

THE TRIAL OF SAMUEL CHASE, ONE OF THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES, ON A CHARGE EXHIBITED BY THE SENATE OF THE UNITED STATES, FOR HIGH CRIMES AND MISDEMEANORS.

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IN THE SENATE OF THE UNITED STATES.

FRIDAY, NOVEMBER 30, 1804.

The Senate took into consideration the motion made yesterday, that a committee be appointed to prepare and report rules of proceedings to be observed in cases of impeachment, and agreed thereto; and  
*Ordered*, That Messrs. Giles, Baldwin, Breckinridge, Stone, and Smith of Vermont be the committee.

FRIDAY, DECEMBER 7, 1804.

The committee last mentioned made report.  
*Ordered*, That it lie for consideration.

FRIDAY, DECEMBER 14, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

On motion,

*Resolved*, That the Senate will, at 1 o'clock on this day, be ready to receive articles of impeachment against Samuel Chase, one of the Associate Justices of the Supreme Court of the United States, to be presented by the managers appointed by the House of Representatives.

*Ordered*, That the Secretary notify the House of Representatives accordingly.

On motion,

*Resolved*, That when the managers of the impeachment shall be introduced to the bar of the Senate, and shall have signified that they are ready to exhibit articles of impeachment against Samuel Chase, the President of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the Nation is exhibiting to the Senate of the United States articles of impeachment against Samuel Chase, one of the Associate Justices of the Supreme Court of the United States." After which the articles shall be exhibited; and then the President of the Senate shall inform

the managers, that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

Agreeably to the above resolutions, the managers on the part of the House of Representatives, to wit, Messrs. John Randolph, Rodney, Nicholson, Early, Boyle, Nelson, and G. W. Campbell, were admitted, and Mr. Randolph, the chairman, announced "that they were the managers instructed by the House of Representatives to exhibit certain articles of impeachment against Samuel Chase, one of the Associate Justices of the Supreme Court of the United States."

The managers were requested by the President to take seats assigned them within the bar, and the Sergeant at Arms was directed to make proclamation in the words following:

Oyes! Oyes! Oyes!

All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the Nation is exhibiting to the Senate of the United States articles of impeachment against Samuel Chase, one of the Associate Justices of the Supreme Court of the United States.

After which the managers rose, and Mr. Randolph, their chairman, read the articles.

Whereupon,

The President notified the managers that the Senate would take proper order on the subject of the impeachment, of which due notice should be given to the House of Representatives.

The managers delivered the articles of impeachment at the table, and withdrew.

Adjourned.

MONDAY, DECEMBER 10, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

The Senate took into consideration the report of the committee appointed on the 30th of November last to prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachment; and agreed to them in part, as follows:

A summons shall issue, directed to the person impeached, in the form following:

THE UNITED STATES OF AMERICA, ss:

*The Senate of the United States of America to ——— ———, greeting.*

Whereupon the House of Representatives of the United States of America did, on the ——— day of ———, exhibit to the Senate articles of impeachment against you, the said ——— ———, in the words following, viz:

[Here recite the articles.]

And did demand that you, the said ——— ———, should be put to answer the accusations, as set forth in said articles; and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and justice. You, the said ——— ———, are therefore hereby summoned to be and appear before the Senate of the United States of America, at their Chamber in the city of Washington, on the ——— day of ———, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders and judgments as the Senate of the United States

shall make in the premises, according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness, \_\_\_\_\_, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, and of the Independence of the United States the \_\_\_\_\_.

Which summons shall be signed by the Secretary of the Senate, and sealed with their seal, and served by the Sergeant at Arms to the Senate, or by such other person as the Senate shall specially appoint for that purpose; who shall serve the same, pursuant to the directions given in the form next following.

A precept shall be indorsed on said writ of summons, in the form following, viz:

THE UNITED STATES OF AMERICA, ss:

*The Senate of the United States to \_\_\_\_\_, greeting.*

You are hereby commanded to deliver to and leave with \_\_\_\_\_, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, shewing him both; or, in case he can not with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence, and, in whichever way you perform the service, let it be done at least \_\_\_\_\_ days before the appearance day mentioned in the said writ of summons. Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in said writ of summons.

Witness, \_\_\_\_\_, Vice President of the United States of America, and President of the Senate thereof, at the city of Washington, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord \_\_\_\_\_, and of the Independence of the United States the \_\_\_\_\_.

Which precept shall be signed by the Secretary of the Senate and sealed with their seal.

On motion,

*Ordered,* That the further consideration of the report be postponed.

On motion,

*Resolved,* That the Secretary be directed to issue a summons to Samuel Chase, one of the Associate Justices of the Supreme Court of the United States, to answer certain articles of impeachment, exhibited against him by the House of Representatives on Friday last; that the said summons be returnable the second of January next, and be served at least fifteen days before the return day thereof.

*Ordered,* That the Secretary notify the House of Representatives of this resolution.

Adjourned.

FRIDAY, DECEMBER 14, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

Return was made by the Sergeant at Arms on the summons issued.  
Adjourned.

THURSDAY, DECEMBER 20, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

The Senate resumed the consideration of the report of the committee appointed on the 30th of November last “to prepare and report

proper rules of proceedings to be observed in cases of impeachments," and the report was in part adopted.

On motion to amend the report,

*Ordered*, That the consideration of the report, together with a proposed amendment, be postponed.

Adjourned.

FRIDAY, DECEMBER 21, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

The report of the committee appointed on the 30th of November last "to prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachments" was resumed; and

*Ordered*, That the consideration thereof be postponed to Monday next.

Adjourned.

MONDAY, DECEMBER 24, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

The Senate resumed the consideration of the report of the committee appointed to "prepare and report proper rules of proceedings to be observed by the Senate in cases of impeachment"; and

Sundry amendments having been, on motion, agreed to, the report in whole was adopted, as follows:

1. Whensoever the Senate shall receive notice from the House of Representatives that managers are appointed on their part to conduct an impeachment against any person, and are directed to carry such articles to the Senate, the Secretary of the Senate shall immediately inform the House of Representatives that the Senate is ready to receive the managers for the purpose of exhibiting such articles of impeachment agreeably to the said notice.

