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FIVE DOLLARS PER ANNUM. FRIDAY, MAY 31st, 1805. *PAID IN ADVANCE*

Traveller's Hall.

THE subscriber tenders his sincere thanks to his friends for the very liberal encouragement which they have bestowed on him. He will finish one of his new rooms in a few weeks which will be large enough to dine near 200 persons at a time, and will shortly after have the remainder of his additional building completed, which will give him a front of near 100 feet, in the most agreeable ness of the town, and in the centre of business part being on the highest part of the public square. He has on hand, and has contracted for a constant supply of the best wines, and foreign spirituous liquors imported, and country provisions, stable forage, foreign & state newspapers—and has secured a quantity of liquors sufficient for the use of his table and bar during the season. He assures his friends, and that respectable part of the public who have patronized him, that there shall be nothing wanting which his time or purse will command, to render the TRAVELLER'S HALL a house of entertainment for genteel guests only, equal to any in America.

R. BRADLEY.

Lexington, Kentucky, March 1st 1805.

N. B. A stage runs from the TRAVELLER'S HALL to the Olympian Springs in the summer, and to Frankfort during the session of the Legislature.

March 27—ep3m.

SPRING GOODS.

JOHN COX, [*George Town.*]

HAS received a part of his Spring assortment of Dry Goods, which were selected from the late arrivals at New York he has also received from Baltimore a quantity of

GERMAN LINENS,

consisting of Ticlenburgs, Osnaburgs, Hempens, Hessians, Brown Roles, &c. all of which will be sold low by piece or retail.

May 3——ep2m

W. S. Nicholls and Co.

HAVE just received from Philadelphia and Baltimore, an elegant supply of spring and fashionable goods, which they are determined to sell on the lowest terms for cash.

May 24—3w

Militia Courts of Enquiry.

THE court of Enquiry for the 1st Battalion will sit at Rhodes's tavern in the city of Washington on the 21st day of May inst. at 10 o'clock in the morning to lay the fines incurred by the non-commissioned officers and privates of said battalion And the Legionary Court will sit at the Union tavern in George Town on Saturday the 1st June 1805, at ten o'clock in the forenoon to appoint a Collector, Provost Martial and Clerk, and to perform other duties which may occur. All persons concerned will attend. The officers commanding companies will please be punctual in making the returns due to their majors.

WM D. BEALL, Ck.
1st. L. M. D. C.

May 15—8t

NOTICE is hereby given that an Election will be held on the First Monday in June next for the choice of Eighteen members to represent the City of Washington, in council. The elections will be held at the following places, viz.

In the First Ward, at William Rhodes's.
In the Second Ward, at Lewis Morin's, &
In the Third at Pontius D. Stelle's hotel.

The polls to be kept open from 8 o'clock in the morning until 7 o'clock in the evening of the same day.

ROBERT BRENT, Mayor of Washington.

May 13—

PUBLIC SALE.

WILL be offered for public sale on Tuesday the 4th of June next on the premises at 11 o'clock A. M. a small

FRAME DWELLING HOUSE & KITCHEN

situate on the street that leads from the Barracks to the Navy Yard and on the Northeast corner of sq. no 905—The terms of sale will be one third of the purchase money down, one third in three months and the other third in six months from the day of sale; if the money is not paid up in the time mentioned, the purchaser must pay interest on all the money unpaid from the day of sale until all is paid, when an indisputable title will be given—a further description is thought unnecessary as it is presumed that any person desirous of purchasing will view the property previous to the day of sale.

BARNABY PARSONS.

Washington, May 20—6t

LOST.

Between the Capitol Hill and George Town, a string of CORAL BEADS, with a GOLD LOCKET to it, with the initials A. H. C. marked thereon; whoever returns the above described to Mr. Woodside at the Treasury Department, shall receive two dollars reward.

May 29—3t.

RAGS.

THE highest price CASH, given for clean RAGS, by EDGAR PATTERSON, George town, and SAMUEL STETTENIUS, near the Centre market, Washington

March 8—tf.

IMPEACHMENT OF *JUDGE CHASE.*

THURSDAY, FEBRUARY 21, 1805.

