

offers, I have hitherto, neither accepted nor rejected. If the court should impose a fine beyond my ability to pay, I shall accept them without hesitation; but if the fine be within my circumstances to discharge, I shall pay it myself. But the insinuations of the court are ill founded, and if you, sir, from misapprehension or misinformation have been tempted to make them, your mistake should be corrected.

JUDGE PETERS. I think we have nothing to do with parties; we are only to consider the subject before us. I wish you had thought proper to make an affidavit of your property. I have nothing to do sitting here to inquire whether a party in whose favor you may be, or you, are to pay the fine. I shall only consider your circumstances and impose a fine which I think adequate; we ought to avoid any oppression. It appears that you depend chiefly upon your profession for your support. Imprisonment for any time would increase the fine, as your family would be deprived of your professional abilities to maintain them.

JUDGE CHASE. We will take time to consider this. Mr. Cooper, you may attend here again.

*May 1.*

The Court sentenced Mr. Cooper to pay a fine of four hundred dollars; to be imprisoned for six months, and at the end of that period to find surety for his good behavior, himself in a thousand and two sureties in five hundred dollars each.

Mr. Cooper's defense, which was so written out by himself as to make up a review of the whole administration, attracted great attention, and his imprisonment for an offense thought so trivial, was a popular subject for electioneering declamation. President Adams himself thought the thing had gone too far and would have pardoned him had not Mr. Cooper issued a letter in which he told him that so far from asking for clemency he would not accept it unless coupled with an acknowledgement by the President of the breach of good faith which the publication of the alleged provocative letter involved. Of course, nothing could be done but let the imprisonment run out. This it did and the fine was paid. Forty years afterwards at the same time with that imposed upon Lyon (see 6 Am. St. Tr., 687), it was repaid with interest. Wharton's State Trials, p. 679.