

country. A case too little known, but of which the people ought to be fully apprised before the election, and they shall be.

Most assuredly, had these transactions taken place in August, 1797, then President Adams would not have been troubled by any request from

Thomas Cooper.

Northumberland, Nov. 2, 1797.

The Prisoner, without counsel, appeared in his own behalf and pleaded *not guilty*, and the jury was selected.

William Rawle,⁵ District Attorney, for the United States.

A question arose at the outset concerning the right of the prisoner to compel the attendance, as witnesses, of several members of Congress (Congress being then in session), and of the President.

Mr. Cooper asked the court to address a letter to the Speaker of the House, requesting him to have process served. JUDGE PETERS thought this the proper course. JUDGE CHASE ordered process to issue without such letter, saying, that if it was necessary to compel the attendance of the members, the case would be continued until the session was over. He at the same time refused to permit a subpoena to issue directed to the President of the United States, saying that it was an improper and an indecent act.

The cause was continued to April 19, in order to enable defendant to procure documentary and other evidence which he considered material.

April 19.

The difficulty in obtaining the attendance of the members of Congress who were subpoenaed was ultimately waived by them; several of them appearing voluntarily in court and ready to give their testimony.

The *Jury* was sworn.

Mr. Rawle. The defendant stands charged with attempts which the practice and policy of all civilized nations have thought it right at all times to punish with severity, with having published a false, scandalous and malicious attack on the character of the President of the United States, with an

⁵ See 4 Am. St. Tr., 624.