WASHINGTON CITY.

WEDNESDAY, December 5.

We have authority for stating, that on the first notice to the British government of the conduct of Capt. Bradley in the harbour of New York, it was signified to our minister in London, that the Lords Commissioners of the British Admiralty, highly disapproving that conduct, had given orders for the immediate removal of capt. Bradley from the command of the Cambrian, and for his returning to England to answer for his proceedings.

Extract of a letter from Charles Stewart, Master Commandant of the brig Siren, dated off Tripoli, August 9, 1804.

The scene of combat has commenced. The Commodore arrived here on the 23d ultimo, with 6 gun boats and 2 mortar boats carrying each a mortar of 13 inches. Bad weather prevented us commencing our operations until the 3d inst. At 2 P. M. the signal was made to prepare for battle. At 3 we got within gunshot of the batteries and cast off the gun boats. They advanced in a line ahead, led by captain Decatur and covered by the brigs, schooners, and ship Constitution. The enemy had 17 gun boats moored in a line in front of their batteries, also a brig of 16 guns and a schooner of 10 guns, moored to cover their boats. The moments were anxious as we advanced. A discharge of shells from the mortar-boats induced the enemy to open their fire. It was heavy and incessant: Yet our brave fellows advanced with all possible intrepidity through a shower of grape shot. When our boats got within 20 yards, they discharged 40 pounds of musket balls from each of their great guns, supported with a volley of musketry. This obliged the 5 boats composing the enemy's right wing to cut their cables and retreat. Our boats then bore up for those to leeward, captain Decatur boarded the first boat and carried her. Lieut. Trippe boarded and carried the second: Lieut. James Decatur in the act of boarding the third was killed. Capt. Decatur then continued down their line and carried the three, all of which were brought safely off. The time from the first fire to its ceasing was one hour and a half. The Turks were driven out of Fort Francais, and they must have sustained considerable damage from the shot and shells passing into the town. Your favorite Trippe has eleven wounds from the Sabre, but he is recovering fast. We made a number of prisoners, 27 of whom are severely wounded. The boats we captured are excellent. They mount, 2 of them brass 26 pounders—the other a brass 18 pounder. On the 5th they were rigged and we should have returned to the attack, but a small French privateer came out. By her we learnt the enemy had 1 boat sunk, another with two thirds of her crew killed and all the rest were more or less injured. They also informed us that the enemy were employed all night repairing their damages, the platforms in the batteries having been torn up. Commodore Preble sent the French privateer back with the wounded. The next day he returned, with a letter from the French Consul, bearing strong marks of a pacific disposition in the Bashaw—the result of our success. The commodore however determined to attack them again and to the westward. Accordingly on the 7th at 8 A. M. the signal was made to advance in two lines and attack the batteries. The morning was calm and warm, which prevented our getting in until 12 o'clock, when the enemy opened their fire from their batteries. The mortar boats gained their position and anchored at half past 12. The gun boats having got within point blank range soon dismounted two guns in the western battery and drove out the enemy. A shell fell in battery Francais where it burst and they did not renew their fire for nearly half an hour. At 1 P. M. gun boat No. 9 blew up. In her we lost our friend Caldwell, who commanded, and Midshipman Dorsey, a promising young officer. With them died eight brave fellows of the Siren and several more were severely wounded. Midshipman Spence who was fortunately spunging the gun, and several more were not hurt. They had just time to load and were going to fire their gun when she sunk to the bottom, and Spence with his brave remaining few gave three cheers as she went down. We not being above 200 yards from her at the time my boats were immediately dispatched to pick them up. The cessation of the fire of the gun boats was but momentary. It was redoubled on the enemy, so that it seemed to say for four hours we revenge our brave companions. At 5 the signal of recall was made by the commodore and the firing ceased. On the evening of the day of the last action, the frigate John Adams, Captain Chauncey, joined us and I received my commission as a master commandant in the navy.

A writer in the Evening Post, under the signature of "*An American*," has undertaken to criminate the executive of the United States, for what he denominates an interference in the internal affairs of Tripoli. The composition is excessively verbose, and entirely devoid of precision of thought or style; and might be suffered to take the ordinary course of the numerous calumnies against the administration, but for its assertions relative to transactions, which have recently attracted the public attention, in various shapes. Commodore Morris, who at a former period of the war with Tripoli was entrusted with the force destined for its prosecution, and with the arrangements for peace when the proper season should arrive, has thought it right to publish a body of official correspondence.

