

necessary, indeed, to come to such a resolution, because there was no express case adjudged in the Courts below, wherein sureties for the good behaviour in matters of libel had been enforced, when opposed by the party accused, altho' three or four cases of private men, not members of either house, had happened within the memory of all the great Lawyers now living, where surety for keeping the peace had been strongly insisted upon by the Attorney-General, and refused by the supposed libellers, and wherein, in order to try the point with the Crown, these last, whilst in custody, sued out Writs of Habeas Corpus, and upon the Attorney General's desiring and obtaining time, but not coming in consequence of it, to make good the point for the Crown, demanded and obtained their liberty thereupon. In particular, in the case of Mr. Amherst, the author of the Craftsman, after precedents had been diligently searched into, and, at a prodigious expence, of both sides, the Attorney General did not give up the matter until the very evening that it was to have been argued before all the Judges in Serjeants Inn Hall. It was too the universal persuasion at the time that the point was not even then relinquished, until it was discovered the majority of the Judges were of opinion that sureties for the peace, or good behaviour, could not be demanded from any man upon the mere charge of a libel. Indeed it is the prevailing notion, at this instant, that the greater part of the present Bench are of the same opinion; although this cannot be positively known, as the matter has not been in judgment before them, and the House of Lords did not