

constitution itself. One need not, however, suppose cases to shew that Mercy is commendable at all times, especially if it should chance that the person,⁽¹⁾ principally concerned in the outrage committed, should be universally allowed to be one of the fairest and most amiable characters of the age, whatever his Attorney⁽²⁾ or Attornies might be. But, strictly speaking, Injustice cannot be justified, let it be committed ever so unwittingly, by any plea in law whatsoever. A man can only justify what he has done when he has acted as the Law permits under special circumstances; and when he can do that, he has no need of pardon or mercy. On the contrary, when he has done what cannot be justified under any circumstances, although it may be from ignorance, and not from malice, yet he must be found guilty; but he will always, nevertheless, be suffered to give the favourable particulars of his case in evidence, that they may be reported, in mitigation, that is, in alleviation of his fine and punishment, to the Court. A man, who has at any time, or in any way, been misled by foolish or iniquitous precedents, like so many *ignes fatui*; or by any, but wilful, ignorance and presumption, is the proper object of pardon with the Crown, or of mercy and very slight punishment with the Court of King's Bench; where too he will never fail of meeting with it.

Excuse this long dissertation on a very plain point; for, according to my observation, a certain truth is not always sufficiently attended to, namely, that the manner of doing a thing is oftentimes of more consequence than the thing itself. I do not venture to say thus much, because

(1) Lord Halifax

(2) Philip Carteret Webb solicitor to the