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IMPEACHMENT OF JUDGE CHASE.

MONDAY, FEBRUARY 18.

(Continued.)

WILLIAM MARKS: called in the *Washington Advertiser*. Have you ever been elected to the Federal court ever since its abolition?

Yes, Sir.

Mr. Randolph. Have you ever known an influence of the circuit court adjourning from one time to another, and in the interim holding another court?

A. I know it once to adjourn from Tuesday to Friday. I have never known it hold another court in the interim.

Mr. Randolph. Was that in relation to a criminal case?

A. Yes, Sir. The adjournment took place to give the gentlemen of the bar an opportunity of qualifying in the inferior court.

W. M. We have heard in this case much about political opinions, and of the efforts they were intended to have on the trial of Callahan. What was the political character of Mr. Nathan, fifth attorney, at that time?

A. I considered his politics as wholly unopposed to the then administration of the general government.

Mr. Randolph. Was he a strong and decided opposition to it?

A. He was at that time.

W. M. I have seen your influence that occurred before Judge Chase went to Richmond, of a division in the circuit court that the fine law of Virginia regarding the afflicting the fine by the jury did not apply in that case, and what were they?

A. There had been two influences in the circuit court at Richmond. In one case, I was called in, both, and in the other Judge Wilson. In both it was decided that the jury did not affect the fine, but in the one the indictment in one case was qualified, and in the other the judgment was affirmed, so that the decisions were not final.

Mr. Nicholson. I wish to know did you decide that the jury should not affect the fine?

A. In one case the jury was allowed to be heard when the case finished they would certainly affect the fine.

Mr. Nicholson. Was any question asked as to the right of the jury to affect the fine?

A. It was mentioned; but was not, I think, discussed.

To an interrogatory put.

Mr. Marshall answered.—That he was a case in which a capias issued, was a case in which a telon was returned from the civil and city.

Mr. Martin. Was he tried the same time he was arrested?

A. Not in that case; but I have known repeated trials the same time; and in some instances trials have been had the same day the indictment was found.

Mr. Randolph. Have you known motions to be made for a continuance, and was the decision in favor of the court?

A. I have frequently agreed to them; but not as a matter of right.

Mr. Nicholson. In what courts were you public prosecutor?

A. In the court of Hustings for the case of Richmond.

Mr. Nicholson. Was that court created by a law of the corporation?

A. Yes, Sir, by an act of the assembly.

Mr. Nicholson. You stated that you met Mr. Hiett, I think in the passage?

A. I stated that I was uncertain whether I met him without or without the bar.

Mr. Nicholson. Are you rather inclined to think that you met him in the passage?

A. I cannot speak with certainty.

Mr. Nicholson. How was the door of Judge Callahan's chamber divided so that the two parts of the indictment were not in one door in a narrow passage leading to Judge Chase's room?

Mr. Nicholson. Are there other doors leading to the passage?

A. Yes, Sir. How was the defendant held out court?

A. He was bound in a recognizance.

Mr. Randolph. Was it at Judge's trial, Mr. Justice Chase lodged?

A. I do not know where he lodged—fitting rooms in the upper end of the house.

Mr. Randolph. The house built on the site of a hall, and may be full to have two grand floors; was its room on the upper or lower floor.

A. He sat in a room on the upper floor.

Mr. Randolph. Do you recollect in factures of mistakes for postponement which you offered?

A. Yes, Sir. I recollect one fact in relation to the case, which was changed with receiving a bag of tobacco, and was imprisoned five months and fined one hundred dollars.

President. I understand that you were prosecutor for the commonwealth of Virginia?

A. Yes, Sir. I was appointed to prosecute for Richmond, while Colonel Nathan was attorney general. I used to visit him, and to his father, Mr. Brooks, for information as to the practice of the law in that city.

W. M. I recollect that you were a good lawyer. I recollect also accepting to my bill judgment.

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Mr. Harper. I will recollect one witness move as this year by a *Washington Advertiser* called.

PHILIP GOODEN called.

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