a comparative view of the health of the scholars at present and in years past. It was clearly proved, that instances of depraved health had increased, and were increasing; and that there were more hectic and consumptive complaints within three or four years past, than for upwards of twenty years previous during which the professor made his observations. He adduced this striking fact, that the table set for the freshmen in the hall, was generally cleared of its contents; while those students, three or four years in advance, left nearly half that was set before them. If a keen appetite be a criterion of health, there was something of late years in a college life, which deprave the appetite; inasmuch as those who come in ruddy, hale and hungry, go out pale, languid, smoke-dried, and dyspeptic. The cause of this declining health was sought for, when it was found to originate principally from an indolent or sedentary habit of life, brought on, and continued by the very prevalent and early universal custom of SMOKING SEGARS. It was rendered evident, that these two causes co-operated and aggravated each other; that the relaxing habit of smoking disinclined them from exercising in the open air; as was the custom before the fiery fashion of smoking became so indolent and so general.

The professor then discarded on the narcotic effects of Tobacco, which, he said, like rum or brandy first stimulated, and then oppresses; that when chewed, it was a consolidated or dry dram. He then explained the importance of the salivary digestion, and showed how the function was injured; especially in young persons who had not attained their full growth, by rejecting it. I was said that inordinate smokers were in danger of becoming tipplers from the unnatural thirst, created by the process of hot fumigation, and that to remove the fainting and sinking of the stomach, incident to young smokers, too many had recourse to stimulating drinks. The professor held up to view the picture of intemperance, and contrasted it with the picture of juvenile health and vigor; he entreated the young gentlemen in an affectionate manner to guard against and resist the fits of intemperance upon their youthful constitutions; and pointed out, in a forcible, but delicate manner, the effects of that folly "which most easily besets them." The Doctor allowed that smoking was cordial and comforting to elderly people, in certain situations, and under certain circumstances. He said, he would be unwilling to deprive the laboring man of the salutiferous regale after a hard day's work; or the pillioner who, after he has finished his hard task on the plantation, and whose wretched condition excites a wish "to steep his senses in forgetfulness." Nay, said he, I would light the pipe myself for the dark son of affliction, if its fumes would induce him for a moment to forget his wretchedness. But for a young person, a young gentleman, not yet arrived to the perfection of his growth, and faculties, and who is, or ought to be, all life, a vivacity, a earnestness and neatness; for him to wish "to steep his senses in forgetfulness," is, if not a vice, a shameful depravity; absolutely unworthy the blooming energies of youth.

The professor likewise remarked, that it was allowed by all, that since the foundation of the College, the custom of smoking was never so general as of late years; and that it was conceded by all, that the individuals never carried the practice to such excess before; and that it was confessed by all, that the sons of Harvard never appeared so languid and unhealthy, and that he could say, as a physician, that during the three and twenty years he had been a Professor in the College, he had never seen so many marks of declining health, nor never knew so many hectic habits and consumptive complaints, at so late years; and that he could trace his alarming inroad on their tender constitutions to the pernicious custom of smoking segars, and its equally pernicious concomitants. Although this lecture was replete with solemn advice, and was in some passages a strong invective against a dastling fashion; yet the students immediately requested a copy for the press, which, we hope, will be the means of checking a very serious evil.

A GUILTY HEARER.

Thirty segars have been smoked between rising and going to bed by young gentlemen of 17 or 18 years of age! - Shakespeare.

Congress

OF THE United States of America.

HOUSE OF REPRESENTATIVES.

MONDAY, December 10.

Mr. Nicholson had leave of absence for eight days.

The secretary of War reported against granting Lieutenant Walback his claim for expenses and the loss of his horse during the time he attended General Wilkinson as a commissioner to certain Indian nations, upon the principle that there was no provision made by law for such cases.

Referred to the committee of Claims. A message from the Senate by Mr. Otis their secretary, informing that they had passed a bill for the disposal of certain copies of the laws of the United States, to which they desired the concurrence of the House.

Mr. G. W. Campbell moved to refer to the committee on post offices and post roads, a resolution authorizing a road to be laid out from Tennessee to New-Orleans.

Mr. J. Randolph from the committee of Ways and Means brought in a bill authorizing the completion of the valuation of houses, lands and slaves in South Carolina; which had been inaccurately done under the law of 1798. The bill was read twice and referred to a committee of the whole on Thursday next.

