wielded under the direction of party spirit, or of popular passion instigated by personal malice or sinister policy, dreadful indeed will be the condition of those whom it may be the object of the moment to destroy.

Against an accusation thus prepared, and thus preferred, it behoves your memorialist to make the earliest and the most efficacious preparations for defending his character and asserting his innocence. While the accusation rests in its present vague state, he knows not to what points to direct these preparations; and in the mean time the fullest scope is given to calumny, and malevolence; suspicion, ever alive and busy, is left free to act; and the most efficacious means are afforded, for overwhelming with public odium an innocent man, who until the age of sixty-three, has maintained an unspotted reputation; who bore an early and not an unimportant part in our common struggle for liberty; and who, after discharging with honor, many most important trusts conferred on him by his fellow citizens, was raised by *Washington*, the witness of his services, and often the companion of his exertions, to that high office, his conduct in which, though now the subject of accusation, has always been regulated by the most conscientious regard to his duty and his oath.

These are injuries to which he cannot suppose that your honorable body will suffer him to remain exposed. He therefore presumes to solicit, most respectfully but most earnestly; and confidently hopes, that your honorable body will not adjourn without preferring articles of impeachment against him, and thus reducing to precise form, that accusation, which in its present vague and general state, it is impossible for him to repel. Could an immediate trial be had, it would be far most agreeable to his feelings; but as circumstances render it impossible that he should be gratified in that extent, he forbears to ask it; and confines himself to that request, which it is, he conceives, perfectly easy for your honorable body to grant.

SAMUEL CHASE.

Baltimore, 24th March 1804.

In the strictures, which we consider it our duty to make, we shall altogethr limit ourlelves to repelling a mass of misrepresentation, seldom found in an anonymous essay, and never, perhaps, equalled by a high official character in the formation of an official performances. We disclaim all appeal to Heaven, to the almighty searcher of hearts, and to the dread tribunal of another world. We address ourselves exclusively and confidently to the honest judgement of upright men. It is through them that Deity proclaims his will, and with their suffrages in our favor we dread nothing.

It would involve great prolixity to pursue the Judge through his long and inflammatory remarks, though it would be no difficult task to take them in succession, and prove them individually, either inapposite, untrue, or illogical. But this would consume too much of the patience of the reader. An attempt, therefore, shall be made to generalise them.

He objects to the mode pursued,

I. Because the enquiry was instituted on the mere suggestion of a member in his place, unsupported by oath, or by any specific statement of facts, which if supported by oath would have justified an enquiry.

This point has been so clearly elucidated in the debate, lately published, that it is scarcely necessary to do more than refer the reader to it. It may, however, be observed, that the representation of the Judge is altogether erroneous. A member, of great respectability, did, in his place, and on oath taken as a representative of the people, make certain allegations, which he and the House considered as sufficient grounds for enquiry, and which many of the political friends of the accused allowed would be, if substantiated, grounds for enquiry. It is not at all surprising that he who is impeached for alleged misconduct should declare that some of the grounds on which that impeachment is sustained "would not have justified an enquiry."

The judge goes on to declare "this enquiry instituted in a manner the most unprecedented and alarming."

On this declaration we will make no remark, other than that the debate in the House of Representatives furnished a number of precedents pointedly precise.

II. Objection is made to the ex-parte nature of the evidence collected by the committee of Enquiry.

It is true that the evidence is in some measure ex-parte. The nature of the enquiry did not admit of its being otherwise. Neither time, nor the powers of the committee, admitted that full investigation which can only be had on a trial. To have gone into all the minutiæ of proof, a great part of which could only be obtained in remote parts of the union, would have consumed more time than remained of the session, and might have been considered as an attempt prematurely to judge the case. All that the House required to justify their proceedings was colourable proof of misconduct, sufficient to warrant an impeachment. This the committee obtained. How?—By exclusively consulting prejudiced and vindictive men? Men, who, in their own opinion, had been wronged by judge Chase? Men, who differed from him in politics? By omitting to take the testimony of those, whose prejudices, either personal or political, if they had any, were on his side? All this is more than insinuated. And yet there is not a word of truth in it. The reverse is the truth. Take the prominent features of the testimony, which constitute the whole of the impeachable matter set forth in the articles, and you will discern a systematic and scrupulous endeavour to place along side of each other the poison and the antidote, the charge and the vindication—For instance:

1. In the case of Fries, we are furnished as well with the deposition of Mr. Rawle, the Attorney of the district, as with those of Messrs. Lewis and Dallas, the counsel of the prisoner. Of these three gentlemen, two are decidedly federal.

