

think it expedient to call for their opinion upon the point. This, however, is certain, that one very illustrious Judge, who had himself been of counsel for the supposed libeller, Mr. Amherst, was so far from being clear in this circumstance, that he declared to their Lordships upon the occasion, " should the like point be ever mooted before him, he would, he was resolv'd, call in all the other Judges of England, and have it most solemnly argued, and take all their opinions thereupon, as upon a thing of consequence that ought to be settled:" and, yet his memory is so extensive, and his attention so great, to matters of political concern, that I make no doubt but his Lordship still retains all the precedents he formerly gathered, and very well knows of what import they are. What rendered this new parliamentary resolution still more necessary, was the misconstruction put by all the Judges of the Common Pleas (the only Court before which the same had ever come) upon the words of the former resolutions of parliament with regard to privilege. This Common Bench had considered the cases where surety of the Peace could be required as cases always of *actual breach of the Peace*, which they did not conceive a Libel to be, whatever its tendency was, or effect might be, upon other people, that is, upon those who were not the authors or publishers. But, they are now set right in this matter, with regard to Parliament-men at least, for no Member of either House (as I apprehend) is at present intitled to privilege from imprisonment of his person for refusing to furnish securities for his good behaviour, when charged with uttering a

Libel;

Wm. Mansfield

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