or to prevent by force or violence, the execution of any ſtatute of the United States, for levying or collecting taxes, duties, impoſts or exciſes, or for calling forth the militia to execute the laws of the Union, or for any other purpoſe (under any pretence, whether as that the ſtatute was unequal, burthenſome, oppreſſive or unconſtitutional) is a levying of war againſt the United States within the conſtitution." That the remainder of that page of the annexed paper, and the following page to the words "conſtitute the crime of levying war," contain the ſubſtance of the principal points of law ſtated by the court on that occaſion, and that the reſidue of the contents of ſaid paper annexed, are no part of the opinion of the court, but are authorities and caſes added by this deponent for his own uſe and information.

3. In anſwer to the third interrogatory he ſays, that he was at the time of ſaid trial ſtudying law William Rawle, Eſq. then attorney of the United States for the diſtrict of Pennſylvania. That he attended the circuit court during almoſt all the trials for treaſon in that court, in the years 1799 and 1800—and occaſionally aſſiſted Mr. Rawle in writing down the teſtimony delivered on theſe trials. That the annexed paper (except as to the latter part of it juſt mentioned) was according to the beſt of this deponent's recollection and belief, copied by him in court before the commencement of ſaid trial, from a paper which was then circulating around the bar, as the opinion in writing delivered by the court; and immediately after the ſame was delivered by the court.

4. To the 4th interrogatory he anſwers, that he cannot at this time recollect with certainty, whether the annexed paper was or was not copied from the original ſigned by the court, or delivered by them to the counſel, nor can he be poſitive that he ſaw the ſaid original paper; but at the time he ſuppoſed the paper from which he took ſaid copy was the original opinion delivered by the court, and he ſtill believes it was.

W. S. BIDDLE.

Circuit Court of the United States, April 1800.

CHASE AND PETERS.

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 are of opinion that any ſuch inſurrection or riſing to reſiſt or to prevent by force or violence the execution of any ſtatute of the United States for levying or collecting taxes, duties, impoſts or exciſes, or for calling forth the militia to execute the laws of the union, or for any other purpoſe (under any pretence, whether as that the ſtatute was unequal, burthenſome, oppreſſive, or unconſtitutional) is a levying war againſt the United States, within the conſtitution.

Military array or weapons not neceſſary to conſtitute a levying war—*Foſter* 208.

The true criterion is *Quo Animo*, the people did aſſemble. When the intention is univerſal as to effect ſome object of a general public nature, it will be treaſon—*Foſter* 210, 211.

To conſpire and meditate an inſurrection to reſiſt or oppoſe the execution of any ſtatute of the United States by force, is only a high miſdemeanor, but to proceed to carry ſuch intention into execution by force, is a levying of war, and the quantum of force is immaterial, whether by 100 or 1000. Some force or violence muſt be uſed in purſuance of the deſign to levy war, but 'tis immaterial whether the force uſed is ſufficient to effectuate the object. Any force connected with the intention will conſtitute the crime of levying war.

4 *Bl. Com.* 81.—Levying war may be done by taking arms under pretence to reform the laws or to remove (public) grievances, whether real or pretended —*See* 5 *B. A.* 121—*Foſter* 209, 210.

5 *B. A.* 121. *Salk.* 635—5 *St. Tr.* 37—Aſſembling armed with a treaſonable deſign, is an overt act in every caſe of levying war, though nothing further be done.

Inſurrection to raiſe the price of ſervants wages, or to break *all* priſons and ſet *all* priſoners at liberty.—3 *Inſt.* 10—*Kel.* 75, 77—1 *Ventr.* 251.

2 *Dall.* 346. *U. S. v. Vigol. ib.* 348. *U. S. v. Mitchell*—Defts convicted of treaſon for an attempt to prevent the execution of the exciſe law.

Dougl. 570.—Raiſing a body of men to obtain by intimidation or violation the repeal of a law, is an overt act of levying war.

Foſter 215.—Damaree and Purchaſe, an avowed intent to demoliſh all meeting houſes. This inſurrection to be conſidered as a *declaration by the rabble againſt the toleration act*, and an attempt to render it ineffectual by numbers and open force.

W. S. BIDDLE.

Thomas Leiper.
Mahlon Dickerſon.

(To be continued.)

WASHINGTON CITY.

WEDNESDAY, March 14.

