REPORTER. BRADFORD

NE DOLLAR PER ANNUM INVARIABLY IN ADVANCE.

"REGARDLESS OF DENUNCIATION FROM ANY QUARTER."

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TOWANDA:

ghnroday Morning, April 22, 1838.

DEFENCE

Indiciary Committees of the two Houses.

FRIDAY, MARCH 26, 1858. the Honorable the Judiciary Committee of

e Senate of Pennsylvania: The undersigned begs leave respectfully to nit some statements of facts and arguments. hing the measure now before this Commitor the annihilation of the Thirteenth Ju-

The people to be affected by this measure, as myself, were kept in profound ignothat a movement was contemplated by emorialists, until after some of them had Towanda for Harrisburg, on the 18th of pary last, with a view of procuring its speedily through the Legislature. The th which the secret was guarded, and ens taken to conceal their errand, and place of their journey, is fully estaby the letter of WM. ELWELL to WM. K, and by the sworn statement of C. MAN, a member of the Bar of Bradford which letter and statement are hereented to the Committee :

Towanda, Feb. 15, 1858. e petition of members of the Bar of this be set off to Judge Woodward's dis-be numerously signed. From present y, would not a fine to that effect rea-eld, on Tuesday, about noon or a l-suit at Smithfield, on Tuesday; Bar-nd we intend to get the names of B If Parsons should not be at hon-home from Smithfield and save a go

st important part of my commu most important part of my commund. A. Overtos, Picl.Ler, and myster on Thursday, the 18th, at noon, at Owego. On the next morning, F. Carsto the Great Bend: there we we wilkesbarre; stop there and fix up me CONYNGHAM will consent to take Su, and go on to Harrisburg by way arriving there on Friday night, or son, and stop at Buehler's. Now you aust come down; either come down and stay with us Thursday night, or elo be at Harrisburg on Sabrday. be at Harrisburg on Saturday. We appany this way, and think Judge Will things to his old friend Conyng

so that you can be ready. There is this war—and if we act we will the indge go? And which way ch a necessity for action will ne

Chairman reached me, I caused a copy of that my election can only be prevented by de- here dignified into a question of public conce to be delivered to those of the memo- priving them of the right to elect? residing in Towanda, and to be depositfailed or been perverted, through my par-y or want of integrity. All of which is I respectfully submit to this Committee, that

w presented to this Committee.

after the same was served; when I left for islative investigation, I appeal to this Com- or temperate? It is, I respectfully submit, a and attorneys, (among them Mr. Newton) were view of his conduct. Thus refusing to say that Harrisburg, with a view of learning the specific charges against me, and of taking the of this undefined nature, otherwise than by a man upon a charge like this; and of this representation of this undefined nature, otherwise than by a man upon a charge like this; and of this undefined nature, otherwise than by a man upon a charge like this; and of this undefined nature, otherwise than by a man upon a charge like this; and of this undefined nature, otherwise than by a man upon a charge like this; and of this undefined nature, otherwise than by a man upon a charge like this; and of this undefined nature, otherwise than by a man upon a charge like this; and of this undefined nature, otherwise than by a large like this is and of this undefined nature, otherwise than by a large like this is and of this undefined nature, otherwise than by a large like this is and of this undefined nature, otherwise than by a large like this is and of this undefined nature, otherwise than by a large like this is an an upon a charge like this is an upon a charge like this i Harrisburg, with a view of learning the spe- mittee, if it is possible for me answer charges necessary steps for the prompt vindication of my character.

I arrived at Harrisburg on Monday the 8th instant, and on the following day called on the Hon. Chairman for information as to the "specific charges in writing" against me, and was informed that no such charges had as yet been preferred. On the following day, (Wednesters before this Committee, on the following Friday. I accordingly awaited the arrival of that day, hoping then to be informed of "speinc charges," wherein it was claimed that the ends of justice had failed or been defeated

through my weakness or want of integrity .--In this I was disappointed; and to this hour my ears, of any charge impeaching my official

