... treaty of Luneville, is secured by the last acts of the Diet of Ratisbon. The enlightened interest of great great powers, the fidelity of the French government in cultivating with them relations of friendship; the justice, energy, and the forces of the republic will guarantee it.

(Signed) BONAPARTE.

By order of the First Consul.

H. B. MARET.

The reading of this article being finished, the President answered the orators of government in the following terms:

"The picture that has been traced for you of our internal situation, is as encouraging as faithful. Government does not deceive the French people. Its deputies, assembled here from all the departments, all acknowledge the acts of kindness conferred upon them. They have seen the very things you have painted; and all the voices of France are raised, as it were, in this circle, in testimony of the fidelity of what you have said.

"Citizens counsellors of state, the legislative body is going to form itself into a general committee to examine the importance of the message which you have submitted to it, and to enter into a deliberation worthy of it, and of the government which has sent you."

The printing of the Exposition, and of the President's answer, was called for.—Ordered.

The counsellors of state, Treilhard, Defermon, and Gally, were introduced. Treilhard spoke as follows—

"Citizen legislators, the hour is come to resume the edifice of our legislation, of which the bases have been so happily laid in the course of the last session, and we bring you the 1st chapter of the 2d book of the civil code. This book contains four heads, viz. the distinction of goods, property, usufruct and habitation, servitude and services."

He then proceeded to explain the same at length, and the discussion of the project was fixed for a distant day.

In the sitting of the 11th, a message was sent to the legislative body, acquainting them that the First Consul, by virtue of the powers invested in him, has appointed citizen Fontanes, President of the legislative body; the next day general Seret was chosen one of the Vice-Presidents.

The President Fontanes, in the course of his address, on being elected to that office, made the following observations:

"At the moment we are about to commence the labours of this memorable session, France is ready to measure herself against her implacable enemy; and yet France is under no alarm. How different is the case in England! She perceives the French on the other side of the channel, and disorder prevails in her assemblies, fear in her towns, and confusion in her councils. On the contrary, in the midst of our preparations for the combat, we enjoy all the benefits of peace; and this internal tranquility ought to create as much dread in our enemies, as the valour of our armies."

The salary of the President of the legislative body amounts to 100,000 livres, besides an elegant furnished palace, and a stable equipage from the consular stables, &c.

General Murat is appointed governor of Paris, and commander of the first military division, with the rank of commander in chief.

PARIS, January 18.

The officers who arrived with Gen. Nogues, have furnished the following details:

Parliament is composed of 600 members, and is divided in the following manner:

Two hundred and fifty always vote with the Chancellor of the Exchequer, be his opinion what it may—let him declare that the sun shines at midnight.—For this they are paid.

The English Oligarchy, formed by Messrs. Windham, Melville and Pitt, who, like the oligarchists of Venice and Genoa, no longer know how to hold themselves in the new position of Europe, and whom the pride with which they are puffed up will not permit to see, till it be too late—this oligarchy influences ninety members.

The Prince of Wales influences eighty.

Mr. Fox's party, and those who prefer the present ministry, whatever contempt they hold it in, to seeing the oligarchists restored to power, may be estimated at eighty.

The remainder consists of generals, officers, and other members, who do not attend Parliament.

The present minister is acknowleged to be incapable of making peace; and peace once made, not possessing the energy necessary to maintain it inviolate, and secure from the opposing parties, is equally incapable of conducting properly, so difficult a war, and of drawing any advantage from the finances in the circumstances which may happen. But the king, tired of the yoke of the Pitts, Temples, &c. will have no other mi... He entertains an equal hatred of the opposition.—Hence the existence of this most contemptible administration, from which England can expect no benefit, nor Europe any repose.

It is difficult to conceive how much public credit and manufactures have declined since the war. The persons who furnish these documents have been at Birmingham, Manchester, Sheffield and Coventry. The ware houses are shut up, in the strict sense of the word, and the manufactures dispersed. A great part take post on the highway; the rest are in the greatest want, and wander about in search of subsistence. The press has got rid of a great number, who have been sent on board the fleets of Admiral Cornwallis, Keith, and Gardner. There is no doubt but that, were a battle once lost, half those people would join the French army.

The maritime commerce of England has suffered much since the war. Vessels in the East-India trade, which were sold for 32,000l. sterling sell now for only 9 or 10,000l. that is to say, for a third. All the banks have also suffered greatly. Specie has disappeared, and there is not an Englishman who is not collecting a little treasure against an emergency. To procure specie, at least ten per cent. must be lost. Not a guinea can be obtained of the London bankers, without a large discount. The moment a descent is effected at any point, the private banks will all fall. In a word, England is in the situation of a ship in the midst of a violent tempest, when there is no confidence in its pilot.—*Moniteur.*

House of Representatives.

