

44.11

10

INTRODUCTORY REMARKS

**TRIAL**

OF

**MR. J. RICHARDSON,**

FOR AN ALLEGED LIBEL

AGAINST THE ROMAN CATHOLIC RELIGION.



## INTRODUCTORY REMARKS

TO THE TRIAL OF

MR. J. RICHARDSON.

---

**T**HE Ordinance enacted by the Governor of Malta, with the advice and consent of the Council of Government, for abolishing the censorship which had existed for about a year previous in these islands, and for providing against abuses of the consequent liberty of publishing printed writings, was promulgated on the 15th. March of the current year. Whatever may have been the general impression on the public mind produced by the publication of this new code of laws, but a few days elapsed before an alleged infringement took place, and consequently it was not to be expected that any well digested remarks, favourable or unfavourable, could have preceded it from the press. The legal investigations into this case, however, and the decision passed thereon by the Criminal Court, an

account of which will be given in the following pages, have served to explain the spirit of the enactments made in the Ordinance with a far greater clearness than the forty-one pages of folio annotations appended to it, and give us a much surer basis on which to form our observations and draw our conclusions, than mere hypothesis on the theoretical constitution of the law. It is on this account that we regard the subject before us as important, because it may establish a precedent which possibly may carry with it the most weighty results, destructive of that liberty which the law is bound to protect, and which every man claims as a right of his moral nature — the liberty of publicly professing that faith which he in conscience believes to be right, of defending it against the insinuations or open attacks of those who may conscientiously differ from him, and of manifesting its truth and purity against error or imposture.

Such consequences as these may by some be considered an illusion, inasmuch as the Ordinance professedly makes provision for the protection

of all christian \* creeds and churches, and secures them from contumelious attacks in all their tenets and religious observances, however widely they may differ in doctrine, practice, or church government. It is with this provision in view, in fact it is the basis our of proposition, that we shall endeavour to prove: *That the Ordinance as it at present stands aims at the destruction of ALL religious liberty, for the very reason that it professes to make provision for the protection of every christian system, in all its tenets, ordinances, practices and ceremonies from revile, ridicule or insult, however widely they may differ among themselves, and however much they may be in opposition to each other in one or more of their relations.*

Having stated the above we shall adduce at present but one example in illustration of our proposition, as we intend to follow out our demonstration after hearing the proceedings of the court on the occasion already alluded to. The Reformation is by the Roman Church branded

---

\* No provision whatever is made in the law for Jews, Mohammedans, or any other than Christians.

with the vilest epithets, its promoters, sustainers, and professors are delivered over to the devil under the most awful anathemas; and that such anathemas form a part of the religious service of the said church, we need only observe, that they are read publicly in their churches once a year in several Roman Catholic countries, and in Rome, the seat of its supreme ecclesiastical Head. On the other hand, the Reformed churches, to defend the grounds for which they were denied communion with the church of Rome, are under necessity of branding with the severest epithets those doctrines, observances, or ceremonies in that church which they regard as subversive of true religion, and destructive of human salvation. To go no farther to prove that this also forms a part of the system of Protestants, we need only refer to the Common Prayer-Book, where several tenets of the Church of Rome are denounced as "blasphemous fables and dangerous deceits."



No provision was made in the law for Jews, Mohammedans, or any other than Christians.

TRIAL OF MR. JAMES RICHARDSON.



ROYAL CRIMINAL COURT OF THE ISLAND OF MALTA  
AND ITS DEPENDENCIES.

EPIPHANY SESSION.

*Sitting* }  
**XVII.** }

{ *Saturday, the*  
{ *6 April, 1839.*

**JUDGES** — Sir **IGNATIUS GAVINO BONAVITA**, Knight Commander of the Most Distinguished Order of St. Michael and St. George, President of the Royal Court of Appeal; Doctor **GIOVANNI BATTISTA SATARIANO**, One of Her Majesty's Judges; and Doctor **FRANCESCO CHAPPELLE**, another of Her Majesty's Judges.

*Cause* }  
*No.* }  
**I.** }

{ *The Crown Advocate,*  
{ *Versus*  
{ *James Richardson.*

The Crown Advocate on the 27th. of March 1839, presented an Indictment against James Richardson, for having, on Thursday the 21st. day of March one thousand eight hundred and thirty nine, or on a day subsequent thereto, published, in this city of Valletta and Island of Malta, a printed writing of the following tenor:—

“ Without going into the merits of the proof for the divine authority of Christianity, we may affirm fearlessly, *that religion is necessary to mankind as at present existing.* Without the interposition of religion men could not be governed, the race of human beings would perish by the disorganization and crimes which would follow the extinction of religion. A greater service then cannot be done for the world than to devote talent and property to the maintenance of religion. But we should always take care that the religion we advocate be *the purest and best of which we have knowledge.* In the present case, there is no doubt, no mistake, no uncertainty. We defy the world to produce a purer faith, a more unexceptionable moral, than that commonly taught by the Protestant Churches of Great Britain. And though we had no faith in Christianity (and God knows our faith is not very strong, —) though we had no love for its doctrine, no admiration for its moral, no respect for its ministers, we could not but rejoice in the thought of there being set up, in Malta, a Christian Protestant Church against a system of religion the most detestable the world ever saw! — *a system which leaves the mind at a loss to determine whether it be better than any religion at all.*”

That the publication of the said printed writing, being of the tenor above set forth, is one of the publications prohibited by the Ordinance No. IV. of the year 1839; promulgated on the 15th. of March, 1839.

And that the said James Richardson, in publishing as above set forth, the said printed writing, has contravened against the said Ordinance.

Moreover, that at the period and place aforesaid, or after the period aforesaid, but preceding such publication of the aforementioned printed writing, the said James Richardson contributed to such publication of the same printed writing.

That the said printed writing, published as above set forth, was of the afore mentioned tenor.

That such publication of the said printed writing, being of the tenor aforesaid, is one of the prohibited publications, as is above set forth and the said James Richardson in contributing, as is above set forth, to such publications, has contravened against the Ordinance aforesaid, against the peace and public tranquillity, in contempt of Our Sovereign Lady the Queen, and the Laws.

Wherefore the said Crown Advocate, in the name and on the behalf of Our said Sovereign Lady the Queen, respectfully makes instance,

that the said James Richardson be punished in conformity to what is established and ordained in the said Ordinance No. IV of 1839, promulgated on the 15th. of March, 1839.

---

The Indictment having been read over to the said James Richardson, and he being asked whether he be *Guilty*, or *not Guilty*, of that which he therein stands accused of, he pleaded *not Guilty*.

