

point of law, and that direction is this—he told the jury that if they thought that by the publication of the article the defendant did intend to and did encourage, or endeavor to persuade any person to murder any other person, whether the subject of her majesty or not, and whether within the queen's dominions or not, and that such encouragement and endeavor to persuade was the natural and reasonable effect of the article, they should find the prisoner guilty. That was the charge of the lord chief justice, and that is what we are to consider—whether it is correct or not. Now I do not entertain the slightest doubt that that was really the only question that could be left to the jury. The evidence was ample to warrant the finding of the jury, and the only thing that could be left to the jury was to say, “Do you think that by the publication of this article the defendant did intend to encourage or endeavor to persuade any person to murder, and is not the necessary and legal consequence, the reasonable effect of the article, to induce any person to do so?” Now that charge is founded directly on the words of the statute, and if you look at these words, the distinction which Mr. Sullivan has endeavored to draw with reference to conspiracy really does not arise; because the section of the statute contemplates two classes of cases—it contemplates one class where there is a conspiracy and another class of cases where there is individual action. The first class of cases in the section is that all persons who shall conspire to that effect shall be guilty of a misdemeanor. The second class of cases is the individual, “whosoever” shall do certain acts, and it is remarkable to see the words which the Legislature have used for the purpose of pointing out the act which makes the party liable. The largest words possible have been used; “solicit,” that is defined to be to importune, to entreat, to implore, to ask, to attempt, to try to obtain; “encourage,” which is to intimate, to incite to any thing, to give courage to, to inspire, to embolden, to raise confidence, to make confident; “persuade,” which is to bring to any particular opinion, to influence by argument or expostulation, to inculcate by argument; “endeavor,” and then, as if there might be some class of cases that would not come within those words, the remarkable words are used “or shall propose to,” that is to say, make merely a bare proposition, an offer for consideration, shall be guilty of a misdemeanor. It is to be a misdemeanor of a highly criminal character to solicit, to encourage, to persuade, or even to propose to any person to murder any other person, whether one of her majesty's subjects or not. Now Mr. Sullivan raised the argument which was passing through the lord chief justice's mind, that you must have an immediate connection between the “proposer,” or between the “solicitor” or the “encourager” and the person who is solicited, encouraged, persuaded, or proposed to; that it is not

sufficient to solicit generally anybody, that you must solicit some person in particular. What was the intention of this act? The intention was to declare the law and to protect people abroad from the attempts of regicides of this description, and therefore the largest possible words are used. It shall be criminal—not to persuade an individual, but to persuade “any person,” that is to say, the “public”—crowds who may hear it if it is an oration, or who may read it if an article in a newspaper. I have been furnished from the bar with a case which is certainly not inapplicable to the present one, which is to be found in Peere Williams's Reports in the time of Lord Chancellor Parker. *Poole v. Sacheverel*, 1 P. Wms. 675. The question arose in this way. There was a question of a disputed marriage, and the father, who was interested in the marriage, put an advertisement in the newspapers offering a reward of a hundred pounds if any person would come and could give evidence of that marriage. It was suggested that the object of that being circulated was to render impure the sources of justice, to bribe some people to give improper evidence, and the party was brought up for contempt before Lord Chancellor Parker, but it was urged on his behalf that nothing had been done in consequence of the advertisement. No witnesses had come: but the lord chancellor said: “It does not appear that some person would not come in if this were not discouraged; however, the person moved against has done his part, and if not successful, is still not the less criminal.” The counsel objects that it is not addressed to any particular person. “It is equally criminal when the offer is to any, for to any is to every particular person. The advertisement will come to all persons, to rogues as well as honest men; and it is a strange way of arguing to say that offering a reward to one witness is criminal, but that offering it to more than one is not so. Surely it is more criminal, as it may corrupt more. If you hold an offer out to the public—an invitation to come in and give perjured evidence—that is as much a criminal act as to request an individual to do so.” Just so it is here criminal to publish to the whole world, or declare to the whole world, that the individual rejoices in regicide, and recommends others to follow his example, and trusts that the time is not long distant when once a month kings may fall. This article was an encouragement to the public—a solicitation and encouragement to any person who chooses to adopt it—and comes within the meaning of the act. I am perfectly satisfied with the conviction, and think it was right.

WILLIAMS, J. I am of the same opinion. The jury have found the defendant guilty, and upon the narrow question of law which has been reserved for the consideration of this court, it seems to me the conviction ought not to be interfered with.

Conviction affirmed.