

" Report of the Trial of the Hon. ~~Samuel~~ CHASE one of the Associate Justices of the Supreme Court of the United States, before the High Court of Impeachments, composed of the Senate of the United States, for charges exhibited against him by the House of Representatives in the name of themselves, and of all the People of the United States, for High Crimes & Misdemeanors supposed to have been by him committed; with the necessary Documents and Official Papers, from his Impeachment to final Acquittal, Taken in Short Hand, by Charles Evans, and the arguments of Counsel revised by them from his manuscript. Printed for Samuel Butler and George Keatinge. Baltimore, 1805

" A Randall bought at John Dove's Sale 1805

Managers for the Prosecution:
 John Randolph, Esq
 Joseph H. Nicholson, Esq
 Caesar A. Rodney, Esq
 Early, Esq
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 Clarke, Esq

Counsel for the Respondent
 Joseph Hopkinson, Esq
 Philip B. Key, Esq
 Charles Lee, Esq
 Luther Martin, Esq
 Robert Goddard Harper, Esq

1) Proceedings of the House of Rep. 5 Jan 1804
 Motion made that committee be app't'd to
 "enquire into the official conduct of Samuel Chase"
 + "to report their opinion whether the said Samuel Chase
 both so acted in his judicial capacity, as to require
 the interposition of the constitutional power of this house."

3) Richard Peters, district judge of the district of Penna.
 added to resolution w/ Chase

4) Resolution adopted 7 Jan. 1804 21 to 40

3/ apparently some members of House/Rep. gave the info that in a prosecution of John Fries for treason in the circuit court of Penna. Chase, Peters informed counsel of Fries that the court had decided on the pt of law + the hence Fries' lawyer should confine himself to pt of fact only. Apparently, for some reason, Fries' lawyers refuse to address the jury on fact. Fries was found guilty. Later pardoned by Pres. of US.

p. 6-9 / Chase's memorial to House - 24 Mar. 1804
protests putting matter off to end of session
says trial (Fries) was 4 wks ago
says this prosecution comes at a time when a political change supposed by many, though he hopes unjustly, to be favorable to its success had taken place"

protests that no specific charges based on fact are given
protests that he has not been given rights inherent in grand jury proceedings for regular trial, etc.

says his prosecution is partly inspired
says damaging testimony already made public w/o his having had a chance to rebut.

protests method of voting in the impeachment is a general vote on all questions together w/o a majority.

Chase says that even question of article should be voted on separately w/ a majority needed to impeach. He says that there will not be majority to impeach on any one article but that throwing together when everyone votes the whole of the article he thinks should mean impeachment. Then the majority wants impeachment. Not fair.

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(3)

So, Chase opposes House impeachment procedures on 3 grounds

1. indefinite enquiry w/o specific allegations
2. ex parte testimony
3. vote taken on all articles together, not separately.

Chase he's 63 - refers several times to his part in Revolution + position of trust + importance appointed to Sup. Ct. by Washington.
Chase he has "an unspotted reputation" until now.

Wants House ^{not} to adjourn w/o preferring articles of impeachment so that he may begin his defense.

Appendix - Articles of Impeachment exhibited by House of Rep.

Article I - Chase presided at trial of John Fries for high treason before Circuit Ct. of the U.S. in dist. of Penna. held in Phila. Apr-May 1800
"Chase did, in his judicial capacity, conduct himself in a manner highly arbitrary, oppressive, and unjust"

1. delivered written opinion on ~~the~~ a question of law on which the defense depended. Prejudiced jury agst Fries before in defense had been heard.
2. Restricted Fries' lawyers from using certain statutes or Eng. law in defence.
3. Denied prisoner his right to address the jury (through his counsel) on the law, as well as the fact, which was to determine his guilt, or innocence. ... tried to take from the jury their right to "determine upon the question of law, as well as the question of fact"

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Hence Fries was denied right of 8th Amendment
+ condemned to death

Article II Chase presided at a circuit
ct of US at Richmond, May 1850 district of Va.
James Thompson Callender arraigned for
libel on John Adams, then Pres. of US.
a prospective jury asked to be excused
because he'd already made up his mind
Chase refused to excuse him. The jury
found Callender guilty

new -
This really
+ begins the
by a similar
prosecution + unpunished

Article III In Callender trial, Chase did not allow
a material witness for Callender to give his evidence "on the
preference that he 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."

Article IV Chase's conduct during whole
Callender trial was marked by "manifest
unjustice, partiality, and intemperance" i.e.

1. Making defense wild + submit to court all its questions to Taylor.
2. Refused to postpone trial get the defense witness within the law
3. Rude to defense
4. Interrupted defense, inducing them to abandon their client who was convicted
5. manifest indiscreet solicitude for conviction of Callender

(3)

Article V - Chase got Calleader arrested before his trial agst law of Va. which says that someone indicted for non-capital offense should just be issued a summons.

