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A LIST

Of Letters remaining in the Post-Office Washington City, on the 1st day of April 1804.

A.

John B. Anderson, Thomas G. Addison, Esq. Doctor Starling Archer.

B.

Hon. John Breckenridge, Hon. John Brown, Charles Betty, Peter Brown, John Boyse, Samuel Boots, James Barre, William Barry, Miss Kitty Boarman, Capt. James Barron, Edward Ball, Robert Brown, 2, George Bolliet, John Barnes, care of Upton Hobbs, B. Brayne, at Mr. Duane's, Mann Butler, Esq. David Brown, Mr. John Breckinridge, Joshua Beall, Esq. Genl. Mountjoy Baylor, 3, Leonard Beatty, B. Baffitt, John Beverly, Walter Burns, Joseph Belt.

C.

Zachariah Cox, 3, James L. Clouney, Mr. Richard Chapman, William Cutting, Esq. 2, Samuel Carr, Esq. Mr. William Casey, Farisk Carter, Jehiel Crosfield, Samuel Collingwood, Mr. Carter, brickmaker, John H. Carr, Robert Camp, Samuel Chester, Captain Hugh G. Campbell, James Cooly, Overton Carr, Overton Carr, jun. John Cummans, Zachariah Chaney, Samuel Corp, Esq. 2, Byram Condit.

D.

Patrick Deery, 2, Daniel Dorrance, Capt. Elty Doughty, James Dickson, Doctor Debutts, Louis Dupre, Esq. William M. Duncanson.

E.

Richard Everson, John Evens, Joseph Eid, Lieutenant Samuel Evans, John Edds.

F.

Joshua Farnham, Richard Finnies, Peggy Fornsworth, Mr. Engius Fomentin. 2, Miss Delia Forman, John Forbes, Esq. 3.

G.

William Gottings, James Gardiner, Lieutenant Edmund P. Gaines.

H.

General Benjamin Harvey, Mr. Asa Hill, Benjamin Hichborne, Esq. William H. Hamer, Mr. John Hewitt, Jacqueline Harvey, Esq. 2, Mr. T. Hall Mr. Benjamin Hutton, jun. Mr. John Hankart. Doctor Edmond Hayward, 2. Mr. William Hoggard, (care of Mr. Greaves) Thomas Hanson, Esq. Richard T. Hanson, Mrs. Hanson, Thomas H. Hanson, Thomas Hughes, William G. Hand, Thomas Hutchins (care of Mr. O'Brien) Mrs. Mary Holford, Mrs. Eliza Hitchcock.

I.

Mr. William Johnston, 4, Francis Johnston, John Jackson.

K.

Captain James Kamer, Mr. William Kelly, Henry Kramer, Esq.

L.

John Lewis, (care of John Nixon) John Lylon, Monsier Lassaigne. John R. Leycroft, Elias N. Little, Mr. Henry Lee, B. H. Latrobe, Esq. 4.

M.

Charles Fenton Mercer, Eleakin Morse, William Minchin, James Massey, Abraham M'Kill, Richard M'Pike, Elizabeth M'Kennan, Charles Manning, David Martin, Hannah Miller, Daniel Murphey, James M'Allister.

N.

Harrot A. Nance, 2, Catharine Mary Nicholson.

P.

Cary Pratt, John Porkitt, Lewis Prudhomme, David Phipps, Isaac Polock, Esq. Charles Pondgot, John Pickford.

Q.

John Quynn.

R.

Richard Rutter, Joseph Richardson, Messrs. Ross and Hanrahan, Alexander F. Ross, Esq. Doctor Samuel Robinson, John Richardson, Esq.

S.

Jared Shattuck Esq. Mrs. Rebecca Eliza Seymour, 2, Captain James Stille, Mr. George Sinclaire, Miss Anne Smith, Mrs. Casey Smallwood, General Arthur St. Clair, John Smith, Esq. 2, Captain Thomas Swaine, Michael Shanks, James Stuard, George Suckley, George Shoemaker, Miss Polly Stewart, Miss Smallwod, Richard Smith.

T.

Mr. C. C. Byrd Thompson, 2. Doctor Samuel A. Thompson, Jos. Thaw.

V.

Martha Veich.

W.

Ulisis Wair, James Wilson, Esq. Thomas Wilson, 2, Hezekiah Wood, John M. White, Thomas Wilson, (care of Thomas M'Glocklen) Thomas Webb, Robert Williams, Esq. Mary Wilson James White, John Wall, John Ward, William Watt, Roger Williams, Moses White, Esq. John Winthrop, Laban Wheaton, Esq.