The following extracts from his pamphlet furnish the materials for animadversion by "An American."

Letter of Mr. Madison to Mr. Eaton, dated Aug. 22, 1802.

"Not having your last letters by me, I cannot refer to their dates nor particularly to their contents. The most important part of them communicated the plan concerted with the brother of the Bashaw of Tripoli, for making use of him against the latter, in favor of the United States. Although it does not accord with the general sentiments or views of the United States, to intermeddle in the domestic contests of other countries, it cannot be unfair in the prosecution of a just war, or the accomplishment of a reasonable peace, to turn to their advantage the enmity and pretensions of others against a common foe." "Should this rival brother be disappointed in his object, it will be due to the honor of the United States to treat his misfortune with the utmost tenderness and restore him as nearly as may be to the situation from which he was drawn, unless some other proper arrangement should be more acceptable to him. The wish of the President will be conveyed to Commodore Morris, and Mr. Cathcart, with a suggestion that, in the event of peace with the ruling Bashaw, an attempt should be made to insert some provision favorable to his brother."

"In a letter from the same gentleman, and of the same date, to Mr. Cathcart, we find the following paragraph: "According to the information given by Mr. Eaton, he has prevailed on the brother of the Bashaw of Tripoli to repair to Malta with a view to be with our squadron before Tripoli, and to be made use of against the Bashaw. At this distance it is difficult to judge accurately of the project, or to give particular instructions for the management of it. Although it does not accord with the general sentiments or views of the United States to intermeddle in the domestic controversies of other countries, it cannot be unfair, in the prosecution of a just war or the accomplishment, of a reasonable peace, to take advantage of the hostile co-operation of others. As far, therefore, as the views of the brother may contribute to our success, the aid of them may be used for the purpose. Should this aid be found inapplicable, or his own personal object unattainable, it will be due to the honor of the United States and to the expectations he will have naturally formed, to treat his disappointment with much tenderness, and to restore him (as nearly as may be) to the situation from which he was drawn, or to some other convenient arrangement that may be more eligible to him. In case of a treaty of peace with the ruling Bashaw of Tripoli, perhaps it may be possible to make some stipulation, formal or informal, in favor of the brother, which may be a desirable alleviation of his misfortune."

To this is added the following letter of the secretary of the navy, dated Aug. 28, 1804.

"In adjusting the terms of peace with the Bey of Tripoli, whatever regard may be had to the situation of his brother, it is not to be considered by you of sufficient magnitude to prevent or even to retard a final settlement with the Dey. Mr. Eaton in this affair cannot be considered an authorised agent of the government."

From these letters it is assumed,

1. That the present administration, in violation of their uniform professions before they entered office, have improperly interfered in the internal concerns of a foreign nation.

2. That the interference, in this instance "is a breach of all law human and divine."—that it is an attempt "to seduce a subject from his allegiance, and stimulate him to rebellion"—"to instigate and assist the wretch who would imbrue his hands in a brother's blood"—It is added that "there is scarce a tint or trait in the black catalogue of crimes, but what may be found in this act which the Secretary's doctrine is intended to justify." And that "taken together, they amount to a declaration that the state of war cancels all moral obligations, cuts asunder every human tie, severs the dearest bands of nature, and justifies the primeval sin."

3. It is declared that Sidi Hamet was, at the period of time to which the above letters relate, governor of Derna, under the Bashaw's authority.

4. It is also declared that the present ruling Bashaw is the rightful occupant of the throne.

5. It is insinuated that the language of the secretary of state is at war with that of the secretary of the navy, and inferred that the American government authorised overtures to Sidi Hamet, which they did not mean, in a certain event, to adhere to.

With regard to the first charge, it is not recollected that the members of the present administration before they entered office declared it unjust for one nation to interfere in the internal concerns of another. It is very probable their sentiments were hostile to the ordinary interference of one European nation with the interior concerns of another. It may be that in their individual capacities, they reprobated, with all America, the coalition of the allied powers against France. But it does not follow either from a general aversion to such interference, or from a particular repugnance to the coalition of these powers against France, that they deemed all interferences unjust or improper. The pretensions of Louis to the throne of France were made in this case the *cause* of war, and were not merely used as an instrument for prosecuting it vigorously after it was commenced; while in the case of Sidi Hamet, his pretensions to the throne *were not the cause* of war, but were a just expedient adopted to facilitate its conclusion, long after its commencement by Tripoli. Had the United States during a *period of peace*, attempted to make use of a *subject* of Tripoli to destroy the reigning monarch, there might have been some analogy between the cases. But the relations of the two nations were essentially changed by the occurrence of war; and the history of mankind, no less than the principles of justice authorise Mr. Madison's declaration, "that it cannot be unfair, in the prosecution of a *just war*, or the accomplishment of a reasonable peace, to take advantage of the hostile co-operation of others." Instances to this effect might be multiplied to any extent; it may be sufficient to say that during our revolutionary struggles this very expedient of exciting co-operation from the subjects of the enemy was practised with respect to Ireland, Canada, &c. It might be added that the governments of Barbary not being those of civilized nations cannot claim the advantage of those liberal rules of polished societies, which are never practised by themselves.