The committee, appointed by the Houſe of Repreſentatives of the ſtate of Pennſylvania, to enquire into the conduct of the three judges of the Supreme court in the caſe of Paſſmore, have reported in favor of their impeachment.

COURT OF IMPEACHMENTS.

John Pickering found guilty of high crimes and miſdemeanors, and removed from office.

MONDAY, March 12, 1804.

Agreeably to notice given to the Houſe of Repreſentatives, on Saturday, that the court of Impeachments would this day, at 12 o'clock, proceed to pronounce judgment on the articles of Impeachment, exhibited by them, againſt John Pickering, the Managers attended; and the firſt article was read.

And on the queſtion—Is John Pickering, diſtrict Judge of New-Hampſhire, guilty, as charged in the firſt article of Impeachment, exhibited againſt him, by the Houſe of Repreſentatives?

It was determined in the affirmative—Yeas 19—Nays 7, as follows:

YEAS—Meſſrs. Anderſon, Baldwin, Breckinridge, Cocke, Ellery, Franklin, Jackſon, Logan, Macklay, Nicholas, Potter, I. Smith, S. Smith, J. Smith, (Ohio) J. Smith, (N. Y.) Sumter, Venable, Worthington, Wright—19.

NAYS—Meſſrs. Adams, Hillhouſe, Olcott, Pickering, Plumer, Tracy, Wells—7.

The ſame queſtion was put, in the ſame way, upon the three remaining articles, and decided by a like reſult.

On the queſtion, Is the Court of opinion that John Pickering be removed from the office of Judge of the Diſtrict Court of the diſtrict of New-Hamdſhire? It was determined in the affirmative—Yeas 20; Nays 6; as follows:

YEAS.——Meſſrs. Anderſon, Baldwin, Breckenridge, Cocke, Ellery, Franklin, Jackſon, Logan, Maclay, Nicholas, Potter, I. Smith, S. Smith, J. Smith, (Ohio) J. Smith, (N. Y.) Sumter, Venable, Wells, Worthington, Wright.—20.

NAYS.—Meſſrs. Adams, Hillhouſe, Olcott, Pickering, Plumer, Tracy.—6.

The court then adjourned *ſine die.*

MONDAY, March 12.

JUDGE CHASE

IMPEACHED.

The Houſe went into committee of the whole—Mr. Varnum in the chair—on the following report:

The committee REPORT—

That in conſequence of the evidence collected by them, in virtue of the powers with which they have been inveſted by the Houſe, and which is hereunto ſubjoined, they are of opinion.

1. That Samuel Chaſe, eſq. one of the aſſociate juſtices of the ſupreme court of the United States, be impeached of high crimes and miſdemeanors:

2. That Richard Peters, diſtrict judge of the diſtrict of Pennſylvania, hath not ſo acted in his judicial capacity as to require the interpoſition of the conſtitutional power of this Houſe."

On reading the firſt reſolution for the impeachment of Samuel Chaſe:

Mr. Elliot ſpoke at conſiderable length; went fully into a view of the teſtimony contained in the report of the committee; and concluded with expreſſing the opinion that judge Chaſe had not rendered himſelf liable to impeachment, in any caſe ſtated therein, but that of the trial of Callender. From the diſpaſſionate and deliberate conſideration of Mr. Chaſe's conduct on this occaſion, though not prepared to aſcribe to him corrupt motives, or to view him as guilty of high crimes, he conſidered him as guilty of miſdemeanors for which he was impeachable. On this ground therefore, he ſhould vote for the report.

The queſtion was then taken on agreeing to the firſt reſolution and carried—Ayes 74.

The committee then agreed, without a diviſion, to the ſecond reſolution relating to Richard Peters.

The committee roſe and reported their agreement to the report of the ſelect committee.

The Houſe immediately took the report into conſideration.

The firſt reſolution reſpecting Mr. Chaſe having been read.

Mr. R. Griſwold obſerved that in the ſelect committee appointed to enquire into the official conduct of Samuel Chaſe there had been no diſcuſſion, and no points ſettled, except thoſe contained in the reſolution—No part of the documents, contained in the report, had been taken up and diſcuſſed. I would, ſaid Mr. G. myſelf have undertaken on this occaſion to enter minutely into the teſtimony, were I not of opinion that the ſentiments of the Houſe are already formed—I have examined the depoſitions critically, and I am ready to ſay that they conſtitute no grounds for impeachment. But I have been lamentably convinced, by a mournful experience, that nothing which can be ſaid in the caſe of impeachments will have any effect on this Houſe. I ſhall therefore, ſay nothing, on this reſolution, at this time; but ſhall content myſelf with calling for the Yeas and Nays.

