

THE GREAT TOPIC.

As the impeachment question is now one of the great subjects of the day, the following article from the Washington Evening Star will be found interesting:

As the great impeachment trial will then have fairly commenced, all eyes will naturally be turned toward the Capitol to-morrow. What the final issue will be, it were idle to now attempt to foretell. Opinions differ widely on this point, of course; but so far as our observation extends among those best qualified to judge dispassionately, the weight of opinion seems to be that the articles presented by the House, or some of them at least, will be sustained by the Senate. But however this may be, public attention will be engrossed by the subject until it is disposed of, and the verdict, whatever it may be, will, we have no doubt, be cheerfully acquiesced in and sustained by the people at large, who are only anxious that the trial shall be fairly conducted, and hopeful that its termination will bring peace.

Considering the extent to which the subject has engaged and will continue to attract the public attention, all matters tending to throw light upon it, and particularly in regard to the circumstances and details of other like trials, will have interest for the general reader. In this view of the case, we venture to reproduce some of the incidents connected with the one which must always be regarded as the great historical precedent—that of Warren Hastings—sketched by Macaulay, even at the risk of wearying those who have lately refreshed their recollection by a re-examination of the whole case.

That wonderful man, it will be remembered, returned to England in 1783, after a career in India as strangely interesting and brilliantly successful as anything presented by any man. Commencing in an obscure position in the service of the East India Company, and reaching the high position of Governor General of that populous and wealthy country, bending every thing to his own will, and pausing at nothing necessary to carry out his purposes, it is not to be wondered that his record furnished flaws for his enemies, of which he had many, combining in a remarkable degree bitterness, persistence and ability. Nor, indeed, that he should have committed grave and inexcusable excesses.

Within a week after he landed at Plymouth, Burke gave notice in the House of Commons of a motion "seriously affecting a gentleman lately returned from India." The session was too far advanced to enter upon the subject then; and so secure did Hastings feel in the favor of the Government and the East India Company, that he seemed to have no fear of the result, even if the matter were brought to trial, which some of his friends doubted. Indeed, it might have been forgotten or indefinitely postponed, but for his own injudicious conduct and that of his companion in Parliament, Major Scott, who, early in the following session, called up the subject. This challenge compelled the opposition to come forward as accusers, or to acknowledge themselves calumniators. They chose the former course, and Burke commenced the preparation of his case, with such energy and ability as only he possessed. After considerable delay, the preliminary steps having been taken, the prosecution brought forward the charge of the mercenary use of British troops, by Hastings, for the subjugation of one of the Indian provinces in the interest of a neighboring chief. From that he was absolved, by a vote of 119 against 67. His friends were now confident of victory; but in a few days Mr. Fox brought forward, with great ability and eloquence, the charge of maltreating Cheyts Sing, another native chief, whom Hastings had arrested and heavily fined. Hastings' old enemy, Sir Philip Francis, followed on the same side, and he, in turn, was followed by Pitt, who was regarded as Hastings' friend. Pitt's speech in general terms, favored the late Governor General's course in the matter in inquiry, but he concluded by saying that though he thought it right in Hastings to fine Cheyts Sing for contumacy, yet the amount exacted was too great for the offence, and on this ground he favored Mr. Fox's motion. The House and the country were thunderstruck. Various reasons were assigned for Pitt's course, but whatever the cause, it had its influence, and the motion prevailed by a vote of 119 to 79.

In the following year the charge touching the spoliation of the Princesses of Oude was brought forward in a masterly speech by Sheridan. This was carried, after a feeble opposition by Hastings' friends, by a vote of 173 to 68. Flushed with victory, and strongly supported by public opinion, the opposition now brought forward a succession of charges, relating chiefly to pecuniary transactions. The result was that the House agreed to twenty articles or charges, and directed Burke to go before the House of Lords and impeach the late Governor General of high crimes and misdemeanors. The illustrious accused was at the same time arrested by the Sergeant-at-Arms, and carried to the bar of the Peers. The session was, however, too near its close to allow the trial to begin then, and the prisoner was released on bail and proceedings postponed until the next year.

