

Ramsey's Waterford Chronicle.

No. 11, 174.

THURSDAY, AUGUST 22, 1811.

PRICE FOUR PENCE

LONDON GAZETTE.

ADMIRALTY OFFICE, AUGUST 10.

Extract of a Letter from Captain Brisbane, of his Majesty's ship *Belle Poule*, addressed to Captain Rowley, of the *Eagle*, the senior Officer in the *Adriatic*, and transmitted by Admiral Sir Charles Cotton to John Wilson Croker, Esq.

His Majesty's ship *Belle Poule*, at Sea, Adriatic, May 6.

I have the honour to inform you, that on the 14th inst. being off the Coast of Istra, with his Majesty's ship *Aleste* in company, at ten A. M. we discovered and chased a large French brig of eighteen guns, which shortly afterwards hauled into the small harbour of Parenza.

Having received intelligence that such a vessel might be expected conveying supplies of all descriptions for the French frigates at Ragusa, I felt that no means should be left untried to capture or destroy her. After reconnoitring her position, and consulting the Pilot, and a most intelligent officer I had on board, Mr. Thomas Boardman, acting Lieutenant of the *Acorn*, who, from his general local knowledge of the Adriatic, had handsomely volunteered his services for the cruise. I found it was impracticable for the frigates to enter the harbour, there being only fifteen feet water in it, but that the brig might nevertheless be cannonaded with effect where she was lying; accordingly at three P. M. both ships stood in, within a cable's length of the rocks at the entrance of the harbour, and opened an animated fire on her, and a battery under which she lay, and in an hour obliged her to haul ashore under the town out of reach of our shot. The ships were frequently hulled by the battery, but sustained no other damage but what could be immediately repaired. All further efforts from the frigates being perfectly useless, I determined to take possession of an Island in the mouth of the harbour, and within musket shot of the town. The ships were anchored, after the close of day, about four miles from the shore, and about eleven o'clock the same night two hundred seamen, and all the marines, went under the orders of Lieutenant John McCurdy, senior Lieutenant of the *Belle Poule*, accompanied by the Officers and Petty Officers named in the margin*, and took possession of the Island without opposition. With incessant labour, and the most extraordinary exertions, a defence was thrown up, and a battery of four guns (two howitzers and two nine-pounders) mounted on a commanding position by five o'clock. A field piece was also placed at some distance to the left to divide the attention of the enemy, who, aware of our operations, had been busily employed during the night in planting guns in various parts of the harbour. Soon after five A. M. the French opened a cross fire from four different positions, which was immediately returned, and kept up on both sides with great vigour for five hours, when the brig being cut to pieces and sunk, and of course the object of our landing accomplished, the guns, ammunition, &c. were all re-embarked, with the most perfect order and regularity.

I have only to lament that this service has not been performed without some loss, but considering the determined resistance that was made, and the peculiar situation of the place, it is less than might have been expected. We have had four killed, and as many wounded belonging to the two ships, a particular list of whom is herewith transmitted.

List of killed and wounded belonging to his Majesty's ship *Belle Poule* and *Aleste*, when destroying a French brig at sea in the harbour of Parenza, the 4th and 5th May.

BELLE POULE.

Mr. Richard Kelly, Gunner, killed, on shore; William Johnson, able seaman, ditto, on shore; Thomas Griffiths, able seaman, slightly wounded on board; John Wilkinson, private marine, ditto, on shore.

ALESTE.

John Short, private marine, killed, on shore; Henry Collier, private marine, ditto, on shore; John Matt. Brett, Yeoman of the Sheets, wounded, on board; John Jones, able seaman, slightly wounded, on board.

(Signed) **JAMES BRISBANE.**

Admiral Lord Gambier has transmitted to John Wilson Croker, Esq. a letter from Captain Parker, of his Majesty's ship the *Amazon*, giving an account of a gallant and successful attack made, on the 30th ult. by the boats of that ship, under the directions of Lieutenant Westphal, on an enemy's convoy near the Pezomars. One of the enemy's vessels having been cut off by the *Amazon*, the remainder, eight in number, ran on shore, under the protection of a battery, and of a considerable number of troops; notwithstanding the fire from which Lieutenant Westphal succeeded in bringing out three and destroying the other five, without any loss on our part.

