Q. Was any record made of this refusal?

A. There was no record made, but Mr. Chase wrote the word *refused* upon the precipe, opposite to the president's name.

Q. Did the court make any enquiry of Thomas Cooper as to his pecuniary circumstances?

A. After the verdict, and when the court was about to pass sentence, judge Chase enquired of Thomas Cooper what his situation in life was as to pecuniary matters. Mr. Cooper stated them, and Mr. Chase said that some evidence of his situation should be offered to the court and he asked further, whether the fine was to be paid by himself, or by his party. Mr. Cooper answered, that he never had been employed by a party, either in England, or in this country, and that he never would be, Upon which judge Peters declared that it was not a question for the court to ask, as it could not be a matter of any consideration with them, by whom the fine was to be paid.

D. CALDWELL.

Interrogatories exhibited on behalf of the house of representatives of the United States, to *George Hay* and *Philip N. Nicholas*, esquires, touching the official conduct of Samuel Chase, esquire.

1. Were you present at the trial of James T. Callender for sedition?

2. When and where did that trial take place?

3. Relate the circumstances of that trial?

4. Did Mr. Chase refuse to the prisoner the testimony of a witness because he the said witnesses could not prove the truth of all the facts set forth, and upon which the indictment was grounded?

Interrogatories exhibited on behalf of the house of representatives of the United States to *George Hay*, touching the official conduct of Samuel Chase.

1. Were you present at the trial of James T. Callender for sedition?

Answer. I was present when James T. Callender was tried for a libel on John Adams, then president of the United States.

2. When and where did that trial take place?

Answer. At the capitol, in the city of Richmond, in the state of Virginia, before Samuel Chase and Cyrus Griffin, sitting as judges of the circuit court. It commenced in the month of May, 1800. How many days were employed in the prosecution I do not remember.

3. Relate the circumstances of that trial?

Answer. [illegible] pear to me to be material.

At the session of the circuit court in May, 1800, an indictment charging Callender with libelling the president of the United States, was found by the grand jury to be a true bill. Process was soon after awarded, by virtue of which he was arrested, in or near Petersburg, and brought into court. The trial, it was understood, was to take place immediately. For this Callender said that he was not prepared. Nor was I, who had undertaken to be one of his counsel, prepared at that time, to discuss the *two* great questions which were involved in the prosecution. I was ready to argue the point concerning the constitutionality of the sedition law, but not to prove, what I then believed, and still believe to be sound doctrine, that the jury might acquit the prisoner, if they thought the law unconstitutional. An argument on this subject was during the trial hastily composed; but I was not permitted to deliver it, as will be hereafter stated—A motion therefore was made for a continuance, upon the facts stated in an affidavit, now among the papers filed with the indictment: The substance of it was, that witnesses were absent whose testimony was material, and that documents were wanted which could not be immediately procured. The witnesses were named, the evidence expected from each distinctly stated, and the documents wanted clearly specified. When this affidavit was presented to the court, it was urged by the counsel that the constitution secured to the prisoner a right to process to enforce the attendance of his witnesses. He had also a right, under the constitution, to the assistance of counsel in his defence; but if he were tried, when his witnesses were absent, and his counsel not prepared for his defence, without any default in him, or them, these important provisions in the constitution would be useless.

The motion was instantly over-ruled. The attorney of the United States was told, that it was unnecessary to reply.—Mr. Chase said that it would be a waste of time; that there was no reason for putting off the trial; that as the prisoner did not swear that he could prove *all the charges* recited in the indictment, his having testimony as to a part of them, was immaterial; he must prove all, continued Mr. Chase, and it must appear that he can prove all, or the trial will not be postponed.

In the course of the argument, for the postponement, I took it for granted, as I yet believe I ought to have done, that the fine which might be assessed, would be ascertained by a jury. By the laws of Virginia, fines for misdemeanors are assessed by the jury. (See Virg. laws, Revised Code, p. 112) Mr. Chase interrupted me, to tell me that was wrong, that the supposition might be correct as to the laws of Virginia, but that it was a wild notion as applied to the federal court.