When Parliament met the following season the Commons proceeded to elect a committee for managing the impeachment. In regard to this Macaulay says:

"Burke stood at the head, and with him were associated most of the leading members of the opposition. But when the name of Francis was read a fierce contention arose. It was said that Francis and Hastings were notoriously on bad terms, that they had been at feud during many years, that on one occasion their mutual aversion had impelled them to seek each other's lives, and that it would be improper and delicate to select a private enemy to be a public accuser. It was urged on the other side with great force, particularly by Mr. Windham, that impartiality, though the first duty of a judge, had never been reckoned among the qualities of an advocate; that in the ordinary administration of criminal justice among the English, the aggrieved party, the very last person who ought to be admitted into the jury box, is the prosecutor; that what was wanted in a manager was, not that he should be free from

bias, but that he should be able, well informed, energetic and active. The ability and information of Francis were admitted; and the very animosity with which he approached the trial, was a virtue or a vice, was at least a pledge for his energy and activity. It seems difficult to refute these arguments. But the inveterate enmity borne by Francis to Hastings had excited general disgust. The House decided that Francis should not be a manager."

Preparations for the trial having proceeded rapidly, the sittings of the Court commenced on the 15th of February, 1783. The spectacle presented is thus portrayed by the great historian:

"The place was worthy of such a trial. It was the great hall of William Rufus, the hall which had resounded with acclamations at the inauguration of thirty kings, the hall which had witnessed the just sentence of Bacon and the just abolition of Somers, the hall where the eloquence of Stratford had for a moment awed and melted a victorious party, inflamed with just resentment, the hall where Charles had confronted the High Court of Justice with the placid courage which has half redeemed his fame. Neither military nor civil pomp was wanting. The avenues were lined with grenadiers. The streets were kept clear by cavalry. The peers, robed in gold and ermine, were marshalled by the heralds under Garter-King-at-Arms. The judges, in their vestments of state, attended to give advice on points of law. Near a hundred and seventy lords, three-fourths of the upper house, as the upper house then was, walked in solemn order from their usual place of assembling to the tribunal. The junior Baron present led the way.—George Elliot, Lord Heathfield, recently ennobled for his memorable defense of Gibraltar against the fleets and armies of France and Spain. The long procession was closed by the Duke of Norfolk, Earl Marshal of the realm, by the great dignitaries, and by the brothers and sons of the King. Last of all came the Prince of Wales, conspicuous by his fine person and noble bearing. The grey old walls were hung with scarlet. The long galleries were crowded by an audience such as has rarely excited the emulation of an orator. There were gathered together, from all parts of a great free, enlightened and prosperous empire, grace and female loveliness, wit and learning, the representatives of every science and of every art."

"The sergeants made proclamation. Hastings advanced to the bar and bent his knee. The culprit was indeed not unworthy of that great presence. He had ruled an extensive and populous country, had made laws and treaties, had sent forth armies, had set up and pulled down princes, and in his high place had so borne himself that all had feared him, that most had loved him, and that hatred itself could deny him no title to glory except virtue. He looked like a great man, and not like a bad man. A person small and emaciated, yet deriving dignity from a carriage which, while it indicated deference to the court, indicated, also, his own self-possession and self-respect; a high and intellectual forehead, a rosy, persuasive, a face pale and worn, but serene, on which was written, as legibly as under the picture in the council chamber at Calcutta, *mens aqua in arduis*; such was the aspect with which the great Proconsul presented himself to his judges.

"His counsel accompanied him, men all of whom were afterwards raised by their talent and learning to the highest posts in their profession; the bold and strong-minded lawyer, afterwards Chief Justice of the King's Bench; the more humane and eloquent Dallas, afterwards Chief Justice of the Common Pleas, and Plomer, who, near twenty years later, successfully conducted in the same high court the defense of Lord Melville, and subsequently became Vice-Chancellor and Master of the Rolls.

