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REPORT
OF THE CAUSE OF
THE KING v. JOHN HUNT,
FOR
A Libel on the House of Commons,
IN
THE EXAMINER;

TRIED IN THE KING'S BENCH, FEBRUARY 21ST, 1821.

THE DEFENCE VERBATIM.

WITH A PREFACE,

BEING AN ANSWER TO THE ATTORNEY-GENERAL'S REPLY.

BY THE SON OF THE DEFENDANT.

SECOND EDITION.

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1821.

ONE SHILLING.

REPORT

OF THE CAUSE OF

THE KING v. JOHN HUNT

A Trial on the Issue of Guilt

THE EXAMINER

PREFACE.

BY a custom which I have heard condemned by every one who has thought on the subject, but which I never heard defended by a single individual, the Attorney-General is allowed to reply to the Defendant, though the latter is denied the privilege of answering what the prosecutor may advance in his second speech. The prosecutor makes two attacks; but the defendant—the party to whom the law professes such extreme anxiety to deal out an overflowing measure of justice—is only permitted to make one intermediate defence. The natural consequence—the consequence which even a stranger to our law courts would foresee—is, that the government officer, whose powers of general reasoning are not apt to be superabundant, abuses the privilege, by reserving his longest and most persevering attack till the period when he knows that, however he may confound the question at issue, however he may sophisticate, or even misrepresent, he runs no risk of being set right or exposed by the Defendant. On the trial detailed in the following pages, Sir Robert Gifford's reply took four or five times as long in the delivery as his opening address; and it need scarcely be observed, that in all cases of that undefined and ever-varying offence, called libel, where such very “thin partitions do the bounds divide” of legal guilt and legal innocence, the last words rung in the ears of the jury often turn the scale of the verdict. The few remarks here made are published with a view to supply to the public what the Defendant could not supply to the Jury, in answer to the Attorney-General.

Sir Robert Gifford is, perhaps, the most dangerous adversary a man accused of libel can meet with; and that precisely because he is a vapid talker, and

constructor of flimsy pretences. His intellect appears to me as incapable of meeting the broad front of a general argument as a pin's point is of resisting a paving-stone; but, like the latter, it contrives to scarify the surface a little, and then gloats over its petty success with all the triumph of a general victory. An adversary with common sense and common candour will state your arguments fairly, and endeavour to reply to them, however he may feel their superiority; and you have infinitely more advantage with such a person, than with one who (whether from dulness or wilfulness, it matters not) leaves untouched the body of your argument, and picking out some minor point, gives it a signification different to that which the context warrants, and then refutes the meaning he himself has invented, with complacent self-applause. There is scarcely a sentence in the Attorney-General's reply which does not illustrate this peculiar faculty. To come to instances:—it will not be assuming much to say, that Mr. John Hunt's defence canvassed many weighty and important topics. Yet does this law officer, in getting up to reply, proceed to criticise certain *expressions* in that defence. He had said, in his opening address, that he objected only to the *abusive* nature of the alleged libel; and he had asked what must the effect be, if the public were told that the House of Commons was composed of public criminals, &c. Now Mr. John Hunt observed in his Defence, that the Attorney-General had accused him of “appealing to the passions, and not to the reason of the people;” a forcible and pithy mode of putting the objection, of which, at least, the lawyer had nothing to complain. But this was an advantage not to be lost by so inveterate a twister of meanings. He makes a formal denial of having used the “expressions,” which, however, he sets down with all the charitable, yet lofty, superiority of his extemporaneous ebullition to the Defendant's “written ad-

dress." He makes a great merit, too, of not having interrupted arguments in the delivery, which he finds himself obliged at the end to leave unnoticed! Mr. John Hunt had cited, among other instances of sympathy between boroughmongers in and out of office, the case of Sir M. Lopes, whose term of imprisonment was reduced one half by the ministers. Here the "Learned Placeman's" microscopic intellect discovered an apparent flaw—and, raising his voice, and looking round triumphantly to the defendant, he announces the fact, that the remission of part of the sentence originated in a motion of Lord J. Russell, in Parliament, on account of the great age of the hoary boroughmonger. And thus he fancies that he has disproved the alleged corrupt sympathy, totally omitting, however, to notice that the Defendant had asked,—“When do we hear of *a friend to reform* having the mercy of the crown extended to him?” As if too it was conceivable that one of the motives of Lord Russell (who is, more or less, a Reformer) was not a feeling of the absurd spectacle of bribing-principals punishing bribing-agents for practices which they have themselves encouraged. Again, Mr. John Hunt, in rebutting the charge of evil intention, by producing evidences of sincerity, mentioned among them his former imprisonment for promulgating certain opinions respecting the Prince of Wales. The Attorney-General, eagerly seizing on this piece of candour, in order to turn it to the worst account, exclaims, “Why the Defendant alluded to this, *I do not know!*” And then he goes on to make this use of it,—“that the Defendant cannot plead inexperience.” As if the experience of having been convicted by a jury, the majority of whom were in Government employ, of an attack on the conduct of the Prince of Wales, was to deter a man from describing the notorieties of Parliamentary corruption!

A word or two remains to be said on the more

prominent sophistry of the Attorney-General, which being, moreover, the sole reason given by the learned Judge for his opinion against the Defendant, may be considered, I presume, the main prop of the government case. It is the distinction taken between "temperate discussion," and "mere calumny and abuse." Mr. John Hunt had spoken of this flimsy and hypocritical pretence, and had observed, that if the government officer could take the thirteen volumes of the *EXAMINER*, and shew from them that the Editors had not stated and re-stated, again and again, the whole merits of the question of Parliamentary Reform, then indeed there might be something in the argument. It is very pleasant, no doubt, in the persons who file *Ex Officio Informations* against men for honest opinions, to talk magnificently of their regard for the freedom of the Press, and to seem so properly to limit their objections to "mere calumny and abuse;" but we ask, on what charitable principle the "discussion" of the question of Reform can be expected in *ten lines*; and a man denounced as a seditious and evil-disposed person, if he ventures to state his opinions on an *old public question* at any time, without repeating the whole body of his arguments? How generous in the Attorney-General not to object to what it is impossible to find in a selected single paragraph!—How lofty in him who repeats this magnanimous profession after the Attorney-General!

But the TRUTH, Gentlemen, the Truth,—what say you to Mr. John Hunt's plea of the Truth?—*Nothing*,—even the Attorney-General did not attempt (most eloquent omission!) to shuffle over this burning ground. And yet the declarations of Reformers against notorious malpractices tend to "bring into hatred and contempt" the institutions which those Reformers wished to see cleansed of their impurities! And the "malice" of those who exclaim against the corruptions, is to be legally "presumed!" Ex-

quisite logic ! wonderful heaping of rottenness upon rottenness !

It is certainly sufficiently provoking to see our legal antagonist get up in a court of law, and skip over a series of arguments in this style, looking round the court every minute with smiling self-satisfaction, and the scornful superiority of a triumphant rhetorician—

Dealing out his small beer with the air of a chap,
Who believed it himself a prodigious strong tap.*

But these are the “fantastic tricks” of “a little brief authority,” to which long custom has reconciled us :—to those, however, who have hopes of England—who have confidence in the boasted firmness of English character—it is infinitely more humiliating and melancholy, that twelve English Jurors, in the present day, should consign a sincere advocate for Reform to a dungeon, without reflecting, that they are, possibly, doing the very inflammatory work they are called upon to punish ;—that they may be affording temporary impunity to a monstrous system, which is perhaps hurrying the state to a convulsion ; and that they are denying to millions of people, (as Mr. John Hunt explained to them,) “the expression of their honest and deeply rooted opinions.” The natural results of such attempts to stifle the public voice were never stated, perhaps, more powerfully than by a young German student, who is now gone to fight the battle of human liberty at Naples :—

“MAN MUST ALWAYS HAVE AN ORGAN WITH WHICH TO EXPRESS HIMSELF. IF HE IS DEPRIVED OF THE MOUTH AND THE PEN, HE RAISES HIS ARM, AND WRITES, INSTEAD OF THE PEN, WITH THE SWORD ; AND INSTEAD OF PAPER, ON MEN’S BODIES.”

H. L. H.

March 21, 1821.

* Tom Cribb’s memorial to Congress.

THE INFORMATION,

Filed in November, 1821.

OF MICHAELMAS TERM IN THE FIRST YEAR OF KING
GEORGE THE FOURTH.

Middlesex (to wit). Be it remembered, That Sir Robert Gifford, Knight, Attorney-General of our Sovereign Lord the now King, who for our said Lord the King, prosecutes in this behalf in his proper person, cometh here into the Court of our said Lord the King, before the King himself at Westminster, in the County of Middlesex, on Tuesday next after the Morrow of Saint Martin in this same Term, and for our said Lord the King, giveth the Court here to understand and be informed that JOHN HUNT, late of Westminster, in the county of Middlesex, Printer, being a malicious, seditious, and ill-disposed person, and unlawfully and maliciously contriving and intending to traduce, vilify, and defame the Commons House of Parliament of this Realm, and to bring the said Commons House of Parliament into hatred, disgrace, infamy, and contempt amongst the liege subjects of our said Lord the King heretofore (to wit) on the twenty-fourth day of July, in the first year of the reign of our said Sovereign Lord George the Fourth, by the Grace o God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, at Westminster aforesaid, in the County aforesaid, unlawfully, seditiously, and maliciously did publish, and cause to be published, a certain malicious, seditious, and scandalous Libel containing therein (amongst other things) divers malicious, seditious, and scandalous matters and things of and concerning the said Commons House of Parliament, intending to bring into hatred and contempt the said Commons House of Parliament, according to the tenor following, that is to say, *The voice of the British Nation, if properly echoed in Parliament, would have at once informed my Lord Castlereagh, that if his Royal Master had domestic wrongs to complain of, the proper Courts were as open to him as to any of his subjects, but that the great business of the Nation could not be suspended by matters of such a nature. This is what a true Commons House would have done, but when that House (meaning thereby the said Commons House of Parliament), for the main part is composed of venal Boroughmongers, grasping placemen, greedy adventurers, and aspiring title-hunters, or the representatives of such worthies; a body, in short, containing a far greater portion of public Criminals than public Guardians—what can be expected from it but — just what we have seen it so readily perform.* In contempt of our said Lord the King, and his laws with intent to bring into hatred and contempt the said Commons House of Parliament. To the evil example of all others, and against the peace of our said Lord the King, his Crown and dignity. Whereupon the said Attorney-General of our said Lord the King who for our said Lord the King in this behalf, prosecutes for our said Lord the King, prays the consideration of the Court here in the premises, and that due process of law may be awarded against him the said John Hunt in this behalf, to make him answer to our said Lord the King, touching and concerning the premises aforesaid.

