tioning more secure to the subject, and less dangerous to the Government, is illegal? And yet, such is the doctries which the Court is called upon to pronounce, by adopting the Atterney-General's in- hate. Lagain repeat it-there is no Court of Law persons for the defined purpose of Petitioning for the repeat of lives restricting their trade-Suppose they met, at in appointed place, and deliberated upon the object of their commission-lask the legal Gentlemen who pronounce so dogmatically upon this Statute, would they call that a Meeting within the meaning of the Convention Act? And yet they have drawn no line, and, according to their opinion, every deputed body constitutes an illegal As-

Gentlemen-you are called upon to attaint by your verdict the decision of the former Jury ;-- for the witnesses are the same, who now come forward. aventing to the word " represent," of which they formerly had a doubt : but their testimony has been trained and their memories refreshed. I care not what language was used; for no epithet can make an assembly criminal, which in its nature and constitution is innocent. I shall not now travel into a history of the penal code, or how, by the breaking down of that odious system, the property of this country has accumulated and kept pace with the unshackling of the people. I admit a great part of that code is yet to be removed, and that can only be done by petitioning; and if wise politicians have anid, that the entire abolition of that code could have been done with greater security fifty years ago, every day adds force to the observation, and stamps the value of a decision by your verdice, compared with that, which, if you refuse, must be eventually conceded. His Majesty's Attorney-Genera has complained of the number and quality of the persons who were to constitute this objectionable assembly. He tells you that the Catholic Aristocincy-the Peers and Prelates of the Catholic Church, were dangerously intermingled. But has it not always been the wish of the Government t treat with the dignified and intelligent part of the community, and blend them with the Catholic Committee? And all former Governments of this coun try have conceded that the Catholic Committee was a legal assembly, by bestowing upon the Catholic Body all their benefits, through the medium of that Committee. Gentlemen, personded I am, that whatever your religion or your zeat may be-whatever your manly and constitutional batted may be to slavish principles-w hatever predilection you may have for your own creed, and the rites of your own church-you feel the blessings that have flowed upon this country from the brenking down the pena code; and you will complete the restoration of equal rights, and secure the safety of the country, by a constitutional verdict. Most of you are as old as I am, and can well remember this country in a state of comparative degradation -when any foreigner, that visited it by chance or necessity, was ashamed to acknowledge his acquaintance with, or name the name of an Irishman. This country has been redeemed by Catholic independence-redeemed by Protestant liberality-redeemed from a state of debasement, worse than the beasts of the field; the system of which was not only the deprivation of almost all natural rights, but it shut up every inlet to knowledge. No man of the Catholic profession dared teach, and no man attached to the rites of his early religion, could be taught---so that they fled abroad for education, or were necessitated to adopt such pilfered scraps of interdicted learning as persecuted priests or proscribed pedagogues would bestow, as if ignorance was an antidote to rebellion, and the Gospel. Sure I am, the order of political conversion was changed, for loyalty and liberality are most found amongst the enlightened and the free. There is another part of this case which I must call your attention to : the indictment, upon which you are called to pronounce a general resolict, charges the Trarerser with delegation to a meeting to be assembled noder the pretence of petitioning, that is, as the Attorney-General would construe it, for the purpose of petitioning; a pretence, whether true or false; that the design is sufficient, and that ' pretence' menus ' purpose.' I shall consider his arguments, and I fear not to disprove his monstrous and absurd, and, as applicable to this question, his unconstitutional doctrine. Mr. Burrowes here went into a most elaborate investigation of the several arguments of the Crown Lawyers on the construction of the word pretence, and in a long course of ingenious, abstract, and close constitutional reasoning, contended, that pretence must mean false pretence, not the real purpose of petitioning, which never was intended by the Convention Act, and he hoped in Gop never would be by any Act threatened, invaded or extinguished, as would be the inevitable con-