When the court had over-ruled the motion for the continuance, the counsel for Callender claimed for him the benefit of that clause of the constitution, which was intended to secure a trial by an impartial jury: The judge (Chase) declared that *he* would see justice done in that respect. When the jury were about to be sworn, the counsel wished to ask each individual composing it, whether they had formed any opinion concerning the work, called "The Prospect Before Us," from which the matter charged in the indictment to be libellous, was taken.—They were not permitted to ask this question. Mr. Chase asked them himself whether they had formed and delivered any opinion, concerning the charges in the indictment. As they had never heard the indictment read, they of course answered in the negative. The jurors stated that they knew not what was in the indictment. Indeed it was hardly possible that they should know; as I believe the indictment was not read in court until the jury were actually sworn. One of the jury, John Basset, stated that he was unwilling to serve, having made up his mind as to the book called "The Prospect, &c.;" but as he acknowledged that he had not formed and delivered an opinion concerning the charges in the indictment, because in fact, he knew not what were, *his* objection was overruled.

When the trial commenced, Colonel John Tayloe, or Caroline, was introduced of a witness for the prisoner. I believe he was sworn. The counsel wished to interrogate him. This they were not permitted to do, until they had stated the points to which his evidence related. They were then obliged by Mr. Chase, to reduce the questions, which they wished to propound to Colonel Taylor, to writing, and then to submit them to his inspection, that he might determine whether they should be propounded or not.

Colonel Taylor's evidence was rejected.

The ground of this opinion, as stated by Mr. Chase was this, that Colonel Taylor could not prove the whole of one charge. The charge was, he judge (Chase) said, "that the president was a professed aristocrat—that he had proved faithful and serviceable to the British interest." Proving half, he said, was doing nothing; [illegible] ended, on the part of the prisoner, that if it was necessary to prove both facts by the same witness, the charge in both points would be proved by the testimony of Colonel Taylor. He would prove that Mr. Adams had professed aristocratical opinions; and that he had proved faithful and serviceable to the British interest, in the way meant by "The Prospect, &c." be voting against the sequestration law, and the law suspending all intercourse with Great Britain. The judge (Chase) repeated that the evidence was inadmissible, that the counsel knew it to be so, and that they only wanted to deceive and mislead the populace.

The counsel, who were associated with me, in Callender's defence, attempted to address the jury on the unconstitutionality of the law, on which the indictment was founded. They were interrupted, and obliged, by Mr. Chase, if not ordered, to sit down. I then addressed Mr: Chase, himself with a view, to satisfy him, that I had a right to discuss this point before the jury. I told him that what I was then about to say, was intended for the court alone: He interrupted me; he asked some question, which was answered: in a very short time, after I had resumed my argument, I was again interrupted by Mr. Chase. How often I was interrupted I knew not; but I was interrupted, rudely interrupted several times. Having seen in the course of this trial what I had never seen before, having felt what I never felt before, and what I certainly expect never to feel again, and being impressed with a belief that Mr. Chase was determined to silence me, if he could, my mind was overwhelmed by *conflicting sentiments*, and I quitted the bar, my client, and the court.

As to the manner observed by Mr. Chase during the whole of this trial, the interrogatories propounded do not seem to require that I should say any thing.

4: Did Mr. Chase refuse to the prisoner the testimony of a witness, because he, the said witness could not prove the truth of all the facts set forth, and upon which the indictment was grounded.

Answer. This question is already answered.

GEORGE HAY.

(To be Continued.)

LONDON, Feb. 10.

French Proclamation.

The following proclamation which appeared in a morning paper is said to be intended to accompany the French invading army. We give it to our readers without comment, leaving it to them to attach to it what degree of credit they may think it deserves.