2. When the managers of an impeachment shall be introduced to the bar of the Senate and shall have signified that they are ready to exhibit articles of impeachment against any person, the President of the Senate shall direct the Sergeant at Arms to make proclamation, who shall, after making proclamation, repeat the following words: "All persons are commanded to keep silence, on pain of imprisonment, while the grand inquest of the Nation is exhibiting to the Senate of the United States articles of impeachment against \_\_\_\_\_"; after which the articles shall be exhibited, and then the President of the Senate shall inform the managers that the Senate will take proper order on the subject of the impeachment, of which due notice shall be given to the House of Representatives.

3. A summons shall issue, directed to the person impeached, in the form following:

THE UNITED STATES OF AMERICA, 88:

*The Senate of the United States of America, to \_\_\_\_\_, greeting:*

Whereas the House of Representatives of the United States of America did, on the \_\_\_\_\_ day of \_\_\_\_\_, exhibit to the Senate articles of impeachment against you, the said \_\_\_\_\_, in the words following, viz:

[Here recite the articles.]

and did demand that you, the said \_\_\_\_\_, should be put to answer the accusations as set forth in said articles, and that such proceedings, examinations, trials, and judgments might be thereupon had as are agreeable to law and

justice. You, the said ———, are therefore hereby summoned to be and appear before the Senate of the United States of America at their Chamber, in the city of Washington, on the ——— day of ———, then and there to answer to the said articles of impeachment, and then and there to abide by, obey, and perform such orders and judgments as the Senate of the United States shall make in the premises according to the Constitution and laws of the United States.

Hereof you are not to fail.

Witness ———, Vice President of the United States of America and President of the Senate thereof, at the city of Washington, this ——— day of ———, in the year of our Lord ——— and of the independence of the United States the ———.

Which summons shall be signed by the Secretary of the Senate, and sealed with their seal, and served by the Sergeant at Arms to the Senate, or by such other person as the Senate shall specially appoint for that purpose, who shall serve the same pursuant to the directions given in the form next following:

4. A precept shall be indorsed on said writ of summons in the form following, viz:

THE UNITED STATES OF AMERICA, ss.:

*The Senate of the United States, to ———, greeting:*

You are hereby commanded to deliver to and leave with ———, if to be found, a true and attested copy of the within writ of summons, together with a like copy of this precept, showing him both; or, in case he can not with convenience be found, you are to leave true and attested copies of the said summons and precept at his usual place of residence, and in whichsoever way you perform the service let it be done at least ——— days before the appearance day mentioned in said writ of summons. Fail not, and make return of this writ of summons and precept, with your proceedings thereon indorsed, on or before the appearance day mentioned in said writ of summons.

Witness ———, Vice President of the United States of America and President of the Senate thereof, at the city of Washington, this ——— day of ———, in the year of our Lord ——— and of the independence of the United States the ———.

Which precept shall be signed by the Secretary of the Senate and sealed with their seal.

5. Subpœnas shall be issued by the Secretary of the Senate upon the application of the managers of the impeachment, or of the party impeached, or his counsel, in the following form, to wit:

*To ———, greeting:*

You and each of you are hereby commanded to appear before the Senate of the United States on the ——— day of ———, at the Senate Chamber in the city of Washington, then and there to testify your knowledge in the cause which is before the Senate, in which the House of Representatives have impeached ———.

Fail not.

Witness, ———, Vice President of the United States of America and President of the Senate thereof, at the city of Washington, this ——— day of ———, in the year of our Lord ———, and of the independence of the United States the ———.

Which shall be signed by the Secretary of the Senate and sealed with their seal.

Which subpœnas shall be directed in every case to the marshal of the district where such witnesses respectively reside, to serve and return.

6. The form of direction to the marshal for the service of the subpœna shall be as follows:

*The Senate of the United States of America,*

*To the marshal of the district of ———.*

You are hereby commanded to serve and return the within subpœna according to law.

Dated at Washington, this — day of —, in the year of our Lord —, and of the independence of the United States the —.

\_\_\_\_\_  
*Secretary of the Senate.*

7. The President of the Senate shall direct all necessary preparations in the Senate Chamber, and all the forms of proceeding while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial, not otherwise specially provided for by the Senate.

8. He shall also be authorized to direct the employment of the marshal, or any officer or officers of the District of Columbia, during the trial, to discharge such duties as may be prescribed by him.

9. At 12 o'clock of the day appointed for the return of the summons against the person impeached, the legislative and executive business of the Senate shall be suspended, and the Secretary of the Senate shall administer an oath to the returning officer, in the form following, viz:

I, \_\_\_\_\_, do solemnly swear that the return made and subscribed by me upon the process issued on the — day of —, by the Senate of the United States, against — is truly made, and that I have performed said services as therein described. So help me God.

Which oath shall be entered at large on the records.

10. The person impeached shall then be called to appear and answer the articles of impeachment against him. If he appears, or any person for him, the appearance shall be recorded, stating particularly if by himself or if by agent or attorney, naming the person appearing and the capacity in which he appears. If he does not appear, either personally or by agent or attorney, the same shall be recorded.

11. At 12 o'clock of the day appointed for the trial of an impeachment the legislative and executive business of the Senate shall be postponed. The Secretary shall then administer the following oath or affirmation to the President:

You solemnly swear, or affirm, that, in all things appertaining to the trial of the impeachment of —, you will do impartial justice, according to the Constitution and laws of the United States.

12. And the President shall administer the said oath or affirmation to each Senator present.

The Secretary shall then give notice to the House of Representatives that the Senate is ready to proceed upon the impeachment of — in the Senate Chamber, which Chamber is prepared with accommodations for the reception of the House of Representatives.

13. Counsel for the parties shall be admitted to appear and be heard upon an impeachment.

14. All motions made by the parties, or their counsel, shall be addressed to the President of the Senate, and, if he shall require it, shall be committed to writing, and read at the Secretary's table; and all decisions shall be had by ayes and noes, and without debate, which shall be entered on the records.

Witnesses shall be sworn in the following form, to wit:

You, \_\_\_\_\_, do swear (or affirm, as the case may be) that the evidence you shall give in the case now depending between the United States and — shall be the truth, the whole truth, and nothing but the truth. So help you God.

Which oath shall be administered by the Secretary.

16. Witnesses shall be examined by the party producing them, and then cross-examined in the usual form.

17. If a Senator is called as a witness, he shall be sworn, and give his testimony standing in his place.

18. If a Senator wishes a question to be put to a witness, it shall be reduced to writing and put by the President.

Adjourned.

