Morgantown, Charlestown and New Hill land, to Lake Erie. From Philadelphia thro' Germantown, White Marsh, Montgomery Square and Quakertown to Bethlehem. From Bethlehem by Lafayette Bethlehem, From Pittsgrove to Buffalo Creek.

In Maryland.

From Annapolis by Rock Hall to Chestertown.

In Virginia.

From Randolph court house, to Frankfort, From Goshen by Cardiff's River to Amelia court house, from thence to Petersburgh, From Prince Edward court house, by Hunter's tavern, to Lynchburg. From Lynchburg, by Campbell and Buckingham court houses, to Danville. From Smithfield by Sweet Hole ferry, to Portsmouth. From Sharp's Hill to Buffalo.

In North Carolina.

From Williamsburgh by Bullock's and Bullock's ferries, Lexington and Red Hill, in Caldwell country, to Caldwell court house. From Rockford by Cliff's ferry, and Wade to Stanfordsville. From Raleigh by Pool's ferry on Neuse, to Gaston's ferry, Lawrence's ferry, Buckhorn Creek ferry, to Woodwards, Tuft's at Down to Tarborough. From Gaston's ferry, by Halifax, to the Great South Carolina on Atherton's the State of North Carolina.

In Georgia.

From Darien by Tarnall and Montgomery court houses, to Fort Wilkinson. From Milledgeville in Kaintuck by Cincinnati to Ohio.

In Indiana.

From Vincennes to Chicks.

In Upper Louisiana.

From St. Louis to St. Charles.

In Orleans Territory.

From Natchez in the Mississippi territory, by Ferry, Chakia and Bogal Settlements, to Natchitoches. From Wallington city by Athens in Georgia, to New Orleans, and from Athens in Tennessee to the Tombigbee settlements in the Mississippi territory, by the Indian Trading Road, from Athens in Georgia to New Orleans, at the most convenient point between Athens and the Indian Trading Road.

NATH. MACON,
Speaker of the House of Representatives.
JOS. ANDERSON, *President of the Senate, pro tempore.*
March 3, 1806.—Approved,
TH. JEFFERSON.

IMPEACHMENT
JUDGE CHASE.

SATURDAY, FEBRUARY 9, 1804.

WILLIAM LEWIS *affirmed.*

Mr. Dallas. Mr. W. Being and I, were assigned for John Fries as his counsel, and I believe by the assignment of the court, on his trial in the year 1799. I was a candidate, I believe, in the usual manner, and we were certainly allowed all the privileges that are customary in such occasions. Mr. Fries trial was had before Judges Iredell and Peters. The case was tried, and the trial was ordered, became one of the jurors had manifested a prejudice against the opinion of general concurrence in the insurrection, and against Fries in particular. This trial took place early in April and April in May 1799. At October Term following, Mr. Dallas and I attended at Norris town, expecting the trial would again take place, but it did not. The proceedings on the first indictment were quashed by the district attorney, and a new bill was found at April term 1800, at which Judges Chase and Peters presided. Mr. Dallas and I appeared again as the counsel of Fries, at his request, and I believe we were assigned by the court, but of this I am not certain. On the morning of a certain day, which I do not now recollect I entered the court room where the Judges were on the bench, and if I recollect rightly the prisoner was in the bar; but if he was not then there, I feel very sure that he soon was. The bill of point prices was called over, and many of the answered. Whether the trial had been appointed for that day, I do not recollect; but one thing I say with the best strength of my memory, that I was not aware of any such appointment or not. I will now state as accurately as it is in my power what took place on the occasion, premising that although my memory is extremely accurate on the first hour, yet I am not willing to offer a confidence for the rest of time. I will not, therefore, undertake to be precise in stating the whole transaction which took place; but I say very confidently that I distinctly recollect the whole. When I say that I am not confident, I beg to be understood as not undertaking to delineate pleadings or any setbacks between what took place on the first or on the second day.