Mr. J. Clay presented a memorial from the chamber of commerce at Philadelphia, remonstrating against the bill intended to restrain merchant vessels from sailing. Referred to the committee of the whole on the bill regulating the clearance of armed merchant vessels.

Mr. Lowndes presented a petition in behalf of the claimants of Georgia lands in the upper Mississippi country, praying Congress to take up the subject and decide thereon during the present session.

Referred to the committee of Claims. Mr. Eustis presented a petition from Hannah Hobby, relief of the late Marshal of the district of Maine, praying that she may be exonerated as the administratrix of her late husband, from the payment of 6000 dollars due by him to the United States.

Referred to the committee of Claims. Mr. Nelson presented a petition from Elisha Bell and others, praying to be allowed 3000 acres of land due to his grandfather, captain Alexander Bell, for services rendered during the French and Indian war of 1758-9, or a proper consideration in lieu thereof.

Referred to the committee of Claims. Mr. Findley from the committee of Electors reported in favor of John H. Geary elected a member of the House for the state of Pennsylvania, that he is entitled to his seat. The report was on motion of Dr. Linn made the order of the day in committee of the whole for Friday next.

Mr. Eyles from the committee appointed on that subject asked and obtained leave to report a bill to amend the charter of the town of Alexandria.

Referred to a committee of the whole on Wednesday next. A message from the senate informing that the senate had entered into a resolution relative to the trial of Samuel Chase, which was delivered to the Speaker, but not read.—We learn that the purport of this resolution was that the Senate had fixed the second day of January for the appearance of Judge Chase before the Senate, having directed him to be summoned fifteen days previous thereto.

Mr. Rodney called for the order of the day on the bill for establishing a court for the adjudication of prizes in certain cases.

Mr. J. C. Smith in the chair. After some time spent in discussing the bill, filling up the blanks and amending some of the sections, the committee rose and reported the bill with amendments. They were immediately taken upon the House, and gone through, and the House adjourned.

TUESDAY, December 11.

Mr. Speaker laid before the House a letter inclosing sundry resolutions entered into by the inhabitants of the county of Alexandria, against a recession of that part of the district of Columbia to the state of Virginia, which, on motion of Mr. Lewis was referred to the committee of the whole on the subject of a recession of the district, except the City of Washington, to the states of Maryland and Virginia.

The message received yesterday from the Senate was read, containing a resolution directing the secretary of the Senate to summon Samuel Chase, one of the associate judges of the supreme court of the United States, to answer the articles of impeachment, and that the return thereof be made the second of January, and that the service should be at least 15 days before the return day.

Mr. Early observed that the law authorizing the claimants of Georgia lands South of Tennessee to register the evidence of their titles under Great Britain or Spain, in the office of the Secretary of State, had expired last month, and thereupon he moved that a committee be appointed to revive the same, allowing further time for that purpose. A committee of five was appointed accordingly.

Mr. Lewis presented a petition from Francis Adams a collector of internal du-

ties in the district of Virginia, praying to be reimbursed 56 dollars expended in defending a suit brought against him in his official character, referred to the committee of claims.

Mr. Seaver presented a petition from Ebenezer Brown, a sergeant in our Revolutionary army, praying a commutation of half pay or a pension in consideration of the wounds he received and his consequent disability; referred to the committee of claims.

Mr. Rodney presented the petition of Joseph Hodgson, a plying for a compensation for the loss he sustained by the burning of his house, whilst occupied as the war office in this city. Referred to the Committee of Claims.

The order of the day on the unfinished business of yesterday being the report of the committee of the whole, on the bill establishing a court for the adjudication of prize causes in certain cases, was taken into consideration and the last clause of the bill, on motion of Mr. Rodney, was recommitted to the select committee of seven, who reported the bill.

Mr. Nelson presented a bill for the relief of Samuel Carson, of Alexandria. Referred to a committee of the whole for Wednesday next.

Mr. R. Stanford wished to call up the resolutions on the recession of a part of the district of Columbia to the states of Maryland and Virginia. If any gentleman wished for the delay of a day or two, he had no objection to their indulgence, though for his part he saw no necessity for suspending a decision.

