their homes, and at the approaching election, to prevent the passage of the law for altering the judicial system of Maryland—answers, that he has not a perfect recollection of the words used by the judge in that part of his charge - but believes that judge Chase expressed a hope that the jury would consider the effects of the proposed law, in the same manner that he did, and if so, that they would exert themselves in convincing the people, that the law would be pernicious, and ought not to be passed.

J. CAMPBELL.

January 17th, 1804.

DEPOSITION OF JONATHAN SNOWDEN.

Friday, 3d February, 1804.

The committee met—JONATHAN SNOWDEN sworn—He deposed as follows:

I was accidentally in company (in the public room at Stelle's hotel some time during the sitting of the supreme court last winter) with Mr. chief justice Marshall, judge Washington and judge Chase. The publications of Callender against the character of the President of the United States (Mr. Jefferson) and certain letters which purported to be written by Mr. Jefferson to Callender, became the subject of conversation—and judge Washington said to judge Chase, "Mr. Chase, if you had known this, you would scarcely have fined Callender so high at Richmond" or words to that effect. When Mr. Chase replied, "to tell you the truth if I had known then, as much as I do now, I should not have fined him so high."

JONATHAN SNOWDEN.

Questioned by the Chairman.

This conversation was probably of a jocular nature. Did it appear so to you?

Answer. Judge Chase appeared to me, to be as much in earnest, as any one that I ever saw. The conversation commenced with him, in consequence of a late publication in the Richmond Recorder. The other gentleman might not have been serious. Mr. Washington put the question as if to draw forth Mr. Chase's opinion. I was struck with the conversation, and mentioned it the next day, if I did not, that night, as a very extraordinary expression from a judge.

Question. Were there any other persons in the room?

Answer. Nobody, I think, but the three judges and myself. I am very sure there was nobody else.

Sworn to before me, this 3d day of February, 1804.

JOHN RANDOLPH, *Chairman.*

Interrogatories exhibited on the part of the House of Representatives to *George Read, esquire*, United States attorney for the district of Delaware, and *Robert Hamilton, esquire*, late marshal of the said district, in the matter depending before the committee of the House of Representatives instituted to enquire into the official conduct of Samuel Chase and Richard Peters, esquires, or either of them.

1. Were you present at a circuit court of the United States holden at New-Castle, in the month of June, 1799 or 1800, in and for the district of Delaware, before Samuel Chase, one of the judges of the supreme court of the United States, and G. Bedford, district judge of the United States for Delaware?

2. Were you present when the grand jury, after having received a charge from the said Samuel Chase, retired to their room, and also when they returned to the bar of the court?

3. Did the said grand jury, through their foreman, upon being asked by the clerk of the said court, whether they had any bills of indictment, or presentments to deliver to the said court, answer that they had not?

4. Did the said Samuel Chase, then and there, in your hearing, observe to the said grand jury, "That he had understood that there was a great deal of sedition in that state; that there was a very seditious printer, who resided in the town of Wilmington, & whose name was"—(but checking himself, said)—"perhaps it might be going too far to mention his name"—or words to that effect—or what other words did he use on that subject?

5. Did the said Samuel Chase then and there further observe that he would not consent to discharge the grand jury on that day, although solicited by several so to do; and did he direct them to attend, on the next day, for the purpose of examining a file of the papers published by the said printer?

6. Did he also order the said district attorney to procure a file of the said papers, to be laid before the said grand jury, and were they procured by him and laid before them?

7. Did the said grand jury, on the next day, return into court after having examined a file of the said papers, without any bill or presentment, and were they then discharged by the court?

8. Do you know any thing further relative to the conduct of the said S. Chase, or do you recollect any conversation on the same subject which took place in open court between the said Samuel Chase and the said grand jury, or the said district attorney, or either of them?

9. Relate the same fully and at large, as if you were thereunto particularly interrogated.

10. Did the said Samuel Chase *(at any time)* express his surprise at the conduct of the said grand jury, and observe that whilst in the federal state of Delaware he could not get a seditious printer indicted, in Virginia he could not only get them indicted, but convicted and punished, or words to that effect?