Almost immediately after the jurors were called over, Judge Chase began to speak. At this time Mr. Dallas had not come into court. Judge Chase said, he understood, or had been informed, that the trial of treason or treasonable nature, was impossible for me to know whether he alluded to the case of Fries only, or of other cases, and there had been a great waste of time in making long speeches on topics which had nothing to do with the business, and in reading cases from law cases on treason, as well as on treason under the statute of Edward the third, and also certain statutes of the United States, respecting the refilling of prisoners, and other offences little than treason. He also said, that to prevent this in future, he or they, I do not precisely recollect which, had considered the law, had made up their minds, and had decided their opinion to writing on the subject, and would not further delay us to be read again; and in order that the counsel—not whether for the prisoner or the prosecution both fellows, I believe, he—might govern themselves conformably, he had caused three copies of that opinion to be made out, one to be delivered to the prisoner's counsel, one to the counsel of the prosecution, and the other, as soon as the case was fully opened, or gone through, I cannot say which, to be delivered by the clerk of the court to the jury. I rather think that the expression was, fully gone through.

Mr. Randolph. And this, Sir, before the counsel had been heard?

Mr. Lewis. I have told Mr. Dallas had not yet come into court, and so I supposed I had at this time told a fellow-lawyer. I think it was at or about this time, that Judge Cooke handed, or caused to be handed, to Mr. Caldwell, clerk of the court, one or more papers; but whether I saw them pass immediately from the judge to the clerk or not, I am not certain. Mr. Caldwell reached one of the papers towards me. I took it, in my hand. I did not read a single line of it. I remember well that speaking aloud, but whether addressed to the clerk, the court or not, I am not positive, and either waving my hand, or throwing the paper from me, I said, this expression—"I will never permit my hand to be tainted with a prejudged opinion, even by a judge, such as in a criminal one." If Judge Peters made use of a single expression on the first day, I either did not hear him or do not recollect it.

Judge Chase, when speaking of the indictment, said it was not the indictment, the statute of Edward the Third, and I believe, if it was, Mr. Cooke, or Mr. Caldwell, would not suffer them to read again. I am sure he said he would not suffer the indictment at common law, or under the statute of Edward the Third to be read. I am not altogether certain whether he did or did not say the indictment was as the statutes of the United States; but I am perfectly sure that he did say they had nothing to do with the indictment, and that he expressed himself in strong terms of disapprobation either at their having been read, or permitted to be read on the former trial. I am not certain whether these parts of his remarks were on the day I was at court or on the day on which I was about to mention occurred on the first or the second day.

Judge Chase said, I think on the first day, that he had prepared judge of the law, and if they did not understand it they were unworthy of their seats, or words to that effect, and that if the prisoner's counsel had any thing to say, to these they had not been prepared to hear, or they were wrong, the counsel mad addresses them to the court for the purpose of argument. I recollect I made some observations in answer, which it is impossible for me to all repeat, to particular, and, as having pulled out at the time, those form parts of it may perhaps have taken place in other fragments of my remarks. At this time Mr. Dallas was not in court. I was struck with what appeared to me to be a great novelty in the proceeding, and was in a manner anxious to be of service to Fries, I was fearful of Mr. Dallas's being in perfect. I think I went out of the bar to get him to go to go him, and while I was out of the bar, he entered the room. I briefly stated to him what had taken place, or some parts of it; but I did not mention the Judge's opinion, word, and we made some remarks which I am unable to repeat. I was early in court, and I had not, at that time, had made up their minds, and decided the question of law, before the jury was called over, and I was struck with it, and it was not likely we should alter that opinion by any thing we might say, and I felt a great anxiety, under Fries's more service by withdrawing from his trial, and he was by persuasion to do so, and earnestly recommended to him to refuse that course. He appeared to be very much surprised, agitated, and struck at a little what determination to come to. We, however, left the court, and he indicated to me he would proceed in his defence at every hazard, and contend for what we deemed his constitutional rights as a freeman, until flopped by the court—or we edited expressions to this effect. His fine of alarm and apprehension (secret) left him the power to decide for himself. After some time he acquiesced in our advice, and we left the subject to depend on but as that he was sure we would do our self for him, and he would have wished to do for him as we pleased. Being very anxious for him, we told him we would call upon him on the jail, and satisfy his mind as to the course which we wished him to pursue. He finally agreed to our proposal to withdraw, but as we were apprehensive that the court might alter him either counsel in our place, and that our views might be defeated by such an arrangement, we adjoined him against accepting any, and I understand that his attorneys did refuse to accept of any when counsel. I have to allege my reasons for giving this advice, as it might perhaps be improper, unless I am directed by the court.

