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FIVE DOLLARS PER ANNUM. | MONDAY, JULY 22, 1805. | *PAID IN ADVANCE.*

Mr. FOX's SPEECH CONCLUDED.

I need not remind this house, that the inhabitants of the north of Ireland had long been distinguished above every other part of the population by their superior industry, intelligence, and wealth, though it is notorious they were not equally remarkable for their attachment to English connection. Previous to the French revolution, the Catholics had no bonds of mutual union with this part of the Irish population. On the contrary, they were kept asunder by the striking contrariety of their religious creed. It was the French revolution that united these two heterogeneous bodies. It was a feeling of what they conceived common oppression that kept them together during the desperate struggle which the rebellion gave rise to. But, sir, this is not the only view of the case to be taken into consideration. The house cannot have forgot the circumstances of lord Fitzwilliam's administration. Did he not hold out to the Catholics of Ireland the prospect of complete and absolute emancipation? I know a doubt was started how far he was authorised by the ministers here to give such a pledge to the Catholics. Without now entering on the discussion of this point, it is sufficient to say, that the lord lieutenant of that day, after having made this pledge, was recalled, and that a motion for following up that pledge, was lost in this house.—The Catholics, upon seeing all their hopes frustrated, all their best founded expectations disappointed, were doubtless exasperated in no ordinary degree.—Was it nothing, sir, that a pledge so solemnly given was neglected? Was it not natural that high expectations disappointed, terminated in despondency, and that this feeling suggested the unfortunate idea of connexion with France, which at no former period of the last century had existed? We are told, however, in all probability with the view of aggravating the guilt of the Catholics, and veiling the criminality of the ministers of that day, that the inquiries of the Irish Parliament fully proved the Catholics to be bent on absolute separation, and that they regarded Catholic emancipation, and reform in Parliament, as nothing better than a drop of ink compared with their more extended object. This is all true, but is it the whole of what these inquiries brought to light? Did it not at the same time appear, that these same persons who made this declaration, at the same time confessed, that if Catholic emancipation, and a reform in Parliament had been granted, then all prospect of successful insurrection would have been destroyed? They knew the effect of conciliatory measures, and they dreaded their application.—They were sensible that if these measures were well applied, it would be quite ridiculous to think of detaching the feelings of the people of Ireland from their connection with this country. It is perfectly understood that the Catholics had the highest hopes from the assurances & pledge of earl Fitzwilliam, & if disastrous consequences followed the dereliction of that pledge, let those who occasioned it answer for the consequences. But how do the Catholics, after thus being duped and betrayed, stand, after the measure of union was carried, in a great measure by their assistance? On every side they are injured and calumniated; on the one hand by the ministry, who held out hopes only to disappoint them, and on the other by those who oppose the union, as having betrayed the interests and surrendered the liberties of their country. It was not, sir, on light grounds that the Catholics hoped, under the Imperial Parliament, for the concession of all the claims which a local legislature had refused to acknowledge. A learned gentleman on the other side of the house (Mr. Duigenan) had written a letter to an honorable friend of mine, whom I am happy to see near me, in which, alluding to the measure of a legislative union, he argues that if such a measure were accomplished, all exclusive laws and restrictions would of necessity be abolished. I need not inform the house that the learned gentleman to whom I have alluded was, in the Parliament of Ireland, particularly hostile to the claims of the Catholics, and conceived that the only way in which they could ever be acceded to, was through the medium of that legislative union which he was so desirous of seeing adopted. I put it then, in fairness to the house, whether, when this measure was carried, the Catholics had not every reason to believe that their claims would meet with immediate attention? These just expectations have, for several years, been disregarded, and it certainly had become the duty of some member to bring the matter fairly under discussion. Happily this disagreeable mode of proceeding has been rendered unnecessary by the course which the Catholic body themselves, after mature deliberation, have thought it expedient to adopt. They have come forward with a loyal, dutiful, and temperate address, representing the nature and extent of their claims, and fairly submitting them to the attention of the legislature. They have conducted themselves with a propriety which places their loyalty and love of good order above all sort of suspicion, avoiding all insurrection, and discouraging all tumult—they have left the whole of the affair to the sober determination of Parliament. Coming then to the discussion of the claims of so great and respectable a body thus presented, I hope and trust these claims will be fully and attentively considered. In the course of the observations with which I have tho't it necessary to introduce my motion, I have hitherto avoided taking any notice of certain mysterious insinuations that it was needless to agitate the question at the present moment, since it was impossible from an objection in a very high quarter, that the object in view could be obtained. Before I sit down, I must say a few words on this topic, that to grant the claims of the