Vice Admiral D'Auvergne has transmitted to John Wilson Croker, Esq. a letter from Captain Sutton, of his Majesty's ship *Derwent*, giving an account of his having, on the 20th ult. captured in the *Redoubt* French privateer, of Granville, manned with 20 men, with small arms.

The Vice Admiral also reports that the *Violet* Luggar had sent into Guernsey two small enemy's privateers.

Captain Byng, of his Majesty's ship the *Belle Poule*, has transmitted to John Wilson Croker, Esq. three letters from Captain Harris, of the *Sir Francis Drake*, containing the following reports of

* Belle Poule—Lieutenant R. Boardman, E. A. Chester, and J. Morrison; Messrs. Blair, Chapman, Finley, Maxwell, Hall, and Grose, Midshipmen. Aleste—Lieutenant Lickman, Mr. Moore, Master, Lieutenant Lloyd, Messrs. Adair, Croker, and Reding, Midshipmen.

the capture or destruction of enemy's vessels in the Indian Sea, viz.

One of the 1st of August, 1810, giving an account of the capture, off Java, of a Batavian ship of eight guns and thirty-three men, a schooner of six guns and thirteen men, and a coasting vessel, by the *Sir Francis Drake*.

One of the 5th August, 1810, stating the destruction, in Bantam Bay, of a French privateer, (the number of men and guns unknown) and two gun-boats carrying four guns each, by the boats of the *Belle Poule* and *Sir Francis Drake*, under the direction of Lieutenant Joseph Prior, of the former ship.

And one of the 1st of October, 1810, transmitting an account of the capture or destruction, by the boats of the *Sir Francis Drake*, at different times between the 9th of August and 8th of September, 1810, of seven Batavian gun-boats, five privateer galleys, and 35 Dutch trading vessels.

DOWNING-STREET, AUGUST 10.

A dispatch, of which the following is an extract, has been this day received at the Earl of Liverpool's Office, addressed to the Lordship by Governor Farquhar, dated Port Louis, 15th of France, April 2.

I have the honour to inform your Lordship, that his Majesty's sloop of war *Eliphe*, Captain Lymer, returned to this port on the 5th ultimo, after having taken possession of the French port of Tamelari, at Madagascar, on the 18th February, and landed the detachments of his Majesty's 23rd regiment and Bourbon Rifle corps, for the garrison of that island. The French Commandant accepted, without opposition, the terms upon which the Isle of France capitulated. The result of this service has freed these seas from the last French flag, and secured to us an unobstructed traffic with the fruitful and abundant Island of Madagascar.

HELIGOLAND MAIL.

HELGOLAND, AUGUST 8.

The following gallant action was performed by the boats of the squadron commanded by Captain Haultain, of his Majesty's ship *Quebec*, under the command of Lieut. Blyth, the first lieutenant.

On Friday last, 10 boats of the squadron, manned with 100 officers and men from the *Quebec* frigate, the *Karen* and *Exertion* brigs, and the *Alert* and *Princess Augusta* cutters, under the orders of Lieut. Blyth, after the squadron anchored at the mouth of the Jähde, proceeded up the river, but finding no enemy within reach, except a French revenue sloop, with 30 donners, of which they made a prize, they returned towards Wanger Oog. Next morning, after having towed nearly twenty-five miles between the islands and the main land, they descried near the mouth of the Ems, off the island of Nordney, four of the enemy's gun-vessels, manned with 25 men each, which they instantly determined to attack; about 12 o'clock they came up with the nearest, which they gallantly boarded, under a tremendous fire of grape and musketry, tore down the French colours, and took possession of the vessel. The guns of the vessel they had taken were immediately employed to cover the boats employed to board the next, and in the course of three quarters of an hour all the four were gallantly carried by boarding, though the enemy, who was fully prepared for the attack, fought under every advantage, equal in number of hands, and possessing the immense superiority of fighting against boats with no other arms than boarding weapons, from vessels each mounting three long 18-pounders, with bulwarks on the sides from four to five feet in height.