MONDAY, March 12.

On the Impeachment of Judge CHASE.

Mr. ELLIOT. Mr. Chairman, I have undertaken this day, in a manner neither copious nor tedious, to examine the relative rights of judges and of private citizens. The task is an important one, and I have only to regret that it very far transcends my feeble powers.

In the immense volume of the history of the human mind, there are no sections more interesting, than those which develope the latent springs of human action, and record the effects of the spirit of party upon the wisest and the best of men. It is impossible, however, to judge of causes otherwise than by consequences, of motives otherwise than by actions. On an occasion like the present, it is our duty to discard the pride of party and the pride of power. But I have not risen to deliver a moral or political lecture to the committee: I have risen for a very different purpose. As my opinions upon this subject are probably peculiar to myself, I have opened the discussion with a view to preclude myself from taking any part in the extensive debates which the subject can scarcely fail of producing hereafter. My views shall be succinct, and I will not wander, even for a moment, from the real question.

The resolution under consideration contemplates the impeachment of Samuel Chase, one of the judges of the Supreme Court of the United States, upon a charge of high crimes and misdemeanors. Although I doubt whether judge Chase has been guilty of any act which can with propriety be called a *high crime*, yet he appears to me to have committed one or two *misdemeanors*. I shall, therefore, under my present impressions, be compelled to vote in favour of the resolution; but my mind is open to conviction, and I hope to be enlightened, if I have unfortunately fallen into error. To *misdemean* is to *behave ill*; a *misdemeanor* is an act of *ill behavior*; and the constitution limits the duration of the office of a judge to the period of his *good behavior*. I am not of opinion that every act which, strictly speaking, may be considered as misconduct, ought to subject a judge to impeachment; the misconduct must possess some degree of criminality. In England, it has long been the practice, and the practice has grown into law, to give great latitude to the discretion of judges, to presume, unless the contrary appears by incontestible evidences, that their errors are the errors of judgment, and not to punish them for any error of judgment whatever. It accords with my disposition to adopt, in their full extent, those equitable maxims of the British code. I have no wish to adopt the principle, *de uno crimine disce omnes*, or to embrace the idea of *novum crimen, et ante hanc diem inauditum.* From the proof of one act of misconduct, I will not presume the existence of others; nor will I create new crimes, unknown till this moment.

Except in relation to the trial of James Thompson Callender, I have discovered no ground of impeachment against Mr. Chase; and I will concisely examine the voluminous testimony before us, from which ingenuity may extract a variety of other accusations. The first charge will be, that John Fries, when arraigned for treason, was deprived of a constitutional trial, by the arbitrary conduct of the court. Candour, however, after an impartial review of all the circumstances of the case, will make a different decision. It appears by the testimony of Mr. Lewis, that judge Chase, at the moment when Fries was placed at the bar, "handed or threw down to Mr. Caldwell, the clerk of the court, one or more papers, and at the same time delivered himself, in substance, as follows:—That he understood, or had been informed, that on the former trial or trials, there had been great waste of time, by counsel making long speeches to the jury on the law as well as on the facts, and on matters which had nothing to do with the business before the court, and he particularly noticed, in strong and pointed terms of disapprobation, their having read, and I think having been permitted to read, certain parts of certain statutes of the United States, relating to crimes less than treason, in order to shew that the prisoner's case came within them, and which he said, he or the court, (I do not recollect which) would not suffer to be read again, as they had nothing to do with the question. He added, that we are judges of the law and understand it, or we are not fit to sit here; that cases at the common law, or under the statute law of England previous to the English revolution, had nothing to do with the question, and that they would not suffer them to be read; that they had made up their mind on the law, and had reduced it to writing, and that the counsel might conduct themselves accordingly. (or conformably to it) he or they had ordered copies of it to be made, and one of them to be delivered to the counsel in support of the prosecution, and another to the prisoner's counsel, and that as soon as the case was opened or gone through (I am not sure which was the expression) on the part of the prosecution, he or they (I am not certain which) should order one to be delivered to the jury. He also added, that if we had any fault to find with the opinion of the court, or had any thing to say on the law, to shew that they were wrong or had mistaken it, we must address ourselves to the court, and not to the jury." This is the evidence which I consider as material to the first point in question. Although the jury are to decide both the law and the fact in criminal cases, I have never heard it doubted that the court have a right to deliver their opinion upon the law, at any stage of the trial. But it is said that by this oppressive conduct of the court the prisoner was deprived of the benefit of counsel. In order to form a correct opinion upon this point, it is necessary to consider the conduct of the court in the first instance, that of the counsel in consequence, and that of the court which followed. That I may save the time of the committee, I will endeavour to state from memory the substance of the volume of evidence on the table, although I have had very little time to prepare myself for this discussion. Of course the testimony of Mr. Lewis, Mr. Dallas, and Mr. Rawle, must be in some measure blended. It appears that the learned counsel considered the conduct of the court as unprecedented, injurious to the prisoner, and invasive of the rights of the bar; and they declined to proceed in the defence. The trial, however, was not precipitated.—In the evening Mr. Chase became sensible that he had committed an error. The next day he told the counsel, "you are not bound by the opinion delivered yesterday, but may contest it on both sides." "You are at liberty to proceed as fully as you think proper; address the jury, and lay down the law as you think proper." "Having thus explained the meaning of the court, you will stand acquitted or condemned to your own consciences, as you think proper to act. Do as you please." Judge Peters asked, if an error had been committed, would not the counsel suffer it to be corrected? I ask so too. Why did they not suffer it to be corrected? Could a court ever descend deeper into the valley of humiliation? Why deny to judges, the privilege so dear and so necessary to all men, that of correcting their mistakes? But the counsel were of opinion that there had been a prejudication of the cause. No such thing.—When the court thus retraced the ground they had first trodden, I am clear that the general impression upon the minds of the jurors, resulting from the conduct of the court, would have been favourable to the prisoner rather than otherwise. We find, in the testimony of Mr. Dallas, the real reason for the strange conduct of the counsel.—"Mr. Lewis, and myself were greatly influenced in the conduct which we pursued, by our opinion of *the means most likely to save the life of Fries*, under all the circumstances of his case." They anticipated his pardon by the President, if condemned without counsel. I have formed a decided opinion that Fries was not, by any misconduct of the court, deprived of the constitutional privilege of being heard by counsel, and of course that there exists no ground for impeachment, as it respects that trial.