COURT OF KING'S BENCH, WESTMINSTER.

Wednesday, Feb. 21, 1821.

THE KING v. JOHN HUNT, ESQ.,

THIS cause was tried before Lord Chief Justice ABBOTT and the following

MIDDLESEX SPECIAL JURY :

THOMAS ASHTON, Esq. High-street, Poplar.

GEORGE PRIEST, Esq. Stoke Newington-green.

JOHN ADAMSON, Esq. Hornsey.

CHARLES PAGE, Esq. Mount Pleasant, Hornsey.

EDMUND HORSEFALL, Esq. Gloucester-place, Camden-town.

EDWARD MARK, Esq. Gloucester-place, Camden-town.

ROBERT STONE, Esq. Weymouth-street, Portland-place.

ISAAC SMITH, Esq. Norton-street.

JOHN GILMORE, Esq. Norton-street.

THOMAS USBORN, Esq. Cumberland-street, Mary-le-bone.

JOHN GRANT, Ryder's-court, Lisle-street, shoemaker. } *Talesmen.*

ROBERT WRIGHT, haberdasher, of the same place. }

Mr. Shepherd opened the pleadings, by stating that this was an information filed against the Defendant, who was Proprietor, Printer, and Publisher, of the *Examiner* Weekly Newspaper, for a libel on the House of Commons.

The Attorney-General.—This is a proceeding, which, in the discharge of my official duty, I was obliged to institute against the present defendant for libel; and I am sure no person who has witnessed my conduct will suppose that it is my wish, by public prosecutions, to fetter the freedom of the press. You have all had too much experience of the blessing of a free press—of which we are all so proud, so justly proud—not to do justice to my motives in instituting this proceeding. Gentlemen, if the present defendant had confined himself within the limits of fair discussion—if he had chosen to discuss the conduct of public men and public measures, I should have been the last man to institute any proceeding against him. But, Gentlemen, when I read the passage, which has been selected from the *Examiner* for prosecution, to which I shall shortly

direct your attention, I think you will agree with me that the defendant has not confined himself within those limits, but that he has indulged himself in a foul and infamous calumny on the House of Commons, which, considering the situation in which I stand, it was impossible for me to overlook. Gentlemen, the defendant is the Editor of a weekly paper called the *Examiner*.

Mr. Hunt stated that he was not the Editor, but the Proprietor of that paper; he happened, however, to be the writer of the article in question.

The Attorney-General.—Gentlemen, I have no wish to state any thing that is incorrect or may prejudice the defendant, but I was correct in stating, what I shall prove to you by evidence, that he is the printer, publisher, and sole proprietor of the paper in question: that is as far as we can ascertain. In one number of that paper appeared an article which it is unnecessary for me to trouble you with at length; after commenting, however, on the House of Commons generally, he proceeds with the following passage:—

"The voice of the British nation, if properly echoed in Parliament, would at once have informed my Lord Castlereagh, that if his Royal Master had domestic wrongs to complain of, the proper Courts were open to him as to any of his subjects, but that the great business of the nation could not be suspended by matters of such a nature. This is what a true Commons House would have done; but when that House, for the main part, is composed of venal boroughmongers, grasping placemen, greedy adventurers, and aspiring title-hunters, or the representatives of such worthies—a body, in short, containing a far greater portion of public criminals than public guardians—what can be expected from it but — just what we have seen it so readily perform."

Now, Gentlemen, I have only one question to put to you on reading this passage, and it is almost the only observation I have to make:—Is this fair and temperate discussion, or is it not a scandalous and direct calumny on the House of Commons? Is it not written with a view, or at least is it not calculated to have the effect of bringing into discredit and contempt that part of the Constitution? When the public are told that the House of Commons is chiefly composed of public criminals,—men who so far from sitting in that Assembly, ought to be brought to the bar of a Court of Justice, is it not a direct calumny on that body, which it is your duty in your present important situation to uphold and protect? It is for you to determine, according to the principles of law and under the solemn obligations by which you are bound, whether this production be a libel of the nature I have described. That you will be of that opinion I entertain not the slightest doubt; in which case you will best perform your duty by returning a verdict of guilty: for it

will be distinctly proved that the defendant was the publisher. It will undoubtedly be for him to offer such observations as he shall think fit; but I cannot conceive that any thing can be directed to your attention that may induce you to come to a different decision. Gentlemen, as I before stated in the outset, it would be idle and ridiculous in me to comment on the passage in question; for if for a moment you entertain the slightest doubt that it is a foul and calumnious libel on the men composing the Commons House of Parliament, your verdict will be in the defendant's favour.

A person from the Stamp-office proved that the defendant was Proprietor of the *Examiner*, and also the publication of the paper referred to in the information, in the paper of the 24th July.

Mr. Hunt then, from a paper in his hand, spoke as follows in his

DEFENCE.

MY LORD—GENTLEMEN OF THE JURY—

In rising to defend myself against the charges brought against me by his Majesty's Attorney-General, before I enter upon my justification, it may be as well to explain why I appear here in person, rather than have solicited the aid of some of those professional gentlemen who now grace the English bar. It is, I can assure you, gentlemen, from no fond notion of my own powers—(for I know them to be humble and limited)—neither is it from a belief that the Bar is wanting in powerful talent and high public spirit—(for the country at this very moment resounds with the names of several learned gentlemen who have done themselves lasting honour and “the State some service,” by their fearless and enlightened exertions in the sacred cause of Humanity and Justice.) But, charged as I am, Gentlemen, with some very weighty offences—denounced, as you have just heard me denounced, as a seditious, malicious, and evil-minded person,—that is, as a criminal of no ordinary magnitude,—I have thought it better to forego the powerful legal aid I might have obtained, and at once to appear before you in person; that you might see with your own eyes, and hear with your own ears, the man so criminally accused, and thereby be somewhat better able to come to a just judgment on the case. It might, I imagined, have been thought by some, that professional Advocates did not always consider it their duty to urge nothing in defence of their Clients but what their Clients strictly maintained themselves; but, however anxious I may be for an acquittal, still, as I would much rather be considered a sincere than a fortunate man, I have preferred endeavouring, myself, to impress *that* idea on your minds, Gentlemen, than to take the chance of success by means that might possibly be liable to suspicion. And though it is not the custom in

this Court to place a mirror over the heads of alleged offenders, in order that some additional light might be thrown on the countenance of the accused, by which the judges would be enabled "to find the mind's construction in the face,"—yet, as far as I am able, I will supply this deficiency, by standing up before you in person, and thus not merely expose to you the outward man, but open to you my whole soul, and explain to you my sole motive in putting forth the matter so bitterly arraigned by the Attorney-General. This I humbly conceive the best course, as it respects both the public interest and my own character. I am a plain man, and have a plain case to unfold :—

"The good I stand on is my Truth and Honesty :"

and if in what I am about to urge in the defence of my conduct, I wilfully attempt to disguise the truth,—if I endeavour to conceal what ought to be disclosed,—if I strive to beguile, or to sophisticate in any way,—if I, in short, utter that with my lips which in my heart I condemn,—then, Gentlemen, may all that my accusers wish to inflict be visited upon my debased head :—"may my tongue cleave to the roof of my mouth, and my right hand forget its cunning."

The rights of the British people to discuss the measures of their rulers is admitted on all hands ; the only question is, how far disapprobation may be expressed—how far public characters may be re-proved, and the defects of public institutions exposed. Power is always jealous ; and those rulers who are least remarkable for their capacity or their virtue, are always the loudest in their complaints of the licentiousness of the press. This may account for the peculiar distaste shown by the present ministers to every thing in the shape of liberal discussion. The press exposes their errors, unmask their wiles, drags their corruptions into light, and baffles their unconstitutional designs. They therefore hate it, both for what it discovers, and what it prevents. What it *prevents*, Gentlemen : for who can doubt for a moment, that but for the freedom of the press, still maintained at all hazards, Englishmen would long ere this have been in the same abject condition with many of the continental nations, who unfortunately want that glorious engine of liberty ? If, then, we constantly hear the ministers and their agents exclaiming against the press, dwelling upon its abuses, contriving new shackles for its enthrallment, and even hinting at its total overthrow, there is at once ample proof, that such rulers are deficient in patriotism and ability : for lovers of their country and men of strong minds must rightly estimate the value of a free press, and can have nothing whatever to fear from its abuses, were those abuses infinitely greater than they are. This eternal outcry against the press is therefore at once weak and perfidious. We all know that the best things may

and will be abused, and that the very necessities of life may be employed to our injury ; but who, therefore, except impostors and drivellers, would go about decrying their utility, and recommending their destruction ? Must we tear our food, like barbarians, with our hands, because we may cut our fingers with the instrument that divides it—or cease to eat our bread, because it may chance to hurt us in the swallowing ?

