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AND

WASHINGTON ADVERTISER.

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FIVE DOLLARS PER ANNUM. MONDAY, AUGUST 26, 1805. PAID IN ADVANCE.

ELEGANT HOUSEHOLD FURNITURE,

FOR SALE.

AT PUBLIC AUCTION on Monday the 2nd day of September next, at 10 o'clock in the morning, at the houſe of Mr. DAVID RAWN, deceaſed, a variety of Houſehold and Kitchen Furniture, conſiſting of Tables, Chairs, Bureaus, Bedſteads, Beds, Bedding, Carpets and Curtains, one ſuperb double barrel'd Fowling Piece, one Franklin, and one Ten plate Stove, together with a variety of other articles, too lengthy to enumerate

Purchaſers to pay caſh for all ſums not exceeding 20 dollars, and ſix months credit for all purchaſes above 20 dollars with approved indorſed notes, (negotiable at the Branch Bank of this city) bearing intereſt from the day of ſale.

All perſons having demands againſt the eſtate are requeſted to bring in their accounts for ſettlement within three weeks from this time.

ELIZA RAWN,
JOHN H CHEYNEY, } *Admr's.*

Auguſt 23—5t

ISAIAH BALDONTON, & SON,

AT the ſign of the Fan and Screen, No 52 Front ſtreet, Old town, and 1 Hanover ſtreet (nearly oppoſite Evans's Tavern) Baltimore,

Manufacture and ſell the following articles, viz —— Fans for cleanſing wheat, Wire Safes of the moſt approved kinds, Rolling & Standing Screens (for merchant mills, and flaxſeed Rolling Screens may be had on the common conſtruction, or on Iſaiah Baldonton's improved plan, which is found to be ſuperior to any heretofore in uſe for ſeparating garlic from wheat) Riddles and Seives for corn, coal, ore, barley, rye, oats, flax and clover ſeeds, wheat, cockle, lime, ſand, ſnuff, ſtarch, and brick duſt. Woven Wire for milk houſes and cellar windows, together with all kinds of wire work, of which they conſtantly keep a complete and extenſive aſſortment.

Orders for any of the above articles left with Wm. Morgan, George Town, or forwarded to them will be executed with punctuality and diſpatch on moderate terms.

8th Mo. 23—

NOW PUBLISHED,

By G. DOUGLAS, BALTIMORE.,

Forensic Eloquence.

SKETCHES

OF

TRIALS IN IRELAND

FOR

HIGH TREASON, &c.

INCLUDING

THE SPEECHES OF MR. CURRAN

At length, to which are prefixed,

A brief sketch of the History of Ireland, and a Biographical account of Mr. CURRAN: with an Elegant engraved Likeness of that orator.

CEDENT ARMA TOGAE, CONCEDAT LAUREA LINGUAE.

NOSCE HAEC OMNIA EST ADOLESCENTULIS.

SECOND EDITION, WITH ADDITIONS.

Auguſt 23—3t

BOARDING SCHOOL

FOR YOUNG LADIES.

MRS. LEE takes this method of returning her grateful acknowledgments to her friends and the Ladies and Gentlemen of Waſhington and its vicinity, for their liberal patronage, and ſolicits a continuance of their favors which ſhe hopes to deſerve by a ſtrict attention to their morals, as well as the other branches of education, and flatters herſelf from her long reſidence in Paris, that ſhe is enabled to teach the French language with peculiar advantage.

TERMS AS FOLLOWS:	Dolls
Board and Tuition, per quarter,	30
Needle and Fancy work, Engliſh, Writing, and Arithmetic,	5
French,	4
Small children,	4

Pennſylvania avenue, three doors weſt of the President's ſquare

Auguſt 23—6t

NOTICE.

THE Battalion court for the 1ſt battalion of the 1ſt legion of Militia of the diſtrict of Columbia will meet at Rhodes's tavern, in the city of Waſhington, on Saturday the 24th inſt. at 10 o'clock in the morning

And the Court of the 2d battalion of ſame legion will meet at M'Laughlin's Union tavern in George town, on Saturday the 31ſt inſt. at 10 o clock in the morning.

The Legionary court will meet the 13th September next at Rhodes's tavern in the city of Waſhington, at 10 o'clock in the morning.

By order,

WM. D. BEALL, *acting adjt.*

Auguſt 19.——1awt13Sept.

RAGS.

The higheſt price, in *Cash* or *Books* will be given for any quantity of clean Linen and Cotten RAGS, by Rapine Conrad and Co. Capitol Hill.

June 24—

IMPEACHMENT

OF

JUDGE CHASE.

TUESDAY, FEBRUARY 26.

