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MONDAY, AUGUST 9th, 1830.

HISTORY

OF THE

Last Session of Congress.

[CONTINUED]

Amendment of Impeachment System.

On the 5th of April a bill, to amend the judicial system of the United States, was received from the Senate.

The principal alterations proposed by this bill were, 1st, that there should be only one term of the Supreme court in a year for the trial of causes, 2d, that on the first Monday in February, instead of two respecting the pendency of the office, to be held on the 3d Monday in August, at which all causes pending prior to that should be taken, 3d, That the districts of the United States should be formed into circuits, each circuit having a justice of the Supreme court, besides the District, who should constitute the judge of the circuit court, and that the circuit court should have concurrent jurisdiction with the District courts in civil causes, 4th, That the District Judges should constitute a supreme court of bankruptcy in each district, and that they should be the judges of which the district judge should be one, for each particular case of bankruptcy.

On the 19th of April, the bill was taken up, when the first alteration was agreed to with great vehemence by Mess. Bayard, Webb, Dickerson, Hendricks, H. Martin, Dwight and Goldsborough; it was then, by a majority of 27 to 21, Mess. Chilton, Eldredge, Rc. Williams and Holmes.

By the former it was contended that the great, though disguised effects of the bill were to prevent the trial of causes in the Supreme court, which would, according to the old law, be holden in June, but which effect, it is desired, will be, if bankruptcy proceedings be adopted, that a court will be continuously sitting, to decide on the constitutionality of the law regarding bankruptcy, yet that it was perfectly consistent with the rights of the people, that the Supreme court, as it is now, should be constituted, as it is, with a majority of judges, who, by their political popular respects, thereby be taken to give the way to the eventual abrogation of the law, relating to bankruptcy, and to one in such year would operate such popular influence, as would, in a year or two, cause the constitution of the Supreme court, to be changed.

By the latter, it is sufficient to inform with the constitutional power of the Supreme court was diminished, it was not believed that this body would be so much more the subject of unconstitutional, but if they should, decide either would be perfectly tenable, and would only lead the more to the public opinion. The true reason on which the modification of the law was made, were the trifling instances required to be tried by the court, and the very labor required to be performed by the judges as members of the circuit courts. The average business annually decided since the establishment of the court amounted only to the trial of a prefixed on the docket, 111 only exceed eight on business. It was offered whether it would be well to the communication of the law, from its first, to inform to inconvenience the great and extensive territory of the United States, and whether the time would be not greatly increased, if the terms were to distant, the time would not, without sufficient reason, afford a postponement; and much more being gained from that continued hearing of causes in the two judges, the time would be greatly extended beyond their stated limits.

On the question of agreeing to a motion made by Mr. Bayard, to insert, two fellows, in the 3rd section of the bill, only in the affirmative, and the motion was accordingly lost.

The second alteration was opposed principally by Mess. Bayard and Grundy, and supported by Mess. Nicholas and R. Williams.

The great argument, urged on one side, and denied on the other, involved the controverted principle, whether the judge of the Supreme court, in circuit, ought to be substantial, or not, if so, should be based on necessary, and as this bone may be produced in the hands of the minor of a 3d section, it is necessary, for us, to detail the arguments on either side.

The third alteration, relative to the constitution of a circuit court, was agreed, yea, nay, nine, nay, nine, nay, nine, taken that the greatest which remains to the point, by Mess. Dwight, Dickerson, Webb, Hendricks, and Holmes, and supported by Mess. Bayard, Grundy, Hendricks, Dickerson, Webb, Holmes, and Holmes.

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