sequence of any such interpretation. Gentlemen, if you should destroy the right of the people to petition by delegation, you drive them to another mode not restricted by law; and ought any wise lawyer or sound politician to compel the p'ternative? Every city, every town in Ireland, will assemble in Aggregate Meetings, and if you stop the distinct, the manly, the well-regulated voice of the people, through the organ of delegation, the cries of millions will echo their complaint, in one general overwhelming demand upon the subject of their rights. - What common would be sufficient to contain them? Will you assemble them on the Corragh of Kildare, to petition in a bodyplace them in the imposing posture of consolidated strength, and then communicate feelings of injuries continued, and complaints unheard? There is be one other mode to remove these difficulties, and But God forbid, that any man who hears me riety of matter to observe upon, that I scarce know argued now than upon the former occasion. It to you that every thing they deposed to 825 ft

assembly, and a Secretary of State reviled for his incapacity, or Ministers the subject of the people's terpretate a of the Act. Suppose a Committee of to which I would bow with greater deference than Merchant in Dublin, Cork, or Belfast, delegated to this, if I thought it would satisfy the people, and to bring into discredit every thing that has been set this question at rest. Let that superior tribunal determine it, and there is not an individual in the country that will for a moment presume to disobey the law, whatever he may think of its wisdom, Much has been said of my Lord Fingal, a man, whose loyalty and virtues the tongue of slander dare not cast a blemish on, till the rude hand of power scrolled the charge of riolated law on the records of this Court against him -a charge which no Grand Jury in the land would have found .-Imputations have been cast on him, because there was not an immediate compliance with the law, a grounded on the opinion of this Court, giren on a former trial. I scarcely think it necessary to answer for that noble and loval Gentleman -that his services to his Country and his King ought to have been a shield of adamant against that profanation of the purity of his unspotted fame, even had be been guilty of incorrectness. A Proclamation issued, and he did not bow his neck to the mandate of the Secretary; he had the audacity to think Proclamation was not Law; he was told so, and that if the penners of that Proclamation were mistaken, to obey it would be to betray not only his Catholic but his Protestant brethren. Had he acted intemperately in doing so? A case is now brought forward-the opportunity offers to try the right-we are ready to admit the facts upon the record: but the Crown Lawvers will not accept the offer. But it is treason to doubt their infallibility -and yet, on a trial, had by their advice, the judgment is against them. The Jury would have lone the act themselves, but they said the evidence was insufficient, and so it ever must be, for the evidence of the acts of those meetings will never, i the conscience of a constitutional Jury, consict the Traverser upon this indictment. My Lord Fingal wants but a decision of the people's right; with that feeling he let a single Peace Officer violate his person, and with those feelings, loyal and constitutional, pervading every member of the assembly, they were dispersed by a solitary constable.-What-is there any thing consurable in the conduct, in the character of the former Jury, whose verdict was grounded on this same evidence, as thus to call on another to attaint them of perjury In my life, so salutary and healing a verdict I never knew-it tranquillized the conflicting emotions of this agitated country. If you were, on the folowing day, to visit the streets of this great city, the inhabitants appeared one family-Protestant and Catholic met as brothers, and met in brothery harmony and peace. I did say that my Lord Fingal would warrant the security of the public tranquillity. There was no tumult, but the heartswelling tumult of joy-not the triumph of party; no outrage-no disturbance: the glad tidings spread through every corner of the land, and were read with unqualified joy, and unfeigned gratitude. It reminds me of the words of the Roman Historian, as applied to the Samuites, when incorporated with the Roman people, Id demum censeo qui pro libertate tam acriter contenderunt dignos esse fore Ronanos. I have so far trespassed on the time of the public, which would have been saved had my Learned Friends accepted of the offer to have this case tried upon a special verdict. I do appeal to you, Gentlemen of the Jury, to exercise your discretion and your judgment upon this case - not to recollect the differences which may exist between you ight of science would extinguish the light of the and your Catholic brethren in the worshipping the and the subject, which will lead you to the finding of a verdict, that will consummate the tranquillity of the country, and make our enemies tremble at the union of our force by the equalization of our rights; and I cannot sit down without alluding to a circumstance that must excite, in the mind of every man who witnessed it, emotions of cordiality towards your Catholic brethren, when I call to your recollection the meeting of nine hundred persons to celebrate the triumph of the law, and the support of the constitution, which, if our formidable foe could witness assembled in every nation in Europe, his heart would sink within him, and his Sceptre would fall from his hands. He would despair for ever of violating the snuctity of our shores by his presence, when he would hear of the union of the Empire, an union which you will lend the aid of your Verdict to its great consummation.

