

quire into the truth of such charge. I trust, no gentleman in opposition to the present resolution can be found so ignorant of the true principle on which it is opposed as to deny the responsibility of the public officers, or the right of the House to enquire into their conduct. — But, the right being admitted, the question is made as to the exercise of that right, in the manner now proposed. — When this House is called upon, to direct the whole force of its influence against a particular judge, is it not reasonable, is it not just, that some charge should first be stated against him? This is but a decent respect to judicial character. It is but a decent respect to the character which becomes the assembled representatives of a nation. The person implicated, might then be enabled to meet the enquiry and obviate unfounded suspicion. Our power with respect to the judges is the power of impeachment; but we are not therefore justified in wantonly assailing their characters and sporting with their sensibility to reputation. — The right of enquiry relates to impeachable offences. Shall we then enquire where no offence is stated? So far is the resolution from stating what would warrant an impeachment, that it does not mention any offence, or refer to any transaction.

The gentleman from Virginia, who moved the resolution, Mr. J. Randolph, has indeed declared his own conviction, that the judicial officer in question had done wrong. Might not other gentlemen also have their opinions, and exercise their own judgments in forming them? They ask for the reasons of his conviction, before they vote for his resolution. His information, he says, was received in such a manner that he does not choose to disclose it. If any person has communicated anything to him confidentially, he is not desired to name his informant. The gentleman shall not be desired by me to make any disclosure which would offend against the most delicate sentiment of honor. But can it be improper for him to state the general nature of the offence which he believes to have been committed? Will this violate any honorary confidence? He is desired to make such a statement, that other members of the House may have an opportunity of judging whether the believed offence would warrant a vote of impeachment. In cases of this kind, is any member to be deemed infallible? When a gentleman in his place states a fact as of his own knowledge, his veracity is regarded as unquestionable; but his infallibility is not supposed to extend to matters of mere opinion. Upon the principle of its being possible for the gentleman from Virginia to err in opinion, & its being equally the right of other members to judge what conduct amounts to an impeachable offence, it might have been reasonably thought that he would at least state to the House the nature of the facts on which he relies as the basis of his resolution. If he, or any other member, declaring his conviction that a judge has misdeemed himself in office, will exhibit to the House a statement of any fact, or series of facts which would warrant an impeachment, I will be ready instantly to vote for an enquiry. But nothing of this kind is exhibited; and therefore the resolution on the table is now opposed. Before you agree to oppose a judge with all that weight of suspicion which may be imposed by a vote of this House, let him be permitted to know what part of his conduct is supposed to be exceptionable, that opportunity may be had, in the progress of any enquiry, to vindicate himself against unmerited reproaches. Instead of a course of proceeding so fair and so obviously just, the resolution on the table marks two of the judges for public suspicion, without specifying any supposed misconduct. It marks them as public objects of suspicion thro'out the whole of their judicial life, and without naming any thing, invites private enemies to accuse them of every thing.

To support such a resolution, common fame has been mentioned in the course of debate, as a sufficient ground of proceeding; and this idea is supposed to be authorized by English precedent. Whatever may have been done formerly, and in a period of rudeness or violence, the more improved system of modern jurisprudence should discard such a doctrine if it ever prevailed. — But even that doctrine if admitted, would not justify you in adopting the present resolution. You cannot thence infer the propriety of proceeding against a person who is not accused of any thing punishable. — Will it be pretended, that the common fame, which is to be a ground of proceeding, does not refer to any offence or to any

transaction? Common fame, if admitted for proof, must be supposed to apply to some subject of complaint. On the principle even of this very questionable doctrine, a statement of some charge is requisite. What then, in the present case, is the accusation, which could be supported by common fame? If there be any such let it be stated!