Whereupon the Crown Advocate set forth to the court the accusation in question, and stated it to be his intention to proceed to the examination of witnesses to establish the facts imputed to the accused; but he the accused James Richardson admitted in open court to have written and published the printed paragraph set forth in the Indictment.

The Advocate John Griffiths, (who was assisted by Mr. W. T. Stevens, Solicitor,) counsel for the said James Richardson, put in a copy of the paper entitled "*The Harlequin*," published on the 21st. of March, 1839, wherein the said paragraph stands inserted. Thus far we have faithfully copied from the record.

---

Dr. Bruno, the Advocate for the Crown, began

the prosecution by observing that the liberty of the press had finally been conceded to the Maltese people; — that this liberty was capable of abuse; and that to avoid such a consequence the Ordinance had been published. He then attributed the paragraph copied into the indictment as directed against the Roman Catholic religion, and as insulting to religion in general, and as such was a transgression of the law contained in Section No. IV.

The Advocate for the accused, Mr. John Griffiths, then stood up, and made his defence, of which the following is a faithful translation from the Italian, in which language he pleaded.

“Among the numerous causes, most learned President and Judges, which have hitherto occupied the attention of H. M. Criminal Court, the present cannot but occupy a distinguished place on account of its extremely high importance.

In saying this, I do not speak in relation to the particular consequences which may result from it, either favorable or prejudicial to my client; because, whether the advantage or disadvantage resulting to him therefrom be small or great, it still is only the advantage or disadvantage of a private individual, and as such hardly to be kept

in view in a question relating to the interests of the public at large.

It certainly is not, therefore, on such a basis that I consider the present cause important. On the contrary, I look to this proceeding in the point of view which embraces its general results possible, as well as probable, and especially as regards its tendency to strangle—to destroy—the recent concession made by H. M. Government to the inhabitants of these possessions.

Far be it from me to impute to the learned public prosecutor such a view, or desire;—far be it from me to impute such an end or wish to the Local Government. The sentiments of the former are known to be too liberal for him to nourish such an idea,—the idea of annulling a privilege, which if I remember well, was the object formerly of his most fervent desires; while as regards the latter, from the liberal mode in which it recently exercised the censorship, it is easy to perceive that under a system a thousand times more rigorous, the liberty of the press, as recently conceded, cannot be in the slightest degree unpleasant to the local Government.

Still, however, the tendency of the present procedure, although independently of the will and desire of those who have instituted, and now

support it, is nevertheless that which I have pointed out. Every one perceives it, every one feels it, — all wait anxiously for the result of the trial, and have nought but your discrimination and justice in which to place their hopes, as a means whereby to avert the evil by which the infant liberty of the press is menaced.

I have said enough, Judges, in order to show at a glance, that the present cause is of the highest importance. I therefore proceed to treat of other matters connected with it.

Less than a month ago, a new Law was promulgated in these possessions. By that Law, which abolished the censorship exercised over the press, the inhabitants of these possessions were restored to that natural liberty, on which alone, and not on any express permission, the liberty of the press is undoubtedly founded.

It is not for me to make any remark on that long catalogue of prohibitions with which that restoration of natural liberty was accompanied. There is the Ordinance — the Ordinance is a Law. — Laws, so long as they remain in force, must be observed, — they bind the Government, — they bind the judges, — they bind the people.

But it is a most precise duty of my office, in every cause committed to my professional sup-

port, so to argue, as far as in me lies, as to prevent the Law from operating out of the defined limits, by which it is circumscribed, — and that in the same way that it enters into the attributions of the judge so to decide as that the Law (I speak of statutory enactments) shall be limited to the cases in the law itself expressed.

This sacred duty I am now here to perform, and what I have to say I have thought fit to commit to paper, in order that it may remain as a testimony how far I have performed it.\* The Court also will with their usual discernment do their duty, which duty is mainly that I have already referred to, viz: to prevent a statutory enactment from being by any analogy, interpretation or intendment extended in its operation from cases expressed to cases omitted.

But here the first difficulty in the case arises:— a difficulty which increases as we go forward, as I shall progressively show.

The Ordinance has not revoked any part of the Law preexistent in these possessions relative to injuries, (*injurie*) which the Common Law divides into three species: real, verbal, and by letters, (*reales, verbales, e per literas*) under the

---

\* Mr. Griffiths used additional arguments, and made illustrations as he went on, some of which we have been unable to give, there being no reporters in Malta,

last of which injuries (i. e. insults or defamations) by paintings, sculpture, or effigy, and such like are classified.

Relating to this subject we have twelve paragraphs in the Institutions, under the title "*de injuriis*;" we have forty-five Laws in the Digest under that of "*de Injuriis et famosis libellis*;" we have in the Code eleven Laws under the title of "*de Injuriis*," and one under that of "*de famosis libellis*."

Since none of these enactments of the common Law have been repealed, the ordinance, is only a mere appendage to them, correcting them in certain parts.

Wherefore it being a rule of Law that a statute shall be construed by the common Law, in order to interpret or explain the Ordinance, recurrence must be had to the Laws I have just referred to. To this it may perhaps be alleged that the enactments contained in the ordinance are clear, and that little occasion there can therefore be for recurring to interpretation.

I deny this clearness, and the best proof that I can give of my denial is, that the very authors of the Ordinance found themselves under the necessity of writing forty pages in explanation of this statute, the contents of which do not amount to one sixteenth part of the volume of comment.

And here the difficulty begins rapidly to increase.

These Glosses, or Comments on the Ordinance cannot be taken together with the Civil Laws I have referred to, because the former proceed not according to the principles of the Roman Law, but to those of English legislation, or other principles divergent from those of the Civil Law.

By what means, then, is the Ordinance to be interpreted? By reference to the unrevoked laws I have mentioned, and, in union with them, to those other Roman Laws which are applicable according to circumstances in the interpretation of laws generally, such as those intitled "de Regulis Jus," "de verborum significatione," "de pœnis," and others similar? — Or by reference to the glosses, or comments which I have just mentioned, which have never received from the legislative power here, centered in H. E. the Governor and the council, the force of Laws?

This difficulty, which I leave to the consideration of the Court without further remark, except that the judges have sworn to administer justice according to the facts proved before them, and the laws in force in the Island, is of much importance.

