

United States Vs. Hamilton

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Court : US Supreme Court

Decided On : 1795

Appeal No. : 3 U.S. 17

Appellant : United States

Respondent : Hamilton

Judgement :

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The prisoner had been committed upon the warrant of the district judge of Pennsylvania, charging him with high treason, and being now brought into court upon a habeas corpus, Lewis alleged that there was not the slightest ground for the accusation brought against the prisoner, who had been committed without ever having been heard and without knowing the name of any witness that had been examined or the scope of any deposition that had been taken against him, and he moved that the prisoner should either be discharged absolutely or at least upon reasonable bail.

The Court, after holding the subject for some days under advisement, directed the prisoner to be admitted to bail, himself in the sum of \$4,000 dollars, and two sureties each in the sum of \$2,000.

WILSON, J.

The recognizance must be taken for the defendant's appearance at the next stated circuit court. The motion for appointing a special circuit court to try offenses of this description at a place nearer to the scene in which they occurred, has not escaped our attention, and with a wish, if possible, to grant it we have viewed the subject in every light, but hitherto the difficulties are apparently insurmountable. We will, however, state the principal ones, that the counsel may, if they please, endeavour to remove them.

1. The next stated circuit court is so near that it will not be possible to commence and finish the business of the trials for treason at a special court to be previously held, and it is very questionable whether we can appoint a special circuit court at a distant period to overleap the session of the stated court. The impropriety of such an interference is the more striking when it is recollected that the circuit court itself, as well as the Supreme Court, has a power to appoint a special sessions for the trial of criminal causes. 1 Vol., s. 4, p. 51.

2. But even if a special court were to be appointed to be held at a distant period, overleaping the stated circuit court, could an indictment found at the latter be prosecuted and tried at the former? There is a provision

"that all business depending for trial at any special court shall, at the close thereof, be considered as of course removed to the next stated term of the circuit court."

2 Vol. Swift's Edit., s. 3., p. 227. But there is no power given to remit to a special court the business depending for trial before the stated circuit court.

3. And suppose a special circuit court were to be appointed previously to the stated court, could both be in session at the same time? Or could two grand juries be empanelled at the same time for the same district and both be qualified to present all the offences (including, of course, the offenses of treason) committed within their jurisdiction.

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