Lieutenant Blyth speaks in the highest terms of praise of every individual employed under him on this occasion. Lieut. O'Neal, of the *Alert* cutter, is mentioned as having given conspicuous proofs of intrepidity, and every one employed under Lieut. Blyth, who, we understand, has on former occasions deserved well of his country, speak of the conduct of their leader as distinguished by exemplary gallantry and valour.

The loss sustained in the action is stated to have been, on our side, five seamen killed; the First Lieutenant of the *Raven*, a Midshipman, and five men wounded; but we lament to add, that an unfortunate accident greatly added to the number of the latter.

Immediately on boarding one of the vessels, Lieut. Blyth ordered her guns to be turned on the first that had not struck; and having fired the first gun himself, ordered the Boatswain of the *Quebec* to continue the fire. The Boatswain not finding a match at hand, took a pistol and snapt it at some powder to procure a light, on which the loose powder scattered on the deck caught fire and communicated to a heap of 24 cartridges, by the explosion of which every man on deck, about 30 in number, was hurt, and some of them terribly burnt, of which number was Lieut. Moore, of the *Royal Marines*.

Lieut. Blyth, the moment after the explosion, hearing some one say the flames had reached the magazine, jumped overboard with his clothes on fire, and was followed by two or three more who thereby saved themselves from being so cruelly scorched.—Fortunately, shortly after the accident the *Thrasher* gun-boat came up and took the sufferers on board, with most of the wounded on both sides. She arrived here on Sunday morning, when the wounded and hurt, thirty-seven British and eight prisoners, were conveyed on shore, many of them shocking spectacles and in great anguish, from the explosion, where every medical and other assistance is rendered them. The greater part are fast recovering.—Lieutenant Blyth, with that generous humanity which always accompanies true courage, has proposed giving up his claims for the head and prize-money, in favour of the unfortunate sufferers, and his example will be followed by all the others.

The gun-vessel so bravely captured from the enemy, with the remainder of the prisoners, arrived on Sunday evening. Among the prisoners are two officers in the French Navy, one of them, who was commander of the vessel, after his flag had been torn down, ran down the hatchway, with the determination of setting fire to the magazine and blowing up the vessel, but was prevented by one of our men, who prevailed his design. On being questioned as to this extraordinary measure, he stated that he had strict orders to that effect.

We have no news from the other side. Vigorous measures continue to be enforced to prevent any intercourse with British ports. A son of a Senator has been branded, and condemned to ten years imprisonment, for holding correspondence with this island.

JEFFREY, THE SEAMAN.

Authentic Account of the sufferings of Robert Jeffrey, the seaman, who was put on the desolate rock of Sombroze, extracted from a pamphlet published by himself in London, entitled, "A Narrative of his Life and Sufferings."

One day being in want of water, not having our full allowance, I took some spruce beer from the cask which belonged to the midshipman. This lay between decks; I took about two quarts to drink. The Captain being informed of this by one of the crew, ordered me to be called up the next morning (it being Sunday.) I was then ordered back, after being asked why I took the spruce beer. I informed the Captain that I took it for want of water; for being very hot, I was almost dying with thirst, and had been working very hard all day. No further notice was taken until the Sunday following; the rock of Sombroze being near. I was called upon deck; it was just before dark; Captain Lake asked me if I knew he meant to put me on yonder rock? With tears in my eyes, and with the greatest humility, I replied, "I hope not, Sir," but he ordered me instantly to fetch my clothes; Sir, which you ordered me to fetch." The Captain replied, "drop them, Sir, and quit the brig!" The jolly-boat being lowered and manned, I was ordered into her, and was attended by Mr. Moulks, the second Lieutenant, and Mr. Simmonds, a Midshipman. When I reached the rock, the Lieutenant first went on shore, and was followed by his brother officer; I being called forward, quitted the boat.