The gentlemen who advocate the resolution in its present form, fail in their efforts to support it, notwithstanding all the aid which they have sought from the leading strings and crutches of precedents. (To use the language of the gentleman from Virginia.) On general principles on the broad basis of universal right, the resolution is condemned; and no precedent adduced which can justify it. I do not wish to shield any public officers, whether judges or others, who may merit impeachment; but I wish the House when acting as public accusers, to proceed in such a manner as not to do injury to any individual. Justice is due to the individual as well as to the public. — No public duty can require this House to adopt a resolution of general reproach, yet stating no public offence. And it but ill accords with the principles of justice, to subject the judicial officers of the union, to all the inconvenience, vexation and expence of being obliged to vindicate themselves against secret accusations, which it may be more difficult to discover than to overthrow.

You will observe, sir, that I do not enter into any particular examination of the case referred to by the gentleman from Pennsylvania, Mr. Smith, whether there was a controversy as to prerogative and privilege between the court and the bar, in which the pride of professional rank appeared in opposition to judicial authority. Whether the judge very properly refused to yield to the counsel, or whether the court committed an error in pronouncing the law, these are topics which I think it needless to examine in considering the resolution now on the table. For the resolution itself states nothing, and there is no case before us for examination.

On so grave a subject as the present, when we are called upon to aid in the administration of justice, it was to be desired that the advocates of the resolution should so far regard their own exhortations as to refrain from attempting to enkindle the animosity of party. The gentleman from Pennsylvania, Mr. Smith, seems to have thought himself at liberty to pursue a different course. — But considering the nature of the question, on which our votes are to be given, I hope to be excused, if I deem it not proper, in this debate, to reply to him on the various topics of party discussion, which he has chosen to mention, altho' the task might be easily indeed to repeat his charges against the former administration. — A single observation, however, may be proper, on a law to which he has alluded in the language of censure. — There was at least one prominent feature which might recommend it to the friends of truth. It expressly declared, that the truth might be given in evidence.

Mr. Huger said he had before stated, and he now repeated, that he was not averse to an investigation; but he did not consider himself bound to vote for a resolution so general and vague. If the amendment of the gentleman from Maryland were adopted he should vote for the resolution.

Mr. Nicholson moved to amend the amendment by striking out the whole of it after the word "whereas," and by inserting, "members of this House, have stated in their places that they have heard certain acts of official misconduct, alleged against Samuel Chase, one of the associate justices of the Supreme Court of the United States, and Richard Peters, judge of the district court of the district of Pennsylvania."

Mr. Huger had no objection to the insertion of the last amendment, but he had to striking out the first, and therefore called for the Yeas and Nays upon striking out.

The question was taken by Yeas and Nays upon striking out and carried — Yeas 79 — Nays 41.

The question was then taken on inserting the amendment of Mr. Nicholson, and carried — Yeas 71.

The question was then put upon agreeing to the amendment thus amended.

Mr. Purviance said he could not vote for it because it did not state the fact. It declared that members of the House had stated that they had heard of official acts of misconduct of both the judges, when but one act had been charged against judge Peters.

Mr. J. Randolph observed that he perceived no reason for the preamble. He hoped, therefore, it would not be agreed to. General enquiry was his object; and as going to limit it, he was against the preamble.

Mr. Bell said that, had the amendment of the gentleman from Maryland prevailed, he might have reconciled it to his mind to vote for the resolution thus amended. But as it stood, he could not.

Mr. Nicholson remarked that when he offered the amendment, the incorrectness suggested by the gentleman from North Carolina had not occurred to him. To obviate this incorrectness he would move to amend the amendment by saying "a certain act of Richard Peters."

Mr. Speaker said this amendment was not in order.

Mr. Nicholson said, under such circumstances he must vote against the whole amendment.

The question being taken, the amendment as amended was lost without a division.