I trust, Gentlemen, that you all cherish a proper regard for the periodical press ; that you are prepared to support its just claims, and even to view its errors with kindness ; for you are its especial guardians and protectors. Our rulers have shown that they both fear and hate it generally ; and if I may at all judge from their actions, the paper of which I am the proprietor has long been honored with their peculiar dislike, and singled out for vengeance. Year after year have they given abundant proof of their hostility. Informations upon informations, and all *Ex-officio*—(which you are aware, Gentlemen, deprives the accused of one constitutional shield against power, that of an appeal to a Grand Jury)—have been filed against the *Examiner*, three of which were either abandoned as untenable, or failed on the trial,—thanks to the honest men who sat in judgment where you are now sitting, Gentlemen. On all these occasions, my brother and myself (for Mr. Leigh Hunt was then joint proprietor with me,) were put to considerable expense to prove our innocence, not one penny of which was returned to us ; and thus, though declared guiltless by the tribunals of our country, we in one respect suffered the punishment due only to crime,—not to say any thing of the anxiety caused to our families by these unjust assaults of power. Such is the mode of justice practised by ministers, who by these means, may harass, if not ruin, with impunity, the most innocent public writer in the land ! To give you, Gentlemen, a specimen of the persecutions sustained by the *Examiner*, and to prove to you that ministers will order Attornies-General to bring into court charges of the most frivolous description, I will read to you, as it is only a few lines, one of the alleged libels for which we were prosecuted. After speaking of a possible change in the system of government, the editor observed, “ Of all monarchs indeed, since the Revolution, the successor of George the Third will have the finest opportunity of becoming nobly popular.” This most innocent passage it was, Gentlemen, that Government selected for prosecution ! The Attorney-General of that day,—the late Sir Vicary Gibbs,—had the task imposed upon him to attempt to shew that this harmless paragraph contained a fearful libel on the Crown, for which the publishers merited severe punishment. The jury, however, would not for a moment tolerate such a wanton attack on the

right of free discussion, and a verdict of acquittal was at once recorded. These repeated assaults, if they did not leave us "poor in spirit," at any rate served to make us poor in purse: and whatever sneering allusions you may at any time have heard, Gentlemen, to "trading patriot," and "filthy lucre," some of which have even proceeded from men in office, who themselves never opened their mouths without previous and sufficient pay, we of the *Examiner* can safely affirm, that as far as money is concerned, the path of patriotism has been a very unprofitable course; and if it found us poor, it has certainly helped to keep us so.

Having thus opened the way a little, I proceed now to the direct question before the court,—this alleged libel upon the House of Commons. And here, Gentlemen, If I can satisfy you that I have said nothing but what has been in substance over and over again affirmed of the corruptions of that branch of the legislature, by able and upright men—that what I have uttered is notoriously the truth—that as a British and a good subject, I have a right so to speak—that the tendency of such language is not such as has been described—and that my motives in putting forth these observations are not such as the Attorney-General has attributed to me—that, in short, instead of having slandered the House of Commons, I have merely described its actual character, and that too from an attachment to order and constitutional liberty, and not from a "contempt of the King and of his laws," nor from a desire "to traduce, vilify, and defame" the House; if, I say, Gentlemen, I can satisfy you of these matters,—which I believe, will be no difficult task,—you will show by your verdict that I deserve any other character than that of a "seditious, malicious, and ill-disposed person."

The publication of this alleged libel was occasioned by the extraordinary proceedings in agitation against the Queen. The House of Commons had voted a resolution, declaring that all such proceedings must be "derogatory from the dignity of the throne, and injurious to the best interests of the nation." Having taken this step, how did they follow it up? Why, by sending a deputation to her Majesty, intreating her,—the injured party,—to accept a bribe from the public purse, and consent to other degrading and dangerous propositions; the effect of which would have been to prove to the whole world, that her Majesty was in reality the worthless personage which Ministers and their agents had so long laboured to make her appear. Gentlemen, this was a spirit-stirring subject; for whatever differences of opinion there might have been on some points,—on *this* there was a universal agreement,—that the Queen had been a shamefully-treated woman; and, fully agreeing in opinion with the great body of the people, that the House of Commons should

have directed their attentions to quite an opposite quarter; should have called upon the Queen's accusers to have forborne their pernicious and unjust attack, rather than upon the accused to submit to an injurious compromise;—with the conviction also strong upon me, that had the House been composed of the real representatives of the people at large, they could not possibly have thus opposed the universal voice of the people,—the article, from which the passage prosecuted is taken, was sent to the press, as explanatory of this injurious proceeding.

The conductors of that part of the press which is in the interest of Ministers, had not on this occasion failed in their usual course. Though actually placed upon trial, with the whole power of the executive arrayed against her,—an unfortunate, deserted, stigmatized, and (except in the justice of her cause, and the devotion of the people) a defenceless woman,—these shameless ministerial scribes had the wickedness to pour forth against the Queen the foulest abuse; which was wholly unchecked by Ministers until brought before the House by a member not under their influence. This excited a discussion, when my Lord Castlereagh observed, that the libels on the other side were much worse than the particular one under notice; and in proof of this he thought proper to read the prosecuted passage from the *Examiner*, and others from another publication. I shall not stop to show that the noble Lord was wrong in his opinion; nor inquire whether the appearance even of impartiality has been maintained, in the selection of the papers to be prosecuted; nor whether one obscure provincial Tory print has been singled out merely as a pretext for assaulting the *Examiner*, and for passing over those infamous court writers, who dared to demand that the Queen should be sacrificed either as a criminal or a martyr; and, while that ill-fated lady's life was undergoing the severest scrutiny, were daily labouring to ruin her in the public opinion by the most atrocious insinuations and calumnies:—a course so truly cowardly and abandoned, that language is altogether inadequate to describe its atrocity. Without attempting to exhibit the gross partiality and injustice of letting such baseness escape, because the authors are ministerial advocates, I now proceed to prove my first position, that there is nothing new in this description of the House of Commons.

The very name of the House of Commons proves that it should be composed of persons chosen by the people, to echo their voice, and to watch over their interests. Complaints, however, of its corrupt constitution have been of very long standing,—so far back even as the days of the Tudors. As I wish only to direct your attention, Gentlemen, to what is admitted and notorious, and as I am anxious

to be as brief as possible, I shall merely mention a few of the celebrated individuals who have reprobated the composition of the House, and solemnly denounced its incompetency to perform its constitutional functions. Not even an Attorney General, I should suppose, will venture to assert that such men as Chatham, William Pitt, and Edmund Burke, were evil-minded persons, desirous of bringing the laws of their country into hatred and contempt; and yet, Gentlemen, you will soon perceive, that if the humble individual who now stands before you is a criminal deserving punishment, for what he has published of the House of Commons, those eminent men were equal, if not superior, offenders, inasmuch as they not only held language quite as strong, but their weight in society must have given a hundred-fold greater effect to their opinions, than can possibly follow any sentiments promulgated by me.

Fifty years back, Mr. Burke said, that *the House could not then, to any popular purpose, be called a House of Commons.*—Mr. Pitt must have had a complete conviction of the entire corruption of Parliament, when he declared that *no honest man could become a minister of the Crown without a reform in the representation:*—and his venerable father, the great Earl of Chatham, must have contemplated the evil in quite as strong a light, when he uttered this most memorable and awful prophecy:—*That if the House did not reform itself from within, it would be reformed from without with a vengeance!*

Such were the openly avowed opinions of these distinguished statesmen, as to the misconstruction of the House, and the vital necessity of reform: and as we all know that neglected diseases will grow in strength and malignity, we may safely assume, even if the fact did not sufficiently manifest itself, that the constitution of the Commons House has not been mended by the lapse of time. Quite the reverse; and at this very moment the cry for a substantial reform is louder and more general than ever, as well from without as from within the walls of the House. It is indeed truly gratifying to every well-wisher of his country, to hear, as we have all lately heard, the voices of so many honourable men raised in calls for an effectual remedy for this portentous national disease of mis-representation. What says the noble descendant of the murdered Russel—what is the Marquis of Tavistock's opinion of the House? He declares that "he finds it supporting all the measures of Ministers with the accustomed majorities, contrary to the loudly expressed sense of the country, and, he believed, against the private conviction of every individual in that House, where it appeared that the will of the Minister was every thing, and the sense of the people nothing." Another Honourable Member, Mr. Lambton, joins in opinion, "that the House has not a proper sympathy with the pub-

lic feeling." A third, Sir James Macintosh, maintains that "the majority of the House has declared war upon the people." A fourth, Lord Nugent, observes, that "the decision of the question—(one respecting her Majesty)—would enable the country to perceive whether the House was or was not the representative of the people.—(The question was carried ministerially.) A fifth, Mr. Tierney, avows, "that the object nearest his heart was to *make* the House the *real* representative of the Commons of England." And a sixth, Mr. Wyvil, utters this uncontradicted assertion,—“that Parliament might be considered the representatives of the Congress at Troppau or of the Noble Lord opposite; but they could not call themselves the representatives of the British people.” The sentiments of many other patriotic Members of Parliament,—of Messrs. Creevey, Grey Bennett, Whitbread, Hobhouse, and of that illustrious sufferer in the cause of the people, Sir Francis Burdett, are too well known to need repetition here. Even in the House of Lords, reform is not without its advocates, as the recently-expressed opinions of the Duke of Bedford, of the Lords Holland, Dacre, and Grey, sufficiently shew.

Such, Gentlemen, have been, and such are at this time, the deliberate opinions, in favour of reform, of all these public characters; and I shall now proceed to exhibit to you some of the facts which have no doubt compelled these patriotic persons to come to the conclusion, that the House of Commons does *not* represent the people of England, and therefore requires an effectual reform.

