

Then the judge (Lord Mansfield for instance) tells the jury that they must find generally and not partially; they must find the defendant altogether guilty, or altogether acquit him; but he would not allow them the power of judging of his guilt or innocence, for he sends them back with this prohibition, "that they are not to apply the law," which means that they are to bring the defendant in guilty whether they know him to be so or not.

When Lord Mansfield revived this unintelligible doctrine, by the power of his eloquence, the subtlety of his reasoning, and the novelty of the subject since the revolution, and by the difficulties and perplexities, with which he teased the juries, some of them were fatigued into verdicts according to his good pleasure.

When the people found his pernicious principles were gaining ground in the nation, that it was not the cause of one man who may be tried to day, but the cause of every subject, liable every day to be tormented, men of understanding and reading, jurisprudent men began to examine this new fangled law, and discover on what basis it stood; they discovered it had no foundation in law, or reason, and accordingly opposed it. Junius attacked and confuted both Lord Mansfield, and Sir William Blackstone.

When Lord Mansfield found he could not maintain his system of libels, he gradually relaxed in obtruding them upon the public, and though he could not submit to alter his practice altogether in direct contradiction to his first attempts, he softened it very much latterly, and particularly by declaring that the man who publishes a libel, even though it be a very foul one, will be justified, if he has been thereto * provoked by insults and injuries:

* In the case, *Rex versus Woodfall*, for a letter signed Junius, Lord Mansfield declared—"That where an act in itself indifferent, if done with a particular intent, becomes criminal; there the intent must be proved and found. Where the act is in itself unlawful, the justification, or excuse lies on the defendant." Now let us ask, is not this publication in itself indifferent? was it done with a criminal intent? has it acquired, or is it become criminal? can the prosecutor prove any such intent? have not the defendants proved provocation to justify, or excuse them in this, or any other production similar to it?