When the resolution for appointing a committee of enquiry was carried — Yeas 81 — Nays 40 — as follows:

- YEAS—Messrs. A. Ison, junior, Alexander, Bard, Bedinger, Bishop, Blackledge, Boyd, Boyle, Brown, Bryan, Butler, Casey, J. Clay, Clopton, Crowninghill, Curtis, Dickson, Earle, Early, Elmer, Eppes, Euliss, Findley, Fowler, Gillespie, Grey, Gregg, Hanna, Hasbrouck, Hope, Hollans, Holmes, Jackson, Jones, Kennedy, Knight, Leib, Lucas, Lyon, M' Cord, Meriwether, R. More, T. Moore, Morrow, New, Newton, jun. Nicholson, Olin, Palmer, Patterson, Phelps, J. Randolph, jun. T. M. Randolph, J. Rea, (of Pennsylvania) J. Rice, (of Tenn.) Richards, Root, Sammons, Sandford, Schier, Skinner, Sloan, Smith, J. Smith, (of Virginia) Stanford, Stampton, Stewart, Thomas, Thompson, A. Trigg, J. Trigg, Van Cortlandt, Van Horne, Varnum, Verplank, Walton, Whitliff, W. Williams, Winn, Winston, and Wynne — 81.
- NAYS—Messrs. Baldwin, Betton, J. Campbell, Chamberlin, Chittenden, J. Cliggett, Cotler, Davy, Davenport, Dennis, Dwight, Elliott, Giffin, G. Griswold, R. Griswold, Hallings, Hough, Huger, Hunt, J. Lewis, jun. T. Lewis, Livingston, Lowder, N. Mitchell, S. L. Mitchell, Mont, Peter, Parsons, Sands, J. C. Smith, J. Smith (of New York) Striban, Stephenson, Tappan, Tenney, Thatcher, Tibbatts, Van Kenfelser, Wadsworth, and L. Williams — 41.

PROPOSALS,
FOR PRINTING BY SUBSCRIPTION,
THE
PUBLIC ACTS
OF THE
GENERAL ASSEMBLY
OF
NORTH CAROLINA,
From the year 1790 to the year 1803 inclusive,
now in force and use.
Revised in pursuance to the direction of the
Legislature.
By FRANCIS X. MARTIN.

THE ACTS, &c. Revised will be connected by notes and references with those in the old Revised, to which they may respectively refer.

The cost of any Act in the latter work, subsequent to the publication of it, will be noticed in the proper place.

The Legislature have provided that the present work will be with Judge Iredell's, and a complete Assembly of all the public laws, and form one Revised Code.

CONDITIONS.
The work will be comprised in one handsome volume neatly bound and lettered. — It will be completed in March next, and delivered to subscribers or their order in the City of Raleigh, or any of the borough towns in this State.

The price will be four dollars — one half of which will be expected at the time of subscribing.

A list of the patrons of the work will be printed and bound with it.

Subscriptions are received at the Printing Office of Wm. Boylan.

Dec. 18, 1803.

In Smithfield Jail,

IN Johnston County, was lodged on the 29th of January last, a runaway Negro, about 23 years of age, of a yellow complexion, stout built, about five feet nine inches high; he has on a brownish coloured cloth coat, and from the fashion and quality of his clothes, they appear to have been made for a white person. He says that his name is PHILL, that he belongs to John Haynes of Georgia, near Augusta, that he was formerly owned by William Cook in Petersburg, Virginia. — The owner is desired to prove property, pay charges and take him away, or he will be sold agreeable to law.
Feb. 3, 1804. Nms: DAVIS, D. Shff.

BLANKS
Of all kinds, for sale at this Office.

Two likely young Negro Men will be taken in part payment — the balance will be required in cash next fall.
Payetteville, Nov. 15, 1803.

FOR SALE
By the Subscriber,
A SASH GRIST MILL, with 1200 bushels of well timbered land, within two and a half miles of Fayetteville; and 200 acres of Land on Little Rockfish, with a good mill race, and as well timbered as any of the Creek.
R. DYER.

Two likely young Negro Men will be taken in part payment — the balance will be required in cash next fall.
Payetteville, Nov. 15, 1803.