You have all heard, Gentlemen, of the endeavours made out of the House to remedy this defect in the government. In 1793, the Society of the Friends of the people—(which counted among its members some of the most honourable men in the nation—persons of talent, property, and high integrity)—this Society presented a petition to Parliament, in which they offered to prove at the bar of the House, that a majority of its members were elected by 1200 voters;—that is, by little more than the 170th part of the people to be represented, even supposing that they only amounted to two millions. To show how this vital defect in the representation operated, the petitioners explained the mode in which the body who returned this majority were subdivided: they described the unjust manner in which the right of voting was obtained and lost,—all tending to narrow the influence of the people, and to increase that of individuals: they triumphantly exposed the corrupt system of borough patronage and influence, by which 71 Peers, 91 Commoners, and the Treasury, were enabled to send into the House 306 out of 513 English members: they proved that nine recently-created peers—(of such are the *aspiring title-hunters* alluded to in the alleged

libel)—nine recently-created peers returned 24 members to the House of Commons, although, at the commencement of every session, the following resolution is entered on the Journals:—"That it is a *high* infringement upon the liberties and privileges of the Commons of Great Britain, for any Lord of Parliament, or any Lord Lieutenant of any county, to concern themselves in the elections of members to serve for the Commons in Parliament:—"The petitioners offered to prove, that 84 individuals, by their own immediate authority, sent 157 members into the House:—they proved, that such was the monstrous system of borough representation, that the total representation of Scotland exceeded but by one member the number returned for a single county in England; that, inadequate as the English system was, that of Scotland was even worse; and that, in short, a majority of what *should* be the people's house, were in fact chosen by a mere handful of interested individuals, and were enabled to decide all questions in the name of the people of England; or, as intimated in the alleged libel, the members of the House were not the *true* representatives of the nation.

This petition, Gentlemen, was presented to the House by the present Earl Grey; but I need not tell you that its prayer for reform has never been granted.—I shall now touch upon some of the *practices*, "glaring as the noon-day sun," consequent on such a state of things.

In 1809, a discovery was made, that Lord Castlereagh, then a minister of state, had been attempting to procure a seat in Parliament for his friend Lord Clancarty, by means of an appointment to India—a writership,—that is, the one was to be bartered for the other. The case was brought before the House by Lord Archibald Hamilton, and the charge being proved, and even admitted, a resolution was proposed, "That Viscount Castlereagh had violated his duty as a servant of the Crown, and had been guilty of an attack on the purity and the constitution of the House of Commons." On this occasion, it was contended by his Lordship's friend, Mr. Croker, "that the *thing*"—that is, the trafficking in seats, "had become familiar by custom:—"and the Prime Minister himself, Mr. Percival, characterised the act as one of *venial imprudence*. On the other side of the House, Mr. Wynne said, "he knew that similar practices had before existed, and that *many* offenders had escaped." The sympathizing House did not of course censure the noble seat-monger; but even declared that there was no necessity for criminatory resolutions.

In the same year, it appeared that Mr. Quintin Dick had paid a sum of money to the Secretary of the Treasury, for a seat in Parliament, as the representative of the Borough of Cashel, with the

knowledge of Mr. Percival. After Mr. Dick had been some time in the House, he told Lord Castlereagh how he meant to vote on the Duke of York's business, when his lordship, after consulting with Mr. Percival, suggested to Mr. Dick that he should vacate his seat rather than vote as he proposed. A resolution of the House in 1799 was read on this occasion, which was to the following effect :—"That it is *highly criminal* in any Minister of the Crown to influence, or attempt to influence, the return of any member to the House of Commons; and that when any proof of such improper interference having taken place shall appear, it shall be *punished* by the House, as an attempt to destroy the independence of Parliament, and to subvert our free and happy Constitution." Now mark, Gentlemen, what followed. The chief Minister, Mr. Percival, declined making any defence; a course also adopted by his fellow-minister and fellow-culprit, Lord Castlereagh; and both quitted the House. But in extenuation of such proceedings, Mr. Ponsonby observed, that "*the practice of trafficking for seats had become as glaring as the noon-day sun, and had so long prevailed, and was so generally known, that he thought it neither liberal nor just to select these two individuals as the victims!*"—The House, as before, refused to take up the business, by a majority of 225; and though its own resolution expressly declared not only the criminality, but the *high* criminality of these practices, it refused all interference :—thus manifestly proving the position in the alleged libel, that the majority of the House, instead of being public guardians, were public criminals; for those who interfere to shield avowed guilt from punishment, are themselves partakers in the crime. This is a maxim, Gentlemen, of the laws under which you are now sitting to try me. You must know it well. If, in thus violating the constitution of the House, the Ministers were *not public guardians*, the majority who acquitted, or in other words aided and abetted them, were *not public guardians* :—if, in so violating the constitution of the House, the Ministers were *public criminals*, the majority who aided and abetted them, were *public criminals*. I need quote no more to make out my case completely; but unluckily, Gentlemen, for your patience as well as mine, this subject is not easily exhausted. A bill for preventing the sale of seats being soon after proposed, the Speaker, Mr. Abbott, took that opportunity of making the well-remembered remark, "that the very mention of such a practice would have startled our ancestors, though now acknowledged and avowed in that House :"—"a practice" (he added) "that debased the higher ranks and contaminated the character of Parliament."

You must by this time fully perceive, Gentlemen, that the character of the House of Commons given in the alleged libel is proved a cor-

rect one by the admissions of the members themselves—by the fact, that the House would not interfere to punish the traffickers in seats because it was an old offence, “glaring as the noon-day sun.” And the other day, when Sir Manasseh Lopes, by his careless briberies, had fallen under the notice of this Court, the Learned Judge “confessed his own poverty of language, to express the abhorrence in which such a crime *ought* to be held by every man in the country. It was of the highest importance to the public (added the worthy Judge) that the purity of election should be preserved. There should be no inroad into the House of Commons by corrupt means; for how, (asked Mr. Justice Bailey) how could the country have any confidence in that House, if its doors were open to corruption?” How indeed! and yet, Gentlemen, there is not a man, who knows any thing of the present construction of the Commons House, who is not perfectly aware, that in almost every Borough throughout the country the practice of bribery is as common as ever—that seats are bought and sold like stalls in a market—that their cost is as well known as the price of cattle—that men leave money in their wills for the purchase of them—that when, only a few years since, a Member of the House named Walsh became a bankrupt, the remaining term of his Borough Seat was considered as a marketable commodity, put down in his list of goods and chattels, and sold, like the fag-end of a lease, or a hack-chair, for the benefit of his creditors! How then, I also ask with Mr. Justice Bailey, can the country have any confidence in a House, whose doors are thus open to corruption? And how can a Minister like Lord Castlereagh, have the face to order a man to be prosecuted for giving a true description of that Parliament which he himself has so largely assisted to degrade in the public estimation?—It is worthy remark here, that Sir Manasseh Lopes, one of the great Western Boroughmongers, has had the half of his imprisonment spared him by his friends the Ministers, though proved guilty of what this Court deemed a heinous offence against the Constitution. You see at once, Gentlemen, the sympathy that exists between the traffickers in seats in and out of office. When do we hear of a friend to Reform having the mercy of the Crown extended to him? There is so true a picture of this corrupt Borough system in the *Diary* of the well-known Bubb Dodington, (afterwards Lord Melcombe) that, as it serves to strengthen my case, I must beg leave to read it to you, Gentlemen.

“Dec. 11, 1753, (says Lord Melcombe) I saw the Duke of Newcastle (the Duke was then Prime Minister). I told him, that in the election matters—(of Bridgewater and Weymouth)—those who would take money, I would pay, and not bring him a bill; those that would not take, he must pay, and I recommended my two Par-

sons of Bridgewater and Weymouth—Burroughs and Franklin. He entered into it *very cordially*, and assured me they should have the first Crown livings that should be vacant in those parts, if we would look out and send him the first intelligence. I said, I must think that so much offered and so little asked, in such hands as theirs, and at a time *when boroughs were particularly marketable*, could not fail of removing at least resentments and of obtaining pardon.—His Grace was very hearty and cordial.

“January 29. Went to the Duke of Newcastle, and got the living of Broadworthy for Mr. Burroughs.

“March 21. Went to the Duke of Newcastle—Told him I was come to assure him of my most dutiful affection and sincere attachment to him, having no engagements to make me look to the right or to the left. *I engaged to choose two Members for Weymouth*; which he desired might be a son of the Duke of Devonshire, and Mr. Ellis of the Admiralty. I supposed that he would confirm that nomination; but that was nothing to me. He might name whom he pleased. Mr. Pelham told me, the King asked him if I seriously designed to endeavour to keep Lord Egmont out of Bridgewater.—Mr. Pelham told his Majesty that he thought I would. That I desired him to lay me at the King’s feet, and tell him, that as I found it would be agreeable to his Majesty, I would spare neither pains nor expense to exclude him. The Duke of Newcastle said, he had seen *how handsome* my proceedings had been; that *this* was the *most noble* that could be imagined! I said, what if I came into the place Sir Thomas Robinson left? He considered a little and said, very well; pray go on. I said, I would particularly support him in the House, *where* he would chiefly want it. He said, he knew I would. I said, there is my old place,—Treasurer of the Navy; I should like that better than any thing. But, I added, why should I enter into these things? I leave it wholly to your Grace. He said, the direction of the House of Commons was fallen upon him, therefore he could not chuse by affection, but *must comply with those who could support him there*. I said, I understood so, and that I thought I might pretend to some abilities *that way*: that in the Opposition I was thought of some use there: that in Court indeed I never undertook much, because he knew I never was supported; but now, *when I should be supported*, I hoped I might pretend to be as useful there as my neighbours. He said, it was incontestably so. I said, that considering *I chose six Members for them*, at my own great expense, I thought the world in general, and even the gentlemen themselves, could not expect that their pretensions should give me the exclusion. He said, that what I did *was very great*: that he often thought with surprise at the ease and cheapness of the election at Weymouth:

that they had nothing like it. I said, *I believed there were few who could give his Majesty six Members for nothing.* He said, he reckoned five, and had put down five to my account. I said, I must be excused from talking any more about myself: that I left it entirely to him and to the King: that I was fully determined to make this sacrifice to his Majesty: that I knew I had given no just cause of offence, but that I would not justify it with his Majesty: that it was *enough* that *he* was displeased, to make me think that *I* was in the wrong, and to beg him to forget it: *I would not even be in the right against him*; and I was very sure I would never again be in the wrong against him, for which I hoped his Grace would be my caution. He said, he would with all his heart. He took me up in his arms and kissed me twice, with strong assurances of affection and service."