On the Friday mentioned, the 12th instant, there was handed to the Committee two printed papers, one in the form of a letter, address-J. B. Reeve, neither of whom have appeared fined character. for years, as practicing Attorneys in Court, it was not the intention of the memorialists to put charges definitely in writing against

to do with the manner in which I have dis- of good reputation are held in respect and in the Court House at Montrose. to do with the manner in which I have discharged my official duties; but which are not true as therein set forth. It is charged that tained by proof, and not even made in a retrief as therein set forth. It is charged that tained by proof, and not even made in a retrief to a cater of the State must follow among the people in the aforesaid memorial, that an "irreverence for the Judicial charten to to appear; but he, as I fully believe, about the state must follow among the people in the aforesaid memorial, that an "irreverence for the Judicial charten to the state must follow among the people in the aforesaid memorial, that an "irreverence for the Judicial charten to the state must follow among the people in the aforesaid memorial me the right of an American citizen to think, and fare of our common country. I did no such writing! thing; and God giving me strength to main. This r

tain my purpose I will do no such thing. This is truly a novel impeachment of a high they deal in the broadest generalities; thus the district over which I preside is blotted out tations of preferment and power. evading the order of the Committee, and shrink- but this Committee understand, and it will be If this be an offence in Pennsylvania, in the part of the public press, with aspersions upon of the Presiding Judge. This proceeding is my character, and unfounded imputations upon neither more nor less than an enquiry, through they cite as an instance of these whole pro- Mr. Newton to come in, when a letter was the integrity of my conduct. Against this in- a Legislative Committee, into the character ceedings, the case known to the legal profes- handed to me from him, in which he said justice I here enter my protest. I stand be- and fitness of myself for the Judicial office. In sion in which Naham Newton was stricken among other things, that he was not bound to fore this honorable Committee ready to an this light it was properly viewed by this Com- from the roll of the Court of Susquehanna appear and testify before me on that evening, swer for the conduct of my official life. I ask mittee, when the order was taken "that com- county." that I may meet my accusers, and the charges plainants be requested to put charges definitely they have to prefer against me. If there be in writing," and that notice be given to me. none, then may I not confidently look to this In this light I desire to treat it, and am justifiside of the Committee room, and be allowed I here and now ask of my accusers, if any to depart, with my integrity unimpeached, there be, to bring accusations against me, that habit or general conduct.

d "if you will sign to pay you for it." out his having called and my character unsullied. cember next; nor is it proposed to shorten departure from the line of rectitude, in the they impugn my official integrity and conduct; Newton had hired a horse, and left within the my term of office; but anticipating and fear- discharge of my official duties. ing my re-election by the people, it is asked that the Legislature abolish the District, and sacred as can be committed to the hands of its presentation. Wherein was my tyranny or which all the circumstances proved was merely thus deprive the people of the right to elect man. For the faithful discharge of its duties partiality made manifest in that case? What a pretense. He went some six miles from any one as their Judge. The Legislature is I am responsible to God, and the State whose were the facts and circumstances surrounding Montrose, where he put up for the night and importuned by a few men, to legislate one commission I bear. While I invoke the merit, and which disclose that I was influenced by proceeded on his journey the next morning. Sworn and subscribed before me this 5th day of March.

ALLEN WKEAN, Prothy.