[ORDER No. 39.]

FRENCH REPUBLIC.

ARMY OF ENGLAND.

LIBERTY. EQUALITY.

Head-quarters of the Centre, at ——, *the* — *of the month of* ——, *year* — *of the French Republic.*

THEE GENERAL OF DIVISION —— TO HIS COMPANIONS IN ARMS.

"*SOLDIERS,*

"THE sea is passed! the boundaries of nature have yielded to the genius and the fortune of the hero, the saviour of France: and haughty England already groans under the yoke of her conquerors!

"London is before you! the Peru of the Old World is your prey. Within twenty days I plant the tri-colored flag on the proud walls of her execrable Tower!——March! the road to victory is open. In order to render that happy victory certain and inevitable, your commander here offers you some advice, brave Centre, at the same time that he renews, upon the enemy's soil, the sacred promises, that you have already twice received from the august head of the state. I know that there are amongst you some who are intriguers and fomenters of disturbance, and I shall know how to punish such. I know also, the pretexts which malice will employ to seduce you from your duties, and the path of honor. No, my children! it is not with a view to deprive you of your rewards that we exact of you a temporary and short forbearance, which military prudence and the force of circumstances demand. It is not to defraud you of the gifts awarded to you by Buonaparte that we point out to you the only course by which you can attain the enjoyment of them. Once more I pledge the faith of government which only reserves to itself, among the enormous treasuries that you are on the eve of conquering, the arms and fleets of the enemy; while it destines their monuments of the arts to decorate the temples of the arts to decorate the temples of the capital of the world, and to become an eternal record of your victories. Towns, fields, provisions, cattle, gold and silver—I abandon all to you! Occupy those noble mansions, those smilling farms. The properties, the families of your enemies, are all your own; all is destined for your wealth, or for your employment. An impure race, rejected by heaven, and which has dared to be the enemy of Buonaparte, will expiate its crimes by disappearing from the earth. Yes, I swear to you, that you shall soon become terrible!

"What does malice intend? I only require from you the forbearance of some few days, and caution you not to be deceived by the artifice which the wisdom of the consul has contrived, to ensnare the credulous natives of this miserable country. True, I have proclaimed protection and safety; I have promised to pay for provisions; rape, plunder, and devastation, are prohibited under pain of death. Soldiers! woe to the wretch, who, for the premature indulgence of his vengeance or his passions, shall dare to commit the public vengeance, or the fortunes of all. Every thing has its season. Cajole, divide, disarm, the immense population, which despair alone can render invincible. This is the object for which at the present instant, all efforts and all efforts should concur. This is the object prescribed by the providence of government, and the safety of the army.

"Soon—and the hour of a just retribution already strikes—the signal shall be given:—Expect it in the posture of the tyger, and observe also his silence: then spring upon your prey, give way to your feelings, take your enjoyments, and gather, without risk, the mellow fruits of victory; all will then become your duty, except senseless pity, equality unjust to your country, and cruel to injured humanity.—May the enemy of France perish to his foundation! May the name of England be lost and forgotten! Know, that Heaven and the first consul have conspired for its ruin and total oblivion. Then may that guilty island, formerly wrested by the sea from France, purged from the monsters that inhabit it, return within its legitimate boundaries, having expiated its numberless crimes. May it be regenerated by that master stroke of policy, that can only render it worthy of becoming once more a portion of the continent, and a province of France. Perhaps its proud conquerors may not disdain to carry to their generous race.—Perhaps they may derive a sentiment of joy from compelling the wives & daughters of the conquered, to give Frenchmen to France!