Shortly after, Gentlemen, this accomplished Boroughmonger and true Courtier went down to the west on his corrupt expedition, which he thus briefly notices:—

"April 14, 15, 16. Spent in the *infamous* and disagreeable compliance with the low habits of venal wretches:"—Meaning, Gentlemen, by *venal wretches*, the Electors of Bridgewater,—taking no sort of notice however of the still more venal and far less pardonable *wretches*—himself and his patron!

I need not direct your attention, Gentlemen, to a certain Northern Earl in our days, who, I believe, does not give his Majesty six or eight Members for nothing; and if these habitual and notorious practices do not necessarily fill the Commons House with "venal Boroughmongers, grasping Placemen, greedy Adventurers, and aspiring Title-hunters, or the Representatives of such worthies—in short, with Public Criminals rather than Public Guardians,"—then my notion of cause and effect is altogether incorrect, and I must abide by the consequences of my error; which however I partake in common with hundreds of thousands of my fellow-subjects.

I now come, Gentlemen, to the specific charge in the information,—that I, being "a malicious, seditious, and ill-disposed person, and unlawfully and maliciously contriving and intending," &c. &c. From which mass of law phrases we may gather three distinct charges—*unlawfulness*, *malice*, and *sedition*. Of these I shall say something in their order.

1. *Unlawfulness*. By two old statute laws (one of Edward 1st—another of Richard 2d.) *Truth* was allowed to be pleaded in answer to charges of libel; and this principle has been supported by some of the soundest of our old law writers. In more modern times, without any direct repeal of these statutes, the question has been sufficiently mystified by a confused mass, made up of the *dicta* of

judges, the "practice of courts," and the inconsistent verdicts of juries. With this "continually-increasing and ever shapeless mass of law, from time to time shot down upon the heads of the people, as from a rubbish-cart," (to use the words of the illustrious Jeremy Bentham,) no argument can possibly grapple. The only two recent acts on this subject with which I am acquainted, are, Mr. Fox's Libel-bill, and the act of the last Parliament, forming one of the famous *Six Acts*. Mr. Fox's bill is decidedly favorable to defendants in these cases. It authorises the jury to judge both of the law and the fact; which in truth goes to set aside the *dicta* and confused mass of precedents I have spoken of. As to the other act, it unquestionably originated in a spirit hostile to the liberty of the press; but I can shew you in a few words, that if it proves any thing, it proves too much. It states in effect, that every thing shall be deemed libellous which *tends* to bring into hatred and contempt" either House of Parliament. Now mark this comprehensive word *tends*, Gentlemen. To tend to effect an object, is to do any thing which may, *in the most remote degree conceivable*, help to forward it. Can it then be for one instant intended (aye, even by the most abandoned and crawling devotee of tyranny) that this act contemplated the suppression of all writings which disapprove of the acts of a corrupt House of Commons—of the mildest of the opposition as well as the reformist writers? For recollect, the most distant hint of disapproval "*tends*," as well as the most violent form of words, to bring the body objected to into hatred and contempt. This construction I will, in charity even to the framers of this act, put out of the question, as one which the most outrageous advocates of ignorance and silent slavery never dared publicly to support. The other construction,—the obvious, reasonable, and only probable construction,—is this, that no man shall be allowed to decry either House of Parliament as a branch of the legislature,—as an institution,—as a part, in fact, of the constitution of England. This distinction is obvious; and I need hardly say, that those who have the greatest respect for the plan of the constitution are precisely the persons who would be most anxious to see its most important branch unalloyed with abuses, and unassailed by discontents; and if it should fall into that disgraceful state, such persons would be most desirous to get it reformed before its mischievous effects had produced convulsions, which might involve the whole constitution, as well as the corrupt part, in indiscriminate ruin.

2dly, Malice. The nature of this charge may be seen in an instant, from the omission of its natural concomitant, "falsehood." If my assertion had not been true,—had not been so true, that the Attorney-General did not dare to contradict it,—would he not

eagerly have caught at the opportunity of overwhelming me by the charge of falsehood? Does not this omission speak volumes as to the consciousness on the part of my accusers? Suppose that, instead of cutting at this most rotten of all rotten parts of the system, I had, in the lifetime of George the Third, accused that monarch of all or any of the vices he did not possess? Suppose I had publicly asserted, that the late King was every way profligate and unworthy, could any mortal imagine that the word "false" would have been omitted in the information? Would the Attorney-General of that day have thought it necessary to speak of any thing but the outrageous falsehood of the libel as proving its malignity? Could I have dared to appear in court? Would any jury have patiently heard me out? Could there be a doubt of the verdict; or any surprise at the heaviest infliction which the law allows in such a case? What then does not the absence of the allegation of falsehood concede to me? It has been said, indeed, that the truth or falsehood of a statement has nothing to do with its libellous character; and a learned person, who once sat on that bench, prostituted his understanding and character so far as to say, that "the greater the truth, the greater the libel." Was ever such an insult to common sense? Was ever such an outrage to common decency? What, Gentlemen, shall we patiently hear it asserted, that to tell a wilful falsehood of public men or things, *which can have no motive but malice*, and to speak the truth (or what the speaker thinks the truth,) with the prospect of suffering for that truth-telling, is the *same thing*? In discussing *motive*, is the man who publicly denounces what millions will applaud him for denouncing, to be confounded with the mere desperate calumniator, who has the shamelessness to promulgate a lie? In discussing *public effect*, where is the grovelling sycophant who will maintain that truth and falsehood are matters of identity or indifference? Gentlemen, I am wasting your time:—the creature that can stand up before his fellow-men, and deliberately repeat this exploded jargon—this "slave-dealing lie" must have grovelled in the dust before the Moloch of court-favour; must have trucked the remnants of his understanding, his self-respect, his common shame, for the dirty profits of one of the low places in the den of corruption. I have said enough of this glorious confession of the truth of my statement; and the old laws I have just now alluded to sufficiently show the opinions of our ancestors on this point. I stand on this as on a rock. I feel I might have rested my case on this single position; but there were other things which seemed to me useful and satisfactory to say.

3d. *Sedition*. The charge of sedition is the last resort of men defeated and disgraced. There has been no instance of power in its

last agonies which has not availed itself of this hacknied and flimsy device to blacken its assailants. Every Reformer, whether in morals, politics, or religion, has had to encounter this wretched calumny. I would defy any man to name a single blessing ever enjoyed by the world, the authors of which were not opposed with the old alarmist cry of "Innovation" and "Sedition." Even when the Founder of the Christian Religion, the benevolent Jesus, went about preaching the doctrines of charity, tolerance, and humbleness, the Scribes and Pharisees accused him of blasphemy and sedition. They could not answer his preachings, and they decried his motives. His rebuke of this conduct may suit all ages, and none more than the present: "Beware ye of the leaven of the Pharisees, which is *hypocrisy*."—When Calvin and Luther commenced their opposition to the Church of Rome, every vile motive that bigotry and selfishness could invent was imputed to them. They wanted to effect a reform in the Catholic Church, compared to which all the most "wild and visionary" schemes of the British Reformers are moderate and gentle. The Catholic world did not call them seditious, but "false;" and millions believed them so. These Reformers promulgated opinions contrary to the belief of the largest portion of civilized mankind, and there was some excuse for those who denounced them as presumptuous and wicked. Yet is it not now manifest, that countless miseries would have been saved to mankind, if opinion had been allowed to go free; if the professors of established faiths and doctrines had viewed with tolerance the mental efforts of their opponents, and not called to their support that physical force, which always confuses but never convinces? The cry of these appealers to "the last arguments of Kings," has been different at different times: its spirit has been always the same. The present cry is "the Licentiousness of the Press;" the one that preceded it was, "the Church is in danger." Now I am not acquainted with any better mode of answering these watch-words of alarmed power, than by pleading guilty to the charge in *their* sense. A pamphlet was written many years ago, entitled, *An Answer to the Cry that the Church is in danger: shewing that the Church ought always to be in danger, and that it would be dangerous for it to be out of danger*.—In the same spirit, Gentlemen, I will confess, that if to lift up my weak voice against a System, which, in the eyes of the majority of my countrymen as well as my own, appears monstrous and oppressive,—if to call out for the change of a System under which agriculture, manufacture, trade, are at this moment, according to the confessions of those who must know the fact, falling literally into a state of ruin:—if publicly to protest against the existing defects of Government, be the sign of "the Licentiousness of the Press," then am I "licentious" and "inflammatory." And I

will maintain, that the English nation, at the present day, would have been not a jot better off than the Russians or Austrians, had it not been for a succession of "inflammatory" persons, who have exposed the tricks and encroachments of Corruption, and have excited what the corrupt call "popular clamour," against the more outrageous strides of barefaced despotism. If the Hampdens, the Sidney's, the Russels, the Milton's, had yielded to the Court clamour of their days, does any one person suppose that I should not now have to answer to a Star-Chamber, instead of appealing to twelve of my countrymen and peers? If it had not been for "inflammatory" and denounced people in all ages, Government, in addition to the burthens which are so hard upon all of us, might have called upon you to-morrow, Gentlemen, without the medium even of a defective Parliament, to furnish money under the pretence of buying ships;—public meetings might not only have been hampered as they are, but utterly stopped and had their mouths shut;—warrants would have come into your houses upon the most frivolous pretences and *ipse-dixits*, as the Officers of the Inquisition used to come into those of Spain; nay, we should all most probably have been Catholics and slaves to this day, and have helped to keep Catholics and slaves of all the world. You would have been ashamed, Gentlemen, of all the opinions which you now hold; you and all of us would have thought your politics rebellion, and your religion blasphemy; or, if we thought otherwise, we should have held our tongues and despised ourselves, as *this* Officer of Government would have us do now.