2. In the case of Cooper, we are furnished with a detailed statement, the most circumstantial the documents exhibit, by Mr. Rawle, the district Attorney, the prosecutor of Cooper, and a decided federalist. We have also the deposition of Mr. Caldwell, likewise federal.

3. In the case of Callender, the depositions of Mr. Hay and Mr. Nicholas, the counsel for Callender, are given. These gentlemen are republican. To compare with their statement of facts, is added the trial of Callender, at full length, comprising 76 pages, taken in short hand by Mr. Robertson, whom we understand to be federal in his political opinions.

4. In the case of the address of the judge to a grand jury at New-Castle, Delaware, the only testimony, which, perhaps the nature of the case admitted, is given—that of Mr. Read, district Attorney, whose politics happen to be republican.

5. In the case of the Charge to a grand jury at Baltimore, we have the depositions of Samuel H. Smith, who published a statement of it, of Mr. Mason, who was present at its delivery, and of Mr. Campbell, the foreman of the jury. The two first are republican, the last federal. In addition to these depositions, is the *concise* statement respecting the charge given in the National Intelligencer, and the *full* statement of it, afterwards published by the judge himself.

It may not be improper here to state a fact. It was not the intention of the committee to publish the deposition of Mr. Snowden respecting some light expressions of the judge; but having been published, through mistake, the depositions of Messrs. Marshall and Washington were taken and likewise printed.

This concise view of the testimony published will shew to the satisfaction of every unprejudiced mind, that the committee have acted with fairness and honor; that they have in its selection (if that word can at all be appropriated to a mass of testimony the whole of which is published) exhibited the spirit of impartial justice; that they have sought for facts from all quarters; and, it is not a little extraordinary that of the fourteen deponents (omitting one whose political sentiments we do not know) *seven are federal*, and *seven republican*.

It is true, that having procured testimony sufficient, in their estimation, to establish the preferment of articles of impeachment, they did not exhaust the entire field of enquiry by descending to a tedious and useless examination of facts and opinions. This would have been to foreclose, in a great degree, that ultimate investigation which the Senate are constitutionally authorised to make.

It is not less true, that the committee might have taken the depositions of Fries and of Cooper. But they declined to do it; whether from considerations of party or justice let the dispassionate decide.

III. Objection is made to the publication of the testimony. It is represented as having been printed piece-meal in the progress of the enquiry, and placed in a situation to be extensively circulated, as a mean of wounding the reputation of the accused and exciting an universal odium against him.

How true this statement, and these insinuations are, a few facts will evince. Early in the progress of the enquiry, the chairman of the committee stated to the House that several documents were received, that more were expected, and that in the opinion of the committee it was desirable that they should be authorised under an order of the House to print them as received, that when the report should be made the House might be enabled without much delay to act upon it. The authority to print was given without a dissenting voice. Under this authority the testimony, as received, was printed; but under a pointed injunction of secrecy, which, it is believed, was sacredly observed: nor does it appear that the least use was made of the testimony during this period to wound the reputation of the accused. No publication of it was made, until the report of the committee was presented, and then the *whole* testimony was laid on the tables of the members; and from the publicity naturally flowing from this step, which is that pursued in every case where there is no positive injunction of secrecy, resulted the publication in the National Intelligencer, honored by judge Chase with being denominated the official organ of the government. Every printer in the union had access to the same source of information, which was in truth open to the whole world, and it is principally owing to local situation that that paper preceded the others in the publication.

Does the judge mean to insinuate that the ends of justice and truth would have been more successfully promoted by concealing than by publishing the testimony? Would he not have had reason in such a case to have accused his accusers? Would he not have said that those who preferred the charges were afraid to trust to public opinion; that they knew the charges to be unsupported, and dared not exhibit the proofs on which they rested? This would undoubtedly have been the language of the accused, and his friends, and it would have been used not altogether without success.

There is another view which ought to be taken of this point, fully to appreciate the force of the objection. The representatives of the people are responsible to their constituents. If they err, the people ought not to be left in the dark. If they act right, the people, whose interests they guard, ought not to be ignorant of their motives of action. Hence, except in cases of great and delicate emergency, it is the invariable practice of the legislative body to deliberate and act in public. The more important the object whereon they are occupied, the more necessary and salutary is this publicity. Secrecy naturally, and with us almost necessarily, begets distrust. In the case of an impeachment the representative body should, in proportion to its importance, be under a full responsibility to the public will; lest they should deviate into measures subversive of those rights they are constituted to protect.

