EASTERN-SHORE WHIG AND PEOPLE'S ADVOCATE.

NEW SERIES. "THE PRICE OF LIBERTY IS PERPETUAL VIGILANCE." VOL. II.---No. 28.

EASTON, MARYLAND. SEMI-WEEKLY. TUESDAY, APRIL 5, 1836.

THE WHIG AND PEOPLE'S ADVOCATE,
Printed and published by
SPENCER & SHERWOOD,
(PUBLISHERS OF THE LAWS OF THE UNION,)
EVERY TUESDAY & SATURDAY MORNING.

TERMS:—Semi-Weekly at FOUR DOLLARS per annum;—if paid in advance, Three dollars will discharge the debt, and

The Weekly, on Tuesday morning, at Two Dollars and Fifty Cents;—if paid in advance, Two dollars will discharge the debt.

All payments for the half year, made during the first three months, will be deemed payments in advance; and all payments for the year, made during the first six months, will be deemed payments in advance.

No subscription will be received for less than six months, nor discontinued until all arrearages are settled, without the approbation of the publisher.

Advertisements not exceeding a square, inserted three times for one dollar, and twenty-five cents for each subsequent insertion—larger advertisements in proportion.

☞ All communications to insure attention should be *post paid*.

A NEW FEATURE.

THE repeated solicitations of many substantial friends, and the belief that the improved state of public taste will fully justify the alteration, have induced the publisher of the *Gentleman's Vade Mecum* to change one of the least attractive features in the present manner of conducting that periodical. It is well known that he is about commencing, on an improved plan, a monthly work called the *Modern Acting Drama*, which it was proposed should contain the Plays, &c. which appear in the Vade Mecum, accompanied by suitable embellishments—believing that this publication will in itself fully supply the demand for Dramatic literature, he proposes, in lieu of a republication of the same Plays, Farces, &c. in the Vade Mecum, to substitute the *Popular Novels* of the old English writers, such as SMOLLETT, FIELDING, RICHARDSON, GOLDSMITH, &c. Beginning with the *Life and adventures of Joseph Andrews, and his friend John Adams.* No novels o the present day have had such general celebrity, and created so exciting an interest, and though they be found in every Gentleman's library in our Atlantic cities, they are comparatively unknown to the great mass of the lovers of polite literature. Cooke's splendid London edition of these works has been selected to copy from. It is adorned with *numerous Engravings;* all of which will be carefully copied by a first rate artist of this city, and given in succession with the novels. In order to avoid any difficulty with his present subscribers, the publisher will furnish every one of them that may desire it, the numbers for a year of the Modern Acting Drama, for one dollar additional to the subscript on price of the Vade Mecum. It is true that this will scarcely defray the c st of the paper and printing of the former work, but it will enable the publisher to strengthen the attraction of the Vade Mecum, and afford to those attached to Dramatic literature an opportunity of gratifying their taste at a tri-

Renewed effort will be made to render the other departments of the Vade Mecum more attractive than heretofore. Arrangements have been made to procure the earliest *Sporting Intelligence*, and all information relative to the *Affairs of the Turf*. Engravings of celebrated *Winning Horses* will be given every month—and other new and pleasing embellishments are in active preparation. A new series of Portraits of the most beautiful *Military Uniforms* in the use among the principal Volunteers Corps of Philadelphia, New York, Boston, Baltimore, and elsewhere are about to be commenced. A review of the *Prevailing Gentleman's Fashions* will be regularly published every quarter. An *Epitome of Passing Events*, and notices of the prominent Dramatic attractions will as heretofore continue to form a conspicuous and entertaining portion of this journal. Besides which, a considerable space will be allowed for *Tales, Poetry, Anecdotes, Legerdemain, Statistics, Agriculture, Fishing, Fowling, Domestic Economy, Valuable Receipts &c.;* and re-publication of the most popular ENGLISH AND AMERICAN SPORTING AND NATIONAL SONGS—SET TO MUSIC.

The GENTLEMAN'S VADE MECUM, or SPORTING AND DRAMATIC COMPANION, is published every Saturday, on fine extra-imperial quarto paper, of a superior quality, each number forming eight pages of the largest class, at $3 per annum. Orders from abroad, postage paid, will be promptly attended to, and the paper carefully packed, to prevent it from rubbing by mail. As the number of agents will be limited to principle cities, or such other places where a considerable subscription may be obtained, we request those who propose to patronise the work, to transmit by mail at once to the publisher.—Small notes of solvent banks of the different States, taken at par.

