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DR. SIBLEY'S LETTER,

(Concluded.)

The lands on Red river alone are capable of producing more tobacco than is now made in all the United States, and at less than one fourth part of the labor; and in all Louisiana, I think more than ten times as much cotton might be made as in the United States. The extreme fertility of this country, the vast quantities of flour, beef, pork, tobacco, sugar, &c. which it would yield, with the productions of its mines, independent of the disposal of vast quantities of vacant lands, under no claims, render the acquisition of it to the United States of importance almost exceeding calculation.

The western boundary of Louisiana is not ascertained, and there are various opinions about it. The jurisdiction of the Governor of Louisiana at present ends, and that of the Spanish province of Taxus begins, about miles west of the port of Natchitoches, on the Red river; and it does not appear that there ever was any agreement between the governments of France and Spain, concerning it. This is a matter of considerable importance; for wherever the line is, it must run through a remarkably rich and fertile country; and a few miles either way of so long a line, is of consequence.

In Louisiana (as in all Spanish countries) the Roman Catholic religion is the only one tolerated. Some among them (who are strongly attached to that religion) have expressed to me their fears, that when the American government is established over them, they will not be permitted to worship as they please; but I have assured them their fears are groundless.——They are quite happy with their priest at Natchitoches, who was formerly an abbot in France, and is one of the few who, during the late disturbances there, saved his life by flying to England, though not without a broken back, which is still crooked. I had lately a kind of argument with a person, that could not well be settled without reference being had to the bible. One was accordingly produced from the bottom of a trunk, where it had been hid. I expressed my surprise at the circumstance of its having been secreted, and was told, that all the priests who had lived among them before Father Pavia (the present one) had made it a practice to burn all the bibles they could find, telling the people, they ought to know no more about religion, than what they (the priests) chose to tell them.—That though Father Pavia had not destroyed any bibles since his residence among them, they were suspicious that he would not always continue to shew them such lenity in this respect. But that in fact, his predecessors had made such havock among the bibles, there were but few left in the country.

There is a family, by the name of Messier, now living in the village of Natchitoches, consisting of three brothers and two sisters, with whom I am well acquainted, having been frequently called to visit all of them in a medical capacity. Their father was formerly Governor here, and afterwards Governor of St. Autoine, where he died; their mother was a daughter of the Duke of Orleans, of the royal blood of France, which has prevented any of the present family from marrying. They are all strong republicans, and are highly pleased with the cession of Louisiana to the United States. They draw an annuity from their mother's family estate in France.

The two sisters conduct with great propriety, are esteemed and respected for their virtues, and are good christians. The eldest brother is a man of real worth, strict in his morals and very independent in his circumstances. The two younger brothers are somewhat flighty: one of them has been banished from Louisiana on account of his republican principles, but has got back again.

I could add many more remarks concerning this truely fine country; but I have already too far exceeded the limits of a letter. Owing to the very hasty manner in which this sketch was drawn up, I am aware that there are probably many errors in it, as relates to grammatical diction, &c. but with respect to the substance of it, I believe it is perfectly correct.

I have, from the best materials and information I could obtain, sketched a map of the southern part of Louisiana, and the country to the west-ward of it as far as the river Grand; which I believe may have some pretensions to accuracy.

I am, sir,

your obedient servant,

JOHN SIBLEY.

CONGRESS.

House of Representatives.

THURSDAY, January 5.

Debate on Mr. Randolph's motion for the appointment of a committee of enquiry into the official conduct of SAMUEL CHASE.

