

and selected the passages on which his defense has been grounded. Throughout the quotations he has made, particularly from the addresses to the President, and the answers to them, there has been a series of misrepresentations, which it will be my duty to observe upon when I come to consider that part of the charge and his vindication of it. But it is fair to observe that if, from the perusal of partial extracts and passages selected from various publications, he has thought proper to publish a libel, such as that for which he is indicted, against the character of our President, there is no excuse for his conduct; if, on the other hand, he had the whole of the publications before him, and has extracted from them partially and unfairly, his conduct is still more reprehensible, and there is the less excuse, as it is evident, and as you, gentlemen of the jury, must have observed, that he is a man of talents and letters.

Gentlemen, you have attended to the words of this charge in the indictment, and you cannot but be impressed that they convey on the face and in the very tenor of them, a conclusive proof of a *mala mens*, of a malicious and deliberate intention to injure the character of the President. No man can read them without receiving this impression from the perusal.

I have not touched on the article respecting the embassies to Prussia, Russia, and the Porte; because I did not think it of importance sufficient to occupy much of your time. Indeed, I believe no embassy was ever sent to Russia. There is enough for your consideration against the defendant, without dwelling on these lesser articles of the indictment.

Gentlemen, I have no personal animosity against Mr. Cooper; but I have instituted this prosecution because I thought it my duty so to do, and I must make those remarks which the same duty calls forth.

The defendant has endeavored to show that his publication was without malice; but his conduct with Buyers, and his expressions in that publication, proved otherwise. The nature of his defense, though he has stated his opinion of the good intentions of the President, evidently shows that he