I presume the committee of enquiry were of opinion that the conduct of the judge, in the case of Cooper, was improper. Mr. Cooper was indicted for a libel on the President; he offered to give the truth in evidence, and applied for a subpœna for the President himself as a witness, which was very properly refused. Suppose a subpœna had issued. The President of the United States would have commanded the marshal to summon the President of the United States into court. He disobeys the summons. The President then commands the marshal to attach the President. Is not this absurd? Not that I think the President ought to be above attending any court as a witness, in criminal or civil cases. But it is presumed that his whole time is devoted to the important concerns of the nation, concerns infinitely more important than those of any individuals. If he cannot be prevailed upon, or cannot make it convenient, to appear in court, he certainly cannot be compelled to do it.—But for what purpose was the testimony of the President wanted? Contrary to every principle of law and to the dictates of common sense, *to criminate himself!* Is not this absurdity rendered still more absurd?

By the testimony of Mr. Mason, and Mr. Smith, it appears that judge Chase delivered a charge to a grand jury at Baltimore, "in which there was much political matter. He spoke of the act of Congress entitled "An act to repeal certain act respecting the organization of the courts of the United States, and for other purposes, as alarming and dangerous in its tendencies, as it went to destroy the independence of the judiciary. He inveighed in very strong terms against the amendment made by the legislature of Maryland to their state constitution," &c. Next to the holy altars of religion, I consider the temple of justice as the most improper place from whence to dispense the dogmas of party, or the theories of political disquisition. I have felt much indignation at such conduct heretofore; I have always considered it as highly improper, but not as criminal. When I was one of that class of citizens who composed the minority on political questions generally, I believed that I had a right to examine and censure the measures of government: And I believe that judges possess the same political rights as private citizens, although the bench may be a very improper situation in which to exercise them. This charge can constitute no ground for an impeachment.

It is to me a subject of no small regret, that the deposition of Jonathan Snowden has found a place in this voluminous collection of evidence. Mr. Snowden has undoubtedly testified the truth, but I object to the nature of the testimony. To take any notice of it would be inconsistent with the dignity of the grand inquest of the nation. Judge Chase is stated to have said to judge Washington, "to tell you the truth, if I had known then as much as I do now, I should not have fined him (Callender) so high." From the testimony of gentlemen of high respectability, who were present on that occasion, it appears that the conversation was of a sportive nature; and in common charity we should have presumed that it was so. From an incautious expression in the moment of convivial amusement, shall we deduce the conclusion that the judge was governed by corrupt motives in the conviction of Callender!