Mr. J. Randolph. Like the gentleman from Connecticut, it is no part of my intention to enter into a conſideration of the report of the committee appointed to enquire into the official conduct of Mr. Chaſe and Mr Peters. On this occaſion, as on another, in which I had the honor of being one of thoſe to whom was confided the management of an impeachment, I am willing to reſt the deciſion which I ſhall give on the teſtimony before the Houſe. But I think the obſervations which have fallen from the gentleman from Connecticut require, in juſtice to himſelf (for he was a member of the committee appointed on this occaſion,) and as an act of juſtice to that committee ſome remarks in reply. For what purpoſe he has made theſe obſervations I ſhall not undertake to determine. From them it would appear as if a diſcuſſion had been particularly invited. The Committee conſiſted of ſeven members. On the motion of different members, ſometimes in conſequence of perſonal application, at other times by letters addreſſed to the committee, teſtimony was ordered to be taken. A day was then appointed for the meeting of the committee; they did meet. At the time appointed for the meeting ſome gentlemen of the committee were engaged in the character of managers of an impeachment before the Senate—The gentleman from Connecticut, and a gentleman from South Carolina (Mr. Huger) alſo a member of the committee, waited in the library until the other members thus engaged ſhould be in readineſs. As ſoon as they were ready to meet, a meſſage was ſent to the library for the two gentlemen. Before this it had been intimated to the managers that the Houſe wanted a quorum. We, therefore, diſpatched a meſſage into the Houſe for the two gentlemen. We received no anſwer. The committee decided the conduct of Mr. Chaſe impeachable, in relation to the trial of Fries, and the conduct of Mr. Peters not impeachable. In conſequence of this deciſion, five members being preſent, the chairman was directed to draft the report. The report, however, not being preſented, owing to the adjournment of the Houſe, and the committee being unwilling to ſubmit it before it had been conſidered by all the members of the committee, it was again ſubmitted to the committee, who were ſummoned, for that purpoſe, the next morning; when it was reconſidered, and agreed to in the preſence of the members previouſly abſent.

Mr. R. concluded by expreſſing his regret at having troubled the Houſe with ſo dry a detail; and ſaid he had made it to ſhew, that if there had been no diſcuſſion, it was becauſe there was an indiſpoſition on either ſide to provoke it.

MR. HUGER.—It was my wiſh and determination to have avoided ſaying any thing on the preſent queſtion, and to have contented myſelf with giving a ſilent vote—nor ſhould I now have riſen but for the alluſions, which have been made by the gentlemen from Connecticut and from Virginia, to what took place in the committee of Inveſtigation—The ſtatements given by both theſe gentlemen are, as far as they go correct, but I muſt beg leave to add one or two additional obſervations on the ſubject.

The committee had been duly ſummoned to meet on the morning of the day preceding that, on which the report now under conſideration, was preſented to this Houſe—Both the member from Connecticut and myſelf accordingly attended at, or about the uſual hour of attendance; but on going to the room, in which we had always met, we found it occupied by the committee, who had been appointed to impeach judge Pickering. Moſt, I believe indeed, all the gentlemen, except the member from Connecticut and myſelf, who compoſed the committee of inveſtigation, were likewiſe members of this committee, and as they had already met on other buſineſs, we of courſe retired—On my return to the Houſe, I met the honorable chairman at the door, who expreſſed a wiſh that our committee ſhould forthwith meet; but on my obſerving, that moſt of the members of it were on the committee of Impeachment in the caſe of judge Pickering, which was then aſſembled, he proceeded to join them—intimating, if I did not miſtake him, as he left me, that he would ſend me word ſhould our committee meet. I received no meſſage however, nor heard any thing further on the ſubject until a few minutes before the houſe adjourned, when to my aſtoniſhment the gentleman from Connecticut informed me that he had been told the committee had met during our abſence, and come to the determination of reporting to the Houſe a reſolution recommending the impeachment of judge Chaſe.