FRIDAY, DECEMBER 28, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

On motion to reconsider the eighteenth rule, adopted on the 24th instant,

It was agreed that the consideration thereof be postponed to Monday next.

Adjourned.

MONDAY, DECEMBER 31, 1804.

High Court of Impeachments—The United States *v.* Samuel Chase.

The motion to reconsider the eighteenth rule was resumed, and on the question to agree thereto,

It was determined in the negative.

On motion, it was agreed to reconsider the eighth rule and amend it to be read as follows:

He shall also be authorized to direct the employment of the marshal of the District of Columbia, or any other person or persons, during the trial to discharge such duties as may be prescribed by him.

On motion, an additional rule was adopted, as follows:

19. At all times whilst the Senate is sitting upon the trial of an impeachment the doors of the Senate Chamber shall be kept open.

Adjourned.

WEDNESDAY, JANUARY 2, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court having been opened by proclamation,

The return made by the Sergeant at Arms was read, as follows:

I, James Mathers, Sergeant at Arms to the Senate of the United States, in obedience to the within summons to me directed, did proceed to the residence of the within-named Samuel Chase on the 12th day of December, 1804, and did then and there leave a true copy of the said writ of summons, together with a true copy of the articles of impeachment annexed, with him the said Samuel Chase.

JAMES MATHERS.

After which the Secretary administered to him the oath, as follows:

You, James Mathers, Sergeant at Arms to the Senate of the United States, do solemnly swear that the return made and subscribed by you upon the process issued on the 10th day of December last by the Senate of the United States against Samuel Chase, one of the associate justices of the Supreme Court, is truly made and that you have performed said services as therein described. So help you God.

Samuel Chase was then solemnly called, who appeared in his own proper person and submitted the following motion, which was read at the Secretary's table:

I solicit this honorable court to allow me until the first day of the next session to put in my answer and to prepare for my trial.

Whereupon the President informed the said Samuel Chase that the court would take time to consider his motion.

On motion,

*Resolved*, That on the meeting of the Senate to-morrow, before they proceed to any business on the articles of impeachment before them and before any decision of any question, the oath prescribed by the rules shall be administered to the President and Members of the Senate.

Adjourned.

THURSDAY, JANUARY 3, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court having been opened by proclamation,

The oath prescribed was administered to the President by the Secretary.

The President administered the oath prescribed to the following members:

Messrs. Adams, Anderson, Baldwin, Bradley, Breckinridge, Brown, Condit, Dayton, Ellery, Franklin, Giles, Hillhouse, Howland, Jackson, Mitchill, Moore, Olcott, Pickering, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Sumter, Tracy, White, Worthington, and Wright.

And the affirmation was administered to

Messrs. Logan, Maclay, and Plumer.

The President stated that he had received a letter from the defendant inclosing an affidavit that further time was necessary for him to prepare for trial, which affidavit was read by the Secretary.

Whereupon,

The following motion was made by Mr. Bradley:

*Ordered*, That Samuel Chase file his answer with the Secretary of the Senate to the several articles of impeachment exhibited against him by the House of Representatives on or before the — day of —.

Whereupon,

A motion was made by Mr. Giles to amend the motion, and to strike out all that follows the word "*Ordered*," and insert "That — next shall be the day for receiving the answer, and proceeding on the trial of the impeachment against Samuel Chase,"

Mr. Hillhouse called for a division of the question.

And the yeas and nays being taken on striking out,

It passed in the affirmative,	{ Yeas-----	20
	{ Nays-----	10

Those who voted in the affirmative are,

Messrs. Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Granklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Sumter, and Worthington.



Those who voted in the negative are,  
Messrs. Adams, Bradley, Dayton, Hillhouse, Olcott, Pickering,  
Plumer, Tracy, White, and Wright.

On motion,

To insert the amendment proposed, the yeas and nays being taken,

It passed in the affirmative, { Yeas----- 22  
Nays----- 8

Those who voted in the affirmative are,  
Messrs. Anderson, Baldwin, Bradley, Breckinridge, Brown, Condit,  
Dayton, Ellery, Franklin, Giles, Howland, Jackson, Logan,  
Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York,  
Smith of Ohio, Smith of Vermont, Sumter, and Worthington.

Those who voted in the negative are,

Messrs. Adams, Hillhouse, Olcott, Pickering, Plumer, Tracy,  
White, and Wright.

On motion,

By Mr. Tracy, to fill the blank with the words "the first Monday  
of December next," the yeas and nays being taken,

It passed in the negative, { Yeas----- 12  
Nays----- 18

Those who voted in the affirmative are,  
Messrs. Bradley, Dayton, Hillhouse, Logan, Olcott, Pickering,  
Plumer, Smith of Maryland, Smith of Ohio, Smith of Vermont,  
Tracy, and White.

Those who voted in the negative are,

Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Condit,  
Ellery, Franklin, Giles, Howland, Jackson, Maclay, Mitchill, Moore,  
Smith of New York, Sumter, Worthington, and Wright.

On motion,

By Mr. Breckinridge, to fill the blank with the words "the fourth  
day of February next," the yeas and nays being taken,

It was passed in the affirmative, { Yeas----- 22  
Nays----- 8

Those who voted in the affirmative are,  
Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Condit,  
Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill,  
Moore, Smith of Maryland, Smith of New York, Smith of Ohio,  
Smith of Vermont, Sumter, Worthington, and Wright.

Those who voted in the negative are,

Messrs. Bradley, Dayton, Hillhouse, Olcott, Pickering, Plumer,  
Tracy, and White.

On motion,

To agree to the order, as amended, the yeas and nays being taken,

It was passed in the affirmative, { Yeas----- 21  
Nays----- 9

Those who voted in the affirmative are,  
Messrs. Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery,  
Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore,  
Smith of Maryland, Smith of New York, Smith of Ohio, Smith of  
Vermont, Sumter, Worthington, and Wright.

Those who voted in the negative are,

Messrs. Adams, Bradley, Dayton, Hillhouse, Olcott, Pickering,  
Plumer, Tracy, and White.

So it was

*Ordered*, That the fourth day of February next shall be the day for receiving the answer and proceeding on the trial of the impeachment against Samuel Chase.

*Ordered*, That the Secretary notify the House of Representatives and the said Samuel Chase thereof.

Adjourned.

MONDAY, JANUARY 28, 1805.