JOHN RANDOLPH,
Chairman of the Committee.

George Read, attorney of the United States of America in and for the Delaware district, residing in the town of New-Castle in the said district, aged thirty-seven years and upwards, being produced, sworn and examined on the annexed interrogatories exhibited on the part of the House of Representatives of the said United States, in the matter depending before the committee of the House of Representatives, instituted to enquire into the official conduct of Samuel Chase and Richard Peters, Esquires, or either of them, pursuant to a commission issuing forth in that behalf, directed to Nehemiah Tilton and Archibald Alexander, of the county of New-Castle, Gentlemen, or either of them, before the said Archibald Alexander, one of the said commissioners,—deposeth as followeth:

1. To the first interrogatory this deponent saith, that he was present in the character of district attorney of the U. 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, in and for the said district, by, 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.

2. To the second interrogatory this deponent saith, 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.

3. To the third interrogatory this deponent saith, 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 presentments to make.

4. To the fourth interrogatory this deponent saith, 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 assuming 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 say 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.

5. To the fifth interrogatory this deponent saith, 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.

6. To the sixth interrogatory this deponent saith, that immediately after the conversation mentioned in the answer to the fifth interrogatory had been terminated, the said Samuel Chase addressed himself to this deponent, who then also was the district attorney for the said district, and asked him whether he had any criminal charge to prefer to the grand jury; to which this deponent replied, that no indictable offence had come to his knowledge—and he had no reason to believe, that any business of such sort could occur as would require the attendance of the jury during the term—but certainly, Sir, observed judge Chase, you might, by pursuing proper researches, make some discoveries.—Have you no persons in this (Delaware) state who have made it a uniform practice to libel the administration of the government of the United States; I have been told, Sir, (continued judge Chase,) and the general circulation of the report induces me to believe it true, that there is a printer in Wilmington, who publishes a most scandalous and seditious paper—but it will not do to mention names—have you not two printers in that town? To which this deponent answering in the affirmative, judge Chase further observed, that is so, and one of them, if report does not much belie him, is a seditious printer and must be taken notice of: I consider it a part of my duty and it shall, or must be noticed: And it is your duty, Mr. Attorney, to examine minutely and unremittingly into affairs of this nature—the times, Sir, require that this seditious spirit which pervades too many of our presses should be discouraged and repressed. Can you not procure some of this printer's papers, between this time and to-morrow morning, and by strictly examining them, find out whether he has not been guilty of libelling the government of the United States, or some of the officers thereof. This I say, Sir, must be done—I think it's your duty. That this deponent not approving of the manner in which this subject was pressed upon him, then stated to the judge in substance, that he was well acquainted with the duties of his office, and would certainly perform them, but that he had never been in the practice of hunting out offences: that he had not in his possession the papers alluded to by the honorable judge, nor had he read them; if, however, this deponent should be furnished with them, he would make the examination and communicate with the grand jury on the subject. Judge Chase then said he was satisfied, and turning to the grand jury observed, that they could not be discharged, and however inconvenient it was, they must attend on the subsequent day at the usual hour. Judge Chase then directed that a file of the said papers should be procured and laid before this deponent. The newspaper, the files of which were referred to, was then understood to be, that which was stiled "Mirror of the Times and General Advertiser;" but the deponent does not recollect that this title of the paper was at the time mentioned by judge Chase; and this deponent further saith, that a file of the said newspapers was procured by some person in the afternoon of that day, after the adjournment of the court, and delivered to him—that after examining the file of papers for some time, he discovered no libellous matter or any publication coming within the provisions of the sedition law—that this deponent, conformable to the directions of the judge, sent on the next morning, the said file of papers to the grand jury then assembled in their room.

7. To the seventh interrogatory this deponent saith, that the said grand jury did, after examining the said file of papers, return into the said court, then convened, and in answer to the usual questions put by the clerk, said through their foreman, that they had not agreed on any bills, nor had they any presentments to make.