Judge into the County of Susquehanna, on the other into the County of Susquehanna, on the other into the County of Susquehanna, and in four or five days Mr. Newton returned, and Immediately on their arriving at Harrisburg high ground, that if the people of those coun- whatever, I have turned to the right or to the against the generality of the charge that I came into Court. Presently after he came in, emorial was presented to the Legislature, ties are permitted to make an election under left in the administration of the duties of my orting to be signed by eighteen members the Constitution, they will be certain to elect office. I appeal to the records of six years' ne Bar of Bradford County, and a Bill to an improper and unfit man—one who "pre- Judicial service, with a confidence that knows their charges in writing. Here, charges were to be entered upon Mr. Newton to answer for out the object of the memorialists was vents the ends of justice and defiles the judi- no fear, and that invites the closest scrutiny to be preferred; not in the street, nor in the a contempt &c., on which the material facts as n place in the House of Representatives, cial character." This, in substance, is the and investigation. Let the charges against eferred to the Judiciary Committee, which whole ground presented by the memorialists, me be defined, and I abide with unshaken conittee, after hearing verbal complaints for the legislation they invoke; such is the fidence the record and the testimony. What charges against myself, postponed the fur- covert attack made upon my character as a innocent man ever fell under the condemnation in the most general terms, to the "case of Na- ness that he alleged had thus suddenly called consideration of the Bill until the 10th man, and my integrity as a Judge. It is not of my sentence? What scheme of injustice ham Newton, known to the legal profession," him from home. He did, however, state that pretended that the abolition of the District is and fraud ever obtained judicial sanction in and turning from your door, go into the public no sudden emergency had arisen, or informapatient of any delay, the Gentlemen who desired upon any other grounds than the fear my Courts? When did honesty ever depart indertaken to hurry this measure through of my election. Certain it is, that it would the judgment seat without its full measure of my alleged criminality in that case. Legislature, without knowledge on the not be asked for, if it were probable that eight, if it were in my power to grant it?— against this mode of accusation—this violation of justice, and all the decencies of an investito be seriously affected, immediately af- the people, Judge for that District. Let them the rich undue advantage? Who is the gation, that I enter my protest; and against the evidence was taken in writing and filed of he action of the House Committee, pro- make good any charge against me of partiali- friend that I have favored, or the enemy that such manifest injustice, I invoke the protection record. It was afterwards taken by Mr. Newa Bill to be read in place in the Senate, ty and political bias in the discharge of my I have wronged? Will my accusers answer? was referred to this honorable Commit- official duties-of a course of conduct, either and the following order was taken there- on or off the Bench, disgraceful to the Judi- portunity for personal dislike to retaliate on me cial character, and the people of Bradford and for real or imaginary injuries? Or can it be Newton. Ordered that the Bill be held over for fur- Susquehanna counties will reject me with scorn. that the humble part I have acted in public consideration—that complainants be re- They will suffer no unworthy Magistrate, no affairs, is deemed worthy of ignominy and ted to put charges definitely, in writing, one who defiles the Judicial ermine, to sit as bonds? This I cannot believe. There is a depth that the Chairman be requested to com- the arbiter upon their rights of life, liberty, of bitterness and intolerence, where no rights erty. The land had, some years before, been and property. That people know how to re- are secure against power, to which I trust we

It is further charged in the printed paper the Post Office copies addressed to those addressed to the Chairman of this Committee, be preferred against me, wherein it was sought to maintain myself as the leader of my

by the sworn return on the back of the to recognize such a charge, as the basis of and trying a Judge for political offences, I res- from the Prothonotary's office having relation legislative action, is to convert the Legislature pectfully ask if this be a compliance with the to said suit, in order to make copies of them. notice I received no reply, giving of Pennsylvania into a court for the trial of formation whatever of the "specific char- political offences; a procedure unheard of in ly in writing?" How frequently must I speak Franklin Frazer. intended to be preferred against me, al- this Government and unknown to the laws of to justify the use of the words "constant habremaining at home in the village, where any country where liberty exists. But allow- it?" and how is the Committee to judge as to entered in said ejectment, to take the deposi-

direct denial? which I here make-affirming that the charge is false, and that my conduct, in all respects, has been such as became a man

of probity and honor. Again, it is charged, that I resigned my office, and became a candidate for another of fice, and when defeated, accepted a new commission as Judge. Here, again a political ofday) I learned that the memorialists, two of fence is charged, and the Legislature is asked whom were here, desired to present some mat- to become a tribunal for its trial and punishment. Do I transcend the limits of respectful address, when I characterize this as a novel impeachment of a high officer of State? as an y, by deposing from office, yet indirectly, by declaring that the functionary charged with population are to be disfranchised.

