

and uniform course. In that he had discharged his duty, conscientiously and impartially—that he had cultivated his mind and improved his knowledge, and that he had been faithful to his station in all times and in all places. With such evidences of the uprightness of his character, he would fear no opposition. He would command the respect and veneration of his countrymen. Sir, I repeat, that the doctrine which applies to the independence of the judiciary of England, does not apply here. With all the reverence we have for the distinguished men who framed the Constitution of Maryland, and the Constitution of the United States, we must reflect upon the times when this doctrine was engrafted upon the institutions of the nation and the State. We must all see that they are not now consistent with the progressive spirit of the age—that progressive spirit of enlightened education and elevated patriotism. It is not necessary for me to stop here and to examine into the authority of the different constitutions—the authority of Judge Story, or the authority of Chancellor Kent, or other eminent and profound writers on the subject. But, the gentleman, (Mr. C.) had found it necessary, in order to escape from the powerful authority of one of the most distinguished and learned men in the country, to appeal to a matter of history, to show why he had changed his opinions upon this great question. Mr. Jefferson, he said, in his early days, was opposed to the limitation of tenure of the judges; but he changed his opinion in his after life on the subject.

The gentleman told the Convention that Mr. Adams, in a conversation he had had with him, assigned to him the reasons why Mr. Jefferson changed his opinions. And, although the gentleman said he would not ascribe to Mr. Jefferson, that his purpose in the prosecution of Judge Chase, was to remove all the Federal Judges, although he would not charge against him, that he afterwards abandoned his prosecution and procured his acquittal in consequence of his jealousy of Mr. Randolph, yet he would state the facts and leave them to the Convention.

He (Mr. S.) was amused when he heard that matter of history. It was a charge made by Mr. Adams against Mr. Jefferson. That Mr. Jefferson had gotten up the prosecution against Judge Chase. That it was a *feeler*. If successful, then all the other federal judges were to be prosecuted. But Mr. Randolph stood in the way. He was omnipotent in the lower house of Congress, and it was his ambition to display his strength in the Senate. Of this Mr. Jefferson was afraid. It might interfere with Mr. Madison. To avoid this, he, Mr. Jefferson, had to abandon his grounds, and induced his friends to vote for Mr. Chase's acquittal.

Mr. President, this is the charge, on the authority of Mr. Adams, gravely repeated on this floor, to take from the weight of Mr. Jefferson's opinion, in favor of the limitation of the tenure of the office of judge.

When the honorable member referred to this matter of history as coming from Mr. Adams, I knew that it was untrue, and when as evidence of its truth, Mr. Adams referred to the fact that

Mr. Giles and others of the friends of Mr. Jefferson voted for the acquittal of Mr. Chase. I sent for the record of the trial. It will show that the charge is unfounded. But on the contrary, his friends voted for the conviction of Mr. Chase. It is true, that on some of the articles of impeachment, they voted for his acquittal, but on others they voted for his conviction, and he would have been convicted, but for want of the constitutional vote of two-thirds of the Senate. A majority of the Senate did declare him guilty on sundry of the specifications, and among those who declared him guilty, were Mr. Giles and others of Mr. Jefferson's strongest and nearest friends.

Mr. CHAMBERS asked leave to correct the statement of the gentleman. He did not mean to say that all the friends of Mr. Jefferson voted on every distinct charge in favor of Judge Chase's acquittal, but a reference to the record would show that they did not uniformly vote for conviction, but on the contrary, while some voted one way on some of the charges, and in another way on other charges, other equally warm friends of Mr. Jefferson voted in opposite directions. Amongst other names he would find those of Mr. Giles and Mr. Moore of Virginia General Smith and Governor Wright of Maryland, the Senators from Georgia and Tennessee, and others who were the ardent supporters of Mr. Jefferson, whose votes were cast on different sides on different items of charge, and the result was a failure to obtain on any one charge, a sufficient number to sustain the prosecution.

Mr. SPENCER, in continuation, said, Sir, I will sustain my assertion. But in doing so, I will not refer to all the articles of impeachment, but will content myself by referring to those on which a majority voted, that Judge Chase was guilty. On the third article eighteen voted guilty, sixteen not guilty; on the fourth article eighteen voted guilty, sixteen not guilty; on the eighth article nineteen voted guilty, fifteen not guilty. These facts will appear, by reference to Chase's trial, pages 487, 488, and 492, and that upon the three articles of specification, the majority of the Senate voted for his conviction, of which majority were Mr. Giles and others, of the particular friends of Mr. Jefferson, and the only ground upon which the prosecution failed was, there were not two-thirds of the Senate who voted for his conviction. Then, the allegation made by the gentleman on the authority of Mr. Adams was untrue. It was not the fact, that Mr. Jefferson was guilty of the gross charge imputed to him, and that he then turned from his course, and played *falsely*, to effect the acquittal of Judge Chase.

The point of the gentleman's argument could not avail, in assigning prejudices to Mr. Jefferson, as his inducement in advocating a limitation of the life tenure of judges. The learned gentleman, this morning, in order to drive us from this limitation of tenure of the judges, has cited the Revolution in France, and has referred to the reign of terror, during the administration of Louis XVI.; and he depicted the power and influence of Robespierre at that eventful period. This argument proved nothing.

Who were the judges of France at that time?