*** New subscribers, by enclosing a five dollar note, can be supplied with the Gentleman's Vade Mecum from the commencement of the present volume, and also the Modern Acting Drama for one year—or instead of the latter, they may order the Salmagundi, and News of the Day—the three are entirely distinct works, their contents forming no part of each other.

*** A five dollar note will pay for two copies of the Vade Mecum for one year—or two copies of the Modern Acting Drama—or three copies of the Salmagundi, for the same period.

Address,
CAARLES ALEXANDER,
Athenian Buildings, Franklin Place, Phila.
March 5 1836.

Notice.

THE undersigned Commissioners appointed by the honorable the Judges of Talbot Court to value and divide the real Estate of William Willson late of Talbot County deceased according to the provisions of the acts of Assembly in such case, made and provided, and hereby give notice to all concerned that we shall meet at the late residence of said deceased on Monday the 18th day of April next at 10 o'clock A. M. to proceed in the business for which we are appointed.

WM. ARRINGDALE,
GEO. DUDLEY,
JOS. TURNER,
JNO. CATRUP,
JNO. GOLDSBOROUGH,

March 19 td

CHANCERY SALE.

IN pursuance of a decree of the High Court of Chancery, the undersigned Trustee, will expose to sale at Auction, at the Exchange in the City of Baltimore, on FRIDAY, the eighteenth day of March next, at 1 o'clock, P. M. that valuable Farm owned by the late James Haslett, known as the Drum Point Farm, lying and being in Calvert County, and bordering on the Chesapeake Bay and Patuxent River. This farm contains two hundred and seventy acres of land, more or less, of which about one half is covered with valuable wood and timber, the other half is cleared, is in good cultivation and well adapted to the cultivation of Wheat, Rye, Corn and Tobacco. The beach contains an abundant supply of sea ore, with which the land may be fertilized. The improvements consist of an excellent two story frame DWELLING HOUSE, in good repair, Kitchen, stables, smoke house, corn and tobacco houses, &c. and at the extreme end of the Point an excellent store house, at which an extensions and profitable business may be conducted. There is also a large pond of Oysters, of the finest quality. The scite of the Dwelling affords a beautiful prospect, and commands a full view of vessels passing up and down the bay, and there is almost daily communication with the City of Baltimore, by steamboats and other vessels.

The terms prescribed by the decree are, that the purchaser shall pay one third of the purchase money on the day of sale, and the balance in two equal instalments, at six and twelve months, with interest from the day of sale; the two last payments to be secured by notes or bonds, with security, to be approved by the Trustee.

GEO. GORDON BELT, Trustee.
Baltimore.
Feb. 23 ts

WAS COMMITTED to the Jail Baltimore City and County, on the 25th February, 1836, as a runaway, by James Blair, Esq., a Justice of the Peace in and for the City aforesaid, a negro woman named MARGARETTA PHILIPS alias RICHARDS, who says that she is free but did belong to Henry I. Duvall, of Annapolis, Md. She is about 31 years of age 5 feet 1 inch high—she has a scar on her right wrist, one on her left leg—her clothing consists of a dark lasting frock, black cotton shawl and a cotton handkerchief on her head—white yarn stockings and fine laced boots

The owner (if any) of the above described negro is requested to come forward, prove property pay charges and take her away, otherwise she will be discharged as required by the act of Assembly.

D. W. HUDSON, Warden,
of Balt. City and County Jail.
mar. 12 3w

ALEXANDER'S
MODERN
ACTING DRAMA
NEW SERIES.
Embelished with Splendid Engravings.

The publisher has been induced, from the extensive patronage bestowed on his work, materially to change its typographical appearance and to improve and enlarge its pages—it is already known to be the most popular edition of Plays which has ever been attempted in this country, and the prospect of its further success is ample and satisfactory. In future the MODERN ACTING DRAMA will be published in monthly numbers of 48 pages each—12 of which will constitute a volume, or one year's subscription—embracing in all FIVE HUNDRED AND SEVENTY-SIX PAGES. Every PLAY or FARCE is to be accompanied by a beautiful and appropriate Engraving—making in the course of the year nearly FIFTY-TWO EMBELISHMENTS—to which will be added as a Frontispiece to the work, a full sized STEEL ENGRAVING, containing the likenesses of SIX DISTINGUISHED ACTORS AND ACTRESSES. Every person who desires to preserve an invaluble collection of the best Dramatic Authors should forward his name forthwith, as the edition will be limited to the number which is absolutely subscribed for. ☞ *The publiser pledges himself to make this work equal in interest and superiority of execution to the prospectus, or he will refund the price of subscription, free of all charges.*

The first number of the new series will appear about the first of March—this delay is occasioned by the time necessarily consumed topreparing the Engravings. The terms of nte MODERN ACTING DRAMA is three dollars per annum, payable in advance Subscribers to the GENTLEMAN'S VADE MECUM will be furnished with both works for five dollars.