ed to the Chairman, (the letter itself being of a memorial addressed to the Legislature, may be that other Judges can be found who withheld) and purporting to be signed by nine and purports to be signed by some thirty of take a deep interest in public affairs, and who, members of the Bar of Bradford County, and the citizens of Bradford county, and which as freely as myself, express their opinions, both by three other gentlemen not members of said contains no charges, except of a political na- by speech and through the public press. It Bar ; to wit : C. L. Ward, Wm. Scott, and ture, and those of the most general and under may be that the people of other Districts than was thereupon discharged from the commitment Newton ; and by statements of Wm. Jessep

me, but simply to get such legislative action as that I may at least be informed who are my the judicial office; while the publication, thro' would relieve them from a grievance under accusers; and that they be required to set the press, of articles on the same topics, is which they labor, and would tend to protect forth their accusations with particularity of held to work no such disqualification. speak, and act upon great questions of public Committee in the order "that complainants Court of Pennsylvania as corrupt." concern, intimately connected with the wel- be requested to put charges definitely in

they specify in writing any matter or thing, My commission expires on the 1st of De- great or small, wherein I have made the least

Or is the present deemed a favorable opman of this Committee, informing me of is ruthlessly assailed by personal hatred and nor the honorable Body whose organ it is, will rder, which was received by me on the unsuccessful rivalship. Has my bad conduct condemn me without clear proof of matters di-March, and to which I replied the next as a Judge-my injustice, tyranny, and par- rectly impeaching my official conduct; that which reply is in the hands of this Com- tiality, so fortified me in the confidence of an the Legislative power of a great State cannot ings of the Sheriff's sale were regular; and intelligent and virtuous people, that I can on- be used for purposes merely personal towards | there found among the files, a waiver of inqui-In the same day that the communication of ly be reached by trampling down their rights? myself; and that no private dislike can be sition, in the hand-writing of F. B. Streeter,

To return to the printed memorial laid be it is said by the thirty memorialists : " that constant habit of making violent political that the due administration of justice party, by political chicanery derogatory to the speeches in his Court House during the weeks ment of Mr. Chamberlain. his Court."

Waiving the question of thus impeaching order, that "complainants put charges definite- This is proved by the affidavit of the Clerk,

I can only a make a general denial to charges thus general; and here I declare that I am not in the "constant habit" of making political speeches during the weeks of my Court. That of the one hundred weeks of my Courts in the six years that I have been on the Bench, I have not made to exceed some half dozen speeches in my Court House during those weeks; and I affirm those were not violent attempt to use the Legislative power, for the punishment of political offences? if not direct-legislative investigation and action, I stand conclaiming that, being the attorney of Taylor, he legislative investigation and action, I stand conclaiming that, being the attorney of Taylor, he legislative investigation and action, I stand conclaiming that, being the attorney of Taylor, he legislative investigation and action, I stand conclaiming that the protection of the legislative investigation and action, I stand conclaiming that the protection of the legislative investigation and action, I stand conclaiming that the protection of the legislative investigation and action, I stand conclusion of the legislative investigation and action in the legislative investigation and action in the legislative investigation and action i victed on my own confession, and will bear as best I can its punishment. But before pro- acquaintance with the subject. On the dispo- had taken therefrom, but has said records still best I can its punishment. But before pro-I am ignorant, save as out door rumor reaches | those offenses is unworthy to hold office; and | nouncing on the character and gravity of this to make sure against the possibility of his do- offence, and the punishment proposed in my ing so, two counties with ninety thousand of population are to be disfranchised.

Said Tespectally design the possionity of his docase, I beg leave respectfully to suggest, that if
this Committee will turn its enquiries in other
easily disposed of if he would then signify to alists were pleased to cite as "the case of Na-The other printed paper laid before this directions than my District, it may appear that the Court his willingness to testify on a new ham Newton, known to the legal profession." Committee on the 12th instant, is in the form I am not the only offender in this regard. It the 13th, require the interposition of the Leg-Again, I am constrained to protest against islature, lest in their blindness they elect a and who are actively engaged in other pursuits both the nature and form of accusation. If Political Judge. It can scarcely be that a disin which printed paper no specific charge is the holding of certain political opinions, and la-tinction so refined will be allowed, as to hold, made against me; and in which it is said that boring to sustain them, is a crime in Pennsyl- that a Judge who sometimes addresses his felvania, triable before the Legislature, and pun- low-citizens on questions of public interests, is ishable with disqualification for office, I entreat thereby, and for that reason alone, unfitted for

