

suits of the ministry. It was represented as being published, though it was delivered to the king in private, and it met with as ungracious an answer as ever a petition or remonstrance ever could. All publications in the same strain, met with the same censure. The flood gates of the law were opened against publishers; and Scroggs, who favoured the views of the court as much as Jeffries, his predecessor, carried the rigour of punishment as far as it could be stretched*. The poor as well as

of Mr. Lillier for re publishing Junius's letter to the king, he even went so far, in his charge to the jury, as to tell them, that "the epithets, malicious, seditious, etc. used in the information, were merely inferences in law, and that it was needless to give any proof about them," because, forsooth, the defendant might, after conviction, be heard in extenuation of his offence. All that was required to be proved in order to bring in a verdict of guilty, was the simple fact of publishing. Let this principle be applied to any other indictment, and see how it will stand. In case of an indictment for perjury, where a person is charged with having sworn what is not true, wilfully and corruptly, if a jury were to find the person to have sworn falsely, but not wilfully and corruptly, such a verdict would be an acquittal. In every case of theft or robbery, the animus furandi must be clearly made out. In murder, if not proved to have been committed with malice aforethought, it is no murder. L. L. M.

* However much in those times the arm of arbitrary power was stretched out to overwhelm and crush, not only the bodies but also the minds of the people, yet the doctrine reprobated in the preceding note was not then broached; and though the publication of the petition (which was called a libel) for which the seven bishops were prosecuted, was undeniably proved, the court explained to the jury the nature of a libel, as well as the arguments offered by the King's counsel to prove this petition such, leaving it in conclusion entirely to the jury to judge both of the merits and the act, both of the law and the fact, and they acquitted the bishops of the whole information because their petition was not a libel. Since the promulgation of the abominable maxim of Lord Mansfield against which I am contending, some jurists have endeavoured to save their consciences by bringing in their verdicts in this manner, "guilty of publishing the paper called the Freeholder"—(Law-reports, 1769.) But jurymen should consider the absurdity of such a verdict, for if nothing but publication be proved, nothing is proved but what is innocent, and to say that a man is guilty of an innocent action is absurd; besides, if such a verdict be taken and allowed the accused is subject to the same pains and penalties as if the jury had brought in their verdict simply "guilty." But says an