"The rock was rugged and sharp, and being without shoes and stockings, my feet were cut, and they bled very much! I asked the Lieutenant for a pair of shoes, which he procured from one of the boat's crew, on the promise of giving him more when he returned on board. Another gave me a knife, and each officer gave me a handkerchief. I asked the Lieutenant, "In the name of God, Sir, what am I to do?" He replied, taking me by the hand, with tears of compassion, "keep a sharp look out for ships that pass!" He then quitted the rock, leaving me in the greatest despair, with hands clasped, and tears running down my cheeks, standing as if fixed to the rock, watching the boat till it approached the brig, which was soon lost to my view by the darkness of the night.

"First night. I then, with trembling steps, took a view of my unfortunate situation, threw myself down full of grief, and remained in that state the greatest part of the night.

"First day. Day coming on, I saw, as I supposed, the brig heading towards the rock, but soon was aware she took another course; I then traversed the rock in hopes of seeing some other ship pass; but those I saw were at too great a distance for me to hail them. Being greatly exhausted, and my lips parched with the excessive heat of West India sun, I was obliged to drink of the salt water, which was the only nourishment I was able to find. I then threw myself down on my bed of flint, and endeavoured to take some repose; but sleep was not left for me.

"Second night. Night coming on, I became more resigned to my unhappy fate, being in hopes that Providence would release me the next day; and with little or no sleep, prayer was my only resource.

"Second day. At the dawn of this day I went out in search of food; but could not find any, not even a blade of grass, a weed, or a limpet, but this is without foundation; every body who has seen the rock well knows that there is none there, nor any other article which could possibly be converted into food. Thirst became violent; but there was no other resource but salt water, which made me worse.

"Third night. Part of the third night I spent in prayer, and at day-break of the

"Third day. I again traversed the rock in search of food, and found an egg; but could not eat it, as it was in a very putrid state, it being out of season for birds to lay. It rained on this day, which enabled me to get a little fresh water. Hunger became more violent, and left me restless the whole of this day; and during the

"Fourth night my distress no tongue can describe!

"Fourth day. I wandered about, searching every crevice of the rock; saw a small piece of the bark of a tree, about the size of a man's hand, which had been washed on the rock by the sea.—I looked at it, as if astonished at the great blessing, took it up, and ate it as if it had been the greatest luxury; notwithstanding the sun had dried up all its moisture, still it, in some measure, satisfied nature, and hunger, now, for a time, left me

"Fifth night. Night drawing on, I again laid

me down to sleep; but was continually alarmed, what had troubled me before, black lizards crept over my face, and bringing over of the humpness of these creatures, I remained restless the whole of that night.

"Fifth day. Thirst became more violent than before. I now found the value of my shipmate's last gift, which was the knife before mentioned. With this I cut the quills from the feathers which were shed from the sea birds (some of which are boobies), which visit the rock, and by the assistance of these, I was enabled to suck the rain water from the crevices, which was not to be got out any other way.

"Sixth night. The refreshment I got from the rain enabled me to take some little repose.

"Sixth day. I was refreshed by more showers of rain, and supplied by a little more fresh water. I saw two vessels pass at a great distance.

"Seventh night. On this night the heavens were as light as noon day, arising from a continuation of strong flashes of lightning, which were followed by violent claps of thunder! The awfulness of this night was beyond description. Think what must have been my feelings, to be without food, without clothing, and even without a human being to sympathize with me in my sufferings—I gave myself up to despair, and earnestly prayed to God to release me from my misery.

"Seventh day. On this day, in the morning, a ship bore in sight, which gave me fresh hopes, but they were soon dashed by her steering another course, when she disappeared. I found myself more feeble, more miserable, and more hopeless than ever. Overcome with weakness, and being exhausted, I became more resigned to my fate, and ended the lingering day in prayer.