☞ Any Person collecting four subscribers the GENTLEMAN'S VADE MECUM, or the MODERN ACTING DRAMA and remitting the amount of one year's subscription ($3) for each—shall be presented with the NOVELIST'S MAGAZINE, in two volumes, a work of considerable popularity, and which is now selling for $3—it contains the productions of eight different authors, well known to the public as among the most interesting writers of the day.

☞ A large and beautiful white sheet, imperial size, FILLED ON BOTH SIDES WITH HUMOROUS AND COSTLY ENGRAVINGS, will be published every quarter as a supplement to the SALMAGUNDI. It will be furnished gratuitously to all new subscribers to the GENTLEMAN'S VADE MECUM, or the MODERN ACTING DRAMA, and to all the old subscribers of these works who forward their subscriptions, for the present year, in advance, without further solicitations.

Feb. 13 tf

Sawed Locust Posts.

The subscriber has for Sale 400 Sawed Locus Posts, six feet long of a very superior quality, all of young Locust.

ALEXANDER B. HARRISON.
Ferry Neck, March 26, 1w4t.

EXPURGATION OF THE JOURNAL.

Speech of Mr. Benton,
OF MISSOURI.

IN SENATE.
March 18, 1836.

[CONTINUED.]

The sentence against him is for violating the laws and the constitution. I have said that this offence was great in a private citizen, still greater in a common magistrate, and greatest of all in the Chief Magistrate of the country. Our own Chief Magistrate is laid under the most sacred and solemn responsibilities to God and his country, to abstain from this crime.—He takes an oath to do so; and here is the copy of that oath which President Jackson actually took, administered by the late Chief Justice Marshall, in the presence of assembled thousands, and on the steps of that Capitol, and at the base of that Column at which he came so near to pay the dreadful forfeit of a supposed violation of his oath:

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the constitution of the United States."

Preserve, protect, and defend the constitution Such is the oath! The sentence is, that he violated that constitution, and by consequence, that he violated that oath. Here then is the aggravated charge of perjury upon his conscience, treachery to his trust, mischief to the people, and destruction to that which he was bound to protect, and defend. Can such things be, and not imply crime? that high crime for which not only impeachment lies under our consitution, but indictment and punishment also at common law? Surely the points is too plain for argument; and I must be permitted to repeat that I cannot figure to my imagination any thing so strange and wonderful as that gentlemen who pushed the condemnation of President Jackson with such fury in 1834, should now deprive themselves of all justification for what they then did by special pleading upon the verbality of the accusation which they themselves drew up, and pointing to the careful omission of imputed bad motive, declare that his intentions were not impunged! and defend themselves from the consequences of pronouncing him a criminal THEN by entrenching themselves behind his innocence NOW! Far from it. The justification of gentlemen for what they did to agitate the country rests upon the consciousness of their belief that the President was in reality the lawless and dangerous criminal which they described him to be; and the moment they give up that,—the moment they admit that innocency of motive, without which crime cannot exist,—that moment they condemn themselves, and admit that they were factious agitators, unjust judges, and relentless persecutors of an innocent man. Instead of this, they and I should now act together, both maintaining that a high crime was charged upon the President; but as I have not conferred with gentlemen and do not know upon which horn of this dilemma they prefer to hang themselves, I shall proceed in my own way, and make out my case upon its own strength without reference to their weakness.

The great position which I take is, that an impeachable offence has been charged upon the President, and that he has been adjudged guilty of that offence, without the forms of an impeachment, and without the benefits of a trial.

Suppose gentlemen undertake to arrest me at the threshold and say, we did not impugn his motives; we did not attribute bad intentions; we merely charged the fact.