Many other views of this point might be easily taken; but these two are conclusive. Suffice it to add that every view which can be taken leads to a conviction of the propriety of giving publicity to every step attendant on this measure.

Besides, who is there so ignorant as not to be able to appreciate the weight which ought to be attached to the testimony. All the incidents attending it are represented; if ex parte, it is so set forth on the face of it; and names, time, place, and various other circumstances are given—so that literally he that runs may read.

IV. Objection is made to the form of the report of the committee, and to the act of the House confirmatory of it. It ought, it seems, to have gone more into detail, and assigned the reasons for voting an impeachment; and the vote of impeachment ought to have embraced specific charges. The charges, apparently arising from the testimony, are represented as various, and it is contended that a majority of the House, though concurring in a *general vote* of impeachment, could not have been obtained to sanction any one charge.—This objection, on first blush, is plausible; but such an impression arises altogether from omitting to consider the *whole truth*. A general vote of impeachment is *first* passed. Were this the conclusive act of the House there might be injustice in it. But it does not *rest* here. Immediately consequent to it is the exhibition of articles, *containing specific allegations*, which articles have been produced, and which must receive the sanction of the House before the trial commences. If then the judge desires specific charges, he has them; and possessed of them, his logic fails.

V. But it is contended that specific articles should not only have been exhibited, but agreed to by the House previous to their adjournment; and it is said that the bare exhibition of them, without the sanction of the House, leaves the charges they contain subject to future rejection or variation, disables the accused from preparing to defend himself, and exposes his reputation to the mercy of calumny and party malice.

Let it be remarked that the judge allows that circumstances rendered an immediate trial impossible. If impossible until the next session of Congress, we appeal to the candor of any intelligent mind, whether more injury would not attach to the reputation of the accused, whether a deeper wound would not be inflicted upon his fair name by a vote of the House in support of articles hanging suspended over his head for seven months, than by the mere report of a committee of five individuals. The first would involve the solemn decision of the whole body, and would, as far as that body represents the people, involve their sentiment; the other involves only the opinion of the committee, which even the members themselves of that committee might, on more mature reflection, retract. Are not these considerations, the most obvious to every understanding? They are; and while they repel, in their widest extent, the prejudiced insinuations of the accused, they place the conduct of the House in a light, which establishes their scrupulous regard for justice, and delicacy towards the object of their interposition. Had articles been agreed to, particularly with that haste, which the late period of the session rendered inevitable, we venture to say that the thunder of party vengeance would have resounded through the land.

Further; another chance is given to judge Chase to escape an impeachment. If he is so innocent as he declares himself, time, ample time will be allowed the very body that has declared him guilty of high crimes and misdemeanors, deliberately and coolly to examine the grounds of the measure, to consult the opinions of men as wise and good as themselves, and an opportunity afforded to retrace their steps, if discovered to be erroneous. Can innocence ask or desire more?

We have noticed, we believe, all the material objections urged against the mode of instituting the impeachment. Much extraneous matter, which no less for the honor of our country than for that of the highest judicial station in it we could wish had been suppressed, is mingled with them. We shall not go into a controversy respecting the boasted purity of a character that assumes an unspotted reputation of forty years, nor shall we descend to repel the envenomed insinuation that attempts insidiously to instil into the public mind charges against the executive and legislative departments of our government, which it dares not openly avow. Over that frailty of human nature, which in its own vindication, ruthlessly assails the conduct and motives of men of the first respectability, and which accuses of injustice the nation to which for justification it appeals, it is our wish to drop the curtain. We repeat it; these remarks have been extorted from us. If it be a moral duty to punish the guilty, It is in our opinion, a much higher duty to protect the innocent from aspersion. To do this, however feebly, has been our sole purpose.

(By Authority.)

AN ACT

To provide for a more extensive distribution of the Laws of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the secretary for the department of state be, and he hereby is authorised and empowered to procure four hundred copies of the laws of the United States: one hundred copies of which shall be distributed in just proportions in the territory of Orleans and district of Louisiana; the other three hundred copies to be reserved for the disposal of Congress.

Sec. 2. *And be it further enacted,* That one thousand copies of the laws of the United States which shall be printed at the close of each session shall be reserved for the disposal of Congress, and that the distribution of the remainder shall be extended to the territory of Orleans and district of Louisiana, and to such other territories as are or may hereafter be established, in the same manner and proportion as is already provided by law for distributing them among the several states and territories; and the secretary of state shall cause to be published in one newspaper in each of the territories of the United States, where newspapers are printed, the laws which have passed during the present session, and which may hereafter be passed by Congress.