According to the Civil or Roman Law, no

injury (*injuria*) can be committed without malice (*dolus*.) In the comments malice is not of the essence of the offence, but it is established that even the smallest grade of negligence shall render the party accused guilty and punishable. According to the Civil Law, an odious Law, and especially, or rather a thousand times more so, an odious Statute Law, is to be restrained within the most limited sphere of operation possible, so that the reason or purview thereof shall not extend at all even to a hair's-breadth beyond what the words of it clearly express; but in the comments there are numerous *extensive* interpretations (*interpretationes extensivæ*) of the Ordinance;— and in fact I may say that the generality of the interpretations in the comment are of this description.

According to the Civil Law, when a punishment is discretionary (*arbitaria*) many circumstances mentioned in the Digest under the title of "*de pænis*," and in other laws, are to be taken into consideration by the judge in apportioning punishment; in the comments the quantum of punishment is nearly made to depend on the deliberation alone; according to the Civil Law in certain cases proof of the truth of the imputation is allowed, as in L. "*Si non Convicii Consilio*."

5 Cod. de Injuriis, and L. 18 § de Injuriis et famosis libellis, which commence thus; "eum qui nocentem infamavit non esse bonum æquum ob eam rem condemnari, peccata enim nocentium nota esse et oportere et expedire," — and which is explained by Matthæus de Crim. in the sense in which I quote it. While in the comments it is only permitted to prove the truth of one species of imputation, and which is also implicitly permitted by the Ordinance.

If I do not detain the Court with further observations of this nature it is not because matter is wanting to do so; but because they, like one or two of the instances I have stated, might not, when made, be considered as applicable to this particular case. There being an evident conflict between the two modes of interpretation, it became my duty to point it out as a matter of importance, but I do not think it necessary to go into the whole of the details of that conflict which would render necessary the perusal of a great part of the seventy Roman Laws I have referred to, as well as of nearly the whole of the Comments.\*

With these preliminary remarks, and feeling persuaded that the learned judges, although they

---

\* The two first examples of conflicting interpretation must be of immense importance in every case.

are all of the Roman Catholic persuasion, will not, because the offence is said to have been committed against that Church, deal with the matter, or decide on it otherwise, on that account, than they would have done had it been committed against any other institution. I now proceed to speak of the particular circumstances of the case.

On the occasion of H. M. the Queen Dowager of England being graciously pleased to lay the first stone of the new Protestant Church, which she, with such unheard of generosity and magnificence, had undertaken to have built at her own expence, my client Mr. Richardson thought himself called upon to insert, in his periodical journal, an article containing an account of what took place at that ceremony.

Mr. Richardson, who formerly was occupied in spiritual preaching, and has been in communication with religious societies which count among their supporters persons of the highest rank, considered that the nature of the ceremony afforded an opportunity for rendering the article also an introduction to a lesson of religion to his countrymen.

If he had thought differently, I think, in the present state of the world, he would stand forth and confess it boldly; for between being followed

up, persecuted, and martyred in ancient times, and indicted under an ordinance in modern ones, not a little difference exists.

It is clear that the minor subject on which religious lessons can bear is the inobservance of what religion prescribes. Nor is this inobservance limited to any particular religion, for since in all professions of faith good and bad individuals are to be found, as is universally the case in every reunion of men, so in every religion there are those who strictly observe its precepts, and those who more or less omit to observe them, besides a few who do not observe them at all.

This inobservance in many cases has become systematic, and as such my client wished to animadvert on it. But as regarded whom? The Catholics? No. In the entire article he did not mention them; so far from it, having to speak of *them*, he did so in another article entirely separate from that which forms the basis of the present proceeding.

He, in the article now brought before the court, in no way mentioned, and much less reviled, ridiculed, or insulted "*any doctrine of the Roman Catholic church; or the Government, or discipline of the Roman Catholic Church*" (I repeat the words of the Ordinance *verbatim*) "*or*

any part of its Government or discipline, or any ritual, or other religious observance of Roman Catholic Christians of any class or description." I repeat that I am speaking in the very words of the Ordinance, in which the word "system" is not to be found. Who then did he name? He named the Protestants, his own countrymen for whom he wrote. He commenced the article by saying: *Previously to Her Majesty the Queen Dowager's arrival we had implored the local Government to make a last and serious effort towards supplying the spiritual wants of the Protestants of Malta by the erection of a Protestant Church.*" He went on to state, that the policy of the British Government had always been to alarm as little as possible those differing in faith from the Protestants, by any "pompous parade of our national faith and worship." After making this declaration, which is applicable to the inhabitants of all colonies, of all the possessions of the British Crown, of whatsoever persuasion they may be, Mr. Richardson proceeded tacitly to make allusion to Malta; and what did he say? He stated that he was the most absolute approver of this mode of policy adopted by Great Britain. His words were these: *"Individually concerned we are the*

*staunchest supporters of our Government in such a wise, humane, pacific, and solid policy.*" He then immediately proceeded to attack systematic inobservance of religion. But on whom did he make the attack? He made it on the Protestants. "*We*" said he "*do not, therefore, go all the length with those who declaim so zealously, though it may be conscientiously, about our being nearly half a century in possession of Malta, and yet not having for ourselves a church. We are reminded likewise,*" said he, (and here he commenced lashing the Protestants) "*we are reminded likewise (for we always have the word of reproof well nigh) that the apartment in the Palace appropriated now to the public worship is not near so full as it might be, and that there are some Protestants in Malta who make it a point of not going to church at all.*"

Having denounced this system of inobservance, — that is, admitting that the chapel in the Palace was not such as it ought to be, but asserting that small as it is, still, as an effect of the system he was censuring, it was not fully attended, because some protestants never went there, — what remedy did Mr. Richardson point out? He pointed out the new church about to be built.

"*This latter consideration*" he added (that is

of those who never went to church) “*may somewhat abate our discontent respecting the national disgrace of not having a church, but does not in the least degree lessen our thankfulness, or damp our joy, at the bright prospect of a protestant church being built in Malta.*” — I stop here for a moment — “of a Protestant church being built in Malta;”—for what purpose? To levy war on the Roman catholic church? Nothing of the kind came from Mr. Richardson’s pen. “*Our joy*” said he “*at the bright prospect of a Protestant church being built in Malta, where every sincere Protestant may worship God agreeably to the dictates of his conscience, and in peace of heart and mind.*”

Here then Mr. Richardson speaks of the new church as a remedy of that systematic not frequenting the “chapel” which he just before was blaming, stating that, “of course,” in consequence of its extent being greater than that of the chapel, every one of the protestant faith will be enabled to attend Divine service. These words alone would be sufficient to justify Mr. Richardson from the present accusation, by excluding the construction put on the conclusion of the article, for no one could for a moment suppose that an Englishman professing tolerance at the

very moment in which he was claiming for himself the right of adoring God according to the dictates of his own conscience, and in peace of heart and mind, would interfere with others who equally wished, in peace of heart and mind, to worship God according to the dictates of their conscience.