Y.

Ralph Young.

Trial of JOHN PICKERING.

(Continued.)

A short time after the Managers returned from the court, Mr. *Nicholson*, in their behalf, made to the House of Representatives the following communication:

"That on Friday, the second of March, the Managers, agreeably to the directions of the House, appeared at the bar of the Senate, to support the said articles of impeachment, when John Pickering was three times solemnly called, but did not answer, or appear, either in person, or by counsel. The President of the Senate then stated, that he had received a letter, signed R. G. Harper, accompanying a petition, signed Jacob S. Pickering, who called himself the son of the party charged. The petition being read, it was found to contain a statement of a variety of matter, particularly the insanity of judge Pickering, upon which the prayer of the petion was founded for a postponement of the trial to some future day. Mr. Harper was called to the bar of the Senate; he entered, and stated, that he wished it to be distinctly understood, that he did not appear at the bar of the Senate, as counsel for John Pickering, from whom he had received no authority for that purpose: but that his object was to support the facts contained in the petition of Jacob S. Pickering, and the prayer thereof. There was a short pause,—when Mr. Harper rose again, and enquired whether his appearance in support of the petition would be construed as the appearance of John Pickering, by counsel:—The President of the Senate answered, he presumed, that Mr. Harper's appearance would not be considered as the appearance of John Pickering by counsel.

"The Managers, under these circumstances, felt themselves bound to object to Mr. Harper's being heard in any other capacity than as counsel for the party who was Impeached; and briefly stated their reasons for the objection.

"The Senate withdrew to a private chamber, where it is presumed the question was debated—The Managers again appeared at the bar of the Senate this day, and were informed by the President, that it had been resolved to hear Mr. Harper in support of the allegations contained in the petition of Jacob S. Pickering, and the prayer thereof. The Managers enquired at what point of time it was intended that Mr. Harper should be heard, and whether this was to be a measure preliminary to the trial: The President of the Senate declared, that he could not undertake to explain the resolutions of the Senate; but that their sense must be collected from the resolutions themselves. The Managers then offered themselves ready for trial, declaring that they were prepared to open the prosecution on behalf of the House of Representatives;—and that the witnesses were ready to prove the facts charged in the articles of Impeachment. Upon this offer being made, the President of the Senate stated that he considered it to be the sense of the Senate, that Mr. Harper was to be heard before the trial commenced.

"The Managers considered this as an irregular step, and not believing that they ought to discuss any petition presented to the Senate from a person who was not a party to the Impeachment, and this, too, before the party charged, although duly notifiied, had appeared, either in person, or by attorney, withdrew from the Senate chamber: They will not feel themselves either bound or authorised to appear again, until the Senate shall inform them, that they are prepared to proceed in the trial, unless specially directed by this House."

Mr. Smilie, as soon as the above report was read, moved the following resolution:

Resolved, That this House doth approve of the conduct of the Managers appointed to support the articles of Impeachment in the case of John Pickering, as stated in their report of this day, & that the said Managers do not appear at the bar of the Senate, until they shall be specially instructed by this House.

Mr. Elliot moved to strike out the words "as stated in their report of this day."

Mr. Elmer remarked that the Managers appeared to consider the proceedings of the Senate incorrect. This might be the case; but, from the information before him, he was not prepared to say so. He was of opinion that the Senate were the sole judges of the mode of conducting trials before them.

Mr. Smilie. The Senate undoubtedly have the right of fixing their mode of procedure; but if that mode shall be such as to interfere with our rights, we have a right to insist upon them. Such a procedure, as has been adopted by the Senate, in the present instance, I have never heard of. But if the Managers are satisfied with what has been already done, without any further act on the part of the House, I am also. It is my wish that they would inform us what they desire.

Mr. Dana. It is very proper for the Managers of an impeachment to apply to the House on the occurrence of a new case; but it is not necessary for the House to express an opinion of their conduct in every stage of the trial—It may be proper to give them instructions when they desire it; but it is not necessary to pass a vote of approbation or disapprobation on their conduct. In this case it is entirely useless, and may be injurious. I therefore move the previous question.

Mr. Nicholson. The Managers entertain no other desire but that of being guided, in the discharge of the duty devolved upon them, by the directions of the House. They would deem it a matter of extreme regret, were the House to disapprove their conduct on the present occasion. But no individual among them—I speak for myself, and believe I may likewise speak for all those associated with me—wishes a vote of approbation by this House. I would, therefore, be pleased, if the gentleman would agree to strike out that part of the resolution which expresses such approbation. If the mover does not agree to this modification, I shall take the liberty of moving it.