But not only the doctrines contended for by "An American" are unjust, the assumed facts likewise are false. Sidi Hamet was not governor of Derna at the time of the communication between Mr. Eaton and himself, but was an exile at Tunis; and consequently all the jargon about "rebellion," and "allegiance," sinks into nothing. Further, he was the *elder* brother, and was expelled from the throne by *fraud*. From these facts it follows that the administration have in this case pursued a just end by warrantable means; and that the measures they authorised, so far from countenancing or aiding any thing unjust in itself, actually tended to restore rights founded in justice.

The co-operation then of Sidi resolves itself into a mere question of expediency. How far it was expedient, neither we, nor the public can now decide. Events alone can elucidate this point. Indeed it is comparatively so unimportant, that it is more than probable the public will trouble themselves little about it.

One enquiry, however, remains, of some consequence. Are the sentiments of the secretary of state and the secretary of the navy at war with each other, and does it thence follow that the administration authorised overtures, which, in a certain event, they did not mean to adhere to? It is attempted to support this charge by the above extracts alone; nothing besides is stated. Both the letters went by the same conveyance, and though their dates differ, they are to be considered as expressive of the sense of the executive at one point of time, and should therefore be taken together as forming parts of the same body of instructions. It is a fact that previous to the date of Mr. Madison's letter no approbation had been given by the executive to Mr. Eaton's project of obtaining the co-operation of Sidi Hamet. The secretary of the navy was therefore warranted in saying "Mr. Eaton in this affair cannot be considered an authorised agent of the government." This declaration is, however, qualified by the previous language of the secretary and Mr. Madison, which evinces that while they considered it impolitic to fetter the agents of the United States with restrictions against making peace, arising out of the pretensions of Sidi Hamet, as far as they had been before countenanced by Mr. Eaton they thought it just and honorable to provide an indemnity for any services he might have rendered the United States.

It is extremely plain from the letter of the secretary of the navy, that as far as Sidi should be encouraged in his cooperation by commodore Morris, it was to be with the understanding that his own objects (Sidi's) were not to "prevent or even retard a final settlement with Tripoli." That this is the obvious and true meaning, and that the eventual disavowal was not to extend to inducements held out subsequent to the date of the letter, is proved beyond controversy by the very next sentence, "Mr. Eaton, in this affair, cannot be considered an authorised agent of the government," and by the absurdity and indecorum of the supposition that commodore Morris should be furnished with instructions to disavow his own overt acts.

CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, November 30.

THE committee to whom was referred, on the sixth instant, the report of a select committee appointed on the thirteenth of March last, "to prepare and report articles of impeachment against Samuel Chase, one of the associate justices of the Supreme Court of the United States," submit to the House the following

REPORT.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and of all the people of the United States, against Samuel Chase, one of the associate justices of the supreme court of the United States, in maintenance and support of their Impeachment against him, for high crimes and misdemeanors.

ARTICLE I.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood, bound to discharge them "faithfully and impartially, and without respect to persons," the said Samuel Chase, on the trial of John Fries, charged with treason, before the circuit court of the United States, held, for the district of Pennsylvania, in the city of Philadelphia, during the months of April and May, one thousand eight hundred, whereat the said Samuel Chase presided, did, in his judicial capacity, conduct himself in a manner highly arbitrary, oppressive, and unjust, viz:—

1. in delivering an opinion, in writing, on the question of law, on the construction of which the defence of the accused materially depended, tending to prejudice the minds of the jury against the case of the said John Fries, the prisoner, before counsel had been heard in his defence:

2. in restricting the council for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the United States, which they deemed illustrative of the positions, upon which they intended to rest the defence of their client:

3. in debarring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as on the fact, which was to determine his guilt, or innocence, and at the same time endeavouring to wrest from the jury their indisputable right to hear argument, and determine upon the question of law, as well as the question of fact, involved in the verdict which they were required to give;

in consequence of which irregular conduct of the said Samuel Chase, as dangerous to our liberties, as it is novel to our laws and usages, the said John Fries was deprived of the right, secured to him by the eighth article amendatory of the constitution, and was condemned to death without having been heard, by counsel, in his defence, to the disgrace of the character of the American Bench, in manifest violation of law and justice, and in open contempt of the rights of juries, on which, ultimately, rest the liberty and safety of the American people.

