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William Coley (Cooley),
Impeachment Ordered, Dismissed,
1799

The Council of Censors brought articles of impeachment against William Coley, High Sheriff of Bennington County, for mal-administration. The Censors sent the charges to the House to prosecute the impeachment before the Governor and Council. The House, however, dismissed the charges.

On October 21, 1799 the Council of Censors sent the General Assembly an order to impeach Bennington County Sheriff William Coley for mal-administration. The specific charges were that Coley "did wittingly and willingly take and receive...greater fees for his services, than allowed by the laws of the state..." The Censors held that "taking and receiving such fees, as aforesaid, is contrary to, and in violation of the laws and Constitution of this state" and therefore "in pursuance of their duty, and by the authority vested in them, *order*, that the said William Coley...be impeached before the Governor and Council of the state, for mal-administration of his office..."

On October 26th the House resolved itself into a committee of the whole and "after sometime spent" in discussion "recommend[ed] to the house to adopt measures to carry into effect the said order of the council of censors." On October 30th, however, the house voted to accept the Censors' report and then created a committee "consisting of one member from each county, to state the facts in detail and make report to the house."

The committee report was issued on November 2nd. After examining the allowed and charged fees, the committee reported that "it fully appears to the committee, that the charges exhibited against the said Coley, are wholly unsupported." The House concurred and the charges were dismissed.

Three days later the House appointed a committee to examine the fee bill. Though the committee did not recommend altering the fee bill, it found that the fee bill "could not be construed so as to give an officer

more than six cents per mile, for actual travel for serving any one process." That finding, at least to the Censors, appeared to support their case against Coley.

The Censors were incensed. In their February 4, 1800 Address to the People of Vermont the Censors presented their own calculations on Coley's fees while dismissing the legislature's "pernicious scheme of calculation;" questioned the General Assembly's actions in examining the fee bill after refuting the Censors' charges ("the most singular feature of the business"); and questioned the authority of the General Assembly to do anything beyond prosecuting articles of impeachment brought by the Council of Censors.

The Censors' charged that the legislature's actions led to the conclusion "that the council of censors have a right to order the house of representatives to impeach, but that the house so far from being obliged to comply with the orders, can reject, dismiss, or supercede them at pleasure".

"To admit that the house have a right to investigate the facts on which the impeachments are founded, when ordered as aforesaid, admits the further idea, that they have the right of deciding whether they will comply with the order of the council of censors, constitutionally directed to them or not."

That tensions over the respective constitutional impeachment authorities of the Censors and the General Assembly remained is clear from the responses to the articles of impeachment against [Prince Hall and John Chipman](#) in 1800.

For the Coley arguments see [Council of Censors](#), pp. 159-173.