"Eighth night. Heavy dews and very cold, but no hole or cavern to creep into; yet on the

"Eighth day the rock was so hot by the heat of the sun, that it was almost insupportable. I stripped myself of my jacket and trousers, and lashed myself in the puddles of salt water which lodged in parts of the rock, and which was blown there by the sprays of the sea. This had done before, and it relieved me much, and I laid me down and had some repose.

"Ninth night was not so cold as some of the preceding nights, which enabled me to sleep the greater part of it. Providence must have ordained it to enable my strength to support me in the exertions I used in hailing the schooner *Adams*, Captain John Dennis, from Martinique, bound for Marblehead, in America. This was the welcome vessel that on the ninth day, at half past two in the afternoon, released me from my sufferings!"

The following observations from *The Morning Herald*, a London Print, may be considered of some importance, when it is known that that Print is supposed to be much in the confidence of Castleton House.—

"The Catholic Committee having again tendered an issue to the Irish Government, or, more properly, to Mr. Perceval, we may in a short time expect to hear that the parties are proceeding to trial on a question which has always appeared to Englishmen one of the highest importance, namely, the manner and extent of exercising the right of petitioning, which, according to Constitutional privileges and existing laws, remain to a considerable proportion, we must be understood as speaking of the whole population of Ireland, upon whom the Irish Convention Act operates with impartial severity. Whether it was wise or not, to adopt a system which has led to the present crisis, the People of England are by this time pretty competent judges. To refuse a favor gratifying to the suitor to receive, and of doubtful advantage to the possessor to withhold, savours not of wisdom neither in public nor private life; but to prescribe the forms with scrupulous exactness, in which this favour is to be asked, which we are determined to refuse, can proceed from nothing but unweariness of intellect, or a settled design to convey insult and offence. Expediency is a principle upon which many wise politicians have acted, but unfortunately for the domestic administration of the Empire, the word seems to be understood in a very limited sense by his Majesty's Ministers, signifying merely what their views of personal aggrandizement appear to require. We sincerely hope that some method will speedily be devised, or some measures pursued, to prevent this solemn and awful suit between his Majesty's Government in Ireland, and his Catholic Subjects, from coming to the formality of a trial. The confidence which is deservedly reposed by the public in the wisdom of an illustrious Personage, will, we trust, be justified in the fullest extent by the remedy applied on this occasion."

We understand that his Royal Highness the Prince Regent has notified his intention to distinguish, with gold medals, the Officers of rank who have fought in the different battles that have taken place in Spain and Portugal, subsequent to the memorable action of Vimiera, Corunna, the Douro, and Talavera, in commemoration of which, it will be recollectedly, similar marks of the royal favour and approbation were conferred about a year ago, on General Officers, Colonels, and other Officers commanding battalions, "not being of rank inferior to Lieutenant-Colonels."

Colonel Gordon transacted business on the 14th with his Royal Highness the Commander-in-Chief for the first time since his appointment to the office of Quarter-Master-General of the forces.

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MURPHY'S HOTEL.

MALL, WATERFORD.

DAVID MURPHY begs leave respectfully to inform the Public, that, anxious to render his House eligible, he has completed several Improvements in his Premises, and has opened a Spacious COFFEE-ROOM for the English and Irish Residents, AND A NAY'S REST. See the direction of which is left to the regulation of a select Committee of Subscribers.

D. MURPHY currently solicits the countenance and support of the Public on this occasion, and pledges himself, that no exertion shall be wanting on his part, for their comfort and satisfaction.

AUGUST 10, 1811.

TO BRIDGE-BUILDERS AND ARCHITECTS.

BRIDGE OVER THE SUIT AT CLOMEL, OPPOSITE THE LIME AND SALT-WORKS.