ARTICLE II.

That, prompted by a similar spirit of persecution and injustice, at a circuit court of the United States, held at Richmond, in the month of May, one thousand eight hundred, for the district of Virginia, whereat the said Samuel Chase presided, and before which a certain James Thompson Callendar was arraigned for a libel on John Adams, then president of the United States, the said Samuel Chase, with intent to oppress, and procure the conviction of, the said Callendar, did overrule the objection of John Basset, one of the jury, who wished to be excused from serving on the said trial, because he had made up his mind, as to the publication, from which the words, charged to be libellous, in the indictment, were extracted; and the said Basset was accordingly sworn, and did serve on the said jury, by whose verdict the prisoner was subsequently convicted.

ARTICLE III.

That, with intent to oppress and procure the conviction of the prisoner, the evidence of John Taylor, a material witness on behalf of the aforesaid Callendar, was not permitted by the said Samuel Chase to be given in, on pretence that the said witness could not prove the truth of the whole of one of the charges, contained in the indictment, although the said charge embraced more than one fact.

ARTICLE IV.

That the conduct of the said Samuel Chase was marked, during the whole course of the said trial, by manifest injustice, partiality and intemperance; viz.

1. In compelling the prisoner's counsel to reduce to writing, and submit to the inspection of the court, for their admission, or rejection, all questions which the said counsel meant to propound to the above named John Taylor, the witness.

2. In refusing to postpone the trial, although an affidavit was regularly filed, stating the absence of material witnesses on behalf of the accused; and although it was manifest, that, with the utmost diligence, the attendance of such witnesses could not have been procured, at that term.

3. In the use of unusual, rude, and contemptuous expressions towards the prisoner's counsel; and in falsely insinuating that they wished to excite the public fears and indignation and to produce that insubordination to law, to which the conduct of the judge did, at the same time, manifestly tend:

4. In repeated and vexatious interruptions of the said counsel, on the part of the said judge, which, at length, induced them to abandon their cause and their client, who was thereupon convicted and condemned to fine and imprisonment:

5. In an indecent solicitude, manifested by the said Samuel Chase, for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge as it was subversive of justice.

ARTICLE V.

And whereas it is provided by the act of Congress passed on the 24th day of September, 1789, intituled "An act to establish the judicial courts of the United States," that for any crime, or offence, against the United States, the offender may be arrested, imprisoned, or bailed, agreeably to the usual mode of process in the state where such offender may be found; and whereas it is provided by the laws of Virginia, that upon presentment by any grand jury of an offence not capital, the court shall order the clerk to issue a summons against the person, or persons offending, to appear and answer such presentment at the next court; yet, the said Samuel Chase did, at the court aforesaid, award a capias against the body of the said James Thompson Callendar, indicted for an offence not capital, whereupon the said Callendar was arrested and committed to close custody, contrary to law in that case made and provided.

ARTICLE VI.

And whereas it is provided by the 34th section of the aforesaid act, intituled "An act to establish the judicial courts of the United States," that the laws of the several states, except where the constitution, treaties, or statutes of the United States shall otherwise require, or provide, shall be regarded as the rules of decision in trials at common law, in the courts of the United States, in cases where they apply; and whereas by the laws of Virginia it is provided, that in cases not capital, the offender shall not be held to answer any presentment of a grand jury until the court next succeeding that during which such presentment shall have been made, yet the said Samuel Chase, with intent to oppress & procure the conviction of the said James Thompson Callendar, did, at the court aforesaid, rule and adjudge the said Callendar to trial during the term at which he, the said Callendar, was presented and indicted, contrary to law in that case made and provided.

ARTICLE VII.

That, at a circuit court of the United States, for the district of Delaware, held at New Castle, in the month of June, one thousand eight hundred, whereat the said Samuel Chase presided, the said Samuel Chase, disregarding the duties of his office, did descend from the dignity of a judge and stoop to the level of an informer, by refusing to discharge