If this position does not make evident the sense of the article written by Mr. Richardson, nothing on earth can, by reasoning, be rendered clear.

He attacked not any religion whatever; — he attacked, a system, not of observance, but of inobservance, and inobservance cannot possibly form a part of any religion; it being contrary to that constituent part of every faith which consists in the observance of certain rites; so that, unless it be contended that Protestants by *inobservance* became Catholics, Mr. Richardson's article has not spoken at all about Catholics.

In continuation of that article it was stated, that “*the spiritual desolation of the Protestants had been made known to Her Majesty, and that Her Majesty on learning our sad condition*” had hastened to our relief, and had deigned to signify Her intention of building for them a church at Her own expence. After which Mr. Richardson inserted, in the body of of the same article, the address which had been

voted, by the whole of the Protestants at Malta, on H. M's. munificent intention being made known to them. In that address, voted under the presidency of H. E. the Governor, and signed, besides him as chairman, by persons of distinction, mention was made of the sacred edifice about to be erected, almost in the precise words used by Mr. Richardson, showing, by implication, that the sacred building would be a remedy against inobservance. It was *then* stated as follows "*By means of Your Majesty's christian benevolence, a bright prospect has now opened upon us and soon all our protestant bretheren, from the least to the greatest, will be enabled to join together in the public exercises of our holy faith ;*" — thereby showing, at the least, that they had not been able to do so before. Such is, in fact, the real end for which the new church is about to be built; and therefore, after a duplicate declaration thereof by Mr. Richardson, once in his own words and again by inserting the words of the address—after Mr. Richardson had passed such an eulogium on the system of policy that had been pursued by the British Government, which was indirectly a compliment to the Maltese, because no policy can ever be solid unless it be founded on the principles of justice; —and after he had

censured and criticised the Protestants for not attending at Divine service;—how it could enter into the mind of any one to interpret what Mr. Richardson wrote at the conclusion, as any attack against the Roman Catholic faith at all, and more especially as an attack coming within the Ordinance, is to me a thing totally inconceivable

I say with Mr. Richardson, and every one who has common sense will say with me, that the most detestable system of religion in the world is that, in which, while a certain faith is professed, of express design and out of deliberate intention, the rites and observances are left unperformed, by those by whom that profession of faith is made—in which “a point is made,” (to use Mr. Richardson’s words,) of not going to church at all.

Mr. Richardson had already said, that such inobservance was to be found among the Protestants of Malta, and had already stated, that the new church would be its remedy. That the same inobservance is to be found, more or less, in every other communion may well be supposed, because in every union of individuals there are good and bad. But wheresoever it is to be found, it is still detestable, and even more detestable than any other system, the rites and ob-

servances of which are conscientiously performed. For he who observes the rites of his own religion, according to the dictates of his conscience, even though in error, still acts in good faith, — he believes in certain obligations, and believing in them he fulfils them; while, on the contrary, he who knows or believes himself to be bound to comply with certain observances, to perform certain rites, and omits to do so by pure design, and of pure will, never can be said to act in good faith, or with an excusable purpose.

Whether such men are to be found or not, in the Roman Catholic Communion, forms no part of my argument at this moment, because Mr. Richardson only named this systematic inobservance as observable among the Protestants. The Protestants alone were those he censured for it; — for the Protestants alone he pointed out the new church as a remedy for it; — the Protestants alone were the communion on whose system the new church could operate as a cure of inobservance; — and therefore it would be superfluous for me to seek for the same inobservance among the Roman Catholics, on whose system the Church of England, or the new Temple, could not operate in the slightest degree.

So far I have treated not only of what Mr.

Richardson has materially written, and of the sense of what has been written, but also of the intention of the writer. This latter part I admit was perfectly superfluous.

Among the rules of law there is that which lays down, that the mere intention can never constitute an offence, "Cogitationis pœnam nemo patitur," says the text of the Law in L. 18ff *de pœnis*. This is especially true in regard to verbal or written injuries; (*injuriæ verbales aut per literas*,) and, in fact, the writers on the law make them to depend even on the usage of the region where they are offered; so that an imputation, in a region where it is not opprobrious, is not actionable, although it may be most opprobrious in another place or country, and they conclude: "toties verbis fieri injuriam quoties objicitur aliquid moribus regionis probrosum." *Matth: de crim: lib: 47 tit: 4 de Injuriis*. So that first the person must appear who has an imputation cast on him, next the defamatory imputation, and then it is time to examine with what intention it was made, that is for the purpose of correcting, teaching, or persuading, or for the end of defamation.

This is the disposition of the civil law; and therefore when no person is mentioned, or point-

ed out to whom the imputation must be said to have been made, it was superfluous for me to examine with what intention my client wrote. There we have what he wrote.—His intention cannot change a single word, a single letter, either for or against him. If he has defamed wishing to praise, he will be excused in part on showing this, that is to say, he will be allowed to retract the expression; but the *injuria* will still remain in its material form. If, on the contrary, wishing to calumniate or defame, he has so far missed his aim as even to have conveyed praise, the substance of the offence being wanting, no punishment can be due for the intention.

The very authors of the Ordinance lay down in their comments, that the intention does not enter in the smallest degree into the essence of the offence; and therefore they make him who offends out of negligence to be as guilty, as he who offends out of malice.

But if I have occupied your time superfluously, in showing to the Court, against whom the article in question was directed, it being sufficient that it was not directed against the Roman Catholic system; and that, even more, as I shall presently show, had it even been so, it could not fall within the terms of the Ordinance, still I have

considered it to be my duty to go so far beyond the limits of a cause which I consider to be of the first importance.

I now come to speak with the prosecutor; "You have," he says, "written against the Roman Catholic persuasion."

This is a mere assumption;—Have I spoken in the slightest way of that faith? Have I mentioned it? Have I even by its shadow pointed it out?

But, he rejoins, you had the intention of doing so. The intention is in air when the external and material fact is wanting, which part you qualify by the intention. For it is an absurdity to wish at the same time to infer the intention from a fact not proved on the one hand, and on the other to infer the fact from the intention, which, the fact being unproved, must be equally unproved, and thus of two non-entities to infer an entity.

To this I hear in answer, "but there are indications which delineate the fact."