Sec. 3. *And be it further enacted,* That there shall be transmitted by the secretary of state to each member of the Senate and House of Representatives, and to each territorial delegate, as soon as may be after the expiration of each session of Congress, a copy of all the laws which shall have been passed at such session.

Sec. 4. *And be it further enacted,* That the sum of two thousand dollars be, and the same hereby is appropriated, for defraying the expence authorised by this act, payable out of any money in the treasury, not otherwise appropriated.

NATHL. MACON,
Speaker of the House of Representatives.
JESSE FRANKLIN,
President of the Senate, pro tempore.
March 27, 1804.
APPROVED,
TH: JEFFERSON.

AN ACT

Relative to the compensations of certain officers of the customs; and to provide for appointing, a Surveyor in the district therein mentioned.

Be it enacted, by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the last day of June in the present year, the salaries heretofore allowed by law to the several collectors of the customs, for the districts of Bath, Portsmouth, Newport, Middletown, New-Haven, Delaware, Richmond, Wilmington in North Carolina, Newbern and Edenton, shall cease and be discontinued. And there shall be allowed and paid annually to the officers of the customs hereafter, named, the following sums respectively, viz.

To the collector for the district of Natchez, in addition to the fees and other emoluments of office, the sum of two hundred and fifty dollars; and to each of the surveyors at New-London, Middletown, New-Haven and Alexandria, in addition to the allowances already established by law, the sum of fifty dollars.

Sec. 2. *And be it further enacted,* That from and after the said last day of June in lieu of the commissions heretofore allowed by law, there shall be allowed to the collectors of the customs for Wilmington in North Carolina, and Newbern, two and a half per cent:

To the collectors for Petersburg and Richmond, two per cent:

To the collectors for Kennebunk and New-London, one and three quarters per cent:

To the collector for Bath, one and a half per cent:

To the collectors for New-Haven and Middletown, one and three eights per cent:

To the collectors for Providence and Alexandria, one and one quarter per cent:

To the collector for Newburyport, one and one eighth per cent:

To the collector for Portland, three quarters of one per cent:

And to the collectors for Salem and Beverly, five eighths of one per cent; on all monies by them respectively received on account of the duties arising on good, wares and merchandise, imported into the United States, and on the tonnage of ships and vessels.

Sec. 3. *And be it further enacted,* That there shall be appointed a surveyor for the district of Marblehead, to reside at Marblehead: who shall be entitled to receive, in addition to the other emoluments allowed by law, a salary of one hundred dollars annually.

NATHL. MACON,
Speaker of the House of Representatives.
JESSE FRANKLIN,
President of the Senate pro-tempore.
March 27, 1804.
APPROVED,
TH: JEFFERSON.

AN ACT.

For the appointment of an additional Judge for the Mississippi territory; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That there shall be appointed an additional judge for the Mississippi territory, who shall reside at or near the Tombigbee settlement, and who shall possess and exercise, within the district of Washington, as fixed and ascertained by an act of general assembly of the Mississippi territory, entitled, an "Act for the more convenient organization of the courts of the said territory," the jurisdiction heretofore possessed and exercised by the superior court of the said territory within the said district of Washington, and to the exclusion of the original jurisdiction of the said superior court within the same: *Provided always,* That the said superior court shall have full power and authority to issue writs of error to the court established by this act, and to hear and determine the same when sitting, for the district of Adams, as fixed and ascertained by the act of the general assembly of the Mississippi territory herein before mentioned.

Sec. 2. *Be it further enacted,* That the said superior court are hereby authorised, upon the reversal of a judgement of the court established by this act, to render such judgement as the said court ought to have rendered or passed, except where the reversal is in favor of the plaintiff in the original suit and the debt or damages to be assessed, are uncertain, in which case, the cause shall be remanded, in order to a final determination.

Sec. 3. *Be it further enacted,* That when any person, not being an executor or administrator, applies for a writ of error, such writ of error shall be no stay of proceedings in the court to which it issues, unless the plantiff in error shall give security, to be approved of by a judge of the said superior court, that the plantiff in error shall prosecute his writ to effect, and pay the condemnation money, and all costs, or, otherwise abide the judgement in error, if he fail to make his plea good.

Sec. 4. *Be it further enacted,* That all pleas, process and proceedings whatever, which may have been commenced in the said superior court within the aforesaid district of Washington, shall be, and the same are hereby transferred to the court established by this act; and the officers appointed to issue or execute the process of the said superior