Mr. J. Randolph said, that no people were more fully impressed with the importance of preserving unpolluted the fountain of justice than the citizens of these states. With this view the constitution of the United States and of many of the states also, had rendered the magistrates who decided judicially between the state, and its offending citizens, and between man and man, more independent than those of any other country in the world, in the hope that every inducement, whether of intimidation or seduction which could cause them to swerve from the duty assigned to them might be removed. But such was the frailty of human nature, that there was no precaution by which our integrity and honor could be preserved, in case we were deficient in that duty which we owed to ourselves. In consequence, sir, said Mr. Randolph, of this unfortunate condition of man, we have been obliged, but yesterday, to prefer an accusation against a judge of the United States who has been found wanting in his duty to himself and his country. At the last session of congress a gentleman from Pennsylvania did, in his place, (on the bill to amend the judicial system of the United States) state certain facts, in relation to the official conduct of an eminent judicial character, which I then thought, and still think, the House bound to notice. But the lateness of the session (for we had, if I mistake not, scarce a fortnight remaining) precluding all possibility of bringing the subject to any efficient result, I did not then think proper to take any steps in the business; Finding my attention however thus drawn to a consideration of the character of the officer in question, I made it my business, considering it my duty, as well to myself as those whom I represent, to investigate the charges then made and the official character of the judge, in general. The result having convinced me that there exists ground of impeachment against this officer, I demand an inquiry into his conduct, and therefore submit to the House the following resolution:

Resolved, That a committee be appointed to enquire into the official conduct of SAMUEL CHASE, one of the Associate Justices of the supreme court of the United States, and to report their opinion, whether the said Samuel Chase hath so acted in his judicial capacity as to require the interposition of the constitutional power of this House.

After the motion made by Mr. J. Randolph had been read from the chair,

Dr. MITCHILL said before the question was taken he should be glad, from the novelty and serious nature of the proposed measure, to hear a statement by his friend from Virginia of the reasons in detail on which it was founded.

Mr J. RANDOLPH observed, that when he was up before he had stated that the gentleman from Pennsylvania (Mr. Smilie) had, in his place, at the last session of Congress, given a description of the official conduct of the officer, to whom the resolution referred, which he considered the House bound to notice. It could not be conceived that the gentleman would have laid before the House a statement, the facts of which were not supported by his own knowledge, or by evidence on which he could place the utmost reliance. He did not conceive this to be a time to decide whether the information exhibited by the gentleman from Pennsylvania was or was not correct. At present an enquiry alone was proposed. If it should be made, it must result either that the conduct of the judge would be found to be such as not to warrant any further proceedings on the part of the House, or such as would require the interposition of that authority, which, as the immediate representatives of the people, they alone possessed. If on enquiry the committee shall be persuaded that the judge has not exceeded his duty they will so report: If, on the contrary, they find it such as to require the interposition of the House, they will recommend that course of proceeding to which the House alone is competent. With respect to the facts which had come to his knowledge, Mr. R. said, they were such as he did not wish to state—he preferred its being done by witnesses who were most competent to do it correctly.

Mr. ELLIOT. I am as deeply convinced as the gentleman from Virginia, that the streams of justice should be preserved pure and unsullied. I am also sensible that the judicial department ought to attach to itself a degree of independence, a great degree of independence. I am of opinion, that this House possesses no censorial power over the judicial department generally, or over any judge in particular. They have alone the power of impeaching them; and when a judge shall be charged with flagrant misconduct, and when facts are stated which shall induce them to believe those charges true, I shall be at all times prepared to carry the provisions of the constitution into effect in virtue of which great transgressors are punishable for their crimes. The basis of this resolution is, that a gentleman from Pennsylvania at the last session stated that the judge named in it, had been guilty of improper conduct. Of these charges I am uninformed, and every new member must be uninformed. It is astonishing to me that we are called upon to vote for an enquiry into the character of a judge, without any facts being adduced to shew that such an enquiry should be made. If the resolution pass in its present form, it appears to me that we shall thereby pass a vote of censure on this judge, which neither the constitution or laws authorise. If the judge be guilty, I should suppose the first step proper to be taken would be for some person aggrieved, or for members having personal knowledge, to exhibit facts on which the House may act. I can never consent, because the gentleman from Virginia, or any other gentleman, says there are facts which have come to his knowledge that induce him to think an enquiry ought to be instituted, to vote for it, unless those facts are first stated. I can never agree to any act which shall in this manner, without the exhibition of proof, impose censure or suspicion on a judge. This course may be perfectly parliamentary; but it strikes me as altogether unprecedented. I shall, therefore, until some facts are adduced, resist every attempt to impose a censure upon the conduct of any public officer.

Mr. SMILIE. If the gentleman from Vermont had commanded a little patience, he would have perceived the remarks which he has just made to have been altogether unnecessary; he would have perceived the necessity imposed upon me, by the observations of the gentleman from Virginia, of stating those facts to which that gentleman alluded. It must be seen that these proceedings contemplate the possibility of an impeachment.