To this I answer:

1. If there was no allegation, there was no denial of bad motive; and the charge of the crime implies the wicked intent:

2. That the speeches of gentlemen supplied what the form of their charge omitted; and that the imputation withheld from the record, was proclaimed from the mouth, and incorporated into every speech:

3. That the criminal averment, "dangerous to the liberties of the people," was inserted in the first, and retained in the second form of the charge, and only dropped from the third and last form after having been repeatedly pointed out, and fully relied on as shewing the criminal and impeachable character of the accusation:

4. That no legislative use was made of the condemnatory resolve after it was passed, and that no such use could then, or can now be made of it; because, in its nature it is a criminal accusation, and presents a case, not for legislation but for punishment:

5. That gentlemen in the opposition drew the charge themselves, and altered themselves; and may have had a reason, not yet explained, for omitting those imputations of criminality in the record which were so profusely and conspicuously used in their speeches:

6. That even a regular and formal impeachment requires no allegation of corrupt motive:

7. That the offence being stated in the article of impeachment, the conviction will be valid; and the only sentence known under our constitution, will be pronounced without reference to the *quoanimo*:

8. That this is not a case of regular impeachment, but of irregular condemnation without impeachment, and a charge on which the House of Representatives might frame an impeachment in form, and send it to us for trial. It is precisely the preliminary resolution, the general charge without specification and technical averments, which is the incipient step and opening process to the preferment of an impeachment in form. It is the initative to impeachment. So say the books. Listen to Jefferson in his Manual of Parliamentary practice, drawn up by him for our especial guidance, and printed by ourselves for our convenient and constant reference. He says: "*The general course is to pass a resolution containing a criminal charge against the supposed delinquent, and then to direct some member to impeach him by oral accusation at the bar of the House of Lords*" This is the way to begin an impeachment in the house of Representatives, and this is the precise manner in which we began it in the Senate. We passed the resolution as the book directs, and we passed it with the criminal charge in it. We began the impeachment regularly, but we began it in the wrong place, and our proceedings ended where those of the House of Representatives begin; we ended with the adoption of a general resolution, containing a criminal charge against the supposed delinquent.

These brief answers I hold to be sufficient, Mr. President, to set aside any defence which could be bottomed on the omission, accidental or designed, of formal averments of bad motives in the sentence pronounced against the President. They show that the impeachable nature of the charge is not affected by that omission; on the contrary, the very circumstance of the omission may aggravate the conduct of the Senate by showing an extension of the non-committal policy to the high and sacred functions of Senators and judges, and exhibiting a subtle contrivance for condemning the victim without committing the judges.—They show that this is not a case for common law averments,—not a case for setting out with legal verbosity, that the aforesaid Andrew Jackson yeoman, not having the fear of God before his eyes, but being moved and seduced by the instigation of the devil, he first dismissed Mr. Duane from the Treasury; and after that, appointed Mr. Taney to the Treasury; & after that he took upon himself the responsibility of removing the deposites; and, finally, he performed a certain late proceeding in relation to the public revenue. All this, though eminently picturesque, and even quite dramatic in a common law indictment, happens to have no place in an impeachment; and I might safely rest my case where it now stands, but I choose to go further, to rise higher, and to place my cause upon loftier and nobler ground; I take the true position that the impeachment of a magistrate differs from the indictment of a citizen; and that a magistrate may be impeached under our constitution, tried and convicted, and subjected to every penalty known to an impeachment, not only without the allegation of bad motives, but without the fact of such intentions, or even the possibility of possessing intentions of any kind, either good or bad. And first, I show what the judgment on impeachment is; and for that purpose refer to article 1, sec 3, of the constitution.

"Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable to indictment, trial, judgment and punishment, according to law."

Upon this provision in the constitution I have to remark that impeachment lies against nobody but an officer, and in its judgment, is official and not personal. It affects the officer, not the man. The object of the judgment is preventive; not penal justice. It is not punishment for past offences, but prevention of future misconduct, that is intended. Removal from office and disqualification to hold office, is the ultimate penalty which can be afflicted under it. If the offence for which the impeachment, was made should amount to a crime at common law, or by the statue, them a criminal trial might ensue, and the punishment provided by law for that offence, might be inflicted. The difference between indictment and impeachment lies in the differences between preventive and penal justice. The impeachment is to prevent the officer from doing further mischief; the indictment is to punish the man for the mischief he has done. A man can only be punished for crime, and wicked intention is necessary to constitute crime, but officers may be deprived of his office for acts not amounting to crime for want of the corrupt intention; for these acts may be detrimental to the community, and the welfare of the community may require that these acts should cease, whether they proceed from a wicked heart, or a weak head, or even a mistaken principle of action. Hence, impeachment lies for the act, without regard to the criminal intention and indictment lies for the crime of which criminal intention is the essence touch stone. From this fair analysis of the the impeachment process and judgment, in contradistinction to indictment; results the inference that criminality of intention is no way essential to the validity of impeachments under the constitution. So distinct is the trial by impeachment from that upon indictment for the same offence, that one cannot be plead in bar of the other under the clause of the constitution which protects the citizen from two prosecutions for the same offence.

