his wife was as safe to live as much Italy; that it should be a judicial tribunal, that the prosecution should be conducted fairly, and that the accused should have a counsel; that half the men which was demanded on a former occasion was sufficient; it was present.

Mr. Butte repeated the same idea. He contended that in this country the state of manhood puberty was a criterion for the commencement of manhood; that it could not be supposed that a man of property should give high bail. Col. Bayly's case was a very well known case.

Mr. Hay differed in one respect from the opposite counsel. Col. Bayly, in the case alluded to, compromised on the charge of treason, but it was not after a full examination of the evidence. A much stronger case indeed had been produced, but the greatest part of the most material and evidence had been excluded. It was proper that the charge for treason should be fully investigated, commencing, not in Kentucky, Tennessee, or the Mississippi Territory, and that Mr. Burr's person should be kept out until he himself could have an opportunity of meeting his accusers, which he should certainly do, as soon as the trial for violation of the laws of nations.

Mr. Wickham hoped that Butte would be taken in reference to a foreign war. U. S. has been tried and acquitted. And what has been proved with respect to Burr's misdemeanor? Nothing, that was done in the state of Virginia.

Mr. Butte hoped when this motion was made that the court would see it in its strongest light, claiming a right, he would consider it a grant, which if not granted he would be bound to grow up to the extreme danger of the rights and liberties of American citizens. He was bound, he repeated, to say this time as little about it as possible. The government had tried a particular place for Col. Burr, truly and from the excess of their prosecution, the court will recollect argue the fate of those which might come after. As to the motion which was proposed by Mr. Hay, it should not be forgotten that layers had been already made for trials in Kentucky and Tennessee.

The *Chief Justice* observed, that he thought the motion of the prosecution, he would not make any reflection upon charge which they had made in relation to the former occasion, he had not taken into view the charge of treason, or any thing of that kind. In the present occasion; that he thought and does still think that a greater bill was required than one for bodily may was in a sum of double higher than the fine to which the punishment of that offence could be inflicted, was certainly a high sum particularly in a country where the relations subsisting the exception of a certain bodily punishment, was certainly a high sum. Considering the relations which the court could recollect with his opinion of the propriety of the prosecution, he should not make any reflection upon the motion, he would not be bound to grant it, he would be bound to grant it, he would be bound to grant it, he would