In the trial of Callender, indeed, I believe the judge to have been guilty of such misconduct as ought to render him impeachable. I have not formed this opinion without experiencing many doubts and difficulties, which I shall be happy to have completely removed; and I shall be equally happy to be convinced that I have done wrong in concluding to vote for the impeachment. The constitution secures to persons accused of crimes, the right of compulsory process to procure witnesses, and of trial by an impartial jury. From the testimony of Mr. Hay and Mr. Nicholas, it appears that Callender was deprived of those great constitutional privileges. However atrocious the libel or the libeller, there should have been a fair trial. A motion was made for a continuance, upon the facts stated in an affidavit, which is now before us, I have examined it, and it appears to me to have been sufficient to sustain the motion; and we are told that the motion was urged on constitutional grounds. Mr. Hay says—"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 for 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 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." Mr. Nicholas says—"we renewed the motion, and it was urged with great earnestness, under a conviction that a fair trial could not be had without Callender's witnesses, and that as many of them lived at the distance of several hundred miles, and the prosecution had originated only a few days before, it was impossible that Callender could have procured their attendance. We thought also that he had a constitutional right to obtain compulsory process to compel the attendance of his witnesses. The court refused to grant a continuance, and judge Chase declared as the reason why the continuance was refused, that Callender had not stated in his affidavit that he could prove the truth of *all* the charges stated in the indictment; that it was necessary that he should prove the truth of all the charges to obtain an acquittal, and that as the witnesses who were absent were to give evidence as to part of the charges only, their absence afforded no good reason for a continuance." Such are the facts in evidence. I think it cannot be denied that Mr. Chase denied to Callender a constitutional privilege; and I am equally clear, if I may be permitted to say so, that the reasons which he gave for the denial were repugnant to the most plain and obvious principles of law. By the law upon which Callender was indicted, he had the right to give the truth in evidence, and the jury had the power to determine both the law and the fact. Judge Chase declared that he must prove *all* the charges, or be convicted. Was not this unreasonable? I will take it upon me to repeat that this decision was contrary to law and reason. Callender had the right to select one of the charges, or any number he pleased, prove them true, and contend that the remaining charges contained no libellous matter; and if the jury had been of that opinion, they must have acquitted him. Another constitutional right, that of trial by an impartial jury, was also denied. "Mr. Nicholas—we mean to challenge the array and take every advantage which the laws of the country give us. In support of this doctrine I will read a passage from 'trials per pais"—(here he read the passage)—I believe there is testimony in court to prove that one of the jurors returned by the marshal, has expressed sentiments hostile to the traverser. It is like a case stated in the books, where a verdict was set aside, because a juryman had previously said that the man accused ought to be hanged; and in that case, on the second trial, every juryman was called on to say whether he had formed an opinion on the subject or not?"—I am willing to admit that the law relied on by Mr. Nicholas is of modern date, and by some considered as not perfectly established in criminal cases, probably for the reason mentioned by judge Chase, that the whole country may have heard of the crime and the criminal, and formed an opinion; it is clear from the books that it is settled in civil cases, and it is certainly in itself very reasonable. "The court having refused to continue the cause, the jury was called, and one of the counsel for the defendant stated to the court, that he wished to ask the juror, who was called to the book, before he was sworn, whether he had formed an opinion on the work entitled "The Prospect Before Us," from which the charges in the indictment were extracted. Judge Chase said no such question should be asked, that the only question which would be allowed was whether the juror had formed and delivered an opinion on the charges contained in the indictment? The juror answered that he had never seen the indictment or heard it read. The judge directed that he should be sworn in chief. The counsel then asked that the indictment should be read to the juror, which might enable him to decide whether he had formed and delivered an opinion on the charges in the indictment. Judge Chase said the court would not permit this." Mr. Robertson testifies that the judge said, "he has answered that he never saw the indictment, nor heard it read, and if he has neither read nor heard the charges, I am sure he cannot have formed or delivered an opinion on the subject." Here I cannot but remark, that this conclusion of the judge was extremely illogical. Because he refused to let the juror know what the charge was, he concluded that the juror could not have formed an opinion upon it! Mr. Robertson afterwards says—'The eighth juror answered when the previous question was put to him, that though he had never read or heard the charges in the indictment, and knew not what the traverser had published, yet he had formed an unequivocal opinion, that such a book as "The Prospect Before Us," was, came within the sedition law. But no objection was made to him, and he was sworn like the rest." It may be asked why no objection was made? The answer is ready. Judge Chase had prejudged that the objection was not a good one; but I think differently, and believe that it was his duty to set aside the eighth juror. I cannot and will not believe, with this evidence staring me in the face, that Callender was tried by an