Mr. Smilie. I cannot agree to strike out this part of the resolution, as it is, in my opinion, the most important feature in it. The conduct of the Senate has met with the disapprobation of the Managers, and they have withdrawn from the court. Their conduct must be right or wrong. It is proper for the House to express an opinion, whether it is correct or incorrect.

Mr. Nicholson observed that on further reflection he did not consider himself at liberty to make any motion, or to vote on any made, on the subject before the House.

Mr. G. W. Campbell was of opinion that it would only be necessary for the House to express an opinion, in case they disapproved the conduct of the Managers.

Mr. Huger declared himself of the same opinion.

Mr. J. Lewis moved a postponement of the further consideration of the motion untill to-morrow.

Mr. Smilie had no objection to the postponement.

All further procedure was arrested by the agreement to a motion of Mr. Nicholson to adjourn—Ayes 60.

On the ensuing day, Mr. *Smilie* said as the resolution appeared to be disagreeable to some gentlemen, he would withdraw it. It was accordingly withdrawn.

Wednesday, March 7, 1804.

On Motion,

That the Secretary inform the House of Representatives, that the court of impeachment is open and now ready to receive and hear the managers in support of the articles of impeachment exhibited by them against John Pickering, judge of the district of New Hampshire,

It passed in the affirmative, { Yeas 19. Nays 8.

Those who voted in the affirmative, are

Messrs. Anderson, Baldwin, Breckenridge, Cocke, Franklin, Jackson, Logan, Maclay, Nicholas Potter, Israel Smith, J. Smith, N. Y. J. Smith, (Ohio) S. Smith, Stone, Sumpter, Venable, Worthington, Wright.

Those who voted in the negative, are

Messrs. Adams, Bradley, Ellery, Hillhouse, Olcott, Pickering, Plumer, Tracy.

The court adjourned to 12 o'clock to morrow.

Thursday, March 8.

About 12 o'clock the court was opened, and the managers appeared before the Senate, when,

Mr. Early, in their behalf, addressed the court as follows:

Mr. President,

The representatives of the United States appear before this high court, as suitors for remedial justice against John Pickering, district judge for the district of New Hampshire.

Among the various duties assigned to congress by the constitution, there is no description of superior importance. None the discharge of which is equally painful with that now before them.—The grand inquest of the nation have accused before this tribunal an officer whose functions are the most delicate—whose trust is the most sacred. They have charged him with acts highly derogatory to his character as a man—with transgressions disgraceful to him as a judge—with crimes ruinous to the interest and reputation of his government. And the time has arrived, Sir, when they are called upon to make good these charges.

The wisdom manifested in the organization of that admirable constitution which forms the glory of this country, is in nothing more eminently conspicuous than in the mode of trial prescribed for high state offenders. Whilst on the one hand, it guards against the influence and intrigue of power and of patronage; it raises on the other, a shield sufficiently formidable to resist the weight of the representatives of the union. To this grand depository of national justice, are safely committed the dearest rights and interests of public officers, and the most sacred claims of the government.

It is certainly true that the trial by impeachment has not unfrequently in another country, been made the engine of oppression. But it is equally true, that there, the influence of a crown, armed with all the weapons of prerogative, has proved the most usual source of invasion upon individual rights. Not so with us. This judicature owes nothing to executive patronage. The source of their appointment and responsibility is found elsewhere. It is situated where there is least danger of its operating upon their hopes or their fears in the discharge of their judicial functions.

But, Sir, there is another guard preeminently distinguishing the wisdom of the American government, and the sacred care with which its framers endeavored to fortify the rights of the accused.—It is the peculiar privilege of the officers of this government that nothing short of the voice of two thirds of their judges can produce their conviction.

The House of Representatives have not, Mr. President, resorted to the sad expedient of impeaching, and demanding the trial of the defendant, without the most mature deliberation. They have not done it, Sir, without a thorough conviction that the interests of their country and the solemn duty of their stations imperiously required it at their hands. And they now proceed to make good their charges under the fullest confidence that the decision will be governed by the immutable principles of justice, and redound to the honor of our common country.

Believing that the best course which can be pursued in this case, and that which will be most likely to simplify it, will be to take the articles, offered by the House of Representatives, in succession, I will, in support of the allegations contained in each article adduce the proof necessary to substantiate them.