It will be recollected by gentlemen who were in Congress at the last session that I was then led to give a statement of facts respecting the conduct of judge Chase on a particular occasion. That statement was not made with a view to an impeachment. A bill had been introduced to change the districts of the circuit courts of the United States; when I discovered that Mr. Chase was assigned to the district of Pennsylvania, I felt interested in having him transferred to another district, considering that his previous conduct had rendered him obnoxious to the people of that state. These circumstances I stated to the House, and was in consequence called upon to assign my reasons why judge Chase was obnoxious to the people of Pennsylvania. This is the history of the business so far. I am now called upon to state the facts which I mentioned on that occasion—This I shall do briefly.

A man of the name of Fries was prosecuted for treason in the state of Pennsylvania. Two of the first counsel at that bar, Mr. Lewis and Mr. Dallas, without fee or reward, undertook his defence. I mention their names to shew that there could have been no party prejudices that influenced them. When the trial came on the judge behaved in such a manner that Mr. Lewis declared he would not so far degrade his profession as to plead under the circumstances imposed upon him. Mr. Dallas declared that the rights of the bar were as well established as those of the bench; that he considered the conduct of the judge as a violation of those rights, and refused to plead. The facts were these: The judge told the jury and the counsel that the court had made up their minds on what constituted treason, that they had committed their opinion to writing, and that the counsel must therefore confine themselves to the facts in the case before the court. The counsel replied that they did not dispute the facts, but they were able to shew that they did not constitute treason. The end of the affair was, that the counsel retired from court, and the man was tried without counsel, convicted and sentenced to death.

After this the attorney general wrote a letter to Messrs. Dallas and Lewis, requesting them to furnish their notes and opinions for the use of the President. They drew up an answer, in which they stated that the acts charged against Fries did not amount to treason, but were only sedition; and that they were so considered in the British courts. This letter was read to me by Mr. Dallas. After receiving the letter the President pardoned the man.

Mr. J. CLAY. This debate appears to me to arise from causes the most extraordinary and such as we are not accustomed to hear assigned on this floor. The gentleman from Virginia has made a motion justified by his own knowledge as well as that of my colleague; and this motion is opposed in a most extraordinary manner. I believe this is the first instance in which a motion to appoint a committee of enquiry into the official conduct of a public officer has been opposed. We are told by the gentleman from Vermont that this House has no right to pass a censure on a judge; and that judges should be highly independent. I am afraid that, unless great care be taken, the doctrine of judicial independence will be carried so far as to become dangerous to the liberties of the country. This motion does not, however, affect the character of the judge. Let it also be recollected that if the reputation of the judge be at stake, the reputation of this House also is implicated. I consider this House as the constitutional guardians of the morality of the judiciary. Whenever even suspicion exists as to that morality, a committee of enquiry should be appointed. For the pure administration of justice is surely more important than the reputation of any particular judge. I am sorry my colleague thought it necessary to make any statement of facts to the House. I believe that more important facts than he has mentioned will be stated by witnesses. I believe likewise the reputation of the judge will be better preserved by the appointment of a committee, than by assertions made on this floor by particular members not responsible elsewhere for what they allege.

With regard to my opinions in this case, whatever my political impressions may be, they are entirely unbiassed. I have heard facts stated, but I cannot say they have been satisfactorily proved to my mind. There are other charges equally reprehensible. Under these circumstances, I ask if the character of the judge is not more implicated by a discussion of his official conduct on this floor, than by appointing a committee to obtain facts. If he is guilty of the facts alleged against him, no gentleman will say that he is not impeachable. If he is only suspected of them, there ought to be a committee, that if guilty he may be impeached, and if innocent, be freed from the imputation thrown upon him.