CŒUR de LION,

STANDS within two and a half miles of Louisa, and 32 of Raleigh. The Spring Season will end the last of June, and the Fall Season the last of October. Mares put the Spring Season and not proving with Foal, shall have the privilege of the Fall Season, gratis. — My price will be 20 dollars, payable the last of April, 1805; 18 dollars shall discharge the Spring Season, and 16 dollars the Fall Season, if paid by the 15th of March, 1805. I will insure a Colt to stand and look for 40 dollars; twelve and a half Dollars the Leap, paid at the time the Mare is Covered; and should the Mare prove not with Foal, the stallion shall have the whole Season for five and a half Dollars more.

Persons wishing their Mares fed with Corn, shall have it at two and a half Dollars cash the year, for which I appeal to those gentlemen who favored me with their custom.

Gentlemen who put Mares by the Leap, and get no Colt, shall have a Season for 10 Dollars, and those who put by the Season and fail, shall have two Seasons for the price of one.

Every care shall be taken, but I will not be liable for accidents.

ELISHA WILLIAMS,
Franklin, Feb. 27, 1804.

FEDIGREE.

Cœur de Lion was got by High Flyer, his dam the famous Dido by Felicity. Dido sold at the Duke of Cumberland's sale, for 800 guineas, and Cœur de Lion a foal by her side, sold for 400 guineas — certificates in my possession will show.

DESCRIPTION.

A fine Bay, a star in his forehead, with black nose, tail, legs and hoofs.

The thorough bred Imported Horse.

CLOWN,

FROM ENGLAND LAST FALL,
Will Stand the coming Season at my Stable in Orange County, six miles north of Hillsborough.

TO COVER Mares at ten dollars the Leap, to be paid when the Mare is covered; twenty dollars the Season, and forty dollars to insure a Mare to be with Foal (to be returned if such should not be the case) and the Mare remaining the property of the person who put her in the Stable, which may be discharged, any time before the 25th of December next, by the payment of thirty two dollars for Insuring, and twenty dollars the Season, with half a dollar for the Groom in every instance. Good pasture & Servants fourty dollars. Mares fed with Grain at twelve and a half cents per day. The season will commence the last of March, and end the last of August. Any person who puts by the Leap may turn into the Season again by paying ten dollars more. The greatest care will be taken to prevent accidents and escapes of any kind, but no liability for either.

CLOWN was got by Bourdeaux, brother to Phœnix, his dam by Felicity, 1st dam Cyclops, by Carleel, Pegasus, Godolphin Arabian; great grand dam, Susanna by Snap, Mareson of Putney, one of Dover's dam by Childers — Clown's dam was the dam of Smart Joan, Grape, Fire, Mother Black Cap, &c. Bourdeaux was got by Herod, dam by Cyren's, Godolphin Arabian, grand dam by Cartouch, Ebony by Childers, old Ebony by Bala.

DESCRIPTION.

Clown stands 15 hands 3 inches high, is a chestnut, with black legs, full of bone, perfectly sound, has remarkable good action, and was bred by T. Douglas, Esq.

PERFORMANCES.

Clown beat the Duke of Bedford's Craddock for 200 guineas; he beat Mr. Fox's Swallow for 350 guineas; the same week won a sweepstake of 30 guineas each, eleven subscribers, beating Skivvler or Spray, Grey Diamond, Wheat Sheaf, Muberry, Gayman and Elsalgo; the same day he received forfeit from Mr. Fox's Swift for 200 guineas; the spring meeting following he received forfeit from Mr. Fox's Swift, Bageon course, for 200 guineas; the day following he beat Mr. Bunsell's Pretender, allowing him 31 lb. for 100 guineas; the day following he was second in the Duke of Bedford's Craddock for the jockey club plate, beating Sir Thomas D'Arby, Mince and Ruby; in the same year he walked over for the Ladies plate at York.
DAVID RAY.

FOR SALE

By the Subscriber,

A SASH GRIST MILL, with 1200 bushels of well timbered land, within two and a half miles of Fayetteville; and 200 acres of Land on Little Rockfish, with a good mill race, and as well timbered as any of the Creek.
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