[*Continued.*]

MR. CLARK.—Mr. President, I rise only to make a few remarks on two of the articles, the fifth and sixth, that the counsel for the respondent may be possessed of all the points we mean to make. I will endeavor in a few words to state the practice which we think ought to have been pursued in the case of Callender. The practice in the federal courts is regulated by that in each state. If this position be correct, we contend, that the proper process in the case of Callender was a summons. An act of Virginia, passed in the year 1792, provides that the grand jury "shall present all treasons, murders, felonies, *or other misdemeanors whatsoever*, which shall have been committed or done within the district for which they are impannelled."

By another act of Virginia, passed in the same year, it is enacted that "upon presentment made by the grand jury of an offence not capital, the court shall order the clerk to issue a summons or other proper process against the person or persons so presented, to appear and answer such presentment *at the next court*, and thereupon hear and determine the same according to law."

In this last provision the words "*or other proper process*" have a direct application to the previous provision; which enacts that the grand jury shall present all treasons, murders, felonies, "or other misdemeanors." For treasons, murders and felonies, we admit that a capias is the proper process; and when the law directs *other proper process*, it had reference to a class of crimes where a capias was required. It is in vain alleged, that the counsel for Callender made no objection to the process issued. They were not at that time to be considered as his counsel; it was only after he was brought into court that their duty commenced.

Further, whether the proper process was a capias or summons, the law of Virginia requires that it shall be returnable to the next court; and I contend that this point is established by the English practice. To shew which I refer to Hawkins Pleas of the crown, where it is stated that a *venire facias*, which is in the nature of a summons, is the proper process, and that it is returnable to the next court.

It was surely then the duty of the judge to be acquainted with the laws of England, however unacquainted he may have been with the laws of Virginia. He cannot, therefore, on this ground, attempt a justification from ignorance. In his answer he informs us that ignorance of the law is no excuse. If it is no excuse in an unlettered individual, shall it constitute the apology of him who was expressly appointed to expound the law and administer justice? And if on this occasion he was not acquainted with the law, did it therefore become him to proceed with such fatal precipitancy? No sooner was the presentment made, than the marshal, before any indictment was brought in, was dispatched after Callender. We can only account for this, by supposing that it was the intention of the judge to act in conformity to his previous declaration, however jocularly it may have seemed to have been made; and that this was one of the means he had determined to pursue, in order to convict Callender, regardless of the dignity of his station, or the innocence of the man. Having offered these few remarks, I am instructed to say that the case is fully opened on the part of the prosecution.

MR. HOPKINSON.—Mr. President, we cannot remind you, and this honorable court, as our opponents have so frequently done, that we address you in behalf of the majesty of the people.—We appear for an ancient and infirm man, whose better days have been worn out in the service of that country which now degrades him; and who has nothing to promise you for an honorable acquittal but the approbation of your own consciences. We are happy, however, to concur with the honorable managers in one point—I mean the importance they are disposed to give to this cause. In every relation and respect in which it can be viewed, it is indeed of infinite importance. It is important to the respondent to the full amount of his good name and reputation, and of that little portion of that happiness, the small residue of his life may afford. It is important to you, Senators and Judges, inasmuch as you value the judgment which posterity shall pass upon the proceedings of this day. It is important to our country, as she estimates her character for sound, dignified and impartial justice in the eyes of a judging world. The little, busy vortex that plays immediately round the scene of action, considers this proceeding merely as the trial of Judge Chase, and gazes upon him as the only person interested in the result. This is a false and imperfect view of the case. It is not the trial of Judge Chase alone. It is a trial between him and his country: and that country is as dearly interested as the judge can be, in a fair and impartial investigation of the case, and in a just and honest decision of it. There is yet another dread tribunal to which we should not be inattentive. We should look to it with solemn impressions of respect. It is posterity—the race of men that will come after us. When all the false glare and false importance of the times shall pass away—when things shall settle down into a state of placid tranquility and lose that bustling motion that deceives with false appearances—when you, most honorable Senators, who sit here to judge, as well as the respondent who sits here to be judged, shall alike rest in the silence of the tomb, then comes the faithful, the scrutinizing historian, who without fear or favor will record this transaction; then comes a just and impartial posterity, who, without regard to persons or to dignities, will decide upon your decision. Then, I trust, the high honor and integrity of this court will stand recorded in the pure language of deserved praise, and this day will be remembered in the annals of our land, as honorable to the respondent, to his judges, and to the justice of our country.

