my Dear fir, I have more than mee thought of unling you a friendly letter, and often of the Aleasure I should take, if I could occapionally controlly that will benefit me. For the last two years I have been engaged in the protecution of a Such in Equilis in the fixuit Courte of the U. S. here, which is now defending on appeal in the Sup. 66, at Wathington, and which though important to the parties with , has become till more to in accomb of Certain other proceedings which have resulted from it, in rather have been bated upon it. There other matter involve the acts of a padge of the Sup. Comb of the U. S. with reference to my clients and to my belly especially - that will published reque me to ask for his unpeachment ofligh Mirdemeanors an Office. a short statement of the fuel and less will anable For to understand the pants in worker -In love & plug abile to sets while a deed as

Contributed to Maine Memory Network by Maine Historical Society

MMN # 100314 Date: January 8, 1858

Description: K.B. Sewall draft of letter to Phineas Barnes, Mobile

Mobile Jan'y 8, 1858.

My Dear Sir,

I have more than once thought of writing you a friendly letter, and often of the converse pleasure I should take, if I could occasionally ^ consult with matters might ^ you on subjects^ that I know would ^ be mutually in—An occasion a subject prompts me -teresting us. A matter ^ in particular, now exists ^ which will induces me to write you, for ^ I think it may attract your attention and may ^ interest you and it may ^ lead to suggestions that will benefit me.

For the last two year I have been engaged in the prosecution of a suit in Equity in the Circuit Court of the U. S. here, which is now depending on appeal in the Sup. Ct. at Washington, and which though important to the parties to it, has become still more so on account of certain other proceedings which have resulted from it, or rather have been based upon it.

These other matters involve the acts of a judge of the Sup. Court of the U. S. with reference to my client and to <u>myself especially</u> – that will probably require me to ask for his impeachment of high misdemeanors in office.

A short statement of the facts [cross-out] will enable you to understand the points involved.

In 1855 I filed a bill to set aside a deed as

Stand by frame and mainly though the advice of John a fambbell while he way a Lawren in practing here - The amount in when is about \$ 150,000, - and the tile necessarily reflects severely whom the Conduct of Campbell - Campbell was a privapul wither, for the dependants - any the defence Way Conductor in the most extraordinary mauren as soon as the tite was files a copy was sent to Judge Cambbell at Wathington - and he prepare and land back a long worther Statement mouth. which Maternal concurr the whole defence to shaped do - The autury were drawn to confirmato its - and the of them referred to its an am Exhabit. and then the deposition of Campbell was taken to sarlain the aumer, The cause came to a heavy last Spining, any after a decree was render by Judge gayle - the without from - Campbell also Sitting in the barch read an opmen and made a decree - funny my Clearly 1000, - and fining me 1000, and revolving my beaun to practice in the M. S. fireach Court. for an alleged contempt of your . This decree was not founded on any discospel to the Court in it neture or thewhere - but solely upon the record of the but in Equality : The assumption in

obtained by fraud and mainly through the advice of John A. Campbell while he was a Lawyer in practice here – the amount involved is about \$150,000, – and the bill necessarily reflects severely upon the conduct of Campbell – Campbell was a principal witness for the defendants – and the defence was conducted in the most extraordinary manner. As soon as the bill was filed a copy was sent to Judge Campbell at Washington – and he prepared and sent back a long written statement on oath – which statement concernd the whole defense & shaped it – The answers were drawn to conform to it – and one of them referred to it as an Exhibit – and then the deposition of Campbell as was taken to sustain the answers.

The came came to a hearing last Spring, and after a decree was rendered by Judge Gayle – the District Judge – Campbell also sitting on the bench – read an opinion and made a decree – fining my client \$1000, – and fining me \$1000, and revoking my license to practice in the U. S. Circuit Court, for an alleged contempt of Court – This decree was not founded in any disrespect to the Court in its presence or elsewhere – but solely upon the record of the suit in Equity – The assumption is

that to file a bile in the U.S. 6 is, Coul which reflects when the conductor of one of the judges before he was Elevation to the beach is a contempt of Court - This decre office was all prepared and pronound with out notice. or warning fany Rind - founder on a statement of facts prepared by the proce to sut hundely - or made a fourt of the recond. There was from this no abbent and the fines have according by been frais under protent. I will hear you a finites because of all that is material in the built in Egrily, and astercontents in founded polely in theat you can proper what forwarding Va has -I have as yel propano no autmen to the fun of Inde Combbell in the Contentit com - as I have not wother to do any thing to prepadice the formula hich which is now before the Suh 6h. + may perhales come up this terms. This matter of contemple may never have occupied your translets - the law is pretty theroughly inbortigates in the agreements in the care of Irefo Reck. If you have twee to thank of this matter I Thould be blown to hear forms were as to zun in preming ableaute & The matter has occapano no lettle discussion flore went away the

that to file a bill in the U. S. Cir. Court which reflects upon the conduct of one of the judges before he was elevated to the bench is a contempt of Court – This decree & opinion was all prepared and pronounced with out notice. or warning of any kind – founded on a statement of facts prepared by the judge to suit himself – and made a part of the record. – There was from this no appeal and the fines have accordingly been paid under protest.

I will send you a printed record of all that is material in the suit in Equity, and as the contempt is founded solely on that you can judge what foundation it has –

I have as yet prepared no answer to the opinion of Judge Campbell in the contempt case – as I have not wished to do any thing to prejudice the [?] suit which is now before the Sup. Ct. and may perhaps come up this term.

This matter of contempt may never have occupied your thoughts – the law is pretty thoroughly investigated in the arguments in the case of Judge Reek – If you have time to think of this matter I should be pleased to hear from you as to your impressions at least. The matter has occasioned no little discussion & concern among the

manhan of the bar tother in this states !-Louisiana - and the governe ofmin is that it is a high hander outrage in individual right - Mum it tobe a frien of abreham bindectivenen - wholly endudam upon facts and law - and only parallelled, Ithink, in the proceedings of the Star chamber and of the campage of the infamon, defforms. It was my fortune in mis forture, in newst of my mits, while Campbell war at the bar, to have him as my opported - Leven wight of there buils on more - were Levenly Cetigation are pending for years - and his naturally morole & vinduline nature became exaspectos at my governe meech - Three of there contamaling were panding for terreaus -To turn from this bribal - let me nowask your of Clefford who is nomenated to Curtis' place !- my his presence, af him are luctarm able for that office. and if he is not confirmed Who will probably be the man. I feel a dech enteral in this - on account of the frish lefen With regard to none wife Adaughter danca, war home prime P. Barrin Esq

## Copy to Barnes

members of the bar & others in this state & Louisiana – and the general opinion is that it is a high handed outrage on individual rights –

I know it to be a piece if abritrary vindictiveness – wholly unsustained upon facts and law – and only parallelled, I think, in the proceedings of the Star Chamber and of the campaign of the infamous Jeffries.

It was my fortune, or misfortune, in most of my suits, while Campbell was at the bar, to have him as my opponent – seven or eight of the suits or more – were severely litigated and pending for years – and his naturally morose and vindictive nature became exasperated at my general success – Three of these controversies were pending for ten years –

To turn from this subject – let me now ask your opinion of Clifford who is nominated to Curtis' place? – my impressions of him are unfavor able for that office. And if he is not confirmed who will probably be the man. I feel a deep interest in this — on account of the suit referred to –

With regards to your wife and daughter
I am as ever your friend
K. B. Sewall

P. Barnes Esq Portland