

Individual, except the members of the Royal Family, or the highest Character in the State, or Government — much less as you have been induced to state, in cases “attended with less aggravated circumstances, than that of which you complain” — On the relation of any private person under any circumstances, it rests wholly in the discretion of the Court, upon what Terms or Affidavits, it will be pleased to grant the Criminal Information prayed for; although the Court has of late adopted as a general Rule, that the party applying shall first make affidavit that the charges contained in the supposed Libel are not only directed against the particular Individual, but that the same are false and unfounded in Fact.

It is not however a question here, Sir, what may be the law in England, or the particular practice of the Courts there as to granting criminal Informations, that especial Jurisdiction here is by the Charter committed to the Judge Advocate, and he is not to be responsible for any determination, nor fitly to be subject to the observations of any person affected by it, for the decision he may think it his duty to make in the Exercise of the discretion confided in him, — With the Judge Advocate in this Territory, as with the Attorney General in England wholly rests this paramount determination. — On your case I did indeed bestow much of consideration and attention however seriously or variously otherwise than Engaged — or however lightly at present seemingly had in acknowledgment or consideration — in the result I deemed it necessary to call upon you to make affidavit not of denial, but under the particular circumstances only, of your belief, and as you again and again suggested that you could without difficulty get any