The gentleman from Virginia however, has informed the Houſe that before the committee proceeded to buſineſs, one or two meſſengers had been ſent to ſummon both my friend from Connecticut and myſelf, and he had before given me the ſame information in private.——And moſt certainly, Sir, I have not the ſmalleſt doubt but that this was done—for the aſſertion of any fact, made by the gentleman from Virginia, will ever receive from me the moſt ready and implicit belief. It nevertheleſs, ſo happened, that neither the member from Connecticut nor myſelf received the ſummons, or attended the committee, in which it was determined during our abſence, that a report ſhould be drawn up and made to the Houſe, recommending the impeachment of judge Chaſe. This circumſtance did, I confeſs, ſurpriſe me in the firſt inſtance, and until the matter was explained to me. I ſtill regret it; for we had never had any previous diſcuſſion in the committee, on the merits of the various charges exhibited againſt the judge, and I certainly did expect, that each particular caſe would have been thoroughly ſifted and canvaſſed in the ſelect committee, and a ſeparate and diſtinct vote taken on each of them before any report was made. Under this impreſſion I had intended to have objected, had I been preſent, to the committee's coming to any final deciſion until we had received the depoſition of Mr. Robertſon from Peterſburg; and I had alſo (as I obſerved to the committee on the following morning) intended to have requeſted, that the depoſitions of Mr. Edmund Randolph, late attorney general of the United States, and ſome other gentlemen. (whom I had juſt learned, were preſent at the trial of Callender) might be taken, for as the only depoſitions before us in this caſe, were ſolely thoſe of the parties immediately and individually concerned, and who were not merely the political opponents of judge Chaſe, but perſonally intereſted; as the propriety of their own conduct in the trial was involved in the queſtion at iſſue between them and the judge, I did not wiſh to make up my mind, or give a final vote on a caſe, in which there was evidently no other than perfectly ex parte evidence before us. The committee, however, having, as has been ſtated, met during our abſence, and decided in favor of an impeachment, I was virtually precluded from making the propoſitions I had intended.

It is indeed true, Mr. Speaker, and the gentleman from Virginia is perfectly correct in ſtating, "that the whole of the committee met the next day, and the report, as it now ſtands, was ſubmitted to our final deciſion, when every individual member was preſent. He is equally correct in the obſervation, that the report was open to the objections, which might be offered from any quarter.

But, after five out of ſeven members, had already on the preceding day decided in favor of the principle it contained, I certainly, Sir, had not the vanity to ſuppoſe, that any thing I could ſay, would effect a change of opinion; and I conceived, that after what had paſſed, it would be regarded as mere cavil on my part, and only done from a wiſh to embarraſs and create unneceſſary delay, to propoſe, when the queſtion of impeachment was already acted and decided upon, that we ſhould wait for further teſtimony. I therefore, acquieſced, and, (after having expreſſed, as above ſtated, what I ſhould have wiſhed to have been done; and had intended to propoſe, had I been preſent in the committee the preceding day) I deemed it my duty, (as believing the evidence in queſtion before us, to be entirely ex parte) to give in the ſelect committee, as I ſhall again do on the preſent occaſion, my decided negative to that part of the report, which includes the reſolution for impeaching judge Chaſe.

The queſtion was then taken, by Yeas and Nays, on concuring in the report of the committee, agreeing to the firſt reſolution and carried—Yeas 73—Nays 32.

The report of the committee, in relation to the ſecond reſolution, was agreed to unanimouſly.

Mr. J. Randolph moved that a committee be appointed to appear at the bar of the Senate, to impeach, in the name of the Houſe of Repreſentatives, Samuel Chaſe of high crimes and miſdemeanors.

The motion was adopted, and Meſſrs. J. Randolph and Early appointed the committee.

Mr. Nicholſon moved the poſtponement, until the firſt Monday of November, of the bill for the ſettlement of claims for Georgia lands.

Meſſrs. Euſtis and Jackſon oppoſed the poſtponement; which was carried—Yeas 59—Nays 49.

TUESDAY, March 13.

A meſſage was received from the Senate, ſtating their agreement to the reſolution of the Houſe for an adjournment of Congreſs, with an amendment extending the period of adjournment to Monday, the 26th inſtant—The Houſe concurred in the amendment.

The Houſe went into committee of the whole—Mr. VARNUM in the chair—on the bill for opening ſeveral new land offices in the Indiana territory—Several amendments were made, when the committee reported the bill. The Houſe, after conſidering the amendments, ordered the bill to a third reading.