Again, if it be "inflammatory" to speak of the acts of Corruption as they deserve, what must the acts themselves be? I trust that no twelve Englishmen can be found to support a set of men, who, after perpetrating a series of acts, which have thrown the whole country into alarm and agitation, attempt to pounce upon those who call their deeds by the right names.—But enough of this. I do not mean to deny that there is such a thing as dangerous sedition and inflammatoriness. I know there have been mistaken men, who both by writing and speaking have incited the people to riots and insurrections, which have ended in the destruction of the unhappy agents, and the aggravation of the public evils which they sought to remove. But who but a Tool hired to slander would dare to confound such men and such attempts with the free discussion of the Press?—with the most praiseworthy and constitutional attempts to point out State-abuses, in order to get them reformed? Gentlemen, this is a distinction of the utmost importance. The object of conscientious public writers against a corrupt system, is to fix public attention on abuses, in order to strengthen public opinion, and to en-

able that power to remove them. It is the unchecked course of a corrupt Government that leads to violent revolution, and not the protests of the press against that course,—not the endeavours of public writers to convince all classes, that it is to their interest to effect a timely change. It is notoriously the direct tendency of free discussion to lessen, in a very great degree, the chances of violent attempts against existing systems. It is with the body politic as with the body natural. We all know, that if, for want of exercise, or for any other suppressing cause, the ill humours of the body do not escape through the open pores, but, accumulating internally, clog the circulation of the blood and impede the natural organs, the consequence is, that sooner or later they break out, with a shock to the animal system, into some dangerous disease. In like manner, when Governments become so irritated or so infatuated, that they suppress the wholesome expression of popular discontent, the troublesome murmurs of the oppressed are indeed got rid of for a time, but they multiply and canker in secret, till they form a solid mass of inflammable matter, which is fired by the touch of opportunity, and bursts forth, overwhelming the public Authorities, and sometimes even the Institutions of the State, in one common ruin. In the spirit of these remarks I am supported by an authority never disputed on these questions,—I mean the illustrious Francis Bacon; who, in one of those sentences which sound to us as the Oracles of old must have sounded to the Pagans, has this unanswerable remark:—After saying, that “to allow griefs and discontents to evaporate, is a safe way,” he adds, “for he that turneth the humours back, and maketh the wound bleed inwards, endangereth malign ulcers and pernicious imposthumations.”—Lord Bacon wrote thus from the experience of the ages that had gone before him: the experience of the world since proves him to be the philosopher of every age. I should fatigue you, Gentlemen, were I to proceed chronologically with examples; and there are some fresh in the memory of every one, which will suffice for every purpose of illustration. I allude to the Revolutions of Spain, Naples, and Portugal. In Spain, before the late happy change, every attempt to object publicly to the insufferable despotism of the tyrant Ferdinand, inevitably threw the author into a dungeon, there perhaps to be destroyed in secret, either by the barbarity of his treatment or the dagger of an Inquisition Familiar. With respect to Naples, it is a singular fact, that there was not in that whole kingdom a solitary publication devoted to political purposes, except the Government Gazettes. As for Portugal, so free was it from every one of those signs of discontent, which the Attorney-General will tell you are the causes and not the consequences of disturbance, that all Europe

was astonished to see it catch so quickly the glorious spirit, which neither Kings nor Attornies-General will ever be able to control or confine. That these revolutions have been unattended with the alloy of bloodshed and anarchy, does immortal honour to the forbearance and generosity of the noble minds which guided them; but had they been otherwise,—had they abounded with the horrors with which the French of 1792, goaded to madness by the accumulated oppressions of centuries, debased their regeneration,—whose fault, Gentlemen, would it have been? Who would have to answer for it, but those who despised all warnings, and dungeoned or banished all who had courage and public spirit enough to remind them of the vortex towards which their misdeeds were hurrying the nation? Is it not, then, for the true interest of all, whether Governors or Governed, to permit at the least that unrestricted expression of public opinions, which can alone avert convulsions, and produce a general sense of the substantial good of all classes? The sentiments of every class in the State should come forth freely:—without that freedom, how can that conflict or collision of opinion be produced, from which alone Truth is elicited? The danger of attempting to put down any single opinion at the demand of a Minister, is, that that privilege once granted, no bounds can be fixed to it, and Ministers will go on assuming that all hostile opinions are wrong and malicious, and sending the authors to prison. And it is to be remembered, that *Ex-Officio* Informations and Dungeons are no arguments, but merely the instruments of irritation, and can have no other effect than that of increasing the firmness of the supporters of the opinions which they are intended to put down.

Thus much in answer to the charge in the information of foul motives; thus much as to the *expediency* of free discussion. A word or two now as to the *right*. That right is founded on all the charters of British liberty,—on the spirit of all the laws of our ancestors in favour of the freedom of the press, and on the spirit of the whole theoretic constitution:—of that Constitution, on which, however grossly abused in practice in the present day, the English people have long been accustomed to pride themselves. If, on a consideration of my right, as one of the countrymen of the great patriots who adorn the British history, to discuss all public affairs, and the expediency of the free expression of public opinions of all sorts;—if, I say, Gentlemen, for these united reasons of right and expediency, you think I have answered the imputation of improper motives, contained in the information, this prosecution is defeated.

And, Gentlemen, allow me to say here, that I do not make this appeal to you as men of any party, or as having any particular prejudices. I do not ground my hope of a full acquittal at your

hands on the chance of your agreeing with me in my political sentiments. Whether you are Reformers, or Whigs, or Tories, or neither Reformers, Whigs, nor Tories, it does not affect this appeal to you as my fellow-men and fellow-subjects. I do not call upon you to think as I do, or, if you differ with me, to hesitate to say so—(I leave that to the modesty of Corruptionists and Attornies-General)—but I do call upon you, Gentlemen, to give *me* credit for the same sincerity and good motives, which you would claim for yourselves in support of *your* opinions. I call upon each of you to suppose himself brought before a tribunal for expressing an opinion which he thinks it equally right to hold and necessary to promulgate. I call upon you for this sympathy and tolerance. I call upon you to repulse the Attorney-General and his Masters in their monstrous demand for a verdict that would denounce the opinions and slander the motives of the English Reformers,—the great majority of the English people:—a verdict that would sanction the revolting principle, that a man may be punished on a charge of malice, for uttering political sentiments that are not denied to be true:—a verdict, that would help to widen the breach between the Government and the People, by the irritating calumny it would cast on all who differed with unpopular ministers:

“For never can true reconciliation grow

Where wounds of deadly hate have pierc'd so deep.”

I call upon you, Gentlemen, to lend your powerful aid in throwing on its back the monstrous Hypocrisy, which, after all the nation's experience and its own consciousness of the infamous illegality of seat-selling and other corruptions, “glaring as the noon-day sun,” yet dares to bring a legal indictment against an honest man for wishing to see the true Government of the country, and the provisions of our ancestors honestly abided by.—This *Hypocrisy* is, I repeat, of no ordinary character—it is gross and palpable. What, Gentlemen, shall it be tolerated, that a set of boroughmongers, after corrupting the Parliament to such an extent, that, when certain tools are caught tripping, that Parliament is actually ashamed to punish one or two men for what hundreds practise with equal notoriety and impunity—Shall it be endured, I say, Gentlemen, that after these boroughmongers have done this they shall dare to bring a man into a Court of Law, to answer for the “high crime and misdemeanor” of calling notoriety notorious;—and that they shall do this outrageous injustice in the injured name of the very Parliament which has over and over again confessed the truth of what the denounced person has only repeated after scores of illustrious and unassailed public men!

“ Can such things be,
And overcome us as a summer's cloud,
Without our special wonder.”

Can it be expected, Gentlemen, that feeling all this, I should have the least hesitation in justifying every word I have said on the vital question of reform, or that I should claim boldly every respect to my motives? The Attorney-General is in the habit of talking of the *slanders* thrown upon public institutions by the seditious. Now let me tell the learned Gentleman, that even his being paid to accuse his Masters' opponents is no excuse for his coming into this Court, and pouring forth a series of foul imputations against me, for repeating—(for this, Gentlemen, is the real point)—for repeating only the opinions of Chatham, Burke, Fox, Pitt, Bentham, Burdett, and many other eminent men, whom the learned Gentleman's well-paid predecessors were never brazen enough to prosecute on this base and hollow pretence of libel! To my own feelings, therefore, it must necessarily appear a work of supererogation to reiterate the injustice of imputing bad motives for doing what I have done with such excellent and unimpeachable example, and with an intention to support my opinions by the sacrifice, if unavoidable, of my liberty. When Socrates, the great Pagan reformer, was asked what he had to say in his defence, he answered, that he deserved to be supported for the remainder of his life at the public expense. It almost becomes a piece of egotism to disclaim the remotest notion of comparing oneself with such a man;—but this I will say, that if the Government did its duty to the Constitution, it ought to applaud instead of accuse me. Good God, Gentlemen! What, accuse a man for zeal in behalf of all that constitutes its real duty and security! The British Government accuse a man for *adhering* to the provisions of Magna Charta and the Bill of Rights! The men who make oaths against bribery and corruption, denounce a man as a bad subject for denouncing that bribery and corruption! To what a pass must wrong government have come amongst us, if in the very proportion to a man's doing his duty as a subject, the Government must complain of him!—An illustrious writer has said, that under certain Governments a good citizen must be punished as such, or cease to be such. Is it to Old England, Gentlemen, that this saying must be applied, as well as to Old France?

