

ved ; but no Court of Justice, when Judgment upon the Verdict is moved for, will fine a man more than a few shillings, upon its appearing from the whole of the evidence (which, by the bye, is always reported by the Judge who tried the cause) that the Defendant did not know he had been acting against law ; and more especially if there was a want of proper advice at hand, a necessity of doing something, and no appearance of passion, violence, and precipitation in the transaction. The higher the station of the person is in the state, the greater will be the insult undoubtedly ; as more circumspection and caution, and the best of legal information, and the most regular proceeding, will, in such a case, be expected, out of reverence to the state and constitution itself. In a House of Parliament, after inquiry, and finding that nothing in defiance of the laws was designed, no more, I should imagine, than a censure would be aimed at by any moderate members, and no bill for inflicting pains and penalties, or articles of impeachment be brought in, or even thought of ; unless it appeared that the criminal was too great for ordinary Justice, or avoided and delay'd it, or else play'd with it by chicanery and subterfuge, that is, attempted to elude and frustrate the sanctions and compulsions of a Court of Justice,⁽¹⁾ and, by an abuse of the law of his country, to pervert its fines and penalties by the hand of power, and the collusion of office ; instead of throwing himself upon the mercy of the Public, asking pardon, and confessing his error, and thereby atoning for what he had done, for the stab he had so unadvisedly made at the vitals of the

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(1) as Lord Hale said