The FIRST ARTICLE is in the following words:

"Article I. That whereas George Wentworth, surveyor of the district of New-Hampshire, did in the port of Portsmouth, in the said district, on waters that are navigable from the sea by vessels of more than ten tons burthen, on the fifteenth day of October, in the year one thousand eight hundred and two, seize the ship called the Eliza, about two hundred and eighty-five tons burthen, whereof William Ladd was late master, together with her furniture, tackle and apparel, alledging that there had been unladen from on board of said ship, contrary to law, sundry goods, wares and merchandise, of foreign growth and manufacture, of the value of four hundred dollars and upwards, and did likewise seize on land within the said district on the 7th day of October, in the year 1802, two cables of the value of two hundred and fifty dollars; part of the said goods, which were alleged to have been unladen from on board the said ship as aforesaid, contrary to law; and whereas Thomas Chadbourn, a deputy marshal of the said district of New-Hampshire, did on the 16th day of October, in the year 1802, by virtue of an order of the said John Pickering, judge of the district court of the said district of New-Hampshire, arrest and detain in custody for trial before the said John Pickering, judge of the said district court, the said ship called the Eliza with her furniture, tackle and apparel, and also the two cables aforesaid; and whereas by an act of congress, passed on the second day of March, in the year 1789, it is among other things provided that "upon the prayer of any claimant to the court that any ship or vessel, goods, wares or merchandise, so seized and prosecuted, or any part thereof should be delivered to such claimant it shall be lawful for the court to appoint three proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court, for the faithful discharge of their duty; and such appraisement shall be made at the expence of the party on whose prayer it is granted; and on the return of such appraisement, if the claimant shall, with one or more sureties to be approved of by the court, execute a bond in the usual form to the United States, for the payment of a sum equal to the sum of which the ship or vessel, goods, wares or merchandise so prayed to be delivered and appraised and *moreover produce a certificate from the collector of the district wherein such trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares and merchandise or tonnage duty on the ship or vessel, so claimed, have been paid or secured in like manner, as if the goods, wares or merchandise, ship or vessel, had been legally entered, the court shall by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant*;" yet the said John Pickering, judge of the said district court of the said district of New Hampshire, the said act of Congress not regarding, but with intent to evade the same, did order the said ship called the Eliza, with her furniture, tackle and apparel, and the said two cables, to be delivered to a certain Eliphalet Ladd, who claimed the same, without his, the said Eliphalet Ladd, producing any certificate from the collector and naval officer of the said district that the tonnage duty on the said ship, or the duties on the said cables, had been paid or secured, contrary to his trust and duty as judge of the said district court, against the law of the United States, and to the manifest injury of their revenue."

I will first read that part of the act of Congress that requires the certificate stated as necessary in the article which I have just read, and then adduce testimony to substantiate the facts set forth in it.

[Mr. Early here read, from the acts of Congress, the provisions above recited.]

It will be observed, said Mr. Early, that not only a bond, with one or more sureties, is required to be executed for the payment of the sum at which the vessels and goods shall be appraised, but that previous to the delivery of the vessel or goods a certificate must be produced from the proper officers, that the duties on the goods and and the tonnage duty have been secured.

We have an exemplification of the record in the case of the ship Eliza.

Mr. *Early* here read that part of the record bearing on the allegations set forth in the first article. To avoid the repetiton of the several parts of the records, we subjoin the whole.

NEW HAMPSHIRE DISTRICT ss.

At a special district court of the United States, begun and held at Portsmouth, within and for said district, on the eleventh day of November, anno Domini, 1802, by the honorable John Pickering, esq. Judge of said court.

The United States of America, by Joseph Whipple, Collector of the said district, libel, propound and give the judge of said court to understand and be informed, that on the 15th day of October, 1802, George Wentworth, surveyor of said district of Portsmouth, did in the port of Portsmouth, in said district, on waters that are navigable from the sea by vessels of more than 10 tons burthen, seize the ship called the Eliza of about two hundred and eighty five tons burthen, whereof William Ladd was late master, together with all her tackle, apparel and furniture for the following causes, namely, that sundry goods and merchandise, viz. two cables and one hundred pieces of check'd linen of the value of four hundred dollars and upwards were unladen and delivered from said ship Eliza, in the district aforesaid, between the twentieth day of September last, and the thirtieth day of the same September, without a permit from the collector and naval officer, or any other person authorised to give the same. And the said Joseph Whipple doth aver, that the said two cables and said linen are of foreign