Much stress has been laid upon the words “Public Criminals;”—as if I had meant to confound Members of Parliament with house-breakers and handkerchief-stealers. To be criminal, you know, Gentlemen, is to be *faulty*—to act *contrary to right*—*contrary to duty*—*contrary to law*: (this is Dr. Johnson's definition :) I have said, therefore, that the majority of the House of Commons are faulty

persons—men acting contrary to their duty—contrary to law. And can you have any doubt of the fact?—Is not the trafficking in seats a fault?—Is not bribery a fault?—Is it not contrary to duty,—an express breach of the law?—And are not those who are either guilty of these crimes themselves, or who screen others from punishment when guilty, or who refuse to listen to any effectual remedy for this national crime, Public Criminals?—If the present corrupt system did not necessarily fill the House with a majority of men, who pursued their own private interests instead of those of the nation; for what, pray, did my Lord Chatham desire a Reform?—Why did that Statesman speak of *reforming the House with a vengeance from without*, unless he knew that its majorities were not Public Guardians, but Public Criminals—that is, men who violated their duties? That Noble Person believed that the people could not long endure so rotten a system; and he used this strong language, as I have used mine, in the hope of rousing up a spirit that might effect a cure; language, indeed infinitely stronger than any I have uttered; yet no prosecutions were instituted against the publishers of his opinions; and the Noble Utterer himself, instead of being denounced as “a seditious and evil-minded person,” had splendid monuments erected to his memory at the public expense. What did his Son, Wm. Pitt, plainly insinuate of the House, when he said, that *without a Reform no honest man could become a Minister of the Crown*? Must he too not have been convinced that it was composed of men who acted contrary to their duty—contrary to law and right? True it is, Gentlemen, that Mr. Pitt (like many others I could name) changed his opinion on the subject of Reform when he got into power; but perhaps you will agree with me in thinking, that men’s judgments on such a subject are more likely to be sound and unbiassed, when out of office, than when in possession of advantages, which an honest confession of faith would certainly endanger. And here I must add, Gentlemen, that I do think my Lord Castlereagh ought not to have denounced in the House the passage in the *Examiner* as he did. He ought to have recollected, that it *might* actually have been owing to his own early pledges in favour of Reform, and his expressed desire to keep all Pensioners out of the House, that I had become a Reformer; and not have thus sought to punish me for maintaining opinions that he once professed himself.

There is one common official trick (of which Mr. Attorney-General has availed himself) that I shall here notice. It is to charge the passage accused with being mere *abuse*; and while the learned Gentleman has affected the utmost tolerance for “fair and temperate discussion,” he has told you that this is an appeal to the passions, and not to the reason of the public. Now, Gentlemen, mark the extra-

ordinary candour of this proceeding. The Attorney-General picks out half a dozen lines from a long article, containing the strongest expressions in that article, and bringing that insulated passage before a Jury, calls upon them to mark its abusiveness! He takes the mere words by which we designate what we think we have proved vile and corrupt, and leaves out of the question the whole body of proofs and arguments! He pounces upon our conclusions, but never notices the elaborate process by which we have arrived at them. If the Attorney-General can take the thirteen volumes of the *Examiner*, and shew you from them that we have not stated and re-stated, over and over again, the whole merits of the question of Parliamentary Reform—then, indeed, there may be something in his position. But every body knows, that there is scarcely an article in any prominent journal from which words could not be culled, that would look very unaccountable, and sometimes unjustifiable, without the context.

But, it has been contended, Gentlemen, by official men, that however oddly the Parliamentary Machine is got together—however unseemly its proportions,—that it nevertheless *works well*. And in one sense it does: but for whom? For the nation at large? Not so. It works well for men in power—for placemen, and pensioners, and sinecurists—for jobbers, and contractors, and boroughmongers—for those seventy-two Representatives of the People, who at this moment take annually out of the public purse 120,000*l.* of their money, of which they are called the guardians, and whose dead weight must ever make the ministerial scale preponderate, in every disputed question:—in short, it doubtless *works well* for that numerous body whose names grace and fill an entire Red Book. For all these classes the machine certainly *works well*—it works well, as the grave-digger in *Hamlet* says of the gallows, “for those who do ill.” But how does it work for the public? Let the sinking merchant, the manufacturer, the agriculturist, the landowner, the artisan, the laborer, speak: let the poor rates, the paupers, the taxes, the overwhelming National Debt, speak. Good God! Gentlemen—how can a man, with eyes to see in his head, and a heart to feel in his bosom, witness the poverty and wretchedness that prevail in every quarter of the land,—that afflict us all as we walk the streets, and sadden our hours of retirement,—dare to talk in this insulting manner? Men view things differently: but for my part—

“I’d rather be a dog and bay the moon,
Than such a Briton.”

That most of the national evils have arisen from the want of a reformed House of Commons, seems to me unquestionable, and there-

fore it is that I think it the particular duty of every Englishman to advocate Reform. It was an unreformed House that passed and continued that most unconstitutional act, which enabled men sent into Parliament for three, to sit for seven long years. It was an unreformed House that lost America, after a fatal war, by its oppressive treatment of a gallant people. It was an unreformed House that plunged the nation into a desperate war with France, that alone added four or five hundred millions to the National Debt. It was an unreformed House that not only did not censure, but actually approved of the pestilent Walcheren Expedition. It is an unreformed House that denies equal rights to our Catholic brethren in Ireland, and keeps that tortured country in agitation. It is an unreformed House that supports barracks and standing armies in the time of peace, and passes Alien, Habeas Corpus Suspension, Gagging, Ministerial Indemnity, and Press-restricting Bills. It was an unreformed House that cheered a Minister while he cut a bad joke on a ruptured and illegally treated individual. It was an unreformed House that suffered Ministers to banish an innocent man,* merely because he was a Reformer. It was an unreformed House that refused all inquiry into one of the most enormous acts of wickedness that ever took place in this country, the dreadful transaction at Manchester, while the innocent blood shed there still cries for justice "from the tongueless caverns of the earth." Finally, it was an unreformed House that protected Ministers in their cowardly and unjust prosecution of an ill-fated woman and Queen, because she would not assist in her own degradation and destruction.

Gentlemen, in the outset of my address I alluded to three *Ex-officio* prosecutions with which the *Examiner* was assailed, which all failed. It is right I should add, that a fourth succeeded, which occasioned my brother and myself two years imprisonment. *That* iron has entered into my soul. I was sentenced there for objecting to the first fifty years of the life of a Royal Personage, the Prince Regent, since become the subject of so much discussion. Had those remarks been made now, I think the consequences would certainly not have been what they were. But be that as it may, it was no libel of an ordinary and base nature;—that is to say, it went upon no grounds into which the world have no business to inquire (his Majesty's Ministers, God knows, have since brought them forward enough!)—neither was the attack made in the dark, or upon a person who could not resent it. It was such an attack as patriots have

* J. G. Bruce, of Chester, convicted, *on certain evidence*, of aiding in the attempt to assassinate an officer of justice, afterwards acknowledged by the whole country to be entirely innocent, and finally transported by Government, which never would afford the least explanation of its conduct.

made before, but cowards never. That imprisonment, heavy as it fell on me in some respects, (and still heavier, in consequence of the delicacy of his health, on a man of genius and a true lover of his kind,—my brother,)—fell still more heavily on our purses, though there are those living who could tell how we could have avoided the payment of the fine—nay, even the going to a prison at all.—I only mention this, to shew you my sincerity; a word which I could wish you to consider as repeated at the end of every paragraph in my defence, so much do I hold the very reputation of it worth all the eloquence that could do justice to truth.

Gentlemen, there is a point of some delicay, which I cannot omit to submit to your consideration.—In establishing the Trial by Jury, our ancestors were doubtless aware, that without such a shield between the Government and the subject, injustice would occasionally be done. Had they not perceived, that men who owe their elevation to the Crown would naturally feel a bias in favour of the Crown, they would have left the decision of all cases to the Judges themselves, as being in all probability better qualified to form a just judgment, than jurymen in general. But our ancestors knew human nature better. They were aware that Judges owed a debt of gratitude to those who had advanced them to their high stations, and that whenever a question arose between the Government and the subject, it was natural that they should entertain sentiments not exactly favourable to persons in my situation.—His Lordship may choose to give his opinion after the Attorney-General has been heard in a second speech, to which it seems I am (I certainly think most unjustly) not allowed to make any reply, although he *may* have purposely kept back what he may deem his strong points. You will doubtless listen to his Lordship with all proper deference, not forgetting, however, that you yourselves are my judges; and that if but *one* of your body has a doubt on his mind respecting the motives which have actuated me in the publication complained of, I am entitled to an acquittal: for it is the intention of the law, that the guilt charged must be quite manifest to every individual of the Jury.—I shall press this point no further; merely adding, that I mean not the slightest disrespect to his Lordship, nor in the least desire to insinuate that he would act differently from any, even the most impartial, of his exalted predecessors, under similar circumstances. My allusion is altogether general. I heartily wish too, Gentlemen, that it was the office of the Jury to apportion the punishment in these cases, as well as to convict and acquit; and then, I think, we should never have beheld two Brothers, found guilty of the same political offence, sent to different places of confinement;—a bitterness of infliction, which I believe would

not have been visited upon two house-breakers connected by such ties.

By one of the late Acts against the Liberty of the Press, a second conviction for this political offence of libel, subjects the author to the dreadful punishment of being cut off from his friends and country. Yes, Gentlemen; *Banishment* may be inflicted upon a man, merely for publishing opinions held in common with thousands of his fellow-men:—a punishment to which the vilest of criminals are exposed, and never, in these later days, thought of in England, till contrived by the present Ministers. You will no doubt additionally pause, Gentlemen, before you place a political opponent in a state of such extreme peril.