In England, on the contrary, the sentence on conviction under impeachment, extends to legal and actual punishment—to punishment in person and in property—for the party may be both fined and imprisoned. On indictment both in England and our America, as every body knows, the direct object of the prosecution as punishment in life, limb, person, or property; and prevent justice is only an incident. Whenever, then, punishment would follow conviction, whether on indictment or impeachment—whenever the life or limb of the party to be touched—whenever his body might be cast in prison, or his property taken by fine or forfeiture—in every such case, the quoranimo, the state of mind, the criminal intent, was of the essence of the offence, and must be duly averred and fully proved, or clearly inferible from the nature of the act done; but in the case of impeachment under the constitution of the United States, where the sentence could extend no further than merely to prevent the party from using his power to do further mischief, leaving him subject to a future indictment, then the intent of the party, whether good or bad, innocent or wicked, became wholly immaterial, not necessary to be alleged, nor requiring to be proved or inferred, if the allegation should chance to be made. Every averment relative to the intention would be surplusage; for the mischief to the public was the same, whether a public functionary should violate the law from weakness or wickedness, from folly or from design.

Mr. B. said that the cases of the Judges Chase and Pickering, were evidences of the truth of his argument; for in one of these there could be no corrupt or wicked intention, for the party was insane, and therefore incapable, both in law and in fact, of being either corrupt or wicked; and in the other of which, the meet naked violation of law was charged, without the slightest reference to the intentions, or quo animo of the party. Mr. B. then went into a detailed statement of the impeachment of these two judges, to sustain the view he had been taking, and to apply historical facts and judicial decisions to the legal doctrines which he had laid down. Judge Pickering, a district judge of the State of New Hampshire, was impeached for acts of flagrant illegality, and which, in truth, implied great wickedness; the articles of impeachment charged wicked and corrupt intentions; yet it was proved that he was incapable in law and in fact of wickedness or corruption; for he was utterly insane, both at the time of committing the acts, and at the time he was tried for them, and could not and did not, appear before the Senate to make any defence. His unfortunate condition was both proved and admitted, and the Senate was moved by counsel to stop the proceedings against him, and to remit or postpone the trial; but the Senate took the clear distinction between a proceeding which could only go to removal from office, and a disqualification for holding office, and prosecution which might involve a criminal punishment; and they proceeded with the trial, heard the evidence, found the illegal acts to have been committed, and pronounced the sentence which the good of the community required, and which the unfortunate Judge was a proper subject to receive; that of removal from office. They did not add a sentence of disqualification for holding future offices, for he might recover his understanding, and again become a useful citizen. The Senate limited itself to a sentence which the good of the community demanded, and which was applicable to misfortune and not to criminality, which was suited to the acts of the Judge, without regard to the absence of intentions.