Catholics would oblige his majesty to violate his coronation oath. This is an idea utterly monstrous and absurd. I only desire, that any man will look at the coronation oath, and I am confident, he will see that no such conclusion can be drawn, as that some individuals wish to consider as the necessary result of the measure of emancipation. If we were to suppose king William alive at this moment, and the very acts in question were to be repealed, would that be a violation of his coronation oath, to repeal acts which were not framed when his coronation oath took place? What then could king William have done by consenting to the repeal? Why, he would only have done what every sovereign in this country is bound to do—he would merely have bowed to the express wishes of Parliament. The same principle applies to the present sovereign, who had always shewn himself ready to accede to the wishes of his Parliament. If the concession of the Catholic claims now be a violation of the coronation oath, then all the concessions in 1793, and at former periods, implied an equally clear violation. I cannot then allow this objection to have any force; nor can I at all go into the idea, that because there is no prospect of carrying a measure, it is not on that account to be proposed. If such a principle had been acted upon then, not one of those measures, the beneficial effects of which we feel this day, not one of those acts, which have illustrated and secured our liberties, would have been carried. For surely, sir, it is needless to impress on your attention, and the attention of the house, that almost every great constitutional measure has been carried through Parliament only after severe and successive exertions. I shall ever be the first man to support his majesty's lawful authority, but I will not suffer the name of that authority to be improperly or indecently introduced to prevent full and fair discussion on a subject the most interesting that could be submitted to the consideration of Parliament. He who would advise the king to do an act contrary to his coronation oath, must be a traitor; but those who, on a subject of this sort, attempt to poison the royal ear, and by false representations create impressions unfavorable to the Catholic claims, flatter the sovereign only to betray him. No consideration of this mysterious nature ever shall deter me from the performance of what I conceive to be a great and important duty. The object of the motion with which I shall conclude is then, that the petition of the Catholics be referred to a committee of the whole house, and it will then become an object of consideration, whether the whole or any part of the petition is to be conceded. There are two or three circumstances which to me appear peculiarly worthy of the consideration of the committee, if it should be granted to the house. The circumstances under which Roman Catholics in the army were placed, would call for peculiar investigation. As the law now stood, Roman Catholic officers could, up to a certain rank exercise all their duties in Ireland without any penalty; but no sooner did they set their foot in this country and exercise the same duties, than the law of *Praemunire* was in force against them. This then is surely an evil which loudly calls for redress.—The case of the common soldiers too demands attention, for in many cases Catholic soldiers were in this country compelled to attend Protestant places of worship, and though complaints were made, no redress was obtained. I mention these circumstances as affording specific grounds for going into the committee, where they may be fully considered. I know there are gentlemen who are disposed to grant the right of the Catholics to offices, who think that the right of voting in either house of Parliament would be attended with the utmost danger. Others, on the contrary, think that it would not be safe to admit them to the exercise of these high offices, but that their admission into Parliament would not only be harmless, but highly beneficial. On both classes of gentlemen I call to support my proposition, for both have grounds sufficient for going to a full investigation of the subject. Independent of all principles of justice, there is a strong call of policy in agreeing to the claims of the petitioners. We have been employed a considerable time both in the last and present session in discussions on the best means of recruiting the army. Without at all disparaging the views of my right honorable friend on the same bench (Mr. Windham,) I must be allowed to say, that neither parish bills enlisting men for time or procuring them for rank—neither volunteering from the Militia, nor any other plan for increasing our disposeable force hitherto recommended or resorted to, would be half so effectual as the simple measure of the emancipation of the catholics of Ireland. We should then receive an immediate and immense augmentation of men in consequence of an act of benignity and justice. We know the character of the Irish nation, and we are not without the experience of what may be expected from the warmth of their feelings, and the liveliness of their gratitude. We are now contending against France, certainly a most formidable enemy. But what is it that we have chiefly to dread in this contest? Is it, sir, French industry, wealth, commerse, or resources? No, but it is the immense population of France which renders her so dangerous a foe. How then are we to counteract this danger? We have a clear method laid before us. We have only to recall to our affection one fourth of our population and to render that the source of our strength which was now only an addition to our weakness. Let us then banish all seeds of animosity. Let us shew the catholic soldier and sailor, that the road to honor is alike laid open to all, and that he who fights our battles well, shall find no distinction of reward from a grateful country. Mr. Fox concluded by proposing to resolve into a committee on the petition, as soon as he sat down.

