

another, in a form more portable and convenient, purporting to be a selection of addresses and answers to and from the President during the summer of 1798. Not having been able to procure office copies of the documents I wished to refer to, I must offer in evidence such publications as I can find; that class of publications, upon which in fact the mind of the public is usually made up; and upon whose authority the electors of this country determine the characters whom they honor with their suffrage. Indeed, if the opinion that fell from the court this morning be accurate, that no man should hazard an assertion but upon sufficient and legal evidence, and if documents from the public offices in proof of notorious facts are required as such evidence, then are the mouths of the people completely shut up on every question of public conduct or public character. But I cannot help thinking it a fair and reasonable position, that a defendant in such a case as this should be permitted to offer to the jury any evidence that appears to him a sufficient ground for his assertion, and let them decide on its credibility.

JUDGE CHASE. What is it that you say, sir, fell from the court? They have not yet decided what was or what not proper evidence for you to adduce. The court said, if you thought the public documents at your service, you were mistaken. If you undertake to publish, without having proper evidence before you to justify your assertions, you do it at your own risk. Most assuredly, in common traverses, you could not offer the evidence you mention. But we acknowledge that, in such a case as this, great latitude may be given. If you say the President did write a letter, you must prove it. We should incline to admit gazettes and acts of public authority and notoriety. You might read the speech of the President to both Houses of Congress in evidence. If you want to prove that the President advocated a navy, you may read the journals of Congress or any authentic public document.

*Mr. Cooper.* If I am defeated in my endeavors to procure these documents, I must offer such evidence as I can procure;