High Court of Impeachments—The United States *vs.* Samuel Chase.

A message was received from the House of Representatives by Mr. Beckley, their Clerk, announcing the appointment of Mr. Clark, one of the managers for conducting the impeachment against Samuel Chase, an associate justice of the Supreme Court of the United States, in place of Mr. Nelson, excused. And he withdrew.

MONDAY, FEBRUARY 4, 1805.

High Court of Impeachment—The United States *vs.* Samuel Chase.

The court having been opened by proclamation,

*Ordered*, That the Secretary give notice to the House of Representatives that the Senate are in their public chamber and are ready to proceed on the trial of the impeachment of Samuel Chase, one of the associate justices of the Supreme Court of the United States; and that seats were provided for the accommodation of the members.

The managers, accompanied by the House of Representatives, attended.

The oath prescribed was administered to Messrs, Bayard, Cocke, Gaillard, and Stone, Senators and members of the court.

Samuel Chase being called to make answer to the articles of impeachment exhibited against him by the House of Representatives, appeared, and requested that Robert G. Harper, Luther Martin, Philip B. Key, and Joseph Hopkinson, Esqrs., might be admitted; and considered as counsel for him, the said Samuel Chase; and, thereupon, submitted a motion, which was read at the table, as follows: "Samuel Chase moves for permission to read his answer, by himself and his counsel, at the bar of this honorable court."

The president asked him if it was the answer on which he meant to rely? To which he replied in the affirmative. And the question being taken on the motion, it passed in the affirmative; and he was permitted to read his answer; which he did, by himself and his counsel; and the answer was filed.

Whereupon,

Mr. Randolph, on behalf of the managers, moved that they have time to consult the House of Representatives on a replication; and that they be furnished with a copy of the answer. To which the President replied, that the motion would be taken into consideration, and the House of Representatives should be notified of the result.

Adjourned.

TUESDAY, FEBRUARY 5, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

*Ordered*, That the Secretary carry to the House of Representatives an attested copy of the answer of Samuel Chase, one of the asso-

ciate justices of the Supreme Court, to articles of impeachment against him by the House of Representatives.

On motion,

*Ordered*, That one hundred and fifty copies of the answer of Samuel Chase be printed for the use of the Senate.

Adjourned.

THURSDAY, FEBRUARY 7, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

Notice was given by Mr. Beckley, their Clerk, that the House of Representatives had agreed to a replication on their part to the answer of Samuel Chase, one of the associate justices of the Supreme Court of the United States, to the articles of impeachment exhibited to the Senate against him by that House, and had directed the managers appointed to conduct the said impeachment to carry the said replication to the Senate, and to proceed to maintain the same at the bar of the Senate at such time as should be appointed by the Senate. And he withdrew.

*Ordered*, That the Secretary inform the House of Representatives that the Senate will be ready to proceed on the trial of the impeachment of Samuel Chase, one of the Associate Justices of the Supreme Court, at half past 2 o'clock this day.

Accordingly, the managers attended, and the replication being read by Mr. Randolph,

The same was filed.

A motion was made by Mr. Hopkinson, attorney for the respondent, that Samuel Chase be furnished with an attested copy of the replication of the House of Representatives, and it was granted.

On motion that it be

*Resolved*, That the Secretary inform the House of Representatives that the Senate will, to-morrow at 12 o'clock, proceed on the trial of the impeachment of Samuel Chase:

It was determined in the affirmative—yeas 34.

Those who voted are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

Adjourned.

FRIDAY, FEBRUARY 8, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

*Ordered*, That the Secretary notify the House of Representatives that the Senate are ready to proceed further on the trial of the impeachment of Samuel Chase, one of the Associate Justices of the Supreme Court.

The managers, accompanied by the House of Representatives, attended.

Samuel Chase, the respondent, attended with his counsel.

Proclamation was made to keep silence, and also as follows :

Oyes! Oyes! Oyes!

Whereas a charge of high crimes and misdemeanors hath been exhibited by the House of Representatives of the United States in the name of themselves and of all the people of the United States against Samuel Chase, one of the Associate Justices of the Supreme Court, all persons concerned are to take notice that he now stands upon his trial, and they may come forth in order to make good the said charge.

The President informed the managers that they were at liberty to proceed in support of the articles of impeachment exhibited; and, on request by Mr. Randolph, the witnesses on behalf of the managers were called.

And, on request by Mr. Hopkinson, counsel for the respondent, his witnesses were called.

Mr. Randolph, on behalf of the managers informed the court that they were not ready to proceed to make good their charges, and desired further time.

Whereupon,

The President notified the managers that the Senate would be tomorrow at 12 o'clock ready to proceed on the trial of Samuel Chase, one of the Associate Justices of the Supreme Court.

Adjourned.

SATURDAY, FEBRUARY 9, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, also attended.

The President informed the managers that they might now proceed to substantiate their charges.

Mr. Randolph having opened the cause,

On request of the managers, the affirmation was administered to William Lewis, and he gave his testimony, and was cross-examined.

Alexander J. Dallas was sworn, examined, and cross-examined.

Adjourned.

MONDAY, FEBRUARY 11, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, together with his counsel, also attended.

William Lewis was cross-examined.

Edward Tilghman, on the request of the managers, was sworn, examined, and cross-examined.

The following interrogatory was made by Mr. Randolph, on behalf of the managers :

Question 1. You say that when the written opinion of the court was thrown on the table, around which the gentlemen of the bar were assembled, it produced considerable agitation. What did you conceive to be the cause of that agitation?

This was objected to by the counsel for the respondent.

And on the question, "Is it competent for the managers to put the said question to the witness?"

It was determined in the negative—nays 34.

Those who voted are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

William S. Biddle, on request of the managers, was sworn, examined, and cross-examined.

On request of the managers the affirmation was administered to William Rawle, who was examined and cross-examined.

Mr. Harper, on behalf of the respondent, had leave to file a paper in evidence, stated to be the opinion of the court in the trial of John Fries.

George Hay, on the motion of the managers, was sworn.

On the question, "Shall the witness be permitted to make use of, as a memorandum, a paper containing a statement of facts, composed by himself and other gentlemen, in relation to the trial of James T. Callender, some time after the trial; the paper proposed to be made use of being a copy made by his clerk from a printed paper which contained the said statement?"