ANY Persons willing to make Proposals for the Erection and Upholding of the above Bridge, in conformity to the Plans Approved, and Passed, by the Grand Juries of the Counties of Tipperary and Waterford, are requested to give in the same to the Secretaries of either of the Two Grand Juries, with whom the Plans may be seen, and also to name the Securities who are willing to pay Bonds, in Double the Sum required, for the Erection of the Work, and for Upholding the same in Good and Perfect Repair for the space of Five Years from its being Finished. Proposals to be given in within one Month from this date.

AUGUST 10, 1811.

TOBACCO.

400 Hds. for Sale by JOHN ALLEN and Son

100 Prime old, 100 Crop 1810.

Which they will commence landing on Monday, the 5th instant, per the *Castor*, from Virginia.

AUGUST 10, 1811.

FOR BOSTON.

The first sailing American Brig *Unity*, Benjamin Shuttle, Master—Burthen 250 Tons—has excellent accommodations for Passengers, intended to sail the first of September next, wind and weather permitting. For Passage, immediate application to be made to Jonathan Gatchell, or the Master on board. Waterford, 8 Mo. (August 18th) 1811.

WATERFORD MARKET PRICES—AUG. 10.

Butter, first Quality, 45 15s. 0d.
second 45 10. 0d.
third 45 5. 0d.

Tallow (rendered) about 45s. 0d.
Lard (flake) 0s. 0d. 0s. 0d.

(casks, rendered) 0s. 0d. 0s. 0d.
Burd Fig. 0s. 0d. 0s. 0d.
Pork, 5s. 0d. 0s. 0d.
Beef, 0s. 0d. 0s. 0d.
Oatmeal, 10s. 0d. 10s. 0d.

Flour, first Quality, 4s. 0d. 4s. 0d.
second, 4s. 0d. 4s. 0d.
third, 3s. 0d. 3s. 0d.
fourth, 3s. 0d. 3s. 0d.

Wheat, 55s. 0d. 40s. 0d.
Barley, 00s. 0d. 00s. 0d.
Oats (common) 13s. 0d. 00s. 0d.

(potatoes) 14s. 0d. 00s. 0d.
Malt, 55s. 5s. 38s. 0d.
Hops, 6d. 0d. 0s. 0d.

Tallow (rough), 8s. 0d. 0s. 0d.
Potatoes, 6d. 0d. 8d.

Beef (quarters), 4d. 5d.
(joints), 4d. 5d.
Mutton (quarters), 4d. 5d.
(joints), 4d. 5d.

Veal, 7d. 8d.
Pork, 5d. 4d.
Butter, 22d. 24d.

Train Oil, 8s. 10s. — per Ton
Whiskey, 6s. 6d. 8s. 8d. — per Gall.
Corns Harvest for the Week ending on Saturday.

00 Barley, 40 0s. 0.
00 Oats, 0 0 0

LIBERTY OF THE PRESS.

[FROM THE EDINBURGH REVIEW.]

Several years ago, we expressed our sense of this important matter in the following terms:—

"The Liberty of the Press is, indeed, the most inestimable security of a people, because it gives that tone to the public feelings on which all liberty most ultimately rest. But how is it that we have learned to deem it one of our constitutional rights? A great deal is said about it in pamphlets; a great deal is said about it in essays on government; it is an acknowledged privilege every where, but in Westminster-Hall, *There, unluckily, it has neither a habitation, nor a name.* M. de Lamoignon tells us, that he was struck at not being able to say of any law which enacted the liberty of the press, till it occurred to him that it existed, because it was not forbidden. But, with a little more inquiry, this ingenious foreigner might have

found law enough against this so-called right, though none for it. The truth is, the liberty of the press does not exist, nor ever did exist, in England, but by connivance. And unless, at our distance from the metropolis, we are deceived as to the actual practice of the English courts, the indulgence itself (viz. the connivance) has been reduced within very narrow limits. It is as difficult for the most ardent pamphleteer to arraign public measures, without blaming public men, as for Shakespeare's Jew to take his pound of flesh without a drop of blood; and, if this is the fullest extent of the privilege, we may safely pronounce, that *fari quæ sentias* (to speak what you think) will be as much a phantom of right in practice, as it has always been in law."