"Soldiers, the country is your own! My brave companions, let those inhabit it who will; it is Buonaparte himself who gives me authority to ensure to every one who desires to reside in these beautiful plains as a faithful colonist of France, a house, furniture, and lands; in short a lot splendid and secure. All those who shall prefer to return to their private homes, shall be henceforth exempted from every species of service parochial or military. They shall moreover, be permitted to carry off without molestation, every article of which they may be respectively possessed at the disbanding of the army, (which shall take place immediately after the conquest) not excepting the women of the enemy whom they honor with their partiality. Finally, my brave brethern in arms and fortune, I can with safety swear to you, that there shall not be found one in the army unprovided for, or discontented; and that your riches and your pleasures, joined to the respective ranks and brevets of honor, which are designated for you, shall fill up the measure of your recompence—a recompence worthy your noble atchievements, and such as Buonaparte will not blush to present you.

"Remain then assured of all these benefits, dutifully obeying the orders of your commanders; delivering up those who may attempt to foment disturbances amongst you, and observing the strictest discipline and duty in the presence of the enemy.

"——, *General of Division.*
"——, *Chief de l'Etat Major.*"

FRESH ALARMS IN IRELAND.

DUBLIN, Feb. 15.

"Last night this city exhibited an appearance of the greatest alarm, the guards at the several barriers were doubled; large patroles of cavalry paraded the streets, the entire of the night while the remainder of the garrison were to a man under arms within the walls of the respective barracks. This military display did not fail of exciting the most lively apprehensions. The yeomanry flew to arms; the 26th of last July did not exhibit a more numerous meeting of citizens. The following, which I can rely on, are the only circumstances which, after the minutest enquiry, have come to my knowledge, as furnishing a cause for this extraordinary *alert*. Government, within the space of a very few hours, received intelligence from a Mr. Seaver, of Armagh, that a rising was immediately to be apprehended in that country, connected with a movement which was to take place as of last night in this city.—They had similar information from the collector of Newry. It was reported to them that a considerable number of the fishermen of Dublin Bay had absconded from the purpose of serving as pilots to the enemy; that the county of Kildare was completely organized, and ready to obey the rebel chief at a moments notice; and finally, that a rebel committee had been taken next door to the post office in Cork, which had been discovered to have received its final instructions from the invading army. I believe that even more material information is in the possession of government."

"Corcoran, the rebel chief, who has been for a considerable time the terror of the county of Carlow, and for whose apprehension a large reward was offered by government, has at length terminated his career. The rev. Mr. Fastwood, of Killan, in the county of Wexford, having received information that Corcoran and some of his gang were concealed in a house about a mile distant from him, sent a party of yeomen of the Jamestown infantry, under the command of Wm. Ellison, Seargeant in the Ross Guards, who approached the house with his small party in three divisions, and after receiving the fire of the rebels, closed on them; Corcoran received a shot through his body, and is since dead. An outlaw of the name of Brennam was wounded, and a noted rebel, John Fitzpatrick, who had deserted from Hompesch's Corps, and went under the name of the Hessian was secured. A blunderbus, two musquets (which had all been plundered from the Borris infantry) and several pistols, fell into the hands of the yeomen, who conducted themselves with uncommon steadiness."

CORK, February 12.

Several persons who were in a public house, in George-street, were on Friday night arrested upon charges of being parties at seditious meetings. The administering of criminal oaths to a few of the populace, has been traced to an individual or two, who are publicly known; and who, the better to engage the compliance of the thoughtless and ignorant, have infamously, basely, and wickedly slandered some of the most respectable gentlemen of this city, by naming them as accomplices in the projected treason.

Distant Subscribers.

☞ *Those Subscribers to the* STAR, *who reside out of the county, will have an opportunity of forwarding the amount of their dues to the office, by persons coming to the General Court, at April Term. Another half years subscription from original subscribers became due on the 26th of February last.—It is to be hoped that delinquents, indiscriminate will attend to this request.*

☞ BLANKS, HANDBILLS, &c. *Printed in the neatest manner, and on the shortest notice, at the* STAR-OFFICE.—*Orders from a distance punctually attended to; and the same regularly forwarded.*

The following is a copy of a letter from Captain BAINBRIDGE, *to Commodore* PREBLE, *which has been handed to us by the Secretary of the Navy.*

Tripoli, Barbary, 12th November, 1803.

