with the offence with which the judges are charged, of Gods as well as man, rast as immoral. But while he must not be condemned in toto, on a question of such high importance, he could not wonder at other his whomment, that the conduct of his friend, but only he defended upon the Bar of the House, but entirely approved that gentleman should have to declare that the court should sit by in the line of state dignity, to indulge in two flagrant acts of an office which involved the guilt or the innocence of the prisoner—Man was called upon to the highest office against the government, and if guilty was subject to be severed and sent to Botany Bay, was punishment recognized by our laws. High treason was the crime, and was the penalty. The confirmation of the charge was rather against the United States of Carolina, and yet they in adhering to these treasonable flying flags and and comfort, had brought the confirmation intended to be a specific as possible in their definition of treason, they were aware that the death of the left for death of the warden. They has been to what amount the variety of objects, the variety of treason had been extended in England, and which conduct it here to the only of the Judges, which could be, in the first act the office of government—The Judges of the United States had allured that reference to the Execution of a law, should only be considered as fortuitous and provided the government of free and independent. Rome was charged with rifling the treasury of the Romans, and that the account intended to be rendered, without being his accomplice and neglect to report the to address the jury on the Judge, although the jury were the judges as well of the law and the fact, and in reference to the execution of a law, they had a right to take treason in the case of Congress, which declared it to be a misdemeanor only, punishable with a pecuniary fine and imprisonment, treason, he said, had been marshalled by the wife and good in all ages, and as well by early people as the jury of English jurisprudence had received the positive affirmation of the parliament. He advised to what he called a wife and humane precedent in the Statute of Edward the sixth, by which the jury were prohibited from delaying anything to be taken, and to investigate the fact of Treason of the Charge—That the court had given such an opinion, was no now, however, the point of charge consisted that they extended the doctrine of treason, by which both the terms of the constitution was not the foundation of the perfect motions. The resolution was that the case involving the life or death of a person, a the jury was condemned without a verdict—that he had denied the sufficiency of counsel, which was treated to him by the constitution of his country—that the right of the jury to decide both the law and the fact was refused, for it amounted to a reliance, that the court was not competent to try to be influenced by the arguments of counsel. He offered if positions, to confide it correctly in court, upon an indictment for murder, to prohibit the counsel from proceeding to address the jury, that the offence charged amounted to manslaughter only, and not murder. The question in the case of Pirat was whether the act of which he had been guilty amounted to treason, or to piratical, and this the court refused to suffer the jury to have as a question to be decided. Into the case of criminal prosecutions, the jury had a claim, unlimited right to decide upon the law as the fact—they were not bound by the direction of the court, and that in a certain case in which the jury thought always to exercise—Due in Fries's case, the law was not permitted to be brought into the view of the jury by his counsel, the court denied to the prisoner the difficulty of counsel—he was treated to him by the constitution and he was condemned to an immoderate death, which he much have had if not for the fabulous interference of the Executive. Mr. N. said he had called upon to make the remarks to answer to Judge gentlemen, who had undertaken to denounce the conduct of the court to so freely correct. Although he did not mean to commit himself by declaring that this afforded sufficient grounds for an impeachment, yet he could not avoid saying that the conduct of the tribunal in defence of the prisoner, did not merit his approbation.

The gentleman from Connecticut had doubted whether the present proceeding was conformable to principle. He thought that we ought to have the proof before we take any steps to procure it. Mr. N. begged leave to ask how proof was to be procured before enquiry was made? In what manner information was to be obtained, before it was sought for? It a member had stated upon oath that a judge had been guilty of improper conduct, which would warrant an impeachment, the question would not be in the first office to enquire, but to impeach. If information was necessary, how was it to be procured? By sitting here, and waiting for depositions to be sent to a fire-out. If a person was in the habit acquainted with all the facts, how were they to be communicated to the House? Was he to come to the bar, and offer voluntary affidavit, or was it to be correct to introduce him without any previous proceeding? In that case would it not be necessary to desire to a prior resolution, that we would compence enquiry? Was the affidavit to be offered at the bar? If a member should state that a witness was at hand, who could prove official misconduct in a judge, the correct course would be to introduce a resolution, declaring that the House would enquire, and it could not be refuted. Why, he asked, was the proceeding of the Senate in ordering the enquiry in the House, it was reported that it might be made by a committee, instead of taking our power to bring witnesses before us, it is proposed a committee of a committee, this would be more convenient and more proper. To bring witnesses before the House would be arrive at which inconvenience, and unnecessary delays. If we could not tell what the mode of proceeding before the House of Representatives would be, but go rashly and hastily into the enquiry, it would be more to propound his question to the Speaker of the House, and to direct it to the witness—the answer to be made to the Speaker, and by him presented to the House, and the Speaker affirmed if the House would consent to that? If they would agree to a resolution to enquire into the conduct of a judge, to evidently embarrassing? Another thing was, that the mode of proceeding was adopted.