We have heard, sir, from the honorable managers who have addressed you, many harsh expressions. I hope, sir, they will do no harm. We have been told of the respondent's unholy sins, which even the heavenly expectation of sincere repentance cannot wash away; we have been told of his volumes of guilt, every page of which calls loudly for punishment. This sort of language but pursues the same spirit of asperity and reproach which was begun in the replication to our answer. But we come here, sir, not to complain of any thing; we come expecting to bear and forbear much. It does indeed seem to me, that the replication filed by the honorable managers on behalf of the House of Representatives and of all the people, carries with it more acrimony than either the occasion or their dignity demanded. It may be said they have resorted for it to English precedent, and framed it from the replication filed in the clebrated case of Warren Hastings. There is, however, no similarity between that case and ours. Precedents might have been found more mild in their character and more adapted to the circumstances of our case. The impeachment of Hastings was not instituted on a petty catalogue of frivolous occurrences, more calculated to excite ridicule than apprehension, but for the alledged murder of princes and plunder of empires. If, however, the choice of this case as a precedent for our pleadings has exposed us to some unpleasant expressions, it also furnishes to us abundance of consolation and hope. There, the most splendid talents that ever adorned the British nation were strained to their utmost exertion to crush the devoted victim of malignant persecution. But in vain—the stern integrity—the enlightened perception—the immovable justice of his judges stood as a barrier between him and destruction, and safely protected him from the fury of the storm. So, I trust in God, it will be with us.

In England, the impeachment of a judge is a rare occurrence. I recollect but two in half a century. But in our country, boasting of its superior purity and virtue, and declaiming ever against the vice, venality and corruption of the old world, seven judges have been prosecuted criminally in about two years. A melancholy proof either of extreme and unequalled corruption in our judiciary, or of strange and persecuting times among us.

The first proper object of our inquiries in this case is, to ascertain with proper precision what acts or offences of a public officer are the objects of impeachment. This question meets us at the very threshold of the case. If it shall appear that the charges exhibited in these articles of impeachment are not, even if true, the constitutional subjects of impeachment, if it shall turn out on the investigation that the judge has really fallen into error, mistake or indiscretion, yet if he stands acquitted in proof of any such acts as by the law of the land are impeachable offences, he stands intitled to discharge on his trial. This proceeding by impeachment is a mode of trial created and defined by the constitution of our country; and by this the court is exclusively bound. To the constitution then we must exclusively look to discover what is or is not impeachable. We shall there find the whole proceeding distinctly marked out; and every thing designated and properly distributed necessary in the construction of a court of criminal jurisdiction. We shall find, 1. Who shall originate or present an impeachment. 2. Who shall try it. 3. For what offences it may be used. 4. What is the punishment on conviction. The first of these points is provided for in the second section of the first article of the constitution, where it is declared that "the House of Representatives shall have the sole power of impeachment." This power corresponds with that of a grand jury to find a presentment or indictment. In the third section of the same article, the court is provided before whom the impeachment thus originated shall be tried—"the Senate shall have the sole power to try all impeachments." And the fourth section of the second article points out and describes the offences intended to be impeachable, and the punishment which is to follow conviction; subject to a limitation in the third sec. of the first article.