It was determined in the negative, { Yeas----- 13  
Nays----- 18

Those who voted in the affirmative are,

Messrs. Anderson, Baldwin, Breckinridge, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith of Maryland, Stone, and Sumter.

Those who voted in the negative are,

Messrs. Adams, Bayard, Bradley, Brown, Dayton, Gaillard, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Vermont, Tracy, White, Worthington, and Wright.

The said George Hay was examined by the managers and cross-examined.

Adjourned.

TUESDAY, FEBRUARY 12, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, attended.

George Hay was further examined and cross-examined.

John Taylor, on motion of the managers, was sworn, examined, cross-examined, and discharged by consent of parties.

Philip N. Nicholas, on motion of managers, was sworn, examined, and cross-examined.

John Thompson Mason, on motion of the managers, was sworn, examined, and cross-examined.

John Heath, on motion of the managers, was sworn, examined, and cross-examined.

Adjourned.

WEDNESDAY, FEBRUARY 13, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,  
*Ordered*, That the Secretary give notice to the House of Representatives that the Senate are now ready further to proceed on the trial of the impeachment of Samuel Chase, one of the associate justices of the Supreme Court.

The managers, accompanied by the House of Representatives, attended.

The respondent, together with his counsel, attended.

James Triplett, on motion of the managers, was sworn, examined, and cross-examined.

John Heath was again cross-examined.

John Basset, on behalf of the respondent, was sworn, examined, and cross-examined.

Adjourned.

THURSDAY, FEBRUARY 14, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,  
The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, also attended.

The respondent requested that Charles Lee, Esq., might also be allowed to appear as one of his counsel.

William Wirt, John Harvie, Meriwether Jones, James Pleasants, and Hugh Holmes, were severally called on the part of the managers, but did not appear.

George Read, on the part of the managers, was sworn, examined, and cross-examined.

Edmund Randolph, on behalf of the respondent was sworn, examined, and cross-examined; and, on request, discharged.

James Lea, on behalf of the managers, affirmed, was examined and cross-examined.

John Crow, on behalf of the managers, was sworn, examined, and cross-examined.

Risdon Bishop was called, but did not answer.

John Montgomery, on behalf of the managers, was sworn, examined, and cross-examined.

John Thompson Mason was again examined by the managers.

Samuel H. Smith, on behalf of the managers, was sworn, examined, and cross-examined.

Aquila Hall, Philip Stewart, and Thomas Hall were severally called, on motion of the managers, but did not answer.

John Stephen, on motion of the managers, was sworn, examined, and cross-examined.

Copies from the records of the trials of John Fries and James T. Callender were given in evidence by the managers.

Adjourned.

FRIDAY, FEBRUARY 15, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court was opened by proclamation.

The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, also attended.

The following witnesses were called, on motion of the managers, but did not appear, to wit: William Wirt, Meriwether Jones, Hugh Holmes, Aquila Hall, Thomas Hall, John Harvie, Risdon Bishop, and Philip Stewart.

The respondent was notified that he might now proceed to make his defense, and Mr. Harper, in his behalf, opened the defense and adduced his witnesses.

Samuel Ewing, on the part of the respondent, was sworn and examined.

Edward J. Coale, on the part of the respondent, was sworn and examined.

The following question was proposed to this witness by Mr. Hopkinson, the counsel for the respondent:

At the time Judge Chase desired you to make the copy in your hand did he or did he not explain to you his reasons or motives for drawing up the paper from which this copy was made? If yes, what were they?

This being objected to by the managers and submitted to the court on the question "Is it competent for the counsel for the respondent to put said question to the witness?"

It was determined in the negative, {Yeas-----	9
{Nays-----	25

Those who voted in the affirmative are,

Messrs. Bayard, Bradley, Giles, Pickering, Plumer, Smith of Maryland, Smith of Vermont, Tracy, and White.

Those who voted in the negative are,

Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchell, Moore, Olcott, Smith of New York, Smith of Ohio, Stone, Sumter, Worthington, and Wright.

Part of Judge Iredel's charge to the grand jury in the case of John Fries was read; and, with sundry documents, filed as evidence in the case.

William Rawle was again examined by the counsel for the respondent.

A record of the case of Vigol and Mitchill in Dallas's reports, pages 346 to 348, was given in evidence on behalf of the respondent.

William Meredith was called, sworn, and examined by the counsel for the respondent.

Luther Martin was sworn and examined on the part of the respondent.

James Winchester was sworn and examined on the part of the respondent.

William Marshal was sworn and examined on the part of the respondent.

Mr. Harper, in behalf of the respondent, made the following motion:

Testimony on the part of the prosecution tending to shew from the declarations of the respondent that he had a corrupt intention to pack a jury for the trial of Callender having been given, he offers in evidence other declarations of his, made during the proceedings, but on a different day, for the purpose of rebutting the former testimony and of shewing that his intentions in that respect were pure, and even favorable to Callender.

This evidence is consented to by the managers. The question is, "Shall it be, on such consent, examined by the court?" The yeas and nays being taken,

It was determined in the affirmative, {Yeas----- 32  
Nays----- 2

Those who voted in the affirmative are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Tracy, White, and Worthington.

Those who voted in the negative are,

Messrs. Cocke and Wright.

Adjourned.

SATURDAY, FEBRUARY 16, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent also, with his counsel, attended.

On motion by Mr. Harper, on behalf of the respondent and with the consent of the managers, William Meredith, Samuel Ewing, and Edward J. Coale were discharged.

On motion by Mr. Harper, on behalf of the respondent, David M. Randolph was sworn, examined, and cross-examined.

On motion by Mr. Harper, on behalf of the respondent, John Marshall, Chief Justice of the United States, was sworn, examined, and cross-examined.

On motion by Mr. Harper, on behalf of the respondent, Edmund J. Lee was sworn, examined, and cross-examined.

On motion by Mr. Harper, on behalf of the respondent, John A. Chevalier was sworn, examined, and cross-examined.

On motion by Mr. Harper, on behalf of the respondent, Robert Gamble was sworn, examined, and cross-examined.

On motion by Mr. Harper, on behalf of the respondent, Philip Gooch was sworn, examined, and cross-examined.

On motion by Mr. Harper, in behalf of the respondent, David Robinson was sworn, examined, and cross-examined; and

On motion,

Permitted to give a printed statement, corrected by his notes, taken at the time of trial, in evidence;

Which printed statement was filed.