the character of the Judiciary," &c., &c .- time, place, and overt acts. How am I to I would further say, in answer to this im-They go on further to state matters connected meet charges such as are set forth in the peachment of my "constant habit," that I canwith what they are pleased to call the crea-tion of the 13th Judicial District, which, if this character against a public officer be en-two years, in which I have made a speech, as adjourned for half an hour longer than usual, true, was antecedent to my going on the tertained before any tribunal in a country of charged, in my Court House at Towanda; and to enable me attend to this business. The de-Bench, and could not therefore have aught law, and where the rights of character and it is about that period since I have done so position was to be taken in the Court room,

I sold my birth-right for a seat upon the sponsible shape, that I am called upon to acter of the State must follow among the peo-Bench—that I surrendered my freedom, and answer. I respectfully submit if this be not a ple of a district, when a president judge will, palpable evasion of the action taken by this in his own Court room, denounce the Supreme

Here accusation and argumentation are singularily combined. I notice only the latter. I This proceeding I humbly submit is a matter deny that I have charged corruption upon the When the time arrived for calling Court, I of grave and serious import. It is the first Supreme Judiciary of the State. I have dis- endorsed on the back of the rule, that the mattime in our history that a citizen and public sented broadly from some of the doctrines and ter was postponed to a certain other evening, officer of State. I am to be tried before a officer has been brought to the bar of any tri- legal positions taken by that Court ; and have and directed the defendant's attorney to take Committee of the Legislature for alleged of bunal on a charge of political offences. True spoken of its Judges as men of human infirm- another subposno and serve it upon Mr. Newfenses; and when my accusers are asked to it is that the Bill before you only proposes a ities and weakness and exposed, like other men, ton. I had just opened the Court and was 'specify in writing" before the Committee, change in certain Judicial Districts, by which to have their judgment influenced by the temp- proceeding in the business when Mr. Newton

ing from an open and fair investigation; and understood by the people of this Common- first century of American liberty, I stand con-

The memorialists say,

committee to shield me from accusations out- ed in so doing by the order of this Committee. for the Bench ; and that the wrong done in at the same house where I lodged-our rela-

even one case, and this is the only one, in which and a night of storm and extreme cold. Mr. but I protest against the generality of the I hold a high and delicate office; a trust as charge, and still more against the manner of der, it is true, an allegation of business, but chiefly complain. This Committee had, by its I took his deposition, the Court at the time order, called upon the complainants to make being in session, after which I directed a rule public press. Two weeks pass after the order herein set forth were proved. Mr. Newton is taken that "specific charges be made in writ- was allowed to make his own statement, and ing,"when the memorialists refer this Committee, declined to inform the Court as as to the busipress to make known the assumed facts, and tion reached him giving special importance to of this Committee and of all honorable men.

county, Amos Taylor vs. Jacob Denny and was disposed of, the Court making the followothers, involving the title to a valuable propsold by the sheriff, as the property of Taylor, compliance with this order I had the hopoteness of the Magistrate who is the communication from the Hon. The plaintiff, and the defendant's title rested to the plaintiff, and the defendant's title rested on the validity of the Sheriff's sale. berlain one of the counsel for the defendants, had examined the record before the ejectment was brought, with a view to see if the proceedsigned by said Taylor, whose hand writing he well knew. Soon after the bringing of the ejectment by Mr. Newton, as the attorney of fore the Committee on the 12th inst., in which Taylor, Mr. Chamberlain made a second examthat I have the "management and dictation of the said by the thirty memorialists: "that ination of the records, when he found that I have the "management and dictation of the said by the thirty memorialists: "that ination of the records, when he found that I have the "management and dictation of the said by the thirty memorialists: "that ination of the records, when he found that I have the "management and dictation of the said by the thirty memorialists: "that ination of the records, when he found that I have the "management and dictation of the said by the thirty memorialists: "that ination of the records, when he found that I have the "management and dictation of the said by the thirty memorialists: "that ination of the records, when he found that I have the "management and dictation of the said by the thirty memorialists: "that I have the "management and dictation of the said by the thirty memorialists: "that I have the "management and dictation of the said by the thirty memorialists: "that I have the "management and dictation of the said by the thirty memorialists." ination of the records, when he found that facts are all clearly proved by the sworn state-

