

meant to justify his own conduct and language throughout. You, gentlemen of the jury, under the direction of the court, will decide whether he has presented to you such a justification as will entitle him to your verdict in his favor.

#### THE CHARGE TO THE JURY.

**JUDGE CHASE.** Gentlemen of the jury: When men are found rash enough to commit an offense such as the traverser is charged with, it becomes the duty of the government to take care that they should not pass with impunity. It is my duty to state to you the law on which this indictment is preferred, and the substance of the accusation and defense.

Thomas Cooper, the traverser, stands charged with having published a false, scandalous and malicious libel against the President of the United States, in his official character as President. There is no civilized country that I know of, that does not punish such offenses; and it is necessary to the peace and welfare of this country, that these offenses should meet with their proper punishment, since ours is a government founded on the opinions and confidence of the people. The Representatives and the President are chosen by the people. It is a government made by themselves; and their officers are chosen by themselves; and, therefore, if any improper law is enacted, the people have it in their power to obtain the repeal of such law, or even of the Constitution itself, if found defective, since provision is made for its amendment. Our government, therefore, is really republican; the people are truly represented, since all power is derived from them. It is a government of representation and responsibility. All officers of the government are liable to be displaced or removed, or their duration in office limited by elections at fixed periods. There is one department only, the judiciary, which is not subject to such removal; their offices being held "during good behavior," and therefore they can only be removed for misbehavior.

All governments which I have ever read or heard of punish