Let us hear what they are. I know that men, and inanimate objects, by distinctive signs may even be better pointed out than by the expression of their names. Thus if I were to vituperate a man as blind of one eye, and there were only one man thus blind, of necessity, the vitupe-

ration would be applied to him. And thus, not to go any further, the case would be whenever the species were single. What indication, therefore, concur in this case? what are the indications that so perfectly combine with the Roman Catholic church, as to shew clearly that I spoke of that church?

“You have,” he answers “spoken of a system; the Roman Catholic church is a system; therefore you have spoken of that church.” Why so? The adoration of Maniton the Great Spirit of the red Indian of the prairies; or of Brama and his companions the god of the copper-coloured Indians of the Ganges; the adoration whether of the ancient Peruvian sun of the Incas, or of the Persian fire of the Magi of Zoroaster; the faith of Mahomet; of the Deists; of Idolators; have they not been, and are they not in the same sense so many systems? Is not Protestantism in the same sense a system?

Why then from the mere mention of a system, infer what system is meant; why from the mere mention of the genus infer, in a genus so vast, the particular species presented? Is this any thing less than a pretention to the gift of divination?

And the species referred to not being specified, I ask the prosecutor, what system in the world is

that against which, more than against another, the British Church is destined to act?

He may answer, against those who sacrifice human beings to idols, against those who crush man under the wheels of the Car of Juggernaut; he may say against the faith of Turks, or of Jews; but he never can say against the Roman Catholics whose faith prevails amongst little less than a third of the inhabitants of the United Kingdom, whose church is protected by the government, in which government also its members are admitted to take a part.

And were the accuser, in the slightest way, to endeavor to support the accusation by the word "detestable," in order to render my case odious, I would tell him, that the very word excludes all criminality, under the Ordinance, on the part of my client. Because there are many other religions in the world, really odious to Christians of every sect, although, as men, those who profess them are good and bad together, like those who profess every other religion. But that epithet also forms the basis of the entire cause, in which all that is sought for is positive proof that the Roman Catholic is the particular system to which Mr. Richardson has, in point of fact, applied it. For, as regards the concluding lines

of the article which are printed in Italics, they do not convey, in the English language, any defamatory sense. If the word "no" had been inserted in lieu of the word "any," without doubt they would have been injurious, because they would have compared a religious system, with the entire want of religion; or, in other words, would have compared those professing a certain faith, with those who had no faith at all. But with the word "any" the phrase does not take that sense, but merely places in doubt whether a certain religion be better than any other religion.

I said that with the word "no" the phrase would be injurious, yet not to the Roman Catholic faith; but like the word detestable, to those, (if, as Mr. Richardson believes, such there be,) who out of a deliberate purpose, do not attend the divine service of their own persuasion. I hope, in this respect, that Mr. Richardson was wrong, when he spoke thus of the Protestants at Malta, and that therefore they ought to have been the prosecutors, if there were legally grounds for a prosecution.

The accuser however maintains, that Mr. Richardson has applied the epithet to the religion of this Island; but in saying so always leaves the matter to lie on his own bare assertion. For

surely he will not say that the epithet is applicable, and so applicable to that religion, that, when applied, it could be applied to no other; since that would be casting dishonor on the cause he is here to defend.

Therefore he must first, by other certain and positive signs and indications, demonstrate that my client, speaking of a system, has actually spoken of the religion of this island; and then, when he has proved that, it will become clear that the epithet was so applied, which I deny.

Nor were the prosecutor to insist that the word detestable were applied to the inobservant under every religious system in the world, would that move me in the least; for the censure of inobservance general or particular, could operate nothing in this case, since the Ordinance relates only to attacks, not against inobservance, but against observance, or the duty of observing religious rites, that is those proceeding from the doctrines, the government, and discipline of the church.

As another sign of Mr. Richardson's having pointed out the Roman Catholic faith as detestable, the prosecutor says, that in the printed article it is said, that the new church would be

erected against a system of religion; — assumes that it will be erected against the Roman Catholic system; — and thence infers that the word detestable is applied to that. Such a mode of reasoning as this defies all the wisdom of the sages of ancient Greece to comprehend it. If there were only one system in the world against which the new church could be erected, and, there being only that one system, I had said that the new church would be erected against a system, certainly, since I could not have spoken of any other than that single, that only system, it could not be denied that I had stated that the new church would be against that. Because there being but one, I, by speaking of one, must have spoken of that only one. And thence it would follow, as a necessary consequence, that if the Roman Catholic church were that single and only system, I, speaking of a system, must have spoken of the Roman Catholic church.

But this argument with its triple concatenation linked by an assumption, is more ridiculous than it is long.

I have already made mention of four or five systems now actually existing in the world. — Therefore the Roman Catholic system does not stand alone, but there are many others. And,

therefore, there being not one alone but many systems, the entire argument, based as it is on the supposition of there being only a single system, falls to the ground, as one directed to prove that the genus is the species.

Neither is the argument a shade better, in which, admitting that there are many systems of religion, it is assumed, that the new sacred edifice is to be erected against one only of them, and not against the others; — that the one system which is to have the new church opposed to it is that of the Roman Catholic Church; — and that therefore I, calling the system the new church is to be against detestable, have called the Roman Catholic system detestable; — neither is this argument, I say, a shade better than those I have already noticed. Because it is not only true that there are many systems to which the new church will be opposed; but, further, it cannot be said to be opposed to the Roman Catholic Church, either in its fundamental principles, or practical operation; — therefore the epithet might have been said to have been applied to those other systems, but not to that of the Roman Catholics, And, certainly, I should have rather have expected that the present prosecution should have originated with Jews, Turks, or even with the

Protestants, and the protestant dissenters, the latter of whom also have a chapel in Malta, than with the Roman Catholics.

“But,” rejoins the accuser, “you have said that the new church which is to be built in Malta, is to be in opposition to a system of religion;—and, therefore, since the same building is to be built in Malta, the system, against which it is to operate, must also be in Malta;—And, therefore, as the Roman Catholic system is in Malta, you must have spoken of that.”

Good Heavens! this is bringing us to the point from which we started. What is the meaning of the word church, when placed in counterposition with that of system? It is a metaphysical term, embracing the whole of the churches in their material structure, and the whole of the believers of the same persuasion on the surface of the terrestrial globe. And this metaphysical term expresses a moral influence, not limited by the confines of any particular country.—So that the material building of a particular church is signified by it infinitely less, than the entire body of the members of the persuasion it belongs to, and who, though not possessing a *physical* church, still constitute one *metaphysically*.

