

tions of greater powers; they had leisure for observations, and reflection on what was passing around them. They formed a respectable part on of that mass of public opinion, which was the law of powers, who acknowledge no other control. He could not contemplate a more interesting spectacle than the little Republic of Geneva, cultivating literature and science at the gates of the immense empire of Louis XIV., undisturbed and unthreatened. All this, said he, is gone; what may be the new order of things, it is not for me to say, but, I declare it to be my firm persuasion, that the total absence of all schemes of oppression, ever since the days of Louis XIV. has been owing to the freedom of discussion, which has, till lately, prevailed in most countries of Europe. If silence was observed at home upon such projects, too presses in foreign countries circulated them, and rendered them detestable throughout Europe. Tyranny dreaded to make any arbitrary stretches as long as there existed a free press, because no power was above its censure. Now that all this is gone, there is no longer any control but what this country affords. Every press on the continent, from Palermo to Hamburgh, is enslaved; one place only remains where discussion is free, protected by our government and our constitution. It is an awfully proud consideration that this noble fabric, raised by our ancestors, still stands undecayed amidst the ruins that surround us.——You are the advanced guard of liberty, permit me, therefore, to remind you of some of the principles on which our ancestors acted with respect to foreign powers in cases like the present. Here Mr. Mackintosh stated the law not to be defined exactly, so as to ascertain the limits that distinguished history and fair observation from libel. It was left to juries to determine, in every single instance, by the malicious intention that may appear in the publication, and this confidence so reposed by the Legislature, had never once been abused since the revolution. Political libel, he said, was different from all others; in cases of common libel, the severity of the punishment only struck terror into those who meditated guilt. But in cases of political libel, even a just punishment had the effect of deterring well-disposed men from discussion; as it was difficult for them to know how far discussion and history would permit them to go, and when they overstepped the limit. Thus, the best service that could be rendered to mankind were discouraged. It was on this principle that our ancestors were always tender in repressing discussions relative to foreign powers. Ever since our ancestors had the wisdom to abandon all notion of continental conquest, we had no views on the continent but such as arose out of a regard to our safety and the promotion of our commerce. The first and most important consideration of safety depended on the maintenance of justice and the preservation of nations in the enjoyment of their rights. When justice was thus violated, the safety that arose out of it and depended on it, was

rendered insecure, and it was material to observe and discuss every violation in order to check and prevent all excessive and dangerous aggrandisement. The interest of our commerce was a secondary consideration, but a material one, as the object was highly beneficial, not only to us but to the nations with which we traded, and to the whole world, in as much as it brought additional hands to labour, brought new lands into cultivation, and supplied fresh pleasures to man. It was therefore, most material, that a spirit of free discussion should exist, and be encouraged, for the purpose of checking all violations of rights; and whatever the enemies of this country may say, the advantage of this attention to continental affairs had been attended with the most beneficial effects to the powers of the continent. This island had been foremost to resist every inordinate and unjust project, and, on all such occasions, had stood in the front of battles not her own.——It was the happiness of this country, that the lowest individual had a right to discuss the public measures of his time, and though it may in some instances be conceived that this was injurious in times of domestic dissension, it could not be denied that it was always beneficial when applied to foreign affairs. Here Mr. Mackintosh went into the particulars of M. Peltier's publication, extending the liberty of historical discussion to the detail, not only of events, but of the probable causes and consequences of these events. Mr. Peltier was at liberty to detail the views of the factions into which the French republic was divided, and for this purpose to republish the writings of these factions. It was even justifiable in him to expose the principles of these factions, by writing in their spirit, and imputing to them expressions deducible from their principles. It was very likely that Chenier did, in fact, write the ode given under his name, and in that case, even though it should be severe and libellous on Buonaparte, could it be called a libel in Mr. Peltier, to republish it here? If it was, why were the English newspapers suffered every day for ten years back to republish volumes of abuse and calumny vented against this nation and its government in the French journals, and lately, in a still particularly malignant and atrocious, in the official journal, the *Moniteur*? No criminality was by any person supposed to attach to the newspapers, because there was no criminal intention in the republication, which was made only with a view to excite the detestation and horror necessarily consequent to such flagitious abuse of our national character and our government. Why pass over the republication of an article in which a most gallant officer was charged with exciting to assassination, and why suffer English newspapers to republish, without any imputation of a crime, the most infamous libels on a prince who had passed through a reign of 43 years, beloved and respected by his people, and without a single stain on his character? Why suffer the repetition of the most atrocious calumnies on a nation, whose history afforded the extraordinary phenomena of mutinies without murder, mobs without massacre, and civil wars and revolutions without assassination? Why suffer the republication of articles, in which the garter, the badge of the conquerors of Cressy and