Adjourned.



MONDAY, FEBRUARY 18, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation.

The managers, accompanied by the House of Representatives, attended. The respondent, with his counsel, attended.

William Marshal was cross-examined.

William Rawle was again examined and cross-examined.

James Winchester was again examined and cross-examined.

Edmund J. Lee was again examined and cross-examined; and, by consent of parties, discharged.

Philip Gooch was again examined and cross-examined.

Luther Martin was again examined and cross-examined.

The respondent, by Mr. Lee, read, as evidence, Dallas's Reports, second volume, page 411; and thirty-fourth section judicial act, and fourteenth section of same act; also Gilbert's treatise, pages 307-308 and 339; also Reports United States *v.* Insurgents, Second Dallas, page 335.

Gunning Bedford, on request of the respondent, was sworn, examined, and cross-examined.

Nicholas Van Dyke, on request of the respondent, was sworn, examined, and cross-examined.

Archibald Hamilton, on request of the respondent, was sworn, examined, and cross-examined.

John Hall, jr., request of the respondent, was sworn, examined, and cross-examined.

Gunning Bedford was again cross-examined.

Samuel P. Moore, on request of the respondent, was affirmed, examined, and cross-examined.

Mr. Hopkinson, on behalf of the respondent, offered the following printed testimony, to wit:

Claypoole's paper, December 1, 1797, containing Judge McKean's charge to the grand jury.

John Montgomery was again cross-examined. His publication in the Baltimore American and Commercial Advertiser of June 13, 1803, was read and filed as testimony by counsel for the respondent.

William H. Winder, on request of the respondent, was sworn, examined, and cross-examined, and, by consent of parties, discharged.

James Winchester was further examined by the respondent and cross-examined, and, by consent of parties, discharged.

Adjourned.

TUESDAY, FEBRUARY 19, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation,

The managers, accompanied by the House of Representatives, attended.

The respondent, with his counsel, attended.

Samuel Chase, jr., on request of the respondent, was sworn, examined, and cross-examined.

Exhibit No. 8 was filed in evidence by the respondent.

Philip Moore, on request of the respondent, was sworn, examined, and cross-examined.

Walter Dorsey, on request of the respondent, was sworn and examined.

Samuel Purviance, on request of the respondent, was sworn and examined.

Nicholas Brice, on request of the respondent, was sworn and examined.

James P. Boyd, on request of the respondent, was sworn and examined.

William McMechen, on request of the respondent, was sworn and examined.

William S. Govane, on request of the respondent, was sworn and examined.

On motion,

Philip Moore, Walter Dorsey, William McMechen, Samuel Purviance, James P. Boyd, William S. Govane, and Nicholas Brice were discharged.

John Campbell, on request of the respondent, was sworn, examined, and cross-examined.

William Cranch, on request of the respondent, was sworn and examined.

Judge Chase's charge was filed in evidence; also Ramsay's History of South Carolina, page 103; also,

Drayton's charge, 1 vol. American Museum, page 228; and an extract from Judge Iredell's charge, first trial of J. Fries; together with

Gazette United States, November 30, 1797;

Judge McKean's charge;

The same in Claypoole's paper, December 1; also,

Exhibit No. 7, February 5 and 8, 1800, allowed by parties;

Gov. Claiborne's speech, adduced as testimony by the respondent;

List of the grand jury, May, 1803, certified by the clerk, also given by respondent as evidence.

Thomas Hall, on request of the managers, was sworn and examined.

Philip Gooch requested leave to explain his testimony.

George Hay was called by the managers to explain his testimony, and cross-examined.

David M. Randolph was called by the respondent, examined, and cross-examined.

John Montgomery examined by the managers.

Philip N. Nichols called and explained his testimony.

On request, and with consent of parties, David Robertson was discharged.

On motion, Judge Chase had leave to withdraw on account of the ill state of his health.

On motion by Mr. Randolph, on behalf of the managers, further time was granted to enable them to collate their testimony in support of the articles of impeachment.

Adjourned.

WEDNESDAY, FEBRUARY 20, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent attended.

Philip Stewart, on the request of the managers, was sworn, examined, and cross-examined.

On motion,

All the witnesses were discharged by consent of parties.

Mr. Early, on behalf of the managers, commenced the argument in support of the articles, and was followed by Mr. Campbell.

Adjourned.

THURSDAY, FEBRUARY 21, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Campbell, on behalf of the managers, concluded his arguments in support of the articles of impeachment, and was followed by Mr. Clark.

Mr. Hopkinson, on behalf of the respondent, proceeded to the defense.

Adjourned.

FRIDAY, FEBRUARY 22, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Key, in behalf of the respondent, proceeded in his defense, and was followed by Mr. Lee.

Adjourned.

SATURDAY, FEBRUARY 23, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Rodney, on behalf of the managers, and by consent, stated some points on which he meant to reply; and produced his authorities.

Mr. Martin proceeded in defense of the respondent.

Adjourned.

MONDAY, FEBRUARY 25, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Martin continued his observations in defense of the respondent, in which he was followed by Mr. Harper.

On motion,

On the part of the managers, that Hugh Holmes be sworn, the yeas and nays being taken,

It was determined in the affirmative, {Yeas----- 21  
Nays----- 11

Those who voted in the affirmative are,  
Messrs. Adams, Anderson, Baldwin, Breckinridge, Brown, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Smith of Maryland, Smith of New York, Stone, Sumter, Worthington, and Wright.

Those who voted in the negative are,  
Messrs. Bayard, Bradley, Cocke, Dayton, Hillhouse, Olcott, Pickering, Plumer, Smith of Ohio, Smith of Vermont, and White.

The witness was examined and cross-examined.

Mr. Harper concluded the defense.

Adjourned.

TUESDAY, FEBRUARY 26, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Nicholson, on behalf of the managers, proceeded in support of the articles of impeachment, and was followed by Mr. Rodney.

Adjourned.

WEDNESDAY, FEBRUARY 27, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

Mr. Rodney concluded his observations in support of the articles of impeachment, after which

Mr. Randolph, on behalf of the managers, closed the cause, and on motion "That the Senate will on Friday next, at 12 o'clock, proceed on the trial of the articles of impeachment exhibited by the House of Representatives of the United States against Samuel Chase, one of the associate justices of the Supreme Court."

The yeas and nays being taken, it was determined in the affirmative—yeas 32.