The Protestant church in its general, moral entity, acts in the same way that every other church operates in its own moral entity, and the effects may as will be felt by a system out of Malta, as by a system in it. The faith, the believers, their reunion, and their rights, as a body, form the metaphysical church, which exists in every religion, and its metaphysical results are not limited to the country or place, where a *physical*, or material church is built with stone. And thus, if it were said, that the Roman Catholic church is against the Idolatry of Japan, it would be understood to be said of the metaphysical Roman church, and not any particular one of its material churches at Malta, such as St. John's, St. Paul's, or St. Dominic's. In this sense it was that my client wrote, that is, of the reunion in Malta, which is identified with or rather contained within the aggregate results of all reunions of the Protestant persuasion, wherever they may be, and not of the mere locality in which such reunion physically takes place at certain times.

A church, therefore, as far as one can be said to exist in Malta can, and must be in opposition to systems existing out of Malta, and far distant from Malta; and therefore my client, speaking of a

system to which the new church would be opposed, did not of necessity speak of a system in Malta.—And thus the whole argument falls to the ground.

But, as I have already stated, had he even of necessity spoken of a system in Malta, it would not follow that he had spoken rather of one, than another of the many systems existing there, he not having named any one of them, while, on the contrary, the article at its commencement refers, by name, to that of the Protestants.

I have now to speak of the offence imputed to Mr. Richardson, in relation to the prohibition of the Ordinance in which the term system is not to be found.

What is the meaning of an attack against a *system*?

The word *system* means order, method, arrangement, a putting together; to reduce to a system, is to put in a certain order; to restore a system, is to correct defects and abuses. To attack a system does not necessary imply an attack on its component parts or essentials. Thus the old solar system was that the sun revolved round the earth. The Dane Copernicus, and after the Italian Galileo, affirmed that the earth moved him

round the sun, for which the latter was rewarded with imprisonment; the same reward which now, in the nineteenth century, it is hoped by the accuser, will be bestowed on Mr. Richardson, — a retrograde movement for the Press, and for civilization, which I feel persuaded cannot possibly originate in this tribunal. But neither Copernicus, nor Galileo, while denying the relative positions of the celestial bodies and their movements, ever denied the existence of any of them, or impugned the eternal laws of order by which they are governed; although both maintained, (what the latter jocosely exemplified by saying,) that it was absurd to suppose the fire revolving round the joint, instead of the joint turning before the fire.

Thanks to Heaven, and after Heaven to history, it can be proved, by millions of examples, that to attack a system is not of necessity the impugning of its fundamental component parts or essentials. He who attacks a system, does not of necessity say that its component parts are bad, nor even that they are not good; but he says that they are badly put together, and while that may be on account of bad government, and discipline, it may equally be on account of error, or abuse, by accident, or from weakness, — without

a general attack being more applicable to any one of these causes, than to the rest. — And thus the case is hindered from falling into the Ordinance, which speaks only of doctrines, government, discipline, ritual, and observances, no one of which did Mr. Richardson name, or point out by signs equivalent to naming them.

But, says my adversary, you attacked the system, the system embraces its government and discipline; and therefore you have attacked them.

I have already said, that I do not admit to have attacked the Roman Catholic Church in any way whatever; but, supposing for a moment, that I had in reality attacked its system, what would follow?

A system consists in its elements as brought into action, or as in relation to each other; and it is good, when such action or relation is in accordance with first principles, and the regulations of superiors; and bad, when there is any departure from first principles, or from the regular command of superiors.

A system, therefore, embraces its principles, its laws, its customs, and its inveterate abuses. Its principles are eternal mathematical truths, its laws emanate from those by whom the system is governed, and its usages are based upon their

tacit approval. Whatever may be said of these, it is certain, that its abuses every one has a right to denounce. For as abuses tend to the destruction of what the system is meant to preserve, and every thing in existence is supposed to tend to self-preservation, he who points out abuses, in any social reunion, cannot but be considered by that body, which must, (as all bodies must, who wish not to commit political suicide,) desire its own preservation, in the light of a friend.

And, therefore, I repeat, that a system being composed of parts, some of which it is permitted to attack, and of others perhaps it is not, he who makes use of a general expression, without specification, is not at once to be set down as having spoken against every part of it, both good and bad, which is an absurdity in itself; and still less can he be supposed to have done so, when he himself believes in many of the fundamental parts of the system he is said to have impugned.

Since then, a freedom from abuses is sought for, in every system for its own preservation, and its government and discipline are established on purpose to prevent them or operate their exclusion,—it thence follows, that he who attacks such a system on the ground of abuses, or of error, weakness, or accident, does not attack either its

government or discipline, as established to be observed, unless it be assumed that the introduction of abuses forms a part of them, — which is absurd.

Applying these observations to the present case, I affirm, that were it even proved my client had attacked the Roman Catholic church, which so far from admitting, I have shown that Protestant inobservance was the real object of his attack, still it would not follow from a general expression, that he had rather attacked it in its essentials, than in any other respect, so as to be within the terms of the Ordinance.

The ground-work of the present proceeding, and the circumstances it embraces, are therefore when briefly recapitulated:— That Mr. Richardson has attacked a system of religion, without specifying at all, which of the many religious systems in the world he was speaking of: — That he attacked this unknown system, through a medium solely applicable to the Protestant faith, that is, the medium of the Protestant church about to be built: — That he so attacked it, premising a systematic inobservance in the Protestant church by some of its members, which the new church, was likely to remedy; which new church could not possibly have a similar effect on the Roman Ca-

tholic Religion:— That the attack was made without a shadow of mention of the Roman Catholic church:— That the attack considered in itself, in its very nature, and by many signs, ought to be considered as made against any other religious system, either in or out of Malta, than the Roman Catholic system:— That this attack was not accompanied by any signs or indications of identity, which, equivalently with words, could place those who have to judge the case in a position to affirm, on the oath they have taken, that such attack according to its tenor, is evidently, and actually directed against the Roman catholic church. While, on the other hand, as the essence of the imputed offence, it is necessary that the passage, according to its tenor, its expressions, and the evident clear sense of it, should be applicable to those who bring the action of injury, (*de injuria*) without which it cannot produce punishment— So that the certainty of the person injured or defamed being wanting, a certainty which cannot be established except by the tenor and the signs or indications of identity of the publication itself, the right of action is also wanting in the party who considers himself to be injured, but cannot show it, as resulting from the publication, in which the injury is said to be contained:— That in no

part of the civilized world has it ever been admitted, that the genus is the species; so that a general attack, without specification, shall be open to every one, who may think himself comprehended in the genus, to come forward and take the matter to himself; nor that, when the attack is against a political generality, an action lies against every member, over the whole surface of the globe *in specie*.