The court opened at about half past ten o'clock, A. M. the Managers, the House of Representatives, and the counsel of the respondent having taken their seats,

Mr. NICHOLSON, as one of the managers, addressed the court in reply to the counsel of the accused. He said the House of Representatives having impeached Samuel Chase, one of the associate justices of the Supreme court of the United States, of high crimes and misdemeanors; the evidence on their part having been adduced, and that on behalf of the accused, and the arguments of his counsel having been fully and patiently heard, it now became his duty to reply in support of the impeachment. To me, Mr. President, said he, this duty is an unpleasant one. Upon all occasions and under all circumstances, the office of a public accuser is the most painful that can be imposed on us; but it is more peculiarly so when the object of accusation appears before us, covered with age and infirmities. I think I speak the sentiments of my brother managers and of the House of Representatives, when I say, that this impeachment never would have been instituted, that it never would have arrived at its present crisis, if we had not believed that the best interests of our common country required, that the conduct complained of should not go unpunished. There is no nation on earth, sir, in which the freedom of man and the consequent happiness of society are not inseparably interwoven with the full, free and impartial administration of justice.

"Una salus ambobus erit commune periculum."

It was to preserve this unity of safety, to avert this common danger, that we thought ourselves bound by the most solemn obligation, to bring these charges before the highest tribunal of the nation. We may in vain make laws to secure our property, to protect our liberty and to guard our lives, if those to whom we appeal, and to whose decrees we are bound to submit, shall prove unfaithful in the discharge of their duty. If our laws are not faithfully administered; if the holy sanctuary of our courts is to be invaded by party feeling; if justice shall suffer her pure garment to be stained by the foul venom of political bigotry, we may indeed boast that we live in a land of freedom, but the boast will be vain and illusory.

In this point of view, therefore, this cause may justly be called an important one. I need not however urge its importance to the court, for the feelings of every honorable member will speak its importance more forcibly than any thing that I can utter. But I do trust that those frequent appeals which you have heard, those frequent instances in which you have been reminded that posterity will pass between the accused, his accusers and his judges, will have no influence on your minds. A desire to secure the approbation of posterity is an honorable feeling pervading every human breast, and is almost inseparable from our nature: but to secure the approbation of posterity, we must take care to pursue the dictates of our own consciences, and by doing justice here, trust to posterity to do us justice too.

Our country it is true are now looking on with anxious solicitude for the event of this cause; but the sentence which they shall pass will not depend upon the judgment given here.—To the world and to posterity the conviction of the accused, by this court, will not establish his guilt; and I thank God, as the case has been put in issue between us, his acquittal will not prove his innocence. The facts in the cause, sir, those facts which we have proved by the most undeniable evidence, and upon which your judgment must be given; those facts will be presented to the eyes of the world and of posterity, and upon those only will they decide. If it should ever be the fortune of my humble name to descend to posterity, by the vote which I gave for instituting this impeachment, and by my conduct in discharging the great duty now committed to me, I cheerfully consent to be tried. To this awful tribunal I willingly submit. If the judge is guilty, posterity will heap on him all that odium which his guilt deserves, if he is innocent, let that odium be turned upon his accusers.

Because *Sidney* and *Russell* bled upon a scaffold, have their names been less the objects of veneration with posterity; and because *Scroggs* and *Jeffries* escaped the punishment due to their crimes, have they therefore been less the objects of universal execration? No, sir; and the honorable counsel (Mr. Hopkinson) who first addressed you on behalf of the accused, gave us himself a memorable example of the poor respect which posterity will feel for the decisions of those who have gone before them. That honorable gentleman told you that *Warren Hastings* was impeached for the *murder of princes* and the *plunder of empires*,—and yet that he was acquitted. But is there any who hears me that believes he was innocent?—If we read the history of that trial; if we look to the facts charged, and listen to the unexampled eloquence by which they were supported, our only wonder will be, that he was not condemned. Sir, it has been said, that those *plundered millions* were the best witnesses to prove his innocence; and I greatly fear that the day will come, when the *crying blood* of those *murdered princes* will be the best witnesses to prove his guilt. The most splendid action in Edmund Burke's life was his accusation of Warren Hastings; the foulest stain upon the national justice of England, was his acquittal.