It certainly is not because we expect to prove any thing by our own authority, that we thought it worth while to present this passage to our readers; but merely to satisfy them, that the opinions which we now deliver have not been hastily adopted, and are not the immediate suggestion of any particular occurrence to which the public attention may have been recently attracted. In fact, the authors most inclined to strengthen to excess the springs of authority have not, when men of discernment, failed to come to the same conclusion. "That the letter of the law," says Mr. Hume, "as much as the most flaming court sermon, inculcates passive obedience, is manifest." "The laws of the country," says Mr. Burke, "are for the most part constituted, and wisely so, for the general ends of government, rather than for the preservation of our particular liberties. Whatever, therefore, is done in support of liberty, by persons not in public trust, or not acting merely in that trust, is liable to be more or less out of the ordinary course of the law; and the law itself is sufficient to annul them upon it with great severity. Nothing, indeed, can hinder that secret letter from crushing us, except the temperaments it may receive from a trial by jury." These passages merit no ordinary attention. In the latter "more is meant," by a great deal, "than meets the ear." The letter of the law would crush liberty, says Burke, but juries save it. They can only do so, then, by contracting the law; by breaking it. And the sum of the matter is, that juries save liberty from being crushed, by delivering verdicts contrary to law. But, is this actually the case; or, if it were, is it desirable or necessary, that it should be so? It is true, that juries would afford us sufficient security, had a administrators really been so much in mischief, and were they men not to be deterred from their purpose by a sense of public disapprobation? For our own parts, we are not of the same opinion with Mr. Burke. We do not ascribe it to juries, that the letter of the law has not been allowed to crush our national liberties. We ascribe it, without hesitation, to the forbearance of Judges, and the forbearance of Ministers; perhaps, we should rather say, to the prevalence of public virtue in the nation; which disciplines Judges and Ministers, though impelled to arbitrary conduct by the most powerful motives, and unrestrained by law, from extinguishing the power of censure on their conduct. They are restrained by their respect for public opinion: by the knowledge which they are aware exists in the nation; and the prospect of danger which, at a certain point, would attend national disapprobation. That juries, who, except upon rare and remarkable occasions, are passive instruments in the hands of the judges, would afford an adequate security against power and talents resolutely applied to the destruction of our liberties, there is not, we should suppose, a man in the kingdom who would undertake to maintain. The nation, as Lord Liverpool on a recent occasion justly observed, had the protection of juries in the time of Henry the Eighth and Charles the Second, but found them a very feeble obstacle to the inroads of arbitrary power. In fact, the atrocious scenes which were acted in the courts of justice, on the occasion of the Popish plot, afford a lamentable and instructive instance of the facility with which juries, when public delusion is first artfully spread, may be made use of as instruments to perpetrate the most foul and odious of the purposes of tyranny.

With regard to the protection which it is pretended that the liberty of the press receives from juries, another circumstance of decisive influence is to be considered. It is not by common juries, selected under extraordinary securities for impartiality of choice, but by special juries, selected under no adequate securities for impartiality of choice, that all causes for libel are tried. We are far from saying, that any improper influence has been used, for a greater number of years than it is needful for us to look back, in selecting special juries for such trials. Indeed, we are perfectly persuaded, that if any such instances have occurred, they have been exceedingly few. But this we will say, and without fear of contradiction, that with Ministers and Judges rests the power of selection; and that for their virtue or discretion it is owing, if they make no use of it. The fact is, that they never need send a man to trial for a libel, without being able to render themselves, if they please, safe beforehand of the verdict which will be pronounced against him.

