IMPEACHMENT OF JUDGE CHASE.

FRIDAY, FEBRUARY 22.

(Mr. Lee in continuation.)

I will now proceed to make some observations upon the 6th article of impeachment. It is, and ought to be, considered by the 24th section of the above bill, as tried on the 4th instant, by the judicial courts of the United States, that the laws of the several states, expressly within the constitutional jurisdiction of the United States shall otherwise require or provide, shall be regarded as the rules of decision in trials to common law in the courts of the United States, in cases where they apply; and whereas by the 1st of Virginia it is provided, that in cases not criminal, the defendant shall not be tried for another any prehensment of a grand jury unless the court, while succeeding that during which the prehensment was made; yet the trial Samuel Chase, with intent to repeal or prevent the execution of the bill James T. Callender, did, at the court therefore, rule and adjudge that the defendant, during the term at which he the said Callender, was presented and indicted, contrary to law in that case made and provided."

The charge in this article against the respondent, is in substance that he, with intent to repeal and prevent the execution of Callender, ruled that he, during the term at which he was prehensed, and indicted, contrary to the laws of Virginia, which it is alleged have provided that in cases not capital, the offender shall not be tried for another prehensment of a grand jury until the next succeeding court.

This article is admitted here common sense of crimes; but I shall be able to justify this honorable body, that no such intent and no such offence was committed. I shall undertake to show that no error in law was committed, that if the judge had done otherwise, he would have been more liable to censure than he now is, that he was right to appoint as a judge illegality of his conduct is the foundation of a charge which will remain nothing to support the charge

The second judge had been to support the constitution of the U. States, and the constitutional laws of the U. States, and to perform all the duties of his office according to the laws of the United States. It is being Callender to trial at the same term at which he was prehensed, he chiefly according to law, the judge performed his duty, and ought not to be charged with opprobrious.

The article may be underhand as charging the judge with some law of Virginia which positively prohibits the trial of a misdemeanor at the same term at which the fact is found. No such law has been produced, and I must during the trial say that any fact law of Virginia exists. The act of Virginia of 1788, which provides that "upon the prehensment of a grand jury of an offence not capital, the court shall order the clerk to issue a summons or other process, directed to the proper officer, to appear and answer such prehensment at the next court," appears to have its birth in the idea that an offender may not be tried for a misdemeanor, at the term even he is indicted. It was her done, and the prehensions. When the party appears and answers to indictment, he is immediately tried, place, if so ruled by the court, which are well known to a difference understood by every judge. The defence of the article may therefore be placed on the ground of which will be sufficient. Fifth. There is no law of Virginia which prohibits the trial of a misdemeanor at the same term the indictment is found; and secondly, if there be such a law, the fame is not binding on the courts of the United States, in regard to offences against the laws of the United States.

The 6th article is the fifth ground, in addition to what was said it may be conceived, that some influence have been exerted before the grand jury, that in the fame courts of indictments for misdemeanors, at the fame term they were found. The defence fixed upon for this where the punishment might be imprisonment. Third: Finally, the defence may have been on the positive prohibition by the laws of Virginia, that the fame are fome, or a part of, such a general practice would not be obligatory on the courts of the United States, which is the fecond ground of defence against this charge.

A great deal which has been faid in relation to the 8th article, applies with equal force to the article now under discussion.

When the fitnesse court by their rule of court deliberately found, declared that the practice of the kingdom's bench should form outlines for the practice in their court fubject to the alterations the prudent make it was reasonable and proper for the circuit court, compelled of judices of the fupreme court, to conduct in outlines upon the like principle, the kingdom's practice, and be returnable immediately. Gilbert's treatise on the law of Evidence, page 3, fec. 14. 4 Black 319, and lack in the practice if the office is a commitment, and the prisoner is to be tried, but if the offence is committed in another county, the process may be returnable to the next county in which the offence is committed. The judge in this direction will be to infuse the fecond of the indictment, and to return by allowing fufficient time according to circumstances of the offence, and to not denied that *venire facias is a proper* process in cases not capital, but is not the only process that may be fitted. Judge Blackstone who wrote fince Hawkins in the nafiage cited, declares that a capias may issue in the king's bench, and may be returnable at the bar before the term, and that the fheriffs there ought to be a *venire facias* where it is intended to proceed to outlawry. In the United States, under the fatutes of Congress, there can be no proceeding to outlawry, and therefore no process of the kind was fued. The laws, does not hold in the U. States in the fame manner as in England. But lie the practice of the king's bench be as it may, it is merely to be ifsued as an outline for our fitnesse, and should and ought therefore by the fatutes of the U. States, and will, in conformity to the Virginia laws, be fitted and the offender brought into court to answer to the indictment found, it is the duty of the court to proceed to the trial. Such will be fitness and duty of the judge in the courts of the United States. As to the laws of Virginia, it is repeated, there is no prohibitory act, that the fitnesse ought to be at the time of trying an indictment for a misdemeanor, and if there is, it is not binding upon the courts of the United States, and I hand judge, I judge, I judge, I judge the fitness ought to be at the time of trial, is fubject to the laws of the United States.

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The hon. managers have attempted to draw a difference between a prehensment and an indictment, and that would the indictment was found, it was enough not to have been illfed, even if it were lawful to illfue it upon an indictment. But there is no fuch difference, it is fitted to those parfages of the acts of Congress to which reference has been already made. I appeal to the candid and fitness thing and to the nature of prehensment and of a fitness of indictment, to infuse, and indictment, it is a prosecution of a grand jury. There are cafes where it is impossible to infuse, and it is only until a prehensment shall be put in the form of an indictment. Circumfances may be fuch, that the offender would efcape if process was not ifsued upon the prehensment.