We have been charged, sir, by one of the honorable counsel, (Mr. Harper) with having endeavored to enlist on our side the sympathies of the court. Permit me to ask what sympathy have we endeavored to excite? What feelings have we endeavored to engage? To what passion have we addressed ourselves? None, sir. We came here to demand justice. The constitution has placed in your hands the power of punishing guilt; we have proved the guilt of the person accused, and at your hands we demand his punishment. To your consciences, and your understandings we appeal, and not to your feelings.—These have been assailed by our adversaries. They have exhibited their client to you, covered as they say with the frost of seventy winters, and have endeavored to hide the magnitude of his crimes, in the length of his years, and the infirmity of his health. In attempting to excite your compassion, they have wished to drown the voice of justice, and have addressed you, not as judges, but as men. I do trust, however, that if any sympathy is to be excited, it will be neither for the accused, nor his accusers. Let your feelings be turned towards the nation! Let your sympathy be awakened for those who are to come after you, for by the sentence which you pronounce in this case, it must ultimately be determined whether justice shall hereafter be impartially administered, or whether the rights of the citizen are to be prostrated at the feet of overbearing and tyrannical judges. We, who are engaged in this prosecution, feel that our fathers handed down to us a glorious birthright, and we appear at this bar to demand that it be transmitted to our children, unimpaired, and unpolluted. Do the nation justice, and you will do justice to us, to yourselves, and to posterity.

We were also told by the honorable counsel for the accused, that when we found the accusation shrunk from the testimony, and that the case could no longer be supported, we resorted to the forlorn hope of contending that an impeachment was not a criminal prosecution, but a mere inquest of office. For myself I am free to declare, that I heard no such position taken. If declarations of this kind have been made, in the name of the managers I here disclaim them. We do contend that this is a criminal prosecution, for offences committed in the discharge of high official duties, and we now support it, not merely for the purpose of removing an individual from office, but in order that the punishment inflicted on him may deter others from pursuing the baneful example which has been set them.

Nor do we mean to take another ground which the counsel for the accused have thought proper to assign us, for we never entertained the most distant idea, that *any citizen* might be impeached. It was with no little surprize that I heard such doctrines ascribed to us, and I was astonished to hear the attorney general of Maryland combating positions which we had not laid down, and searching for argument to prove that which we should not have hesitated to admit.

But, sir, there is one principle upon which all the counsel for the accused have relied, upon which they have all dwelt with great force, and to the maintenance of which they have directed all their powers, that we cannot assent to—we mean to contend against it, because we believe it to be totally untenable, and because it is of the first importance in the decision of the question now under discussion. We do contend that to sustain an impeachment, it is not necessary to shew that the offences charged are of such a nature as to subject the party to an indictment, for the learned counsel have said that the person now accused is not guilty, because the misdemeanors charged against him are not of a nature for which he might be indicted in a court of law.

To shew how entirely groundless this position is, I need only pursue that course which has been pointed out to us by the respondent himself, and his counsel. I might refer to English authorities of the highest respectability, to shew that officers of the British government have been impeached for offences not indictable under any law whatever. But I feel no disposition to resort to foreign precedents. In my judgment the constitution of the United States ought to be expounded upon its own principles, and that foreign aid ought never to be called in. Our constitution was fashioned after none other in the known world, and if we understand the language in which it is written, we require no assistance in giving it a true exposition. As we speak the English language, we may indeed refer to English authorities for definitions, as we would refer to English dictionaries for the meaning of English words; but upon this as upon all other occasions where the principles of our government are to be developed, I trust that the constitution of the United States will stand upon its own foundation, unsupported by foreign aid, and that the construction given to it will be, not an English construction, but one purely and entirely American.

The constitution declares, that "the judges both of the supreme and inferior courts shall hold their commissions during *good behavior*." The plain and correct inference to be drawn from this language is, that a judge is to hold his office so long as he demeans himself well in it; and whenever he shall not demean himself well, he shall be removed. I therefore contend that a judge would be liable to impeachment under the constitution, even without the insertion of that clause which declares, that "all civil officers of the United States shall be removed for the commission of treason, bribery, and other high crimes and misdemeanors." The nature of the tenure by which a judge holds his office is such, that for any act of misbehavior in office he is liable to removal. These acts of misbehavior may be of various kinds, some of which may indeed be punishable under our laws by indictment; but there may be others which the law makers may not have pointed out, involving such a flagrant breach of duty in a judge, either in doing that which he ought not to have done, or in omitting to do that which he ought to have done, that no man of common understanding would hesitate to say he ought to be impeached for it.

The words "*good behavior*," are borrowed from the English laws, and if I were inclined to rest this case on English authorities, I could easily shew, that in England these words have been construed to mean much more than we contend for. The expression *durante se bene gesserit*, I believe first occurs in a statute of Henry VIII. providing for the appointment of a *custos rotulorum*, and clerk of the peace for the several counties in England. This statute recites, that ignorant and unlearned persons had by unfair means procured themselves to be appointed to these offices, to the great injury of the community, and provides that the *custos* shall hold his office until removed, and the clerk of the peace shall hold his office *durante se bene gesserit*. The reason then for making the tenure to be during good behavior was, that the office had been held by incapable persons, who were too ignorant to discharge the duties; and it was certainly the intention of the legislature that such persons should be removed whenever their incapacity was discovered. Under this statute, therefore, I think it clear that the officer holding his office during good behavior, might be removed for any improper exercise of his powers, whether arising from ignorance, corruption, passion, or any other cause. To this extent, however, we do not wish to go. We do not charge the judge with incapacity. His learning and his ability are acknowledged on all hands;—but we charge him with gross impropriety of conduct in the discharge of his official duties, and as he cannot pretend ignorance, we insist that his mal-conduct proceeded from a worse cause.