TO LET,

A HOUSE near the Navy Yard in an excellent stand either for Dry Good or Grocery store. For terms apply to the subscriber near the premises.

GUSTAVUS HIGDON.

July 19—3t

ENTERTAINMENT

FOR

Man and Horse.

THE subscriber takes this method to inform the public, and particularly those travelling to the City of Washington, that he has opened a house of entertainment opposite the Branch Bank of the United States, where travellers shall be well accommodated on the most reasonable terms.

THOMAS THORPE.

July 3—2awtf.

FOR SALE,

ONE HUNDRED ACRES OF LAND, in a healthy situation near Hugh's bridge on Rock Creek, and near also to Mr. Leonard Jones's and Charles Jones's mills. It is about eight miles from George Town, from whence there is a good road. If not sold at private sale before the 20th of August next, it will be on that day exposed to public sale on the premises if fair, if not on the next fair day.

Mr. Wm. Carroll on Rock Creek will shew the land and give any information to persons wishing to purchase.

ROBERT BRENT.

Washington, July 17—wt20Aug.

Runaway Negro.

WAS committed to the jail of Frederick county, Maryland, on the 19th day of May last past, as a runaway, a negro man named JIM, who says he is the property of a certain John Chew Thomas. He is about 23 years of age, five feet three inches high; has thick lips and long wool; His left hand and wrist have been considerably injured by a waggon. His clothes are, a striped gingham sailor-jacket, a swansdown waistcoat, white cassimere small clothes, woollen stockings, an old fur hat, and a muslin shirt. His owner is desired to release him, or he will be sold for his jail fees agreeably to law.

GEORGE CREAGER,

Sheriff of Frederick County.

June 12th—1805 13w8w.

IMPEACHMENT
OF
JUDGE CHASE.

SATURDAY, FEBRUARY 23.

MR. MARTIN.

MR. PRESIDENT,

DID I *only* appear in defence of a friend, with whom I have been in habits of intimacy for nearly thirty years, I should feel less anxiety on the present occasion, though that circumstance would be a sufficient inducement; but I am, at this time, actuated by superior motives. I consider this cause not only of importance to the respondent and his accusers, but to my fellow citizens in general, (whose eyes are now fixed upon us,) and to their posterity, for the decision at this time will establish a most important precedent as to future cases of impeachment.

In the discussion of this cause, I fear I shall occupy a greater portion of your time than I could wish, but, as the charges are brought forward by such high authority as the House of Representatives of the United States, it becomes necessary to bestow upon them more attention than they would deserve, were they from a less respectable source.

We have been told by an honorable manager, (Mr. Campbell) that the power of trying impeachments was lodged in the Senate with the most perfect propriety; for two reasons—the one, that the person impeached would be tried before those who had given their approbation to his appointment to office. This certainly was not the reason by which the framers of the constitution were influenced, when they gave this power to the Senate. Who are the officers liable to impeachment? The *President*, the *Vice-President*, and all civil officers of government. In the election of the two first, the Senate have no control, either as to nomination or approbation. As to *other* civil officers, who hold their appointments during good behavior, it is extremely probable, that, though they were approved by one Senate, yet from lapse of time, and the fluctuations of that body, an officer may be impeached before a Senate, not one of whom had sanctioned his appointment, not one of whom, perhaps, had he been nominated after their election, would have given him their sanction.

This, then, could not have been one of the reasons for thus placing the power over *these* officers. But as a second reason, he assigned, that, if any other inferior tribunal had been entrusted with the trial of impeachments, the members might have an interest in the conviction of an officer, thereby to have him removed, in order to obtain his place; but, that no Senator could have such inducement. I, sir, disclaim, I hold in contempt the idea, that the members of *any* tribunal would be influenced in their decision by so unworthy, so base a motive; but what is there to prevent this Senate, more than any other court, from being thus influenced? Is there any thing to prevent any member of this Senate, or any of their friends, from being appointed to the office of any person removed by their conviction?

I speak not from any apprehension I have of this honorable court. In their integrity I have the greatest confidence. I have the greatest confidence they will discharge their duty to my honorable client with uprightness and impartiality. I have only made these observations, to shew, that the reasons assigned by the honorable manager for vesting the trials of impeachment in the Senate, are fallacious?