Mr. Martin asked what those reasons were?

The President defined the examination to proceed on the part of the House of Representatives, that as he had not been called, the witness might be examined by the counsel for Judge Chase.

Mr. Lewis. It bring thus determined that we should withdraw, that Fries should not accept any counsel that might be offered him, I felt the anxiety, lest he should be silent or nothing more to say, as we were no longer counsel for Fries, and, as he was not discharged from after the court was opened, and I believe, when the prisoner was in the bar, and Judge Chase said, Mr. Dallas and myself, and probably Mr. Rawle, and added as if we were ready to proceed? Not wanting, I believe, to state that we were not any longer counsel for the prisoner. He edited our reasons for this withdrawing, and the recommending what had taken place the day before; yet I recollect, I was, at least, generally manifested a strong disposition that we should proceed in the prisoner's defence, that we should, at hazard, contend for freedom, which had been previously imposed. I was flopped in what I was about to say by Judge Chase, telling me to go on in our own way, and addressed the jury on the law as well as the facts. I felt a strength upon me at this time the fact it would be under the direction of the court; and at our own peril if we did not, and I recollect I felt an unfinished conflict with impropriety. Not that either a contrary effect on my mind or a contrary effect on my mind. I felt the force of the direction, and I did not know that there had been any things of a contrary direction as to make it necessary to remind me, that if I proceeded it should be at my own peril, and I recollect I felt a strong expression, therefore, either strengthened this followed the determination which I had taken.

I have said if Judge Peters made use of a single expression on the first day I did not hear it, or I have forgotten it. On the second day he spoke, and joined Judge Chase in urging us to proceed, if the prisoner wished it. He said as we might take as large a time as we pleased, I, said he knew the prisoner, and he would take the hint; and added, if they [the Judges] had committed an error or got into a wrong path, they would permit them to get out of it? I mentioned in this or some other stage of the business, that I believed it was the strong wish of the prisoner to be heard by himself or counsel in his defence. That it was the conditional wish of the court, that he hear counsel on the law as well as the facts; that it was their conditional wish that we go to facts, and that he and his country on both; and that it was the earnest wish of the court that he hear by counsel on the law as well as the facts. If I did not believe myself in that conditional wish, I was sure, that the fortunate is the time, and that there is no material difference in the limits. I recollect, I said, I believe, that I felt a great conditional right, which should never be surrendered or fare fetch by judges, or any other, I said that Aves I added that I never is I, nor ever would in a criminal prosecution address a court, unless the law or facts. I said, in this I find however that I was mistaken; for I force recollect, though from the time I mentioned it I did not there on influence where in a criminal fact I said, I believe, I said, I would leave the law which was fearful and difficult from the facts. Judge Peters remarked that prisoner should be heard by counsel (containing the opinion of the court) as they, or the copies had been called in the court, and the prisoner was gone.

Mr. Lewis. I was admitted to practice in the court of Common Pleas in November 1778, and in the Supreme Court in April 1779, and I have been employed in a pretty extensive practice almost ever since. Immediately after the British left Philadelphia in 1779, I was engaged for some hundred and fifty, three parties charged with treason or misprision of treason. I defended almost every man of them that was tried; and since that time I have been concerned in more more capital cases, perhaps, tenfold for treason, than any other gentleman in Pennsylvania compared with our population. I have been in the practice of the law, and in the practice of Fries, or did you see any thing before, to induce you to abandon the defence of your client?