Those who voted are,

Messrs. Adams, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, White, Worthington, and Wright.

Adjourned.

FRIDAY, MARCH 1, 1805.

High Court of Impeachments—The United States *v.* Samuel Chase.

The court being opened by proclamation, the managers, accompanied by the House of Representatives, attended.

The counsel for the respondent also attended.

The motion made yesterday for an alteration of one of the rules in cases of impeachments was resumed, and

*Resolved*, That in taking the judgment of the Senate upon the articles of impeachment now depending against Samuel Chase, Esq., the President of the Senate shall call on each member, by his name, and upon each article propose the following question, in the manner following: "Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the ——— article of impeachment?"

Whereupon each member shall rise in his place and answer—guilty, or, not guilty.

The Secretary was ordered to read the first article of impeachment, as follows:

## ARTICLE I.

That, unmindful of the solemn duties of his office, and contrary to the sacred obligation by which he stood bound to discharge them "faithfully and impartially and without respect to persons," the said Samuel Chase, on the trial of John Fries, charged with treason before the circuit court of the United States, held for the district of Pennsylvania, in the city of Philadelphia, during the months of April and May, one thousand eight hundred, wherent the said Samuel Chase presided, did, in his judicial capacity, conduct himself in a manner highly arbitrary, oppressive, and unjust, viz:

1. In delivering an opinion in writing on the question of law, on the construction of which the defence of the accused materially depended, tending to prejudice the minds of the jury against the case of the said John Fries, the prisoner, before counsel had been heard in his defence.

2. In restricting the counsel for the said Fries from recurring to such English authorities as they believed apposite, or from citing certain statutes of the United States which they deemed illustrative of the position upon which they intended to rest the defence of their client.

3. In debarring the prisoner from his constitutional privilege of addressing the jury (through his counsel) on the law, as well as on the fact, which was to determine his guilt or innocence, and at the same time endeavoring to wrest from the jury their indisputable right to hear argument, and determine upon the question of law, as well as the question of fact, involved in the verdict which they were required to give.

In consequence of which irregular conduct of the said Samuel Chase, as dangerous to our liberties as it is novel to our laws and usages, the said John Fries was deprived of the right secured to him by the eighth article amendatory of the Constitution, and was condemned to death without having been heard, by counsel, in his defence, to the disgrace of the character of the American bench, in manifest violation of law and justice, and in open contempt of the rights of juries, on which, ultimately, rest the liberty and safety of the American people.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the first article of impeachment?

Those who pronounced guilty are,

Messrs. Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Howland, Logan, Maclay, Moore, Stone, Sumter, Worthington, and Wright.

Those who pronounced not guilty are,  
Messrs. Adams, Bayard, Bradley, Dayton, Gaillard, Giles, Hillhouse, Jackson, Mitchill, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Tracy, and White.

The second article was read by the Secretary, as follows:

ARTICLE II.

That, prompted by a similar spirit of persecution and injustice, at a circuit court of the United States, held at Richmond, in the month of May, one thousand eight hundred, for the district of Virginia, whereat the said Samuel Chase presided, and before which a certain James Thompson Callender was arraigned for a libel on John Adams, then President of the United States, the said Samuel Chase, with intent to oppress and procure the conviction of the said Callender, did overrule the objection of John Basset, one of the jury, who wished to be excused from serving on the said trial because he had made up his mind as to the publication from which the words charged to be libellous in the indictment were extracted. and the said Basset was accordingly sworn, and did serve on the said jury, by whose verdict the prisoner was subsequently convicted.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the second article of impeachment?

Those who pronounced guilty are,  
Messrs. Anderson, Breckinridge, Cocke, Condit, Ellery, Giles, Howland, Maclay, Moore, and Sumter.

Those who pronounced not guilty are,  
Messrs. Adams, Baldwin, Bayard, Bradley, Brown, Dayton, Franklin, Gaillard, Hillhouse, Jackson, Logan, Mitchill, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Tracy, White, Worthington, and Wright.

The third article was read by the Secretary, as follows:

ARTICLE III.

That, with intent to oppress and procure the conviction of the prisoner, the evidence of John Taylor, a material witness on behalf of the aforesaid Callender, was not permitted by the said Samuel Chase to be given in, on pretence that the said witness could not prove the truth of the whole of one of the charges contained in the indictment, although the said charge embraced more than one fact.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the third article of impeachment?

Those who pronounced guilty are,  
Messrs. Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith of Maryland, Sumter, Worthington, and Wright.

Those who pronounced not guilty are,  
Messrs. Adams, Bayard, Bradley, Dayton, Gaillard, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Tracy, and White.

The fourth article was read by the Secretary, as follows:

## ARTICLE IV.

That the conduct of the said Samuel Chase was marked, during the whole course of the said trial, by manifest injustice, partiality, and intemperance, viz:

1. In compelling the prisoner's counsel to reduce to writing and submit to the inspection of the court for their admission or rejection all questions which the said counsel meant to propound to the above-named John Taylor, the witness.

2. In refusing to postpone the trial, although an affidavit was regularly filed, stating the absence of material witnesses on behalf of the accused, and although it was manifest that, with the utmost diligence, the attendance of such witnesses could not have been procured at that term.

3. In the use of unusual, rude, and contemptuous expressions towards the prisoner's counsel, and in falsely insinuating that they wished to excite the public fears and indignation, and to produce that insubordination to law to which the conduct of the judge did, at the same time, manifestly tend.

4. In repeated and vexatious interruptions of the said counsel on the part of the said judge, which at length induced them to abandon their cause and their client, who was thereupon convicted and condemned to fine and imprisonment.

5. In an indecent solicitude, manifested by the said Samuel Chase, for the conviction of the accused, unbecoming even a public prosecutor, but highly disgraceful to the character of a judge, as it was subversive of justice.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the fourth article of impeachment?

Those who pronounced guilty are:

Messrs. Anderson, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith of Maryland, Stone, Sumter, Worthington, and Wright.

Those who pronounced not guilty are:

Messrs. Adams, Baldwin, Bayard, Bradley, Dayton, Gaillard, Hillhouse, Mitchill, Olcott, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Vermont, Tracy, and White.