If, however, a judge were not made liable to removal from the very nature of the tenure by which he holds his office, we still insist that every judge conducting himself improperly in office, comes under that clause of the constitution which declares, that "the President, Vice-President, and 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."

We do not mean to contend against a position which one of the learned counsel took so much pains to prove, that the word *high* applies as well to misdemeanors as to crimes; nor do we deem it important at this time to enquire whether a civil officer of the United States can be removed for offences not committed in the discharge of his official duties. It will be time enough to make this enquiry when the case presents itself. At present we aver that the party charged has been guilty of a high misdemeanor in office, and that he ought to be removed for it.

Here however we are met by being told, that although his conduct may have been improper, yet that he is not liable to impeachment, unless the offence was of such a nature as that he might be indicted for it in a court of law.

If this be true as it relates to a judge, the constitution, to be consistent with itself, must make it universally true; and yet if the doctrine be admitted, the constitution will be found to be at variance with itself. *Treason* is an offence which may or may not be committed in the discharge of official duty, and no doubt the party committing it may be indicted. *Bribery* is an offence for which a judge may be indicted in the courts of the United States, because an act of Congress makes provision for it, and declares the punishment; but there is no law by which any other officer of the United States can be indicted for bribery. If, therefore, the President of the United States should accept a bribe, he certainly cannot be indicted for it, and yet no man can doubt that he might be impeached. If one of the heads of departments should undertake to recommend to office for pay, he certainly might be impeached for it, and yet I would ask under what law and in what court could he be indicted?

To this perhaps it might be answered, that bribery is one of those offences for which the constitution expressly provides, that the officer may be impeached—This is true, but let us proceed further, and enquire whether there are not other offences for which an officer may be impeached, and for which he cannot be indicted.

If a judge should order a cause to be tried with eleven jurors only, surely he might be impeached for it, and yet I believe there is no court in which he could be indicted. You, Mr. President, as Vice-President of the United States, together with the Secretary of the Treasury, the Chief Justice and the Attorney General, as commissioners of the sinking fund, have annually at your disposal eight millions of dollars, for the purpose of paying the national debt. If, instead of applying it to this public use, you should divert it to another channel, or convert it to your own private uses, I ask if there is a man in the world who would hesitate to say that you ought to be impeached for this misconduct? And yet there is no court in this country in which you could be indicted for it. Nay, sir, it would amount to nothing more than a breach of trust, and would not be indictable under the favorite common law.

But, sir, this ground, which was so strenuously fought for, will probably be abandoned, and instead of our adversaries maintaining that the offence must be of an indictable nature, they will, like one of the honorable counsel (Mr. Harper) go a step back, and say that it must be a breach of some known positive law. Thus they will endeavor to shelter their client by saying that there is no act of Congress declaring it illegal for a judge to deliver his opinion on the law before counsel have been heard, or to make political harangues from the bench.

There are offences for which an officer may be impeached, and against which there are no known positive laws. It is possible that the day may arrive, when a President of the United States, having some great political object in view, may endeavor to influence the legislature by holding out threats or inducements to them. A treaty may be made, which the President with some personal view may be extremely anxious to have ratified—The hope of office may be held out to a Senator, and I think it cannot be doubted, that for this the President would be liable to impeachment, although there is no positive law forbidding it. Again, sir, a member of the Senate or of the House of Representatives may have a very dear friend in office, and the President may tell him unless you vote for my measures, your friend shall be dismissed. Where is the positive law forbidding this, yet where is the man who would be shameless enough to rise in the face of his country and defend such conduct, or be bold enough to contend that the President could not be impeached for it?

It was said by one of the counsel that the offence must be a breach either of the common law, a state law, or a law of the United States, and that no lawyer would speak of a misdemeanor, but as an act violating some one of these laws. This doctrine surely is not warranted, for the government of the United States have no concern with any but their own laws. In a state court, I would speak of a misdemeanor as an offence against a state law; in the courts of the United States, I would speak of it as an offence against an act of Congress; but, sir, as a member of the House of Representatives, and acting as a manager of an impeachment, before the highest court in the nation, appointed to try the highest officers of the government, when I speak of a misdemeanor, I mean an act of official misconduct, a violation of official duty, whether it be a proceeding against a positive law, or a proceeding unwarranted by law.

If the objection that the offence muſt be of an indictable nature, or a-