Gentlemen, it is time I should draw to a conclusion. Permit me to remind you, that I have rested my chief claims for an acquittal upon these points:—That the corruptions on which I have founded the character I have drawn of the House of Commons are not only notorious, but that the House has itself repeatedly confessed their notoriety, but its refusal to punish the offenders, when the notoriety has been pleaded in their excuse:—That the imputation of bad motives in the information is falsified by the fact, that I have shared these motives in common with men in all ages, whose names reflect honour on the human race, and that I now share them with millions of Englishmen:—That I have given proofs of my sincerity by former sufferance, and that I now claim credit for that sincerity from you, as a matter of common toleration for opinion, without which all sects and parties would be not merely differing and disputing in theory, but in a state of the most brutal, degrading, and abusive warfare, to the destruction of social intercourse and all the better feelings of our nature:—That to convict me, would be to forbid to the largest portion of the British people the expression of their honest and deeply-rooted opinions, and to help to engender those ungovernable feelings, of which I have attempted to describe the inevitably violent result:—That the present Ministers have always shewn an hostility to the press, and a particular hostility to the *Examiner*:—That the question which I have agitated is not any thing new, but the oldest and most daily-trodden of our political grievances, and that consequently this attack on me is a *further* attempt to restrict the press,—a fresh endeavour to stop the discussion of the most common topic of political animadversion:—That the united shamelessness and hypocrisy involved in this attempt, are enough to rouse the indignation of every lover of justice, freedom, decency, and consistency; and it is heartily to be wished, that every admirer of the sincere doctrines of the Founder of Christianity would aid in giving a signal blow to a piece of Hypocrisy, com-

pared to which, that of the Scribes, Pharisees, and Lawyers, was but trivial.

Gentlemen, I have done. My fate, in a certain degree, is in your hands. However earnestly I may desire, as well for the sake of others as my own, *that* freedom from personal restraint so dear to us all, whatever your determination may be, I shall be content; satisfied as I am, that the Cause of Reform will be benefited either by my acquittal or condemnation. Yes, I say even by my condemnation; for the spectacle of a man's being sent to a dungeon for uttering, on public grounds, "the truth, the whole truth, and nothing but the truth," must inevitably serve to accelerate its final triumph. It is by no means necessary, Gentlemen, that an humble individual like myself should remain in the possession of his liberty, and the enjoyment of his quiet home and family comforts; but it *is* necessary, that there should at all times be found, in England, men who will make a firm stand for the public liberty, regardless of private considerations, and in despite of personal dangers.

REPLY.

The *Attorney-General*.—Gentlemen of the Jury,—Although much you have heard in the defence was perfectly irrelevant to the matter in question, and much also was erroneous undoubtedly, I did not feel it my duty to interrupt a person placed as the defendant is, from offering what he conceived to be necessary to his defence; and if in his prepared address he has replied to what I never said, he may be excused if he has anticipated erroneously what I actually did say. The defendant has charged me with having applied a number of harsh epithets to him——

Mr. HUNT interposed, and said, "In the Information; allow me to explain"——

The *Attorney-General*.—The defendant must know, from his own experience, that the words of the Information are mere words of course, applied on all similar occasions. He accuses me of having told you, that he has appealed to the passions, not to the understanding. I never used any such expression; but the defendant may be excused for this misrepresentation, as he has come prepared with a written address. I appeal to every one who heard my opening speech, whether I made any such appeal to you? because I studiously avoided every thing which might excite prejudice against the defendant. I contented myself with bringing the libel before you, and put it to you, whether, in reading the passage which is the subject of the information, you were not satisfied that it bears the character of a libel. I stated this with a few observations, leaving it to your own judgment whether it was not a libel. Therefore, all com-

plaint respecting my conduct was perfectly irrelevant. I shall now advert to some other topics of the defendant's speech, which are also wholly irrelevant to this proceeding. He has told you that he has been, on former occasions, subjected to two or three proceedings similar to this——

Mr. Hunt.—"I beg your pardon—*Four.*"

The Attorney-General.—"If the defendant will hear me, he will see I will do him no injustice. He says that he has been subjected to three other Informations which have failed. On one other occasion however, he says, he and another near relation of his were convicted and suffered imprisonment. Why the defendant alluded to this I do not know. I avoided saying any thing of it, lest I should be supposed to raise a prejudice against him, but as he has introduced this subject I will make this use of it, that he cannot plead inexperience, and that having once suffered under the law, it became his care and duty more specially to guard against other libels. It was not therefore his interest that one offence should be brought to aggravate another." *The Attorney-General* proceeded to reply to other parts of *Mr. Hunt's* defence. As to the disclaimer of evil intention, he said that every man who was accused would undoubtedly make the same disavowal; but the Jury were to judge of the intention from the tendency of the writing itself, and to say whether it was not a libel tending to bring the House of Commons into hatred and contempt. As to the assertion that the passage charged in the Information was selected unfairly, if the defendant thought that the rest of the article in which it was contained was calculated to explain it in his favour, he might have read it to the Jury, but he did not do so, knowing that it was of a nature to aggravate rather than to extenuate the passage extracted.

Chief-Justice Abbott.—"As neither party has referred to the rest of the paper, it is not fair to dwell upon it."

The Attorney-General proceeded to say that the defendant, in extenuation of his conduct, had referred to the declarations of distinguished men, who had desired a Reform in the House of Commons, who had not been prosecuted. It was not his (the *Attorney-General's*) wish to interfere with the discussion of the question of Parliamentary Reform, but to protect the House of Commons from mere calumny and abuse. The defendant had referred to the conviction of Sir M. Lopes, but that conviction was in consequence of a prosecution directed by the House of Commons itself, and as to the remission of part of the sentence in consequence of the address of the House of Commons, it originated with a motion of Lord J. Russell, a branch of the illustrious house of Russell, which the defendant had eulogized, and was dictated by a consideration for his

advanced age. He again put it to the Jury to consider whether this was not a libel tending to bring the House of Commons into contempt. The Jury were the judges of law and fact in this case, but so they were in every other. Yet they were bound by the most solemn sanctions to decide according to the law. They would hear the opinion of the Learned Judge, and he called on them to decide according to law, setting aside every other consideration of party feeling which the defendant himself had called on them not to regard.

CHARGE.

Chief-Justice Abbott stated this to be an information filed by his Majesty's Attorney-General against the defendant John Hunt. It charged that he had with a malicious intent to defame the Commons House of Parliament and to bring that part of the Constitution into disrespect, published the following paragraph of and concerning that body. It was in these words—"The voice of the British nation, if properly echoed in Parliament would have at once informed my Lord Castlereagh that if his Royal Master had domestic wrongs to complain of, the proper Courts were as open to him as to any of his subjects, but that the great business of the nation could not be suspended by matters of such a nature." From this paragraph his Lordship thought it was manifest the writer adverted to some particular measure which he condemned, and proceeds, "This is what a true Commons House would have done; but when that House, for the main part, is composed of venal boroughmongers, grasping placemen, greedy adventurers, and aspiring title-hunters, or the representatives of such worthies,—a body, in short, containing, a far greater portion of public criminals than public guardians: what can be expected from it, but — just what we have seen it so readily perform." The offence charged upon the defendant consisted of a libel on the House of Commons, in asserting that it was for the main part composed of public criminals. In order to fix this upon Mr. Hunt, it was necessary to introduce the evidence which the Act of Parliament requires. The only question for decision then was whether the passage adverted to was or was not a libel? Upon this subject the Jury had attended to the arguments of the defendant, which had been replied to by his Majesty's Attorney-General; and it did therefore appear to his Lordship that there was but little matter left for him to observe on; there was however some and he felt it his duty to present it to the Jury. Speaking then of libel generally, he would say that it was open to all his Majesty's subjects to discuss public men and public

measures; but then the law required that that discussion should be conducted in a fair argumentative manner, and with a due regard to decency. But when a writer thought fit to adopt the language of calumny, and for want of reason to introduce slander, then he did it at his peril. The question for the Jury in the present case was this: "Whether this is slander and calumny, or whether it is reason and temperate discussion? whether it is printed and published with intent to bring the Commons' House of Parliament into disgrace and contempt?" It now remained for his Lordship, in conformity with the practice of his predecessors, to give his opinion as to the nature of this publication, which was that it fully bore out the description given of it in the Information; namely, that it tended to bring into hatred and contempt the Commons House of Parliament. This was his opinion respecting the law as relating to the present case; but the Jury had an undoubted right to exercise their own judgment and their own reason, and decide whether the publication was defamatory, whether it was intended to bring the Commons House into hatred and contempt? In making this decision they would not suffer any feeling of bias or partiality to influence their minds either on the one side or the other. If in the opinion of the Jury the matter had for its object the motive imputed to it, then it seemed to his Lordship they would best discharge their duty by finding a verdict of Guilty; but if they had any doubt on the subject their verdict would be the other way. He would only make another observation with which he would conclude; the freedom of the press was dear to them all, but he believed the only way to preserve that freedom was to check and restrain its licentiousness, for they might rest assured, that when the press should have obtained a victory over the law, it will have obtained a victory over itself and over the Constitution of the country.

After his Lordship had concluded this address, Mr. John Grant, one of the talesmen, immediately addressed the bench: he stated that as himself and three or four of his fellow Jurymen proposed to retire, *he*, previously to leaving the Court, wished to know the words of the Information. The Judge complied with this request, and the same gentleman made a memorandum accordingly.

The Jury then retired, taking with them a copy of the Information, and the newspaper in which the subject matter of the information appeared, and about two hours afterwards returned into Court. After their names had been called over, it appeared that they had not agreed in their verdict, but that one of them, Mr. Grant, wished to put a question to the Court. He thus addressed the Court—"I wish to ask your Lordship whether *malice* constitutes a part of the law of libel?"

Chief Justice Abbott.—Sir, in answer to your question, I have to say, that an unlawful motive is an ingredient in that as well as in every other crime. If an act done is unlawful, or calculated to produce an unlawful effect, where the party committing it is conscious of what he is doing, an unlawful motive is assumed.

The Juror.—I observe, my Lord, that *malice* is here charged.

Chief Justice Abbott.—Exactly so. It is charged that the libel was calculated to bring the House of Commons into contempt, by being thus publicly defamed; and if you believe that such an article was calculated to produce that effect, you have a right to assume that the party writing could have no good motive. It was so in the case of murder; and in all other crimes an unlawful motive was assumed until the contrary was shown. However, if you have any doubt on your minds, you will give it every due consideration.

The Jury then retired a second time, and in about a quarter of an hour returned, finding a verdict of—*Guilty*.

FINIS.