The case of Judge Chase was a case of a different kind to prove the same point. It was a case of various articles; some with some without the averment of criminal intentions. Judge Chase was impeached upon eight articles five of them charged corrupt and wicked intentions; three charged no intentions at all; being wholly silent on the question of motives, and merely alleging the commission of the acts and violation of the law. The three articles thus silent on the question of motives, were distinct and substantive charges in themselves not variation of the same charge in other articles, but containing new and distinct charges; and, therfore, to stand or fall upon their own merits, without being helped out by a reference to the same charges in another form, in another part of the proceedings. Mr. B. would state them particularly; for if the least doubt remained on the mind of any one after seeing the case of Judge Pickering, the tenor of these three articles in the impeachment of Judge Chase would entirely remove and dispel that doubt. The first of these articles, which is number one in the impeachment, relates to the trial of Fries at Philadelphia, and charges the judge with three specific instances of misconduct in conducting that trial; and concluded them with the allegation, "*that they were dangerous to our liberties,*" and "*in violation of law and justice.*" but without the slightest reference to the *quo animo* of the judge, or the state of mind in which the acts were done. The fourth article is wholly silent with respect to his intentions. The fourth article contains four specifications of misconduct, all charged to have occurred on the trial of Callender, in Richmond, Virginia, and alleged them to be "subversive of justice" and "disgraceful to the character of a judge;" but they were wholly silent as to the intentions of the judge, and left the *quo animo* with which he did the act entirely out of the record. The fifth article charged a specific and single violation of law, in ordering the arrest of Callender upon a capias, instead of directing him to be called in upon a *summons*, but without imputing any motive or intention whatever, good or bad, to judge, for preferring the capias to the summons. The only averment is, "that Callender was arrested by the capias, contrary to law, in that case made and provided." Such were the three articles which charged violation of law upon Judge Chase without imputing criminal intentions or corrupt motives to him; and upon which the judge was as fully tried, and made as ample a defence both upon the law and the facts, as he did upon the five other articles which contained the ordinary averments of wicked and corrupt intentions. Neither the learned judge himself, nor any one of his numerous and eminent counsel, made the least distinction between the articles which charged, and the articles which did not charge corrupt intentions. They went to trial upon the whole alike; put in no demurrers, made no motions to quash, reserved no points, but defended the whole upon the law and the facts of each separate charge. This, sir, should exterminate doubt and silence cavil. It should put an end to all idea of getting out of the dilemma in which the Senate is placed by entrenching themselves now behind the innocency of President Jackson's intentions.

Mr. B. contiaued. Thus far, Mr. President, I have argued this point upon principles of law and reason, supported by precedents drawn from our own history, and I trust, have fully established my first proposition, namely, that the offence charged upon President Jackson was an impeachable offence, and that as a high crime, though it would be sufficient for my argument, that it charged conduct amounting to misdemeanor only; and consequently, that the conduct of the Senate, in proceeding against him without the forms of an impeachment, was illegal, irregular, and unconstitutional, and subversive of the fundamental principles of law and justice. But althought my case may be made out, and my proposition established, yet my magazine of argument is not exhausted, and I still have in reserve a most potential argument to be used in this case. It is the argument of authority, and is drawn from the legislative history of one of the States of this Union—the State of Kentucky; and a brief introductory narrative may be necessary to develope its origin, and to elucidate its application.

It is a matter of history, Mr. President, that some forty years ago, a Judge of the Court of Appeals, in Kentucky, had the misfortune to be a pensioner on the Spanish crown, and held a secret correspondence with the Governors General of Louisiana, for the seperating of the western from the Atlantic States. A legislative inquiry established these facts, and the unhappy judge avoided the stroke of justice by retiring from the judgment seat. The same inquiry implicated another Judge in Kentucky, not of the State Courts, but of the federal judiciary; and at a succeeding session of the General Assembly, a member of that body, Humphrey Marshall, Esq introduced a resolution condemning the conduct of that federal Judge, and recommending an inquiry to be instituted into it by the House of Representatives of the Congress of the United States. This proceeding was resisted by distinguished members of the Kentucky Legislature; and another resolution was brought in utter reprobating the motion of Mr. Mashall, and severely condemning the attempt to procure from a legislative body the expression of an opinion upon the guilt or innocence of an officer who was subject to impeachment before the Senate of the United States. After several days' discussion, says the historian, the following resolution was offered by Mr. Clay.

"Whereas the General Assembly did, at their last session, order transcripts of the evidence taken before the committee appointed to examine into the conduct of Benjamin Sebastain, to be transmitted to the President of the United States, and to the Senators and Representatives from the State in Congress; and as the present assembly has entire confidence in the general administration, and in the Congress of the United States, among whose duties is that of arraigning the public officer, or private citizen, who may have violated the constitution, or the laws of the Union; and whereas the legitimate objects which call for the attention of the legislature, are themselves sufficiently important to require the exercise of all their wisdom and time, without engaging in pursuit of others, thereby consuming the public treasure, and the time of the representatives of the people, in investigating subjects not strictly within the sphere of their duty; and inasmuch as the expression of an opinion by the General Assembly upon the guilt or innocence of Harry Innis, esq., in relation to certain charges made against him, would be a prejudication of his case—if in one way, would fix an indelible stigma upon the character of the Judge, without the forms of trial, or judicial proceeding, and if in the other might embarrass and prevent a free and full investigation into those charges: wherefore.

"Resolved by the General Assembly, That it is improper in them to prescribe to Congress any course to be taken by that body, in relation to the said charges, or to indicate any opinion upon their truth or falsehood.