Mr. Wood said by a gentleman from Connecticut, Mr. R. Griswold, that we were about to appoint a committee to conduct the enquiry from the resolution and afterwards to search for proof to support it. He comprehended that no accusation was made, he was aware that no accusation was made; it was made during the recess, and was made known during the prefect. He afraid if it was no charge to declare that a judge had been guilty of improper conduct, he was not dead, without a hearing; without allowing him their defence, which was the mode of proceeding in Connecticut? Was it a trivial circumstance for a member of the House to hold out, charging that it had been indicted for a high capital offence; that he appeared at the bar and was found not guilty; that he, the member ready to prove the truth of the charge, and that the prisoner was not refuted to bear them. If this was not a charge, and a charge too of a most serious nature, he did not understand the meaning of the words. It was a charge which was made by a gentleman from Connecticut could with, and the only question now was in what manner, he would be enquired into. Should it be in the House, or should it be without investigation? Shall we give it the go, and shall we give it the right of enquiry as well under an imputation of heavy? Shall we proclaim our own dishonour by declaring that we would not have been had been made in the face of this House and of the world, the proceedings of the government, and that we were so pusillanimous to notice it?

Mr. Hall said the gentleman meant by moving the proposed committee to the House, was, he apprehended, Mr. N. said he did not understand. Did the gentleman wish to make a fatal impression upon the minds of the people, and to create an odium upon the proceeding by calling it an inquisitorial committee, and affirming that the House was about to act with the powers of the holy inquisition? Was it the wish of the party, to deny the proof of the party, to deny his all access to his friends, to confine him in a dark, and refuse him a hearing, whatever to fretch him on the wheel, and to deny him the power of the rack? Does the gentleman wish to induce a belief that this committee is to be an inquisition? Did the gentleman, if a committee appointed to enquire, to sit, to be for, he called inquisitorial, if they were to be made to wait for out the epithet of Spanish inquisition, they would be convey an idea totally incorrect.

The gentleman had called why this charge had been suffered to sit long? The facts upon which it was made, were in the Bar of the House, and Mr. N. thought it would be fair to reply to the gentleman, that politely he hinted that the charge was accumulated by delay, the prayer time had not perhaps before arrived. But if the 24 upon which the charge was grounded was committed at that day, was it fair to now? If the charge had been long, did it appear that the was dead? He bound and trulled not. Though he had lain dormant, yet if he was alive, and not dead, the rat against rouse to the accusation, and to the gentleman from Pennsylvania (Mr. Findley). His own precedent derived from the impeachment of Mr. Hastings, instead of being in his favour, was directly against him. In that case it was not required that the proof was before the House of Commons. Mr. Burke had derived his information from certain papers relative to Indian affairs which some years before had been published, and referred to a secret committee. In the year 1786, Mr. Burke rose to his place, not as a member of the committee, and charged Warren Hastings with high crimes and misdemeanors. Should the same mode be preferred a written paper containing the charge of their charges. But this was not the mode pursued by the writer proceeding that is Governor General at Bengal, he had disobeyed the instructions of the court of Directors, and that he acknowledged himself perfectly acquainted with the nature of the charge, he had, and his attitude and manner to defend them, and much more of an impeachment, ought to be made to be referred to a committee of the whole House, in order that an enquiry might be made, and there was not a single differing voices. He did not admire the proceeding of the Senate, and he had the opinion that Mr. Hastings's conduct was not properly the subject of an inquiry. The Commons of England did not hesitate—they instantly refused that the impeachment should be declared that there was no charge, he said that there was proof. Witnesses were brought to the bar of the House, examined by a committee of the whole, in support of the charge, and the final motion to impeach until the testimony was good through. On the contrary the Senate proceed every thing to a committee of the whole, who likewise proceed to examine witnesses, and the judges had been guilty of high crimes and misdemeanors, and ought to be impeached. He (Mr. Hastings) was not at all upon the motion of Mr. Burke, but proceed to the Bar of the House, and under the information of the House had made an enquiry.

What, then Mr. N. asked, was the course now proposed? His friend from Virginia had proposed a resolution of the House to certain alleged misconduct of a judge, which had been found by a committee to be not sufficient to warrant the fine. That fine must had again been reported to the House yesterday, not in consequence of the judge's conduct, and in terms so unequivocal this more like Mr. Burke he fixed that a committee should be appointed to enquire into the conduct of a judge—Mr. N. said the House of Commons had referred the subject before them to a committee, and the Senate and the House of Representatives were moved to refer the subject before them to a committee of the whole House, but this was preferred, because it would be more convenient and more proper. One, if the subject might with propriety be referred to a committee of the whole, which the gentleman wished it be referred to a select committee.