About the time of the commencement of the ejectment. Mr. Newton had taken the files

On the 21st of September, 1855, a rule was of the memorialists resided, for four days ing the charge to be a proper subject for leg- the character of my language, whether violent tions of witness, and the Prothonotary, Sheriff and regretted that the Court had taken that

character are all the charges brought against of inquisition. The persons subpœnæd appear- of it. ed before the magistrate, (Esquire Avery,) and after two or three witnesses had testified, Mr. matter to the Supreme Court, but instead of Newton was called upon, when he refused to be permitting the records to be made by the Prosworn. Thereupon the magistrate committed him, and he was taken up by the Constable from the office, against the remonstrance, and into custody, but not to prison. He applied despite of the efforts of the Clerk, and made for a writ of habeas corpus, and was brought before Judge Boyle, one of the associates, when, it as he saw fit. It was in this way carried inby an arrangement satisfactory to Mr. Newton, to the Supreme Court, where no one appeared the hearing was postponed until the setting of against Mr. Newton, and no representation but temperate-free from personalities, and the next Court. At the succeeding term, Nov. was made of the true facts of the case. The confined to measures of general and national in- 1845, the habeas corpus came up before the order of suspension was reversed; and in April sition of the habeas corpus the Court said to in his possession. Mr. Newton that he was in error in refusing rale to be entered in the case. Mr. Newton, In some points the latter part of the statement thereupon, in writing, expressed his willingness is proved by the affidavit of Mr. Frazer, the to testify, and requested that his deposition Clerk, which is here submitted. The other ght be taken on a proper rule and notice be- matters I will prove from the record, if it can fore either of the Judges of the Court ; and be got unmutilated from the hands of Mr.

> lished by the record in the matter of the habe- which request is reasonable, this charge having lain and Frazer, herewith submitted to the Committee.

of said magistrate.

position was to be taken on a certain evening during the first week of Court. On the evenand I was there some half an hour before the taken. He had been there, and looked into the Court room, sometime before I went in. and was at the time I was waiting to take his deposition in the lower rooms of the court house, or but a few rods distant therefrom .came in and took a seat at the bar.

The second evening, on which by the adjournment, Mr. Newton's deposition was to be turning from the door of the Committee room, measure is based, is the political unworthiness abide the punishment of my offence.

wealth, that the only ground on which this wicted again on my own confession, and must abide the punishment of my offence. table to the court room, and was waiting for ecause the rule had became nugatory, by not This language is not clear; but it is under-taking his deposition on the former evening, stood to mean, that the case referred to is cit- and also stating that he had left Montrose on ed as an example of my tyranny and unfitness important business. Mr. Newton boarded at this case grew legitimately out of my constant lations were friendly-I had seen him at the tea table, yet no word had he spoken to me I thank my accusers for this reference to about leaving .- It was sometime after dark, time when his deposition was to be taken, un-

It is the business, and making it necessary that he ton from the Prothonotary's office, against the I will now, by leave of the Committee, state | consent, and despite of the efforts of the Clerk, the history and facts of the case of Naham and has not yet been returned. The matter of the rule was continued upon the request of An ejectment was pending in Susquehanna Mr. Newton until the next April term, when it

" April, 18th, 1856, the Court order Naham Newton be suspended from practicing as an attorney in this Court until such time as re-instated by a revocation of this order."

At the time this order was made the Court ignified to Mr. Newton that it would be revoked at any time when he would express regret for his conduct. At the stcceeding August or November term B. T. Chase, Esq., called upon me in company with Hon, Wm. Jessup, and expressed a desire that Mr. Newton should be re-instated. I expressed to the gentlemen my desire to re-instate him, and regret for the necessity that had led to the order for his suspension, and offered to revoke the order at once, if Mr. Newton would submit to the Court a writing in substance, and nearly in language as follows :

"The undersigned, Naham Newton, represents to the Court, that in leaving Montrose on the evening when his deposition was to be taken, he did not intend to set at defiance the process of the Court, and in so far as his conduct had that appearance he regrets it."

