

that they be opened, read, and copies taken by all concerned, if required. The examinations being thus brought to a conclusion and made public, no further testimony can be taken in relation to the matter in issue between the parties; unless under very special circumstances. 1 *Harr. Prac. Chan.* 458.

After the publication, but not before, either party may exhibit articles against any witness of his opponent; and obtain a commission to take testimony in support of his articles impeaching the credibility, or the competency of the witness. *Forum Rom.* 147; 1 *Harr. Prac. Chan.* 511. And if any of the interrogatories, or any portion of the testimony be scandalous, or impertinent, and irrelevant to the matter in issue they may be suppressed at the hearing; or if not, still they must be totally disregarded; since it would be deemed error in the Court to ground its decree, upon any such testimony; and the party, at whose instance such impertinent testimony has been taken may be made to pay the costs.

From this mode in which the English Court of Chancery has the testimony of a witness taken, it is manifest, that it would be utterly impracticable, before publication, to suspend the examination until objections to the competency of the witness, or the relevancy of the testimony was determined; because a party cannot, from the general notice given him by his opponent, that such and such persons will be called as witnesses, be prepared to shew the incompetency, or to discredit any one of them without hearing, or knowing the nature of his testimony. Although the incompetency * of a witness arising from infamy, or the like, may be known; yet his interest, or any incompetency deducible from his own 187 disclosures cannot be known; and therefore it is, that articles of impeachment are allowed to be filed after publication, as all such matters are until then sealed up in secret. *Purcell vs. McNamara*, 8 *Ves.* 326. And besides, even if such a course were allowed to a party, the delays he might interpose, by such objections, might be multiplied without end; and, by a sinister ingenuity, a cause might be interminably procrastinated. Hence there is no trace to be found in the English books of any such objections ever having been attempted to be made.

It is a fundamental principle of our law, in criminal matters, that the accused shall have a public trial; and it is manifestly beneficial to all, that the administration of justice, as well civil as criminal, should be open and public in every stage, and in all its branches. It is one of the greatest safeguards of the rights of the citizen, that all judicial officers should be subjected to the salutary influence of public opinion; while on the other hand publicity is the best and the strongest protection that any upright, faithful officer can have or desire. *King v. Daly*, 1 *Ves.* 270; *in the matter of Lord Portsmouth*, *Coop. Rep.* 106; *The Chancellor's Case*, 1 *Bland*,