

ness and vice, your detestation of imposture and quackery, for a triumphant acquittal.

What better breastplate than a heart untainted ?
Thrice is he arm'd, who hath his quarrel just,
And he but naked, tho' lock'd up in steel,
Whose conscience with injustice is corrupted.

"I stand before you gentlemen, as a criminal. The indictment accuses me of having written and published a false, scandalous, and malicious libel on the character of John N. Maffitt, a preacher of the christian religion, of the methodist persuasion. The offence is stated in the indictment to have been committed *with force and arms,** against the peace and dignity of the commonwealth; you will observe, however, that the real prosecutor in this case is Maffitt himself. The commonwealth, by a fictitious and mischievous personification, is likened to an individual, and endowed with character, sensations and feelings; while Maffitt, the prosecutor, who, in reality, is as much on trial as I am, is admitted to be a witness in his own case † Are the peace and dignity of this commonwealth, gentlemen, such airy and evanescent qualities, such frail and perishable possessions, as to be put in jeopardy by the mere exposure of the ignorance, the quackery, and the folly, of a single individual? Are they so deeply involved in the uncertain & slippery reputation of an itinerant preacher? No, gentlemen, this is the formal, technical, phraseology of an indictment, as sublimely ridiculous, as it is profoundly absurd ‡ Maffitt is the only person injured by the publication; he and his friends are the prosecutors and the witnesses;

*The using such words in an indictment for libel, obviously is for the purpose of bringing it within the definition of a breach of the peace, by attributing the offence to the use of some weapon or instrument, and strongly corroborates the argument of the court before detailed, in which it is assimilated to the use of an instrument.

†This is certainly a most powerful objection against prosecutions for libels against individuals, upon indictment; and upon this ground alone, it is obvious that they ought to be confined solely to actions of damage, the case alone excepted in which they may have actually produced breaches of the peace.

‡It is rather astonishing that amidst the many reforms which, in American jurisprudence, have been introduced into the law of England, which is the basis of their own, they have not scouted from their practice, those numerous absurd, and unnecessary tautological fictions that form so great a part of all English legal documents. There is scarcely a process, either in civil or criminal cases, in the practice of law in England, which does not bear upon its face a downright lie. These legal fictions as they are called have found many advocates, alleging the necessity of their existence; but I deny it utterly in every instance. Can it be possible that justice stands in need of **SALSMOOD** to support it?