The fifth article was read by the Secretary, as follows:

## ARTICLE V.

And whereas it is provided by the act of Congress, passed on the 24th day of September, 1789, entitled "An act to establish the judicial courts of the United States," that for any crime or offence against the United States the offender may be arrested, imprisoned, or bailed, agreeably to the usual mode of process in the State where such offender may be found; and whereas it is provided by the laws of Virginia that, upon presentment by any grand jury of an offence not capital, the court shall order the clerk to issue a summons against the person or persons offending to appear and answer such presentment at the next court; yet the said Samuel Chase did, at the court aforesaid, award a *capias* against the body of the said James Thompson Callender, indicted for an offence not capital, whereupon the said Callender was arrested and committed to close custody, contrary to law in that case made and provided.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the fifth article of impeachment?

Those who pronounced not guilty are:

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Howland, Jackson, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

The sixth article was read by the Secretary, as follows:

ARTICLE VI.

And whereas it is provided by the thirty-fourth section of the aforesaid act entitled "An act to establish the judicial courts of the United States," that the laws of the several States, except where the Constitution, treaties, or statutes of the United States shall otherwise require or provide, shall be regarded as the rules decision in trials at common law in the courts of the United States in cases where they apply; and whereas by the laws of Virginia it is provided that in cases not capital the offender shall not be held to answer any presentment of a grand jury until the court next succeeding that during which such presentment shall have been made, yet the said Samuel Chase, with intent to oppress and procure the conviction of the said James Thompson Callender, did, at the court aforesaid, rule and adjudge the said Callender to trial during the term at which he, the said Callender, was presented and indicted, contrary to law in that case made and provided.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you, is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the sixth article of impeachment?

Those who pronounced guilty are,

Messrs. Breckinridge, Cocke, Howland, and Maclay.

Those who pronounced not guilty are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Brown, Condit, Dayton, Ellery, Franklin, Gaillard, Giles, Hillhouse, Jackson, Logan, Mitchill, Moore, Olcott, Pickering, Plumer, Smith of Maryland, Smith of New York, Smith of Ohio, Smith of Vermont, Stone, Sumter, Tracy, White, Worthington, and Wright.

The seventh article was read by the Secretary, as follows:

ARTICLE VII.

That, at a circuit court of the United States for the district of Delaware, held at New Castle, in the month of June, one thousand eight hundred, whereat the said Samuel Chase presided, the said Samuel Chase, disregarding the duties of his office, did descend from the dignity of a judge and stoop to the level of an informer by refusing to discharge the grand jury, although entreated by several of the said jury so to do; and after the said grand jury had regularly declared, through their foreman, that they had found no bills of indictment, nor had any presentments to make, by observing to the said grand jury that he, the said Samuel Chase understood "that a highly seditious temper had manifested itself in the State of Delaware among a certain class of people, particularly in New Castle County, and more especially in the town of Wilmington, where lived a most seditious printer, unrestrained by any principle of virtue and regardless of social order; that the name of this printer was"—but checking himself, as if sensible of the indecorum which he was committing, added "that it might be assuming too much to mention the name of this person, but it becomes your duty, gentlemen, to inquire diligently into this matter," or words to that effect; and that, with intention to procure the prosecution of the printer in question,



the said Samuel Chase did, moreover, authoritatively enjoin on the district attorney of the United States the necessity of procuring a file of the papers to which he alluded (and which were understood to be those published under the title of "Mirror of the Times and General Advertiser"), and by a strict examination of them to find some passage which might furnish the groundwork of a prosecution against the printer of the said paper, thereby degrading his high judicial functions and tending to impair the public confidence in and respect for the tribunals of justice, so essential to the general welfare.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you? Is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the seventh article of impeachment?

Those who pronounced not guilty are,

Messrs. Breckinridge, Cocke, Franklin, Howland, Jackson, Maclay, Smith of Maryland, Stone, Sumter, and Wright.

Those who pronounced guilty are,

Messrs. Adams, Anderson, Baldwin, Bayard, Bradley, Brown, Condit, Dayton, Ellery, Gaillard, Giles, Hillhouse, Logan, Mitchell, Moore, Olcott, Pickering, Plumer, Smith of New York, Smith of Ohio, Smith of Vermont, Tracy, White, and Worthington.

The eighth article was read by the Secretary as follows:

#### ARTICLE VIII.

And whereas mutual respect and confidence between the Government of the United States and those of the individual States and between the people and those governments, respectively, are highly conducive to that public harmony without which there can be no public happiness, yet the said Samuel Chase, disregarding the duties and dignity of his judicial character, did, at a circuit court for the district of Maryland, held at Baltimore in the month of May, one thousand eight hundred and three, pervert his official right and duty to address the grand jury then and there assembled on the matters coming within the province of the grand jury, for the purpose of delivering to the said grand jury an intemperate and inflammatory political harangue, with intent to excite the fears and resentment of the said grand jury and of the good people of Maryland against their State government and constitution, a conduct highly censurable in any, but peculiarly indecent and unbecoming in a judge of the Supreme Court of the United States; and, moreover, that the said Samuel Chase then and there, under pretence of exercising his judicial right to address the said grand jury as aforesaid, did, in a manner highly unwarrantable, endeavor to excite the odium of the said grand jury and of the good people of Maryland against the Government of the United States by delivering opinions which, even if the judicial authority were competent to their expression on a suitable occasion and in a proper manner, were at that time and as delivered by him highly indecent, extrajudicial, and tending to prostitute the high judicial character with which he was invested to the low purpose of an electioneering partizan.

The President took the opinion of the members of the court, respectively, in the form following:

Mr. ———, how say you? Is the respondent, Samuel Chase, guilty or not guilty of a high crime or misdemeanor, as charged in the eighth article of impeachment?

Those who pronounced guilty are,

Messrs. Anderson, Baldwin, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Giles, Howland, Jackson, Logan, Maclay, Moore, Smith of Maryland, Stone, Sumter, Worthington, and Wright.

Those who pronounced not guilty are,  
Messrs. Adams, Bayard, Bradley, Dayton, Gaillard, Hillhouse,  
Mitchill, Olcott, Pickering, Plumer, Smith of New York, Smith of  
Ohio, Smith of Vermont, Tracy, and White.

Whereupon, the President declared that Samuel Chase, one of the  
associate justices of the Supreme Court, is acquitted of all the charges  
contained in the articles of impeachment exhibited against him by  
the House of Representatives; and

The court adjourned without day.

Copy—Attest:

SAMUEL A. OTIS, *Secretary.*