8. To the eighth interrogatory this deponent saith, that soon after the said court had convened on the morning of the second day of the said term, this deponent at the request of the grand jury, attended in their room—when the foreman of the jury directing the attention of this deponent to a certain paragraph, in a publication contained in one of the said papers, dated the 21st of June, 1800, and republished from the "Aurora," (a true copy whereof is contained in schedule A, annexed to these answers, and to which the deponent refers) reflecting in very strong and pointed language on former conduct of judge Chase,—observed there is a difference of opinion among the members of this body, with regard to the nature of that paragraph, whether libellous or not, and although it were a libel, whether it would be proper for the grand jury to present it as such to the circuit court—to which this deponent answered—that he had adverted to the paragraph the preceding day, and further observed, it would not be necessary for him to give an opinion to the jury, whether it were libellous or not, for that in whatsoever light it might be considered, the said court could take no cognizance of the matter of it, as it was not within the provisions of the sedition law, that law not embracing cases of libellous publications against the judges of the courts of the United States, and so not being cognizable as an offence by those courts by virtue of any act of Congress; the said circuit court could not take cognizance of it, as an offence at common law; judge Chase himself having decided in the circuit court, for the district of Pennsylvania, that the courts of the United States could not take cognizance of offences at common law; in the case of the United States of America against Worrel, 2d Dallas's Reports, 384, with which the grand jury declaring themselves satisfied, this deponent left them and returned into court, and the said file of papers being soon after sent and laid on the table within the bar of the court; judge Chase observing it, asked this deponent what had been done, and whether he or the grand jury had discovered any seditious publications, to which the deponent answered, none of that character which the said court could take cognizance of, unless the said paragraph, which this deponent then submitted to the inspection of judge Chase, were of that nature; and after he had read it, this deponent repeated to the said court the same observations herein before stated to have been made by him to the grand jury on the subject, with which the said court acquiescing, the business was passed over with much apparent good humour on the part of judge Chase; and the grand jury, soon after returning to the bar, were discharged by the court, without finding any bills or making any presentments.

9. To the ninth interrogatory this deponent saith, it containing only matter of reference to the eighth interrogatory, is already answered by the answer to that interrogatory.

10. To the tenth interrogatory this deponent saith, that he doth not remember to have heard judge Chase (at any time) make use of any expressions of the nature alluded to in this interrogatory.

G. READ.

The preceding answers to the interrogatories annexed, were duly taken, sworn to, and subscribed by George Read the deponent, on the thirty-first day of January, in the year of our Lord one thousand eight hundred and four, before

ARCHIBALD ALEXANDER.

Schedule (A) referred to, in G. Read's answer to the eighth interrogatory.

Extract from the Newspaper stiled the Mirror, &c. printed at Wilmington, of the date June 21, 1800.

"For this time we shall dismiss Mr. Pickering, because we have about forty other friends of regular government to bring in review, and to account for themselves before the public, whom they have so long disgracefully flattered, while they betrayed.

"Judge Chase has laid down a doctrine which must cover him with infamy as durable as the history of the man and the transaction—he held up the doctrine that public records were not to be brought forward in a court of justice, though they were alledged to contain *truths*, which would benefit the country, expose the hostility of persons to the government, or prevent abuses—If this Judge's doctrine were to be tolerated, the servants of the people might forever hide the most enormous abuses. We are therefore determined to face the doctrine of this *arbitrary* judge, and to stand upon the ground of justice and the decision of the people, who have the power of depriving these men of power, who have abused or proved incompetent to the discharge of their trust.

"We hope the day is not far off, when Judge *Chase* will be *impeached* for this and other arbitrary acts of his."

The additional deposition of *Philip Norborne Nicholas* taken before George Wythe and Joseph Scott, Esquires, under authority of the House of Representatives of the United States.

The said Nicholas being asked by the said commissioners what was the general deportment and manner of Judge Chase during the trial of James Thompson Callender, answers—

That the general deportment and manner of Mr. Chase during the said trial, appeared to the said Nicholas to be marked with great violence and precipitation; and that judge Chase manifested a solicitude for the conviction of the prisoner, which, in the estimation of said Nicholas, was improper in a judge sitting in a criminal prosecution. The said Nicholas further states, that the deportment of judge Chase to the counsel, who appeared for Callender, was rude and overbearing, and calculated to prevent that full and free defence, without which it was impossible for them to do justice to their client.