"But neither the culprit nor his aid vocates attracted so much notice as his accusers. In the midst of the blaze of red drapery, a space had been fitted up with green benches and tables for the Commons. The managers, with Burke at their head, appeared in full dress. The collectors of gossip did not fail to remark that even Fox, generally so regardless of his appearance, had paid to the illustrious tribunal the compliment of wearing a bag and sword. Pitt had refused to be one of the conductors of impeachment, and his commanding, copious and sonorous eloquence was wanting to that great muster of various talents. Age and blindness had unfitted Lord North for the duties of a public prosecutor; and his friends were left without the help of his excellent sense, his tact, and his urbanity. But in spite of the absence of these two distinguished members of the lower house, the box in which the managers stood contained an array of speakers such as perhaps had not appeared together since the great age of Athenian eloquence.

"The charges and answers of Hastings were first read. The ceremony occupied two whole days, and was rendered less tedious than it otherwise would have been by the silver voice and just emphasis of Cowper, the clerk of the court, a near relation of the amiable poet. On the third day Burke rose. Four sittings were occupied by his opening speech, which was intended to be a general introduction to all the charges."

"At length the orator concluded. Raising his voice till the old arches of Irish oak resounded, he said: "Therefore hath it with all confidence been ordered, by the Commons of Great Britain, that I impeach Warren Hastings of high crimes and misdemeanors. I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed. I impeach him in the name of the English nation, whose ancient honor he has sullied. I impeach him in the name of the people of India, whose rights he has trodden under foot, and whose country he has turned into a desert. Lastly, in the name of human nature itself, in the name of both sexes, in the name of every age, in the name of every rank, I impeach the common enemy and oppressor of all."

Then commenced the struggle between the counsel and the managers. The accusers wished the investigation of each charge closed before another was commenced. The opposite course was desired by Hastings and his counsel, and the point was finally decided by the judges in favor of the accused. The conduct of that part of the case relating to the Princesses of Oude was entrusted to Sheridan, and so great was the public anxiety to hear him, that during the two days through which his speech lasted the hall was crowded to suffocation,

and fifty guineas were said to have been paid for a single ticket. The interest taken by the public in the trial at its commencement did not last, however. The spectacle soon lost its attraction of novelty. The trial went on languidly, until at length, in the Spring of 1795, the decision was pronounced. As to the judgment there was little anxiety, as it had long been known that there was a large majority for the defendant. Nevertheless many wished to see the pageant, and the crowd on the last day of the trial was nearly as great as on the first. Only twenty-nine peers voted. Of these only six found Hastings guilty on the charges relating to Cheyts Sing and to the Princesses. On other charges the vote against him was still smaller, and of some he was unanimously absolved. Says the historian: "He was then called on to the bar, was informed from the wool sack that the Lords had acquitted him, and was solemnly discharged. He bowed respectfully and retired."

In this connection it will be both curious and interesting to understand Lord Macaulay's views as to the act of impeachment. On this point,—writing in October, 1841,—he says: "In truth it is impossible to deny that impeachment, though it is a fine ceremony, and though it may have been useful in the seventeenth century, is not a proceeding from which much good can now be expected. Whatever confidence may be placed in the decision of peers on an appeal arising out of ordinary litigation, it is certain that no man has the least confidence in their impartiality when a great public functionary, charged with a great State crime, is brought to their bar. They are all politicians. There is hardly one among them whose vote on an impeachment may not confidently be predicted before a witness is examined."

Touching the effect of the proceeding upon the public mind, particularly where it is prolonged, he holds the following opinion:

"We have said that the decision had been fully expected. It was also generally approved. At the commencement of the trial there had been a strong and indeed unreasonable feeling against Hastings. At the close of the trial there was a feeling equally strong and equally unreasonable in his favor. One cause of the change was, no doubt, what is commonly called the fickleness of the multitude, but what seems to us to be merely the general law of human nature. Both in individuals and in masses violent excitement is always followed by remission, and often by reaction! We are all inclined to depreciate what ever we have overpraised, and, on the other hand, to show undue indulgence where we have shown undue rigor. It was thus in the case of Hastings. The length of his trial, moreover, made him an object of compassion. It was thought and not without reason, that even if he was guilty, he was still an ill-used man, and that an impeachment of more than eight years was more than a sufficient punishment. It was also felt that, in the ordinary course of criminal law, a defendant is not allowed to set off his good actions against his crime, a great political cause should be tried on different principles, and that a man who had governed an empire during thirteen years might have done some very reprehensible things, and yet might be on the whole deserving of rewards and honors rather than of fine and imprisonment."