Mr. Lewis wished that all the inhabitants of the district might be heard on this subject before Congress decided. He hoped ere long the subject would not be referred upon the House at this time.

Mr. Stanford was perfectly content to let the matter rest a little longer. Mr. Lewis then called for the order of the day, but he being arising the election of a dam or causeway across the western arm of the Potomack, from Mason's Island to the Virginia shore.

General Farnum in the Chair. After a long debate in committee rose and reported the bill with amendments, but before the House decided on the same, an adjournment was moved and carried.

Adjourned.

Debate in Committee of the whole,

ON THE

IMPEACHMENT

OF

JUDGE CHASE.

(Continued from Wednesday's American.)

The seventh article before the committee.

Mr. J. Randolph said it was extracted from the report of the deposition of George Read Attorney for Delaware district; the deposition is as follows:

"First. To the first interrogatory, this deponent faith, 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 and thirty-four, before 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.

"Second. To the second interrogatory this deponent faith, 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.

"Third. To the third interrogatory this deponent faith, 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 pretensions to make.

"Fourth. To the fourth interrogatory this deponent faith, 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 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 adding 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 lay that every word as here set forth is precisely what the honorable 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.

"Fifth. To the fifth interrogatory this deponent faith 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."

On the question to agree to the seventh article, it was carried without a division.

The eighth article under consideration.

Mr. Mott rose to move an amendment, which was to strike out the words declaring that the House "favored to itself the liberty of exhibition at any time hereafter any further articles or other accusation or impeachment against the said Samuel Chase"—and further, that part which favored to the House "the right of replying to any such articles, impeachment or accusation, which shall be exhibited to them." It seems to him unfair that the House should reserve such a right to themselves, if there is any thing more with which he ought to be charged, it ought to be now brought forward, and the accused should be informed at once how far we mean to go in order to enable him the better to make his defence.

Mr. J. Randolph hoped the gentleman (Mr. Mott) would not insist upon his amendment. He believed the article stood very well as it was; but if it be faulty, it has however one thing in its favor; it is fortified by precedent which is of some importance in cases of this nature. He hoped the gentleman who was a decided friend of the American people, and of the rights of this House, did not wish to abridge the liberties of the one, or the privileges of the other, as they had been granted by the people, and had been received by us from our predecessors. He hoped it was not intended that our powers should be less than those who sat here before us, and yet the amendment would be a tacit avowal that they were wrong in making this reservation in the case of the impeachment of Blount, and that we ourselves were wrong in so doing in the case of Judge Pickens. He trusted the House would not agree to the amendment, if it was permitted in by the gentleman.

Mr. Mott. If precedents are wrong, they ought not to be our guides, and if we have such precedents, the sooner we establish new ones on other principles the better. He thought it cruel, as well as unjust, to bring new articles of impeachment against a man when on the trial; a sudden attack when a man is unprepared, may defeat the best talents and convict an innocent man. He conceived, if the House had a delight to bring other articles, they ought to do so at the present time; but if they had not a design, he would ask why do you reserve a power you do not mean to exercise? He knew it was the practice to make this reservation, and had seen it in justice, but for all that he thought it improper and unjust.

The question on adopting the amendment was taken and lost.

The question was next taken on agreeing to the eighth article and carried in the affirmative. There were for it seventy six members, which are more than a majority of the whole House.

Mr. Elliott. Mr. Chairman, as I have voted in opposition to every one of the articles, and shall of course vote in the negative when they are considered in the aggregate, it is indispensably necessary that I should make a few observations, in order to rescue myself from the imputation of voting, on this occasion, in a different manner from what I did at the last session: although I am already sufficiently justified to my own conscience.

My cool judgment tells me that were I to vote in favor of the present impeachment, in its present form, I must forfeit in my own estimation that political character as a republican, which it has been the study of my life to acquire and preserve, and which has hitherto secured me the confidence of a people as truly republican as ever have existed in any age or nation. It is upon republican principles that I oppose the report. At the last session I declared myself in favor of the impeachment so far only as related to the conduct of Judge Chase upon the trial of James Thomson Callender. I considered the conduct of the judge upon that occasion as amounting to a denial of important constitutional privileges to Callender, the privileges of compulsory process for witnesses, and of trial by an impartial jury of his country; and had the committee taken that strong ground, I must have given it my support. They have, however, abandoned it; and I am decidedly of opinion that if the conduct of the judge did not amount to a violation of the constitution, it ought to be considered as a mere error in judgment. And for errors of judgment a magistrate is not impeachable.

