

education and considerable experience and ability as a lawyer he had the majority of the attorneys who practiced before him at a distinct advantage, and those whom he could not unhorse with legal learning he cowed and silenced with jocular or brutal tyranny, as best suited his humor. But perhaps his gravest offense was political activity with which he never allowed his judicial duties to interfere, and he had not been long upon the circuit before angry outcries were raised against his aggressive Federal partisanship. Opposition of this character, however, merely excited his belligerency, and he never made the slightest effort to conceal his political opinions, either on or off the bench. Indeed, when the Sedition Act became a law, he had openly rejoiced at the opportunity it afforded for silencing critics of the administration and his actions were soon to speak louder than words. During the trial of Fries,¹⁰ his arbitrary rulings practically forced the prisoner's counsel to retire from the case in disgust, and when Thomas Cooper, member of the Pennsylvania bar, convicted of libelling the President, was arraigned for sentence, he announced in open court that if he could discover that the Democratic party was behind the prisoner, he would inflict the severest penalties known to the law.¹¹

Then we have a description of the people and the bar assembling at the old court house to hear and take part in the trial.

The threatened clash between the bench and bar was of course particularly interesting to lawyers, but there were many laymen among those gathered before the courthouse on the morning of the trial, for the country was thoroughly aroused over the attempt to enforce the Sedition Law within a state whose legislature had officially condemned it, and the conflict between the Federal and State authorities was far more important to the average Virginian than the settlement of any professional differences. Not all the horsemen who came trailing across the Common were present from choice, however, for the marshal had invaded the most distant plantations in his search for jurors and some of the victims had ridden ten, fifteen and even twenty miles in obedience to his summons, spreading the news of the impending event through the outlying districts, until the rapidly gathering crowd promised to surpass that of any previous court day in Richmond. Nevertheless, no one of the waiting throng seemed to be in any haste to move in-doors, and jurors, witnesses, spectators and lawyers remained clustered about the entrance or scattered along the edge of the Common discussing

¹⁰ See 11 Am. St. Tr.

¹¹ *Post*, p. 774.