This Mr. Newton refused to do; but would say, that he intended no disrespect to the Court.

Mr. Newtou took a certiorari and carried the

Such I respectfully submit is the true histoand other members of the Bar, time being al-Every material fact thus far given is establowed me by the committee for that purpose; as carpus, and the affidavits of Mr. Chamber- recently been made, and then not before the Committee, but through the public press. I hope those will survive me to whom my repu-I heard nothing more of the matter until tation will be dear, and I intend in this case the next term of my Courts in that county, in to leave no shade of suspicion resting upon my January following, when I heard that a new official integrity. Lintend to meet every charge, rule had been entered, and Mr. Newton's de- direct or inferential, implying a stain upon my character or the integrity of my acts.

I submit, if under the statement I have given, there is anything in the case of Naham Newton, reflecting upon my motives or my clemency as a Judge. My relations with Mr. Newton had been uninterruptedly friendly; and I declare that in making the order of suspension, I was governed by a desire to impose upon him the least punishment possible, at all commensurate with his contumacious offence To have imprisoned him even for a few days would have been to disgrace him. To have imposed an adequate pecuniary fine would, I suppose, have greatly embarrassed him, if it did not result in a committal to prison for default of payment; and either sentence, when once suffered, could not be revoked. He had very little or no practice at the Bar, which a suspension would affect, and the door was thrown widely open for his restoration.

I have done with the case of Naham Newton, and proceed to notice some other matters which I have heard were made subjects of complaints against me.

I was informed that some of the memorialists when before this Committee, in the latter part of February complained that I had refused to appoint an Auditor, residing at the village of Trey, when the convenience of the parties in interest required it. This committee will judge of my surprise, when I find matters made the subject of complaint, which, at the time of the transaction, failed to attract my notice .-Indeed, I affirm that at the time of the appointment of the Anditor referred to, no one was offended, as there was nothing in the matter, whatever, that could by possibility give cause for offence. But it was necessary for the consummation of this wrong that some complaints should be made, to conceal the true motives of the movement; and having nothing whatever

in my official conduct to ground them upon,

something must be invented to meet the emer-

U. Mercur, Esq., had the control of two writs upon which a sale of real estate had been made, and he moved the Court for the appointment of an auditor to distribute the funds. Stephen Pierce, Esq., of Troy, represented a judgment ; and he requested that the auditor should be appointed at Troy, saying he thought it would become necessary for the auditor to take some parol evidence, and the witnesses resided in that vicinity. Mr. Mercur objected to the appointment of an auditor twenty miles from the records, and stated that in his judgment the case would be disposed of by the records, and that no parol evidence would be necessary. The Court was hesitating on what appointment to make, when the counsel interested consulted together, and informed the Court that they had agreed that the auditor should be appointed at the county seat, and after obtaining the record liens, if it became necessary to take parol evidence, the auditor should adjourn and hold a meeting at Trov. No parol evidence was necessary in the case ; the auditor distributed the money on the record liens, and his report was confirmed without exception or argument.

I have given the case in its length and breadth; and as I will prove it by the sworn statement of Mr. Mercur; and, if a matter of this ordinary character is remembered, by the sworn statement of other attorneys and officers of the Court.

Why is it that an irresponsible man, (Wm. H. Peck,) is brought to the point of making out of a matter like this, a charge against me of partiality and political bias? Does it not clearly establish first, that no real ground of complaint can be found? and secondly, that the real parties who stand behind men of straw are influenced by motives of personal dislike, which they would fain conceal under such frivolous charges as this auditor appointment?

In this connection, I desire to lay before this committee the record evidence of the liberality and freedom of the Court from all partiality towards political friends in the appointment of Auditors ; a matter wherein it would be easy for the Court to favor friends, if as a judge

had any friends to favor A young man (D'A. Overston,) who is also wholly irresponsible, when before this Committee ventured to say, "that he believed I was influenced on the Bench by partizan considerations." Not one of the memorialists of responsibility would say this directly and in

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