And finally, besides many other considerations which I for the sake of brevity omit:—That a general attack of a system, without specification, does not necessarily import an attack of that system in its essential or fundamental parts, in its government or discipline; and, therefore, cannot come within the prohibitions of the Ordinance, which speaks not of systems, but of certain parts of systems,—or rather of their elements.

I shall now conclude;—The court will have seen that I have rather in my discourse endeavoured rigorously to observe the rules of logic, than to seek for the ornaments of rhetoric. — I have placed before it the words and the sense of the publication, in every point of view in which it was, or in which I considered it might be viewed. If in doing so I have abused of the patience

of the court, I trust, that I shall be easily pardon-  
ed, on account of the important nature of the  
cause. If, from any thing I have said, the learned  
public prosecutor may have felt a momentary  
displeasure, let him vanquish it, when I assure him  
anew, that I too well know his principles, and  
mode of thinking, to believe that he is the volun-  
tary author of this frivolous proceeding, tending  
to the most serious of consequences, — a conse-  
quence truly deplorable.

This court must have observed that I have  
reduced the case to the smallest number of terms;  
that the prosecutor surrounded on every side,  
cannot hope for an exit unless the judges declare,  
that the sacred edifice about to be built, by the  
munificence of H. M. Queen ADELAIDE, will real-  
ly be built to act and operate against the religion  
predominant in these possessions. Will this  
court make such a declaration, without which the  
intended application of the passage is at an end?  
If they declare it, they will falsify the word of our  
past Sovereigns, who promised to respect the re-  
ligion of this country. If they declare it, they  
will falsify the experience of forty years, during  
which the British pastors, attentive to their own  
flocks, have never sought to steal the sheep of  
others. I appeal to experience: — thousands of

ships of war have entered these Harbours, every one with a clergyman on board of the Protestant church of England. Who of the chaplains ever called the people of Malta together for the purposes of conversion? No one;—Others were here on their way to foreign parts, even Protestant bishops, did any of them ever make such an attempt? Never. Have the Civil, and Military chaplains ever done so? Never. And, reasonably; for I do not consider that any man has a right to worry another on account of his faith.

Those whose choice it is to devote themselves to the conversion of men, have almost an entire world before them, in which, imitating the apostles, without fear of danger or climate, they can call the Idolater to God, the Deist, the Mahomedan and the Hebrew to a belief in our Redeemer. When that is done, when the Christian religion is the only one on earth, then the differences among christians may come into conflict with each other; or, which is preferable, even then such a conflict may be avoided.

That the present proceeding exercises the greatest sway over my feelings, may be easily believed. That the Ordinance went the length of rendering dangerous the importation or circulation of books, gazettes, or other printed

papers, — that it must generate much apprehension in families, lest any member, of them, for whose conduct the head of the family was responsible, should by lending, or even by shewing a book or printed paper, render the responsible head subject to the Ordinance, — that it must thus reduce to nothing libraries, literary cabinets, and all the other means of procuring books and other printed papers, — that thus, a knowledge of the progress of the sciences, of useful inventions, of literary compositions, would be impeded by the fear, that in some corner of the book an expression might be found prohibited by the new Law; — that the Ordinance went as far as this was clear from the first moment the draft of it was published. But while I repeat, that the Ordinance is Law — and that the Law must be observed — I also say again, that statutes are not to be extended beyond their expressly defined limits.

That an extension of the present Law should originate with you, Judges, I will not believe possible. On the contrary, I am persuaded that you will so decide as to calm every fear on this head; the honor will be yours, founded on your discrimination, and, at the same time on your having contributed to the public good.”

After retiring for a while, the Judges reentered, and proceeded to declare as follows:

“THE COURT having tried the cause of the said James Richardson, having heard the Crown Advocate, and the Counsel of the said Richardson, declares him, the said James Richardson, guilty of publishing, and contributing to the publication, of the printed writing, as represented in the Indictment, and therefore in contravention of §6. of chapter III of the Ordinance of the 14th, of March, 1839. promulgated on the 15th. of the same month.”

And after the court had so pronounced its declaration as to the guiltiness of Mr. Richardson in the publication and contribution referred to, the Crown Advocate stood up and demanded, that, under the circumstances of the case, and as being the first occasion of carrying into execution the Law of the Press, the court, in whose discretion the extent of punishment reposed, would apply to this case the *least* punishment which could consistently with the Ordinance be given, which prayer was followed up by a similar appeal from the counsel for Mr. Richardson; whereupon the Court, after a few minutes deliberation, proceeded to pronounce against Richardson its sentence

in application of punishment, in the following terms :

“THE COURT  
 having heard the cause of the said James Richardson, as to the provisions of the Law, *hath condemned the said James Richardson to suffer six months imprisonment, with liberty, however, to commute such imprisonment into a fine of Two hundred and fifty Scudi.* And thus the court hath decided.”



The above sentence of the Court was carried into immediate execution. Mr. Richardson was led off to prison with every anticipation of having to make it his dreary home for six long months, it being beyond his means to pay the fine into which his sentence was commuted. That this circumstance was known to the judges who pronounced his condemnation, we are obliged to suppose, unless a still greater fault be attributable to them, that of not enquiring into the circumstances of the condemned, in order justly to fix their commutation of the awarded imprisonment. That such a sentence will be denounced

as cruel and severe in the extreme, we doubt not every lover of justice, every friend of constitutional liberty will unhesitatingly admit. And yet it was pronounced by three Maltese judges, after they had taken into consideration all the palliatory circumstances of the alleged offence, — after they had publicly expressed, through the President, that it was their intention to condemn the prisoner only to the *minimum* of punishment, and that, for several reasons, but *especially* because the Crown Advocate had pleaded in his behalf! What, then, if a writer should hold up to public ridicule, in language the most insulting, any one peculiar doctrine of the Roman Catholic church? — What if he should issue a folio volume denouncing every peculiar tenet of the Romish faith as detestable and damnable? — What if he should expend in irony, ridicule, insult and vituperation all the epithets of our language with such a design? — What, further, if he should blaspheme the Most High, and insult the doctrine of the ever glorious Trinity in terms of the highest possible opprobrium? — What, we ask, would such judges award to such an offence? Twelve months is the *maximum* their power can inflict; and, yet, in so uncertain a case as the one before us, in which so many circumstances concur to

palliate the guilt, if guilt there be, and in defence of which so many arguments were adduced, *six months* was their *minimum*. Alas! for the tender mercies of some men.