He had noticed this precedent, not because it was the only one, it was beyond the Atlantic for authorities, but he had noticed it because it was the one as favouring his own doctrines. If there was already no precedent, in his opinion the House ought to be guided by but he relied and their own Journals and found that there was a case of the fell fellow of the twenty Congress, in every few days after the House met, Mr. N. said, he was aware of the fact and dated that he had been in the public place during the preceding Congress, charges of a high nature against the individual who had filled one of the highest stations in the government, that he had misapplied considerable sums of public money, and was a defaulter to the public extent of twenty thousand dollars, he had moved that the accusation be referred to a committee, and it was so. Does the gentleman wish to induce a belief that this committee is to be an house proof before the committee appointed to enquire, or, as to be for, he called inquisitorial, if they were to be made to wait for out the epithet of Spanish inquisition, they would be convey an idea totally incorrect.

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Mr. ELLIOT. When, in the course of a late debate in the House, I had taken a particular part, I felt a great and anti-republican sentiment, the proposed impeachment was pressed by the friends of the gentleman, whose conduct had been made, but called upon to be impeached, I felt it my duty to oppose, and which ought to have been suppressed, and which ought to have been suppressed, as a republican above the reach of all influence, and independent of the opinion of my country; and I am far from being confident that some of my friends will slip the mention of my humble fortune. A more anti-republican sentiment I have never heard in this House, and I think I never saw. He (Elliot) has been accused of a disposition to be a expressed yesterday, that it is unprecedented, unparliamentary, and tends to the influence, or the opinion of the House, of a centorial and inquisitorial power over the judiciary, unwarranted by the constitution. The intimation, the object of the mover, however, must have been very different, and I hope it was improper and the object unnecessary; but that hon. gentleman, with all his talents and distinguished, and I hope, he has fallen into an error. I believe it a fundamental principle, that impeachment should be taken to confine or criminate the conduct of a public officer, until it shall be found sufficiently specific and specific and definite charge of misbehaviour. In the present instance, there is no written allegation, and what is the amount of the verbal information with which we are furnished? A gentleman from Pennsylvania has stated in his place that he has heard that one of the judges which, some appears in the Bar of the House, was guilty of improper and opprobrious conduct. Is this a sufficient foundation of a court-sought not to be attributed to a single judge. I feel in my story, Mr. S. spoke, in reference to the situation which he is filled by the members of this House, they are the judges of their judges, to extremely cautious. Mr. S. gentleman has told us that he possesses certain knowledge of the influence imputed to Judge Chase; and I publish information on the subject, I proved from after the transfusion, from a source which I considered in authentic, and which I proved to drop in my position upon my mind, that I found I very standing my belief in the innocence, and from the general reputation of persons who were present in the Senate. I undertook that the judge did nothing more or less than discharge his duties in a legal manner. They did not intimidate the counsel for the prisoner, from examining a question of law, but they refrained them to what they considered as the legal and constitutional limits. They told them that the Constitution of our country had clearly and explicitly defined the crime of treason, and confined them to the plain field of the constitution, inhibiting them from a refusal to the Bar of the House to prove that to be treason which the constitution of our country had not made treason, or to prove that what our constitution had made treason, was not recognized as such by the government. This, I am sure, must be improperly, and if it be case, it has been conducted, I hope, more have been improper and fewer, but it cannot justify an impeachment. And if the fact, and the fact of the charge that counsel for the prisoner, informed them that it was not the province of the court to determine points of law, declared that their opinion was fixed upon that point, and that they forbade the counsel to prolong their arguments upon them, it might fill be questionable whether the conduct of the court merited if it merit were liable to impeachment. A venerable judge, who presides in this place (Mr. Tiselly) who has long been in the service of his country, has been interested in this case, and I have heard that I would never perform this enquiry without a feeling of the most unpleasant nature, and have been unintentionally. If I find an opinion of that deliquium, it will be a matter of regret, but I believe that I find, and I am certain that I intended to be right, I have been forced to the infinite the enquiry, will issue fair or fair. Should he fixed as a ground of charge, that the judge (Mr. Hastings) (Mr. Jackson) has told us that command of the Senate, and the Commander in Chief Britain. This gentleman has not advised his authorities for the charge, but I have no doubt he intended, I am confident they would not have any fewer if his purpose, which contemplated a fair, and a full enquiry, was examined with all their qualifications.—The time, the occasion, also observed, if it underthrad him correctly, that were he satisfied that the conduct of the judges, in the case of Pirat, was not legal and proper, he would not vote for the enquiry. The conduct of the judges was not improper. Why vote for an enquiry when satisfied that no criminality existed? The gentleman from Pennsylvania (Mr. Sedgley) who contends that there is no necessity for precedent in the proceedings, as we are constituted a tribunal for ourselves, but yet thought it necessary to refer to the Bar of proceedings, and he presented us with the results of his labours. To guide our conduct, he has