"Resolved, That the constitution and laws of the land, securing to each citizen, whether in or out of office a fair and impartial trial, whether by impeachment or at common law, the example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual, would tend to subvert the fundamental principles of justice."

Mr. President, I seize with confidence, and appropriate without abatement to the present occasion, every word that is contained in this resolution, with the remark that they severe reprobation which it expresses is many ten thousand times more applicable to the Senate of the United States, for its conduct towards President Jackson, than to the Kentucky Legislature, for its proposed conduct towards Judge Innis. In that case the Kentucky General Assembly was not the tribunal for the trial of the federal Judge in the event of his impeachment, and their prejudication of his case did not affect the bosom of his constitutional triers; in President Jackson's case his prejudgers were his constitutional judges; and judges who would have a legal right to sit in judgment upon him, notwithstanding their moral disqualification for that duty by their prejudication of his case. In Judge Innis's case there was no great national event connected with his fate; no change in the ascendancy of political parties to be effected; no political prophecies to be accomplished by the prophets themselves; no great moneyed power to be struck down from between the people and their eternal foe; no obstacle to be removed from before the onward march of a political and moneyed confederacy which was advancing to the conquest of the Government, and only stopped in its course by the invincible courage and incorruptible integrity of one man. Judge Innis's case was different from all this. It affected no one but himself. It was individual and personal; his prejudgers were not his trier; and whatever wrong might be done him, his country at least was safe, and her free institutions might survive and flourish; yet, even in this case of mitigated wrong, and contingent injustice, how keen was the scent that snuffed the approach of danger in the tainted breeze! [illegible] ing mischief in the remote contingency of a bare possibibility! How pointed, how cutting, how strong, and how just the rebuke that was lavished upon a legislative body for setting the example of pronouncing an opinion upon the guilt or innocence of an officer, subject to impeachment before the Senate of the United States! Every word of it is a two-edged sword, cutting into the vitals of the Senate, and leaving that deadly wound, for which there is no healing in the art of surgery. To comment upon such a case is impossible; to amplify, is to weaken it; to repeat, is to destroy; yet at how many points must the minds of Senators instinctively halt, catch up the cutting phrase, apply it to their own case, while the small, still voice of conscience whispers,—ten thousand times more applicable to us than to them! Mark a few of these phrases.—"The constitutional right of Congress to arraign the public officer who may have violated the constitution;"—"the waste of time and public money in pursuing subjects not within the sphere of their duty;" "the injustice of prejudging an impeachable officer;" "the stigma upon an innocent man, if unjustly condemned;" "the impediment to justice, if the guilty should be absolved;" "the flagrant enormity of pronouncing an opinion upon impeachable charges without the forms of trial, or judicial proceeding;" "the total impropriety of even indicating an opinion upon the truth or falsehood of the accusation;" "the constitutional and legal security of each citizen to have a fair and impartial trial, both by impeachment, and at common law;" "the subversion of the fundamental principles of justice, and the dangerous example of a legislative body, before the commencement of any prosecution, expressing an opinion upon the guilt or innocence of an implicated individual." All these expressions apply directly, and with infinitely more force to the case of President Jackson, than to that of Judge Innis.

The Bank of the United States, through all its organs, had appeared as the accuser of President Jackson. It had sat in judgment upon him for a violation of the laws and the constitution, in dismissing Mr. Duane and appointing Mr. Taney; for taking upon himself the responsibility of removing the deposites, and for his proceedings in relation to the revenue. It had demanded his impeachment, foretold it, and named the member of the House of Representatives whom it presumed to say would bring it forward. The public press in the service of the Bank had been for many months preparing the public mind for the event; and just at the commencement of the session, the Bank itself, in its own person, and in the most imposing form, stept from behind the curtain and appeared upon the stage as the responsible accuser. It caused a manifesto of some fifty pages to be drawn up by a committee of its directors, adopted by a vote of the Board, ordered 5000 copies to be printed, a copy to be laid upon the table of every member of Congress, and the rest distributed all over the Union.

It was that famous manifesto from which I have read some passages, in which the President of the United States was compared to counterfeiters, and the first place in the comparison assigned to him. The Senate and the country would remember that manifesto. It was the authentic act of the Bank, and contained the idencial charge against the President which was immediately afterwards brought into the Senate, and what is more, it

©Maryland State Archives, msa_sc4925_scm13074-0457