

ly. who published it ; concluding, probably, that if such representation were immaterial, this Great Judge, who has so much to his reputation already very greatly shortened and altered the usual proceedings in all causes and trials, would have long ago forbid the crown-pleaders to insert such unnecessary words, and have reduced the charge to a mere averment of the fact, that such persons published such a paper, without giving any name or character to it at all. And, in truth, it were much to be wished that these strange charges, so useless and expensive, should be totally omitted for the future. For, Juries, after being sworn, are solemnly bid to listen to the charge whereon they are to pass between the King and the Defendant, and then have the whole of these long informations gravely read to them, without any distinction of parts, whereby they must ever be led into a notion that they are bound, on the oaths they have taken, to consider the whole of what is so read to them, as their charge, and to determine thereon ; and it is well known that Juries, at best, are but too apt to form strange judgments, and to do the wrong thing. Indeed, I remember not many years ago, to have heard a very great Law-oracle, upon a motion for a new trial, take the opportunity of pronouncing it as his opinion, to the admiration of every body, that “ the Trial by Jury was a very “ bad sort of trial, and would be the worst of “ all, were it not for the controlling power of “ Judges by the granting of new trials,” &c. Now the law touching Libels, is a matter far above the reach of any Jury ; and it is not Lord (1) ***** that has started the notion, or broached a new opinion. In the end of Charles the Se-

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(1) Lord Mansfield