MR. R. GRISWOLD. Gentlemen will acknowledge that this is a subject of great importance and delicacy. No one will doubt but that we ought to execute our duty so as to preserve the fountains of justice pure, and that we ought at the same time to treat the important character of a judge, or of any other high officer, with respect. I do not know but that this mode of procedure is warranted by precedent. But if it is, it is unknown to me. As the resolution now stands, I do not think it perfectly correct. The honorable gentleman from Virginia says he is acquainted with facts that warrant the proposed enquiry. The question is whether the House ought to be governed by the opinions of any one member. We know not what those facts are; the gentleman declines stating them. I do think, as the subject now strikes me, that the conviction of any one member of the propriety of this measure, cannot warrant the interposition of the House. Instead of taking the individual opinion of a member, it ought to be stated that certain facts exist, which, if proved, will justify an impeachment. I do not know whether these ideas are not incorrect, having never before contemplated, or had a suspicion that such a motion would be made.

As to the remarks of the gentleman from Pennsylvania, I do not consider them as entitled to much weight. If the facts stated by him were of his personal knowledge, they would undoubtedly merit attention. But he merely states that which he has received from others, and which amounts to nothing more than that the judge refused liberty to the counsel to argue a point of law after it was decided, and confined their argument to facts. In so doing, the judge may have erred, but it was an error of judgement, for which he cannot be impeached. No lawyer will, perhaps, say that it was not the province of the judge to decide the law, and that he has not the right to prevent counsel from arguing it after his mind is made up. But this information is not of the knowledge of the gentleman. Are we then to institute an enquiry into the conduct of a high officer of the government merely on hearsay? This has never been done under our government. In the late case of Judge Pickering, proof was furnished by the affidavits of witnesses testifying certain facts. I do not therefore consider it correct to proceed to enquire on the opinion of any gentleman. The proper course is first to have proofs which will justify ourselves to our own consciences in making the enquiry. For we ought not to touch the character of a judge, unless we are satisfied from facts that there is good reason for an investigation into his conduct. Gentlemen will not say that making an enquiry into the official conduct of a judge does not touch his character.

Gentlemen say if this committee find the conduct of the judge to have been correct, they will make a report to that effect; but it does not follow that the report will contain all the evidence adduced, and suspicion may still rest on the character of the judge, and that some facts may not be stated, which, if stated, would shew his misconduct. Whereas if the business be brought generally before the House, on the exhibition of certain facts, the public will be enabled to decide whether they warrant impeachment or even suspicion. With this view of the subject I am of opinion, that it will be best to delay acting in this affair, until facts shall be disclosed which will justify the step now proposed to be taken. I have as high a respect for the opinion of the gentleman from Virginia as for that of any other member on this floor; but I doubt whether we can justify our votes on the opinion of any single member; facts alone ought to govern our opinions. I, therefore, for the purpose of considering the course most proper to be pursued, move a postponement of the further consideration of the motion until to-morrow.

Mr. J. RANDOLPH. Were I the personal enemy of the gentleman who is the object of this resolution, I should take precisely that course which the gentleman from Connecticut, on this occasion, seems more than half inclined to take. That gentleman wishes the resolution to lay until to morrow, in order that he may have time to consider whether he can bring himself to refuse the enquiry altogether. He says that he cannot, or rather—for he speaks doubtingly—he thinks he cannot see the propriety of instituting an enquiry without evidence. What evidence? Nothing short of legal proof—testimony on oath. And what is the object of the resolution? To acquire that very evidence. If we had the evidence, to what purpose make enquiry? As however the evidence cannot be had without enquiry, and the gentleman will not grant the enquiry but upon the evidence, it is plain that, if we take the course which he recommends, we must go without both. Will gentlemen offer objections against enquiry which are applicable only to impeachment? If an impeachment were moved they would have a right to call for evidence. But what is the object of the present motion? merely to enquire whether there exists evidence which will justify an impeachment. But this enquiry we are told cannot be instituted on mere hearsay, although we have the declaration of a member in his place. What would be said of a grand jury who being informed by one of their body that A or B could testify to the fact of a murder being committed within their jurisdiction, should refuse an application to the court to have them summoned—and because they cannot find a bill of indictment unsupported by evidence, should reject that evidence which might be within their reach. I profess not that tenderness of conscience which has been displayed by the gentleman from Connecticut. My conscience teaches me to accuse no man wrongfully, but to deny enquiry into the official conduct of none, however exalted his station; and I had supposed from his practice that the gentleman held the same opinion. For it will be recollected that on the eve of the close of the last session, he had himself instituted an inquiry which went to impeach the conduct of some of the first officers of the