One of the hon. managers charged the respondent with precipitancy in awarding the capias. If this gentleman had recollected the ordinance, he would not have made that remark. It was undeniably proved that the respondent engaged the chief in the ordinance, and the chief attorney, what was the proper process. Those officers answered, that a capias was the proper process. Upon fuch fubject it is usual to enquire of the officers, and the judge was generally deemed fufficient by the courts.

(To be continued.)

Bailey Washington,

IN the houfe formerly occupied by Mrs. Mills, New Jersey street, near the Cove, has just received and opened, in addition to his former stock of Goods, the following articles which he is selling at the prices annexed, viz.

Superfine and fine Cloths,
broad cloths,
Cotton hosiery,
Yellow, blue and mixed nankeens,
Russia sheetings,
Brown Hollands and Dimities,
Cambrics and lawns,
4-4 & 7-8 Irish linens,
4-4 & 6-4 colored cambrics,
4-4 & 4-4 white do.
6-4 Chambery do.
4-4 & 6-4 cambrics,
Cotton handkerchiefs,
Damasks,
Corse & fine hats,
Men's white & black silk stockings,
do do. low do.
do. brown thread and cotton do.
do. striped silk & fancy do.
do. pantaloon do.
Women's colored and white silk hose,
do. black & white do.
do. fancy hosiery mitts
do. black,
do. white, black silk & lisle do.
do. pink silk mitts,
Men's white & brown thread gloves,
do. black, Marocco and Leather do.

A130
Crockery, Hardware and Cutlery.
Sugars by the hogshead.
S. g. c. l. ns, &c. &c. &c.
June 18—d.

Whereas my wife Elizabeth absently without any provocation claimed herself from my bed and board, I therefore caution people from crediting her on my account as I am determined not to pay any debts of her contracting.

THOMAS WILLIAMS.

Washington city, July 10—3t

HOLLAND.

Speech of M. Schimmelpennick at the opening of the Sessions of the States General.

"HIGH AND MIGHTY LORDS!

"Scarcely during three hundred years of my continuance, felt the necessity of preventing, by the introduction of a new order of things, the fatal effects of the unfortunate edifice of the state. This necessity was in general felt by all the people, and by every one, they deem it time fitness and unfitness enlarge upon a truth universally acknowledged; but it is this precisely which the nation holds to us the rule by which we are to reinstate the hope which the nation has placed in our fitness and the expectation which it grounds upon our exertions.

"The burden which we take upon ourselves, and the multitude and painful part of which is to fall upon me, is heavy. The difficulties in which the state is involved, are manifold and great the first proof our courage will be, to dare to contemplate those difficulties, fitness as they actually exist; the second, not to despair of overcoming them, that is, of the fitness of our fitness.

"In my opinion, it would be little confident with that calm impartiality and fitness integrity which muft be illustrated in a gentleman, if I should in any manner, either to the nature or the extent of our fitness exertions, we have to acquate the greatest fitnesse of our country.

"I deem this the more congruent to wifdom and equity, because, whatever partial inconvenience may have arisen from individual mistaken principles, or difaftrous, yet the main force of the fitness, by nothing so seems to be looked for in our fitness, it is our exertions, without us, and quite independent of us.

"Our country could not fall, by its fituation and relations, deeply to partake of the great evils which have changed the whole face of Europe; and the power of Europe's wifdom have taken the great fitness of our country, and, in future by cafe a fatisfactory fituation in our countries fitness, fitness, fitness, to continue fatisfaction our countries, or rendering the wounds of our fitness more incurable, by fitness either their cafes in our own bifom; a fitness, the refult of which would always be exposed to fitness fitness, alone, and tending to dangerous repeaches, and would be the wounds fitness fitness fitness fitness to heal them; and permit me, who am now placed at the head of the government, to fitness fitness fitness fitness, on this fitness occasion, to fitness to your fitness, Mighty Lords, the fitness, by which I shall regulate my administration, and which I deem the most proper for fitness fitness and political fitness strength, and our true quality of fitness.

"Among the great acts which I have taken a wife nation fitness fitness, principally have the following before my fitness eyes:

"In the fitness place, the putting an end to the state of uncertainty with respect to our internal government, which has long fitness tired and fatigued the people, and which would have terminated in a fitness fitness fitness.

"In the fecond place, the improvement of the finances of the country, brought to the brink of ruin by the confequences of internal troubles, and of ruinous wars.

"And lafly, the embracing and maintaining a firm political fystem, founded according to the fituation of Europe, and fitness fitness fitness with confidence, our friends with good will, and our enemies with a fitness.

"When we have attained the two former objects, the latter (so far as depends on us, and not on events out of our power) will be eafily attainable, provided we can fitness fitness fitness always keeping in mind the great changes which have taken place in Europe, and in our relations with our powerful neighbors and fitness with our friends, and that our fituation and our prosperity can never be determined to fitness, fitness, fitness fully depend upon our good faith in fulfilling our engagements.

"In order to refitness the fidelity and energy of our internal government, I deem nothing more fitness than an immediate attachment to the holy principles of justice; the doing equal justice to all, without difference of fitness, fitness; the refitness the necessary vigor to the laws, and the fitness subordination of the ancient refpect to all the lawful authorities; homage to talents, bravery, and merit; every public indulgence to exportunities, innocuous regular to mildness.

"The refitnesation of the finances of the country will be our main fitness fitness branch. Can you deem it necessary, High and Mighty Lords, that a cotemporary picture thereof should be exhibited to you on this occasion? I see in fitness fitness fitness fitness