Mr. Lewis. This question seems to be pretty general one, but the—

Mr. Rev. If I understand this question, it is calculated to draw from the witness an opinion, inferred of a narration of facts.

The President defined Mr. Randolph to reduce his question to writing.

While Mr. Randolph was engaged in penning it.

Mr. Chase told he had no objection to the question being put.

In the minute time the question in writing had been handed to the chair, and been read by the clerk.

The President told the objection being withdrawn, the question would be put to the witness if to any member of the Senate.

No objection being made,

Mr. Lewis answered, Yes, I did not—it was entirely novel to me.

Mr. Randolph. And yet you have mentioned a single case, which is trial for treason, when there was a will number of civil actions on the docket?

Mr. Lewis. Criminal trials for capital offences are generally tried before the centre of oyer and terminer in Philadelphia, where there is seldom much interference with civil suits.

At the circuit court of the United States in 1794 there were 80 jurors on my civil cases. Judges Iredell and Peters presided. I do not know, or believe, that the circuit court of Philadelphia civil cases occupied the least variation in the mode of proceedings in the criminal cases.

Mr. Lewis faid he had some thing further to state, that Judge Chase and he withdrew from a debate to the bar of John Fries, and because they thinking that they should be satisfied by doing so, and not because they were influenced by any other considerations, which he had not heard of in the deliberation, he would have profited in the exercise of what he deemed his profitable rights until he was actually flopped by the authority of the court.

Mr. Harper. Did you not appear for Fries?

Mr. Lewis. I did.

Mr. Harper. Wish what overt acts did you defend?

Mr. Lewis. The overt act was levying of war, particularizing the time and place.

Mr. Harper. I will ask you whether the trial of John Fries in 1799 in which Mr. D. Dallas and myself were the counsel, you did not make this point, that the prisoner could be tried for the execution of a particular law of the United States does not amount to treason? Yes, or no, only? Or what was the point of law?

Mr. Lewis. On the first trial of Fries I was not present at the trial. Before the trial before Judges Cooke and Peters came on, I had considered the subject of the indictment and the defence. Information was so infidi, that although I felt very generally on even particular law relepted the rendered force of militia of the nation was treason, yet I felt doubting any other particular law was not treason.

Mr. Harper. Was not the same point made on the third trial?

Mr. Lewis. It was.

Mr. Harper. Was it not ruled by the court that such acts amounted to treason?

Mr. Lewis. It was.

Mr. Harper. Was then the court granted a new trial did they expecte another trial for the same, or was it not granted on an entirely new ground?

Mr. Lewis. The new trial was granted on the same substantial point.

Mr. Harper. How long did the trial last?

Mr. Lewis. I cannot tell; but it was a very long trial. The points of law was argued to the full extent, and we had the authorities we thought relevant. I was also fatigued by Mr. Dallas. We spoke very fully, and were kind enough to indulge us. I felt that we must to have also taken other ground, and to have contended that the trial should not be in the county where Fries must be in the county in which the offence had been committed, according to the law of the United States, which provides that in capital cases trials shall take place in the county where the crimes are committed, and commenced be without great inconvenience—This point was before contended—and had been then overruled. I felt that it was alleged the county in which the offences had been committed was not, from local loss of intersection or the effects of it. At the time of the full trial, there was a strong prejudice in the county where the offences charged against Fries had been committed, and we believed him therefore entitled to a trial in other counties.

Mr. Harper. Did any part of Judge Chase's written opinion go to this point?

Mr. Lewis. It was not mentioned to the court, as Mr. Dallas and I determined not to have any thing further to do in the case.

Mr. Harper. Why did you abandon that part of your client's rights? It was a new point, upon which you might have had the decision of the court.

Mr. Lewis. I did not wish to have any thing more to do with the case, after the manner in which we had been treated by the court.

Mr. Hopkinson. Did not the counsel for Fries whether he would have counsel assigned him.

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