SIR,

I had the honor of writing to you on the first and sixth instant from this place, giving an account of the loss of the United States frigate Philadelphia, late under my command. I now transmit you further particulars of that unhappy event: the following bearings were taken from the place where the ship grounded.

The westermost of the small Rocks which form the harbour, W. by S. 1-2 S. the steeple of the Mosque near the Danish consul's Flag-staff S. W. by W. fort English to the east of the town S. W. bearings taken by the point of compass. When the ship grounded, her head was N. E. After giving up the chase in pursuit of the cruizer, and bearing off shore, striking on the rocks was as unexpected to me, as if it had happened in the middle of the Mediterranean sea; immediately laid all sails aback, run all the guns aft, sounded and found a sufficient depth of water astern, and a small distance from each side. A consultation of the officers was called, when it was unanimously agreed to heave the guns overboard and start the water; this was done as expediously as possible, and a fire kept up at the gun-boats from our stern and weather quarter guns; In firing the lower stern chasers, the stern caught fire, which was put out without much confusion; the gun-boats carrying brass 13 and 24 pounders were keeping up a fire against us, but directed their shot at our masts. Finding that the guns and water did not lighten her sufficiently, the officers were of opinion that the fore-mast should be cut away, which was done, but without the desired the effect. A reinforcement of 5 more gun-boats coming upon our lee-quarter, where it was impossible for us to fire a gun, except down in the water, and the weather guns could not be depressed sufficient to heave within the distance of the boats. At 4 P. M. every hope was fled of our being able to get her off, and not the least power whatever of injuring our enemy, and saw no alternative but our eventually becoming prisoners to Tripoli: a counsel of the officers was called, when they were unanimously of the opinion that it was impossible for us to get her off the rocks, and that continuing in our situation would only be sacrificing lives without affecting our enemy, or rendering the least service to our country. In such a dilemma, too painful to relate, the flag of the United States was struck. I trust a want of courage can never be imputed where there is no chance of resistance. Distressing indeed to brave minds to be obliged to surrender without having had an opportunity of defence.—Some fanaticks may say that blowing the ship up would have been the proper result. I thought such conduct would not stand acquitted before God or man, and I never presumed to think I had the liberty of putting to death 300 souls because they were placed under my command, and those persons who argue thus, to have been in our situation, would no doubt have had very different ideas.

Although I feel conscious that my conduct will bear the strictest investigation, yet I am no stranger to the censures of an ungenerous world, and the regrets and mortifications which are incident to a change of public opinion, which does not always follow meritorious exertions; and an accident, although occasioned by circumstances which no prudence could foresee or valor controul, may weigh against years of arduous services; yet I have a consolation in believing that my friends are too sincere to let adversity of fortune change their opinion.

I have the honor to be,
Sir, with the most sincere respect,
Your obedient servant,
WM. BAINBRIDGE.

Commodore Edward Preble
commanding the U. S.
Squadron, Mediterranean station.

It will be satisfactory to the friends of Mr. Macdonough, midshipman, to learn that he was not on board of the Philadelphia at the time of her capture, having been, some days previous, transferred by commodore Preble to the schooner Enterprise.

NEW YORK, March 22.

Captain Goddin of the brig Eagle, left Bordeaux on the 21st February, a few days previous to which time general Angereau passed through that city from the borders of Spain, with an army of 40,000 men, and embarked in the flat bottomed boats for Rochefort. Intelligence had been received of his safe arrival at the Isle of Rhe. These troops were to join in the expedition against England, which was said to be on the eve of taking place.

For the convenience of being near the coast, the seat of the French government (according to a report generally believed) is to be removed to Dunkirk.—Several of the ministers left Paris for that purpose.

The vessels in the port of Bordeaux were embargued during the embarkation of general Angereau.