

"If nothing of a *dangerous tendency* is published, there is *no libel*." It would have done this great man much more honor to have spoken, in other places as in this, more decidedly and less equivocally; he could not in conscience support the doctrine of libels; he was unwilling to offend the court and ministry, for he was solicitor to the Queen, he has given a feeble opinion in favour of them, and a strong one against them. Such as they are, we will take the sentiments of this great commentator to be the criterion and standard, and by them try if this publication can, with the aid of the most subtle sophistry, or fiction of law, be construed into a libel, or to contain matter defamatory to Henry Caldwell; if it contains nothing injurious to him in his person, property, or reputation, if it has nothing in it of mischievous or illegal tendency, it cannot hurt him, and consequently can have no degree of criminality in it; nothing malicious, nothing libellous, no ways tending to the disturbance of the public tranquillity.

Upon criticising and dissecting * this piece, is there found any one expression in it malicious, mischievous, or illegal? It may be called a lampoon, a satire, a pasquinade; pasquinades are not offensive things in the eye of the law, and *sensible* men laugh at them; this publication is very harmless; it is laughable and jocular, written with great good humour, without malignity, without rancour.

If it contains nothing in it to make any body laugh and smile, certain it is that the most surly cynic can take no offence at it: Neither was it published wantonly and unprovokedly, for the defendants can produce the most ample proof of the greatest provocation on the part of the prosecutor, that one man can receive from another. But to pursue the doctrine of libels as insisted upon by Lord Mansfield, to shew its fallacy and that it does not even upon his principles apply in the present instance, let us state what might have been printed and published, and which surely would

* See appendix No. I.