I see two honorable members of this court, [Messrs. Dayton and Baldwin] who were with me in the convention, in 1787, who as well as myself, perfectly know why this power was invested in the Senate. It was, because, among all our speculative systems, it was thought this power could no where be more properly placed, or where it would be less likely to be abused. A sentiment, sir, in which I perfectly concurred; and I have no doubt, but the event of this trial will shew that we could not have better disposed of that power.

Let us now, sir, examine the *constitution* on the subject of impeachments, and from thence learn, in what cases, and in what only, impeachments will lie. To have correct sentiments on this subject, is of infinite importance. An error here, would be like what is called, an error in the first concoction, and would pervade the whole system.

By the constitution, it is declared, that "the House of Representatives shall have the sole power of impeachment." That section, however, doth not declare in what cases the power shall be exercised. This is designated in a subsequent part of the constitution, and I shall contend, that the power of impeachment is confined to the persons mentioned in the constitution, namely, "the President, Vice-President, and all other civil officers."

Will it be pretended, for I have heard such a suggestion, that the House of Representatives have a right to impeach *every citizen indiscriminately*? For *what* shall they impeach them? For any criminal act? Is the House of Representatives, then, to constitute itself into a Grand Jury to receive information of a criminal nature, against all our citizens, and *thereby to deprive them of a trial by jury*? This was never intended by the constitution.

The President, Vice-President, and other civil officers, can *only* be impeached. They only *in that case* are deprived of a trial by jury; they, when they accept their offices, accept them on those terms, as far as relates to the *tenure* of their offices, relinquish that privilege; they, therefore, cannot complain. Here it appears to me, the framers of the constitution have so expressed themselves as to leave not a single doubt on this subject.

In the first article, section the third, of the constitution, it is declared, that judgment, in all cases of impeachment, shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under the United States. This clearly evinces, that no persons but those *who hold offices* are liable to impeachment. They are to lose their offices; and, having misbehaved themselves in such manner as to lose their offices, are, with propriety, to be rendered ineligible thereafter.

The next question of importance, is, in what cases the House of Representatives have a right to impeach the President, the Vice-President, and the other civil officers?

It has been said, that a judge cannot be indicted for the same crime, for which he may be impeached: for, says the honorable manager, (Mr. Campbell) it would introduce the absurdity, that a person might be twice punished for the same crime.

This honorable court will observe, that the *two punishments*, which may *here* be inflicted on *impeachment* and *subsequent indictment*, amount to no more than in England takes place on a *single prosecution*; for there, on a *single* conviction, a judge may be removed from office, and also fined, imprisoned, or otherwise punished, according to the nature of his offence. But the whole of this power the United States have not vested in the same body. To the Senate they have confined the punishment of removal from office, and disqualification of the person from holding offices in future; but can there be a single doubt that a person, by impeachment, removed from office, cannot afterwards, according to the nature of his crime, be punished by indictment? Can gentlemen suppose a removal from office was intended to wash away all crimes the officer should have committed? What are the crimes for which an officer can be impeached? "Treason, bribery, and other high crimes and misdemeanors."

Suppose a judge removed from office, by impeachment, for treason, would that wash away his guilt? would he not afterwards be liable to be indicted, tried and punished as a traitor? Undoubtedly he would, so in the case of bribery. Yet, if the gentleman's idea is correct, a removal from office on impeachment, for either of those crimes, would free the officer from any other punishment. Consider the monstrous consequences which would result from the principle suggested by the managers, that a judge is only removable from office on account of crimes commited by him as a Judge, and not for those, for which he would be punishable as a private individual! A judge, then, might break open his neighbor's house and steal his goods;—he might be a common receiver of stolen goods; for these crimes, he might be indicted, convicted and punished, in a court of law; but yet he could not be removed from office, because the offence was not committed by him in his judicial capacity, and because he could not be punished twice for the same offence.

The truth is, the framers of the constitution, for many reasons which influenced them, did not think proper to place the officers of government in the power of the two branches of the legislature, further than the tenure of their office. Nor did they choose to permit the tenure of their offices to depend upon the passions or prejudices of jurors. The very clause in the constitution, of itself, shews that it was intended the persons impeached and removed from office might still be indicted and punished for the *same* offence, else the provision would have been not only nugatory, but a reflection on the enlightened body who framed the constitution; since no person ever could have dreamed that, a conviction on impeachment and a removal from office, in consequence, for *one offence*, could prevent the same person from being indicted and punished for *another* and *different offence*.

I shall now proceed in the enquiry, *for what* can the President, Vice President, or other civil officers, and consequently, for what can a Judge, be impeached? And I shall contend that it