It is right, that this important circumstance should be fully known. It is right, that the merit of preserving to us that portion of the liberty of the press, which we actually enjoy, should be ascribed to those to whom it is justly due—not to juries, but to those under whom juries act. It is right to point it out as an interesting subject of consideration, whether so important a security for every thing valuable in government should be left to depend, as in this country it does, upon the virtuous forbearance of public men, under no other restraint against abuse, than the uncertain and ever-varying control of public inspection and opinion. "The dangerous consequences," said Lord Erskine, in his memorable speech on the trial of the *Dewan of St. Asaph*, "of the doctrines established on the subject of libel, are obscured from the eyes of many, from their not feeling the immediate effects of them in daily oppression and injustice: but that security is temporary and fallacious; it depends upon the convenience of Government for the time being, which may not be interested in the sacrifice of individuals, and on the temper of the magistrate who administers the criminal law." In such a state of things there is undoubtedly much to reform. The power of punishing for libel, assumed and exercised by the Court of King's Bench, is neither founded upon, nor guided by, any provision of the legislature whatsoever. The assent of Parliament to it is merely negative. We assert, that there is not within the statute-book a single form of words, by which it is attempted to declare what libelling is, by which any form or degree of punishment is apportioned for it, or by which it is so much as forbidden. There is no written standard, according to which the decisions of the courts are pronounced. The power rests on the sole foundation of the practice of the Court of King's Bench, in which prosecutions for libel first commenced; and the Judges of the Court of King's Bench have all along had no other rule whatever for their conduct, but the decisions pronounced by that arbitrary Court, and the decisions of preceding Judges who followed its example.

There are two principal sets of causes, in which Government may emphatically be considered as a party. These are, causes for treason, and causes for political libels. The punishment, in the case of treason, which is death and attainder, is greater than that in the case of libel. But the punishments awarded in the case of libel, fine, and imprisonment for any number of years, not to mention the pillory, cannot be regarded as light ones. They may happen, and every now and then must happen, to be equal to the greatest—to involve the utter ruin and death of the individual—death, not instantaneous, and, therefore, easy; but death by the slow poison and protracted torture of a dungeon.—Seldom, indeed, can it happen, that the injury to a man's health, the detriment to his affairs, the pains of confinement, do not amount to substantial confiscation and torture. To many men, the pains of confinement, for any considerable time, are hardly less terrible and shocking than execution itself. Less than capital in appearance, the punishment for libel is in every occasion liable to become more than capital in reality; and, under the severe sentences which have been pronounced in our own remembrance, must very often, indeed, in point of actual suffering, approach it. It is against the wrong application of the power of punishing as for treason, and the power of punishing as for libel, that society has the greatest occasion to be effectually guarded by laws. If a choice were to be given, and it were absolutely necessary for society to remain exposed to the misapplication of the one power or the other, we should have no hesitation in declaring, that it is of infinitely more importance to be protected in the case of libel, than in the case of treason. Of the two means of raising opposition to bad government, viz. the application of physical force, and the application of intellectual force, it is to the application of physical force that the law of treason stands opposed, and to the application of intellectual force that the law of libel stands opposed. But, if the due and useful application of intellectual force were thoroughly secured, a case cannot be very easily conceived, in which any attempt to employ physical force would not be unnecessary, and hence improper. The accusation, too, and the punishment as for treason, are something great and alarming. They figure dreadfully in all imaginations, and rouse the public to attention. Whenever despotism is not already confirmed, and public sentiments are not set at defiance, unjust punishment for treason is not likely to be often inflicted. In a comparatively rude period of society, it may be used to a considerable extent, as a means of protection for a despotism already established, which then degenerates into a tyranny. But it is in little danger of being employed, as a means of converting a free government into an absolute one. The case is exactly reversed with regard to libel. Punishment and accusation, in this instance, strike not so forcibly on the imagination. When cases calculated to interest the public are artfully avoided, prosecutions for libel are apt to be passed over with neglect and indifference. The truth, however, is, that nothing

more is wanted than a habit of intimidation, produced by these prosecutions, to silence the press with regard to the abuses of government; and, after that, the road to arbitrary power is clear of almost all obstructions.

It is unfortunate, that the British Legislature has adopted a different conduct with regard to treason, and with regard

