

*and impartially*, the duty of Jurors, in his own case, at the approaching Assizes, and in the hope, that, if they should not be chosen, they might, at least, perform the friendly task of instructing their neighbors.

His Counsel at the trial, thought it neither proper nor prudent to give, by his assertions, any countenance to the base falsehoods which Mr. Mackenzie had uttered for the purpose of implicating the Government, and various official characters, in a transaction of which the Defendants alone were the authors; but the wrongs, the losses, the sufferings, of the Plaintiff, were made the ground of an appeal to the compassion of the Jury, and they were called on to prove their indignation against an outrage of which the circumstances were, of course, painted with the strongest coloring by the Counsel, while the provocation, which no language could exaggerate, was kept out of view.

It was proved on the trial, by Mr. Mackenzie's own witnesses, that the general tenor of his Paper was scandalous and scurrilous; and the Counsel for the Defence, in language which must have carried conviction to every candid mind, showed to be clear and certain, that, in the first place, Mr. Mackenzie had sustained no actual damage, and that if he had, it was to be charged solely to his own misconduct, and to provocations more aggravated than had ever before been endured; and that the peace of Society having been infringed, and the possessions and property of an individual trespassed upon, *some* damage must, of course, be given; yet, if they were limited either to the amount of the loss which Mr. Mackenzie had suffered, or of the recompense which his conduct deserved, they must be small indeed.

The plain fact is, that the Press in Mr. Mackenzie's hands, had become worthless, and was a loss to him—when he abandoned it, it was left to his creditors—the loss of it, therefore, as