Article VI - Chase made Calleader go to trial during same term as his indictment - against Va. law which says that in non-capital cases, the trial comes the next term after indictment.

Article VII - Chase was sitting at circuit ct of US for dist. of Delaware in New Castle, June 1800. refused to discharge grand jury after it sd it had no bills of indictment or pre-arrangements. Chase sd that a "highly seditious temper had manifested itself in the state of Delaware among a certain class of people" - part in Wilmington where there was a printer that Chase wanted grand jury to investigate. Chase tried to get district attorney of US to go thru the papers + find something to prosecute printer on.

Article VIII - Chase sitting at circuit ct of US, district of Md, in Balto. May 1803 - spoke to "grand jury" in the purpose of delivering to the said grand jury an intemperate and inflammatory political harangue, of intent to excite the fears and resentments of the sd grand jury, and of the good people of Md agst their state, government and constitution."



Appendix - pg. 7
4 Feb - 1805
Answers of Chase before the Senate
The US vs Samuel Chase

Art. I - Chase says he guesses they mean 6th amendment.
says that he held commission as an associate justice of Sup. Ct. + hence did preside at Fries trial w/ the district judge (Peters) sitting as his assistant

1794 - Whiskey rebellion

1795 - 2 Treason trials in Phila. circuit court
and one established precedent that insurrection by armed force even one specific law of US is treason.

1798 - US act for Fed. Tax

1799 - Insurrection in Fenna against 1798 law

Fries was ringleader + was arrested

Tried Apr. 1799

Judge overthrew precedent + made the act "not" not treason

Fries found guilty of treason

trial overturned + new trial granted because of some jurors prejudice

Chase presided at 1800 Fries trial

says he thought question of law already established by 2 prior cases in same court. Gave it at start of trial to lawyers + jury to expedite trial

was
TBM down + make
sense in context
following statements

Art. II - Callender trial involved sedition law

Gov. I plea in T. II - Chase says that he always acted w/ advice + approval of the district judge + yet they are not on trial here - no one is impeaching them or calling them infidels.

4

1-NG
2-NG
3-NG
4-NG
5-NG
6-NG
7-NG
8-NG
9-NG
10-NG

Judgement p. 268 - 1 Mar. 1805 - vote on each article -
not guilty, 5 guilty, 3 hence acquitted - no constitutional
majority on any 1 article
- (Chief justices are by 2 votes in each case)

Art III + IV + V + VI

Callender's book was agst John Adams
Chase defends his actions on legal-
technical grounds.

Art. VII - v New Castle

also concerns the sedition law - Chase
charged the Del. grand jury w/ taking this
law into consideration when it looked
about in crimes.
Jury still didn't find anything - ^{was kept} only
day.

Art VIII - v Balto.

Chase says he was presiding at The Balto
Ct in his capacity as Associate Justice 1803

Chase sd to grand jury (by his admission)

- 1. Abolition of 16 (Fed) circuit ct judges
- 2. Md's constitutional change for universal
suffrage
- 3. further change in md. judiciary (contemplated)

These things will take ^{away} "all security for
property and personal liberty."
Particularly opposed to universal suffrage

Chase says now that, although these opinions
were "incorrect + unfounded" it was not against
any law then in force for him to tell them to
the grand jury.

Chase says his comments ^{were} not seditious

Feb 2, 1805 - House of Rep. say it has heard above plea +
defused. Sen. Chase said "do over their case agst
the sd SC to be true" + gives the case to the Senate.

Appendix - Table of Votes -

The following voted quietly on all 8 Articles:
O - (no one voted quietly on #5)

The following voted quietly on 7 out of 8:

Breckenridge	Ky.
Cocke	Tenn
Howland	P.I.
MacLay	Pa

The following voted not quietly on all 8

Adam	Ms
Bayard	Del
Boddy	Vt
Dayton	N.J.
Gaillard	S.C.
Hellhouse	Conn
Mitchell	N.Y.
Olcott	N.H.
Pickens	Ms
Plumer	N.H.
Dorland Smith	Vt
J. Smith	N.Y.
J. Smith	Ohio
Tracy	Conn.
White	Del

5

2 hrs 2/14 } 4 hrs
2 hrs 3/15 }
+ 1 hr - 5

Appendix - Exhibit # 8 - Speech before Balto

Grand Jury
(both md senators (S. Smith + unique found him
guilty on this article - ie 10 8)

Chase is definitely for suffrage given only to
property owners,
defended against any legislative
control of state judiciary - ie term of
office + support (salary)

9.13.11