In regard to the defence of Mr. Richardson's counsel, in a professional point of view, it is worthy of much praise for its perspicuity, and often for its point; and the difficulties which the learned advocate has shewn to exist in the present case, the possibility of the alleged libel being applicable to other than the Roman Catholic church, and the deficiencies and inconsistencies of the Ordinance itself, were all calculated to make an impression on the mind, even though convinced of the guilt of the prisoner, altogether favourable towards a palliation of the offence, if not to its exculpation.—And this, doubtless, was the principle aim of the defender, in which he has most assuredly succeeded with many, even among the Maltese themselves, if he did not with the judges before whom he pleaded. But we are obliged to express our candid opinion, that it would have been more likely to effect an alteration in the law itself, and consequently would have conferred an incalculable benefit upon the public of Malta at large, had Mr. Griffitt defended the offensive expression as directed against the Roman Catholic

religion, and had shown that in so doing Mr. R. was only exercising that right of freedom, that liberty of expressing the dictates of his conscience in regard to religious subjects, which as an Englishman, as a citizen of a free and tolerating country, he has inherited as his birth-right. Not, however, let it be remembered, that upon truly Christian grounds we wish to defend any such extravagant assertions, inserted in a political journal, without any thing brought forward to substantiate them; on the contrary, we ourselves condemn such a mode of procedure, as calculated to do more harm than good; but, at the same time, we must equally condemn and denounce that proceeding, which, instead of leaving it to public opinion and discrimination to pass their censure upon such a writer, drags him before the Criminal tribunal, as did in the golden days of the Papacy the emissaries of the Holy Office, passes the most severe sentence upon him calling it the most lenient, and finally confines him to prison as a traitor or a felon. If the principles of Mr. Richardson's faith teach him to hold as "detestable idolatry," as "blasphemous fables and dangerous deceits," as "fond things vainly invented and repugnant to the Word of God," several

doctrines of the Romish faith, shall he be denied the public manifestation of his creed under pain of a year's imprisonment? Or, shall any man, of any creed, live under the dread of such an awful punishment, for the simple declaration of his religious opinions? Such a state of things might be consistent with the Tribunal of the Inquisition, but not with that free constitution under which it is our privilege to live.

Let it be remembered, that these remarks do not only affect Protestants, and consequently we are not pleading for them alone; but they equally affect Roman Catholics. The decisions of many of their councils, the bulls of their Popes, — the infallible directories of their creed, — besides numerous works of their best and authorized writers, must necessarily come within the limits of this Ordinance, as grossly insulting to the faith and doctrines of other denominations of Christians.

What, if the devoted Maltese should see their Bishop, or any of their clergy, cited before the Criminal court for publishing the Bull of Gregory XVI. *Mirari vos arbitramur*, in which he roundly curses all Protestant sects, denouncing them as detestable, and who knows what beside? And yet, according to the plain letter of the Ordi-

nance, who will affirm that such a proceeding is impossible? The only thing wanting to bring forth such an instance is, which I earnestly pray may always be deficient, an illiberal persecuting spirit in the Protestants, — such a spirit as has again manifested itself, on the Roman Catholic side, in endeavours to prosecute imaginary libels in a little work treating on some of the controverted doctrines between Papists and Protestants, which has been lately published in this island.

But in regard to this subject, I shall refrain from adding any thing further, notwithstanding the promise made in the introduction to the trial, since a far more able hand has anticipated my proposition, and together with other important remarks on the Ordinance, especially in reference to religious publications, will in the course of next week offer it to the Maltese public.

We cannot conclude our observations, however, without alluding to the impropriety of subjecting a person charged with a libel against any particular religion, to the judgment of another who maintains the faith alleged to be libelled. Extraordinary virtue is not to be looked for on the judicial bench more than in any other public office; and when the religious state of Malta is taken into consideration, — the strong

and deeply rooted prejudices of the Maltese people, — the education of the judges themselves, — the duty which is binding upon their consciences in regard to the maintenance of their creed to the extirpation of all other which they style heresy, — their ignorance of the Protestant rule of faith, the grounds upon which Protestants maintain their religious doctrines, and their general modes of expression and action in treating polemical subjects, — all these considerations tend to shew, that it is both injustice to the judges as well as to the accused, to place them in such an unpleasant relation, where to pronounce a faithful and righteous sentence on the one side, the judge is required at once to lay aside all his prejudices, if not also to do violence to his conscience, and which if not done, (and I doubt its possibility) justice itself must be violated in the prisoner's false or unjustly aggravated condemnation.

We had intended to carry out our remarks on this trial to a much greater length, but the promised work, already alluded to, has rendered them unnecessary. It is our fervent hope, that the friends of religious liberty, as well as the patrons of a free and unshackled press, will come forward boldly in defence of our common rights, and the constitutions of our country: and that if the Or-

dinance, in the condemnation of Mr. Richardson, has not been grossly misinterpreted, they will use every effort, they will strain every nerve for its abrogation, and for a more just and liberal law to be substituted in its stead.

We heartily rejoice, that we are not left to struggle alone in our efforts to obtain a free and unshackled Press,—that this earnest desire of our hearts, as the most powerful engine to effect the regeneration, the advancement, and the happiness of a people, finds a glowing sympathy in the breasts of many of the Maltese themselves, notwithstanding the cowardly trepidation of some, whose weak faith or guilty fears have unadvisedly dictated to them a different feeling. We refer to the *Mediterraneo*, which has from the beginning, and more especially lately, in the case of this trial, and in its remarks on the parliamentary discussions connected with it, manifested a zeal on this subject, well deserving the applause of every enlightened and faithful patriot,—a zeal which exhibits an unbiassed attachment to truth, a confidence in its strength, and a devoted love of free and liberal institutions. Nor can we refrain from expressing our gratitude to Lord Brougham, who has introduced the grievance into the British Senate, for

the lively interest with which he has come forward in our behalf. Feeling encouraged with such able support, confident in the sincere wishes and favour of every genuine philanthropist, implicitly trusting in the liberality of our Home Legislature, their desire to impart to Malta, in reality, the precious boon they so lately voted to them, and secure in the native justice, truth, and strength of our cause, we look forward to a speedy modification of the Ordinance, and a Freedom of the Press, which shall be deserving the glorious name, and which shall form the immortal honour and unwithering crown of the Maltese nation.

GEORGE P. BADGER.

*Valletta, May 9th. 1839.*

---

MALTA,

PRINTED AT THE CHURCH MISSION PRESS.

1839.