It is not upon any trifling or minute distinction between form and substance that I found my objections to the second

and third articles. But upon what I consider as strong and solid ground. In the fourth article there are a variety of objections. After having stated the second and third articles, every thing which it was necessary to state, which the strong ground of the constitution was abandoned, we are presented with the blackest catalogue of judicial crimes that has ever been invented. This article will forever form a phenomenon in the history of impeachments, and command admiration by its wonderful display the powers of invention, amplification, embellishment. Never have I been more completely convinced that genius is capable of creating any thing whatever, than it possesses even magic powers. We are here presented with a stupendous pyramid of judicial guilt, of which manifest injustice forms the pedestal and indelible solicitude constitutes the apex. Judge Chase is accused of manifest injustice, partiality, intemperance, rudeness, vexatious, solicitude, &c. &c. If this horrible list of the crimes of a judge is to be crowned by "solicitude," if "solicitude," is to swell the list of new transgressions; I must still be permitted to believe that its decency or indecency has very little connexion with the essence of its criminality. Besides, the conduct of the Judge was different at different stages of the trial, and were I to consider his supposed solicitude as criminal, I could not consider the report as consistent with truth unless amended so as to read in this manner—"In manifesting, in the early part of the trial, an indecent solicitude and, at its later stages, a very decent solicitude for the conviction of the prisoner, &c. Solicitude is a mere mental operation. Had the judge displayed an anxiety to save the prisoners, he might with equal propriety have been impeached as guilty of sympathy or pity.

I cannot vote for the last article without a violation of my political principles. I do not believe that the expression of political opinion is a crime in a republican government. I have repeatedly declared that I consider it improper in a judge to read political lectures from the bench; and I have also had frequent opportunities, both on former and recent occasions, of expressing my conviction that judicial officers ought not to be punished for declaring their political opinions. We ought not ourselves to practice what we reprobate in others, and it is always desirable to carry our own theories into practice.

With these powerful considerations, others of a different nature have naturally mingled themselves, in my own mind, while reflecting upon this important subject. Is there no danger that the feelings and views of party have imperceptibly to ourselves involved themselves with our reflections, and that they will improperly influence our conduct? For myself I am disposed to look upon a member of our highest judicial tribunal, upon whom, with correct motives, such an irresistible torrent of public opinion is precipitated, with a favorable eye. It is our duty to endeavor to resist the ancient idea of the blindness of justice. Let us be blind as it respects the man, blind to his political opinions, but eagle-eyed as it respects his crimes. The pure fountain of justice ought not to be polluted with a single muddy particle of the spirit of party.

I have said enough to explain my sentiments and views upon this subject, and I will not trouble the committee with a repetition of any of my arguments at the last session.

Mr. Nicholson enquired of the chairman whether it would be in order to move an amendment to any of the articles now they have been severally agreed to.

General Farnum (chairman) said the amendments might be moved in the House on agreeing to the report of the committee of the whole, or in the committee by a vote to reconsider.

Mr. J. Randolph thought it of importance, that if amendments were necessary they should be brought forward in committee of the whole, to give gentlemen an opportunity of fuller discussion. In the House members were trammelled by the rule permitting them only to speak twice on the same question, but here we are free to discuss and debate at pleasure.—If an amendment is wished, he would move to reconsider the first article.—And he did move it.

It was carried without opposition.

Mr. Nicholson then observed that part of the misconduct of Judge Chase which was complained of, had taken place previous to the trial. He would therefore move to make it read by the insertion of the words in Italic, "the said Samuel Chase antecedent to and on the trial of John Fries" so as to cover the whole ground.

Carried. Mr. Nicholson proposed a similar amendment to the fourth article, "That the conduct of the said Samuel Chase was marked during the whole course of the said trial as well as antecedent thereto," with manifest injustice, partiality and intemperance."

The amendment was lost.

After some desultory conversation it was agreed that the amendment to the first article be altered, by inserting the words in relation thereto, instead of those in Italic, and a similar amendment was agreed to in the fourth article.

The committee of the whole rose and reported the articles as amended.

Adjourned.