Have any facts then been given in evidence against the respondent which make him liable to be proceeded against by this high process of impeachment? What are the offences? What is the constitutional description of those official acts for which a public officer may be arraigned before this high court? In the fourth section of the second article of the constitution it is declared that "the President, Vice-President and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors." Treason or bribery is not alledged against us on this occasion. Our offences then must come under the general description of high "crimes and misdemeanors," or we are not impeachable by the constitution of the United States. I offer it as a position I shall rely upon in my argument, that no judge can be impeached and removed from office for any act or offence for which he could not be indicted. It must be by law an indictable offence. One of the gentlemen indeed who conduct this prosecution, (Mr. Campbell) contends for the reverse of this proposition, and holds that for such official acts as are the subject of impeachment, no indictment will lie or can be maintained. For, says he, it would involve us in this monstrous oppression and absurdity, that a man might be twice punished for the same offence, once by impeachment and then by indictment. And so most surely he may; and the limitation of the punishment on impeachment takes away the injustice and oppression the gentleman dreads. A slight attention to the subject will shew the fallacy of this gentleman's doctrine. If the absurdity and oppression he fears will really ensue on indicting a man for the same offence for which he has already been impeached, they must be charged to the constitution itself, which in the 3d sec. of the 1st article after limiting the extent of the judgment in cases of impeachment, goes on to declare that "the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law." The idea of the honorable manager is, that for acts done in the course of official duty, a judge must be proceeded against exclusively by impeachment; and that no indictment will lie in such case. The incorrectness of this notion appears not only from a reference to the constitution, but to the known laws of England also. I will remind you of a case, stated, I believe, in the elementary books of the law, in which it is said that if a judge undertakes of his own authority to change the mode of punishment prescribed by law for any crime, he is indictable; for instance, should he sentence a man to be beheaded, when the law directed him to be hanged, the judge is guilty of murder, and may be accordingly indicted. When, sir, I contend, that in order to sustain an impeachment, an offence must be proved upon the respondent which would support an indictment—I do not mean to be understood as admitting that the converse of the proposition is true; that is, that every act or offence is impeachable which is indictable. Far from it. A man may be indictable for many violations of positive law, which evince no *mala mens*, no corrupt heart or intention—but which would not be the ground of an impeachment. I will instance the case of an assault, which is an indictable offence, but will not surely be pretended to be an impeachable offence, for which a judge may be removed from office. It is true that the second section of the first article, which gives the House of Representatives the sole power of impeachment, does not in terms limit the exercise of that power. But its obvious meaning is, not in that place, to describe the kind of acts which are to be subjects of impeachment, but merely to declare in what branch of the government it shall commence. The House of Representatives has the power of impeachment; but for what they are to impeach, in what cases they may exercise this delegated power, depends on other parts of the constitution, and not on their opinion, whim, or caprice. The whole system of impeachment must be taken together and not in disjointed parts; and if we find one part of the constitution declaring who shall commence an impeachment, we find other parts of it declaring who shall try it, and what acts and what persons are constitutional subjects of this mode of trial. The power of impeachment is with the House of Representatives—but only for impeachable offences. They are to proceed against the offence in this way when it is committed, but not to *create* the offence, and make any act criminal and impeachable at their will and pleasure. What is an offence is a question to be decided by the constitution and the law, not by the opinion of a single branch of the legislature; and when the offence thus described by the constitution or the law has been committed, then and not until then, has the House of Representatives power to impeach the offender. So a grand jury possesses the sole power to indict; but in the exercise of this power they are bound by positive law, and do not assume under this general power to make any thing indictable which they might disapprove. If it were so, we should indeed have a strange, unsettled and dangerous penal code. No man could walk in safety, but would be at the mercy of the caprice of every grand jury that might be summoned; and that would be crime to morrow which is innocent to day.

What part of the constitution then declares any of the acts charged and proved upon judge Chase, even in the worst aspect, to be impeachable? He has not been guilty of bribery or corruption; he is not charged with them.—Has he then been guilty of "*other high crimes and misdemeanors?*" In an instrument so sacred as the constitution, I presume every word must have its full and fair meaning. It is not then only for crimes and misdemeanors that a judge is impeachable, but it must be for *high* crimes and misdemeanors. Although this qualifying adjective "*high*," immediately precedes and is directly attached to the word "*crimes*," yet from the evident intention of the constitution and upon a just grammatical construction, it must be also applied to "*misdemeanors.*" The repetition of this adjective would have injured the harmony of the sentence without adding any thing to its perspicuity. How would this be in common parlance? Suppose it should be said that at this trial there are attending many ladies and gentlemen. Would it be doubted that the adjective *many* applies to gentlemen as well as ladies, although not repeated. Or if there is any thing peculiar in this respect in this word "*high*," I will suppose it were said that among the auditors there are men of high rank and station. Would it not be as well understood as if it were said that men of high rank and high station are here?—There is surely no difference. So in the constitution it is said, that "a regular statement of the receipts and expenditures of all public money shall be published from time to time." Is not the account to be regular as well as the statement? I should have deemed it unnecessary to have spent a word on so plain a point, had I not understood that a difficulty would probably be made upon it. If my construction of this part of the constitution be not admitted, and the adjective "high" be given exclusively to "crimes" and denied to "misdemeanors," this strange absurdity must ensue. That when an officer of the government is impeached for a crime, he cannot be con-