

those which I, in humbler dress, had before uttered. I agree with him in his account of the independent spirit of our ancestors, the rigid caution of former Juries, in matters relating to the freedom of the press and the liberty of the subject. I agree with him in the propriety of rousing the abhorrence and resentment of the people against crime by means of periodical publications. But still there exists no little danger that this liberty will be abused in the present instance, and it is my duty to check such abuse whenever it appears. I agree with my Learned Friend, that the Newspapers have been a powerful instrument in disseminating knowledge, and diffusing civilization; but he has, with the same breath, justly stated, that these are at the same time extremely liable to become the sources of much mischief and disorder in the community, and, therefore, here again our sentiments exactly correspond. You have not only then, Gentlemen, my assertion respecting the danger and impolicy of passing over in silence publications of a libellous tendency, but that assertion is corroborated by the powerful eloquence of my antagonist. Having thus shortly turned your attention, Gentlemen, to the observations of my Learned Friend, respecting myself and my sentiments, I beg leave to trespass upon your patience for a few minutes, while I advert to the construction which he has endeavoured to affix to some of the passages which form the grounds of the present prosecution. In one of these the Author says, that "he was to erect an edifice to the *glory* of Bonaparte, and that he would take care to select such materials as would be worthy of the Temple." I submit to the candid and impartial judgment of the Jury, whether these are not to be considered as an ironical attack upon the First Consul, notwithstanding the ingenious gloss intended to be put upon

them by the Learned Counsel. But mark another passage, "I have no particular resentment against Bonaparte; let him be declared Emperor of the Gauls, and let his *apothegms* follow on the ensuing morning. Though the ingenuity of my Learned Friend has endeavoured to make these expressions refer to the Roman Emperors who were deified while still alive, yet it is hardly necessary for me to observe, that they are evidently intended to apply to the case of Romulus, whose deification, every one acquainted with the Roman History knows, immediately followed upon his assassination. There can be little doubt, therefore, that the author intended to excite his countrymen to the assassination of the First Consul of France. The Learned Counsel has endeavoured to persuade us that the Ode, which also forms part of the grounds of the present prosecution, is a mighty harmless composition. The sentiments it contains, he avers, are intended not to apply to the First Consul of France, but to the infamous Jacobins whose crimes deluged their country with blood. But when a parallel is instituted between the state of France under Bonaparte, and the state of Rome under Julius Cæsar, and when the *poniard* of Brutus is described as the last resource of the Romans against the usurpation of the latter, can any man who exercises his judgment with impartiality entertain a doubt respecting the tendency of such a passage, which manifestly is to encourage the discontented to dispatch Bonaparte, as Brutus did Cæsar?—In vain does my ingenious friend argue, that no conclusion, detrimental to his client, can be drawn from his allusion to the conduct of Brutus, which has been admired in all ages. The application is clear to every unprejudiced understanding; and this, out of all question, fixes the charge of a *libel* upon its Author. It has been attempted to be proved, that