Mr. Randolph, from the committee appointed to perform that ſervice, reported that they had appeared at the bar of the Senate, and had, in the name of the Houſe, impeached Samuel Chaſe of high crimes and miſdemeanors.

On motion of Mr. J. Randolph, a committee of five was appointed to frame articles of Impeachment, with power to ſend for perſons and papers.

The Houſe went into committee of the whole—Mr. TENNEY in the chair—on the report of a committee on the meſſage of the Preſident relating to the public buildings in the city of Waſhington.

The report concludes with a reſolution that an appropriation of fifty thouſand dollars ought to be made for progreſſing with the public buildings, to be placed under the direction of the Preſident.

This reſolution was agreed to—Ayes 47.

The Houſe took up the report and agreed to it—Yeas 57—Nays 23.

Ordered, that the committee who made the report bring in a bill.

Mr. J. Clay moved a reſolution for the appointment of a committee to enquire into the expediency of authoriſing the legiſlature of Pennſylvania to lay a certain tonnage duty on veſſels navigating the Delaware, to conſtitute a fund for improving the navigation of that river.

Mr. Varnum moved a poſtponement of the reſolution to the next ſeſſion.

Loſt—Ayes 18.

When the Houſe adjourned without deciding on the reſolution.

RETROSPECT OF THE EIGHTEENTH CENTURY.

PERHAPS no period of human exiſtence, has abounded with a greater number of important & intereſting events than the Century which has laſt elapſed. A Review of the principal doctrines, diſcoveries and improvements in the Sciences during that portion of time, has been lately publiſhed in New-York by the learned & ingenious SAMUEL MILLER, A. M. The ſurvey which the author has taken of theſe branches of experimental Phyſicks is acute and enlarged. Beſides, an exhibition of the progreſs made in Aſtronomy, Geometry, Chemiſtry, Medicine and the uſeful Arts, Mr. Miller has expatiated with great beauty on the advancement of Natural Hiſtory and Literature, within the hundred years which have juſt elapſed. The work which is compriſed in two volumes 8vo. is admirably adapted to the uſe of Colleges and Academies, as well as for private Libraries. To Students it is capable of pointing out the way to knowledge, and to thoſe who have already ſtudied, it will ſerve as a conſtant remembrance and common-place-book. This uſeful and excellent publication, is coming in extenſive circulation, and ſtands only in need of being peruſed, to engage the favourable opinion of the reader.

Diſcovery in painting.

It has long been a deſideratum in the Art of painting in Miniature, or with water colours, to find ſomething to fix the colours upon which ſhould poſſeſs the ſmoothneſs and durability of Ivory, but be of greater extent than the breadth of an elephant's tooth. Mr. Archibald Robertſon, a diſtinguiſhed Artiſt of New-York, has diſcovered that certain hard and well poliſhed Marbles poſſeſs this two-fold quality of receiving water-colours perfectly well, and of being made as long and as broad as the artiſt pleaſes. Conceiving this to be a valuable improvement in this polite art, Mr. Robertſon has ſecured to himſelf the advantage to be derived from it, by a Patent under the United States.

In the case of Jacob Groſe an inſolvent debtor.

SIX months from and after the firſt day of January next is limited and appointed for the creditors to bring their claims to the truſtee, and that this notice be publiſhed three times in the National Intelligencer and Waſhington Federaliſt prior to ſaid day.

By order of Wm. Cranch, Eſq. aſſiſtant Judge of the circuit court of the Diſtrict of Columbia.

URIAH FORREST, Ck.

Dec. 24, 1803—

Having been appointed truſtee in the above caſe the creditors are hereby requeſted to exhibit their claims properly authenticated to the ſubſcriber within the limited period.

JOHN THRELKELD.

March 14—3t

NOTICE.

THIS is to give notice, that the Subſcriber hath obtained from the Orphans Court of Prince George county in Maryland, letters of adminiſtration on the perſonal eſtate of William Magruder late of ſaid county deceaſed—all perſons having claims againſt the ſaid deceaſed are hereby warned to exhibit the ſame with the vouchers thereof to the ſubſcriber on or before the 15th day of September next, they may otherwiſe by law be excluded from all benefit of the ſaid eſtate. Given under my hand, this 12th day of March 1804.

A. COVRINGTON.

Prince George County
March 14—w3t.