The striking contrasts presented by some extent between the case of Warren Hastings and that of President Johnson, no less than the conclusions in relation to the general subject of impeachment expressed by the eminent historian, must forcibly impress the mind of every one who has given it thoughtful attention, and they will give rise also to reflections varied and valuable in their character, according to the stand point from which it is viewed. The subject is, in all its aspects, a suggestive one, but we have given so much of our limited space to the resume above that we find ourselves without room for the expression of such thoughts as it naturally excites. Our readers cannot fail, however, to appreciate for themselves its many salient features, and to attach, without prompting, due weight and significance to each.

A philanthropist writes to the London papers, beseeching the hippophagists not to serve up any gilded horse. A happy thought.

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As may be seen by the following article, which we copy from the New Orleans Times of 13th Inst., Buck & Wright have borne off the highest premium in the stove line at the New Orleans Fair. Six entries were made with Buck's "Brilliant," away ahead of the heap.

The great stove trial was resumed yesterday at 10 o'clock, before a largely increased crowd of on-lookers. The trial was almost good humor seemed to prevail, both among the exhibitors and spectators, all of whom seemed thoroughly imbued with the good old "P. H. principle" of "may the best stove win." Promptly to the point the committee appeared on the judges' stand, Saunders, particularly glowing with eloquence and responsibility. The entries were the same as at the previous trial, and the competitors had not been changed.

At ten minutes to one the drum tapped, and all hands up. Norton's Furnace, run by Mr. Wood Perry, led off in smoke, and amid the cheers of the crowd and loud cries of "Go it, old one." Charter Oak followed, and the rest gave vaporously after. In four minutes, just as they were (as we might say) rounding the quarter stretch, "Cotton Plant" popped in broad; all followed suit as quickly as though life depended on the issue, but Buck's Brilliant had started fire with broad already in the stove. Then came the tug; the cooks' countenances opened and shutting doors resounded over the arena. Stoves were patted, coaxed and petted as though they were human beings. All seemed confident of winning, and the crowd entwined the scene with numerous and encouraging comments from time to time. Mr. Perry's efforts seemed to be the greatest favored. At twenty minutes past one "Cotton Plant" that it wanted no more fuel. All the time "Buck's Brilliant" was steadily approaching, excited for the first time by the cheering of the crowd, and without the arena. At last Perry's furnace followed suit, in 2 1/2 minutes; Norton's next, in 4 1/2; then Charter Oak, in 4 3/4; then Good 7. The grand result of the trial was as follows: Norton's Furnace, E. Wood Perry, broad weighed 7 lbs 3 oz; burned fuel 7 1/2 lbs. Charter Oak, Rice, Bros. & Co., broad weighed 7 lbs 4 oz; burned fuel 7 1/2 lbs. Peeries, Campman & Co., broad weighed 7 lbs 4 oz; burned fuel 7 1/2 lbs. Good Samaritan, broad weighed 7 lbs 3 oz; burned fuel 7 1/2 lbs. Cotton Plant, Levi & Nayna, broad weighed 7 lbs 1 oz; burned fuel 7 1/2 lbs. Buck's Brilliant, Buck & Wright, broad weighed 7 lbs 4 oz; burned fuel 3 1/2 lbs.

At the conclusion of the trial, the broad was taken charge of by the Award Committee, and locked up for an hour, at the expiration of which it was all opened up by them, in accordance with their duty, and the gold medal awarded to the best wood stove to Buck & Wright, of St. Louis, Missouri, mention being made of the Peeries, Campman & Co. of New Orleans Times, Jan. 14, 1868 & 17—3m & 10-1.

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