

Since the Revolution, and before the time of Mr. Murray (afterwards Lord Mansfield), a libel was almost unknown in England; it never was brought into play, but when a man had printed, or published, or otherwise exposed the King, the Houses of Parliament, or the Magistracy, so as to bring them into disrepute and contempt; it never was employed in any difference between subject and subject, who might happen to expose each other in writing, or print, and for this very plain reason: "The subject had a remedy in the Civil Courts for any injuries he could prove to have received in his person, property, or reputation, by an action of trespass, or personal wrongs, to be tried by a jury, who would upon sufficient proof give him damages." Lord Mansfield was a great and able Lawyer, and an impartial one between individuals; he was not impartial between the crown and the subject, nor in cases where two powerful men of different political principles were in litigation; he inclined to the ministerial man, of which several instances might be produced. He was a prerogative man, had very arbitrary principles and supported very arbitrary measures.

He revived the doctrine of libels and fictions of law, which means perversion of law, and which nobody understands; he has opened a new source of prosecution which has no foundation in law, to the great disquiet and confusion of society, for there are no limits affixed either to the degree of criminality, or punishment.

By introducing such a system he has tarnished a great professional name, and his principles are no longer followed; his opinions in many points are already exploded. Mr. Judge Blackstone, also, (who was a courtly, though a more constitutional Lawyer), in descanting upon libels, if not contradictory, is not very clear; because while he seems inclined to support the doctrine, he concludes with these very remarkable lines; "Every Freeman has an undoubted right to lay what sentiments he pleases before the public; to forbid it, is to destroy the freedom of the Press; but he must not publish any matter that is *mischievous* or *illegal*."

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