PHILIP NORBORNE NICHOLAS.
Richmond, February 7th, 1804.

The additional deposition of *George Hay*, who being asked, what were the manners and deportment of Samuel Chase, during the trial of James Thompson Callender, deposeth and saith,

That it appeared to him at the time of the trial, & he yet believes that the manners of Mr. Chase were intentionally rude and insolent. The deponent thought and still thinks, that Mr. Chase was determined that Callender should, if possible, be convicted, and that to accomplish this purpose, he endeavored to intimate, to depress, and to silence his counsel. He interrupted them frequently, with wanton rudeness. He ordered one, if not more, of them to set down. He charged them with advancing doctrines which they knew to be illegal, and which they advanced, he said, only to deceive and mislead the populace. The patience of the deponent was at length exhausted, and he quitted the court and the cause, under a belief that farther exertions in the defense, would only tend to cover himself with still greater shame, and to subject him to still greater humiliation.

The deponent believes that there did not escape from him during the trial, a word or gesture, that could have given offence to the judge. The conduct of his associates was, he believes, equally guarded: he does not therefore ascribe the insolence of Mr. Chase to irritation, occasioned by the conduct of the bar.

The deponent is under no apprehension, that his judgement has been much misled, by the circumstances attending his own situation. He knows, and can now name men, whose politics *then* differed from his own, who expressed their abhorrence of Mr. Chase's conduct in terms as strong as as language affords. In fact the public mind was very much excited, and apprehensions were entertained by many, that some serious disturbance might take place. Mr. Munroe, then governor of Virginia, was so completely convinced of the danger, that he not only earnestly recommended moderation and forbearance to those who were daily crowding about him, but kept his eye constantly on the capitol, that he might be ready to command the peace, at the first appearance of commotion. To him Mr. Chase is probably indebted for the safety of his person during his residence in Richmond.

The solicitude of Mr. Munroe to preserve order, arose from causes totally unconnected with Mr. Chase. The character of the state he observed, had never been tarnished by any opposition to the laws, or any outrage on persons clothed with its authority. The preservation of this character at that period, (*May* 1800) was in his estimation a matter of infinite importance. He therefore urged and intreated those, who, he supposed, might come into collision with the judge, to be patient, under every outrage.

GEORGE HAY.
Richmond, Feb. 7, 1804.

Interrogatories exhibited on behalf of the House of Representatives of the United States, to *William S. Biddle*, touching the official conduct of Samuel Chase and Richard Peters, Esquires, or either of them.

1. Were you present at the second trial of John Fries for treason before the circuit court of Pennsylvania, at the spring term of the year 1800?

2. Have you a correct copy of the opinion of the court delivered in writing to the counsel for the prisoner at that trial?

3. How came it in your possession?

4. Are you confident that the copy, which you now produce, is exactly correspondent with the original?

JOHN RANDOLPH.
Thomas Leiper,
Mahlon Dickerson.

The answers of *William S. Biddle* to the annexed interrogatories, in the case of Samuel Chase and Richard Peters, Esquires.

1. In answer to the first interrogatory this deponent says that he was present at the second trial of John Fries for treason before the circuit court of the United States for the district of Pennsylvania, in the spring term of the year 1800.

2. In answer to the second interrogatory he says that he has not a correct copy of the whole opinion delivered by the court in writing to the counsel for the prisoner at that trial. That the paper now produced to the commissioners and hereunto annexed, was written by this deponent during the trial aforesaid, and was preserved by him, among other papers, containing important law opinions and cases. That the following extract from said paper, is to the best of this deponent's knowledge and belief, a correct copy of *so much* of the opinion expressed by the court before the trial of Fries, and delivered in writing, as he understood, to the counsel for the prisoner, viz. "It is the opinion of the court that any insurrection or rising of any body of people within the United States, to attain or effect, by force or violence, any object of a great public nature, or of public and general or national concern, is a levying of war against the United States, within the contemplation and construction of the constitution of the United States. On this general position the court was of opinion that any insurrection or rising to resist,