THURSDAY, JANUARY 30.

The Court did not sit this day until half-past elerea o'clock. When the Judges had taken their seats upon the Bench, the Jury were called ou, and havng all answered to their names,

Mr. Burrowes rose and intimated to the Court that it was not the intention of the Traverser to examine any witnesses, and he begged to know, a two Counsel were to be heard on behalf of the Crown. whether another Counsel would not be allowed to speak on the part of the Traverser?

The Attorney-General .- Certainly not.

The Solicitor-General then rose, and spoke to the

ollowing effect:—It is my duty, upon the part of he Crown, to observe upon the evidence, which as not been contradicted, and upon those statements f Mr. Burrowes which have not been supported. Indeed, he has left to me, and to every one who has to follow him. a great deal to do. He must excuse me, however, if I complain of the difficulty the defence has occasioned, more by the inconsistency, than by either the weight or the value of his arguments. He has, in truth, left me such a great va- low me to say, with great respect, was not better

which facilitates Tethicolog -which renders Peti- I should live to witness such an event! I would I where to close with it. All that he has said upon I review as net better for being dressed up a sever t rather even see a degree of intemperance moving an the law of the case, and he has said a great deal, I time. I think misself procluded from a discremust consider as so much of our time consumed. If the Court by replying to his construction of the law. the cross-examination of the witnesses, produced except the Court now tells me they have doubte upon the part of the Crown, has been nunecessarily tedious, I will not say prolix -it it has been sought organient, and that their require me to remove their if all that has been effered to you in evidence is to be considered as a mere fabrication, why did he consume so much of your time in an argument upon the law, which, if the facts were false, there was l no use for whatever? If it be true, that the case which he has had to defend is meritorious, and to be gloried in, why have the proceedings been protracted to this, the fourth day, by the challenge of the array, by the tedious cross-examination of witnesses, and by all the other various subterfuges which have been thrown in the way to intercept your verdiet? I will make some observations upon what he has said, and I will set some passages of his speech face to face, with what has been said by himself and by his colleagues, that they may stare at each other. He has spoken for upwards of two hours upon the question of law, and a few minutes upon the matter of fact, and the irreconcileable defence which has been made answers itself. I will not enter into a political discussion upon the question of Catholic Emancipation, as he has done. He knows, as well as I do, that this is not a place for such subjects. This is not a place for such preposterous topics as discussing the dinner at the Rotunda. I will select only out of the speech what relates to this trial. will take part of it asunder, and show how impossi ble it would be to suppose it came from one and the same man, if you had not heard it as well as I had; all the previous skirmishing-the challenge to the array—the points of non-suit—the offer of a special verdict-all these expedients, which manifested how dangerous it was deemed to rely upon any one point, and to spread over as much ground as he ould cover, as if he knew he could not take his stand at any given place. The dofty tone he asamed, I allow, was becoming his talents; he put himself forward, as if he was the champion of the Constitution: no man, I admit, was better fitted to take upon himself such a character. I wish, howerer, I could not put against those high and dignified pretensions the challenge to the array—the aspersions upon the Sheritl and other individuals -- the point made upon the geography of Saint Mary's parish, and those other satellites which eclipsed his lustre.—I will not attempt to say, that my learned friend speculated upon the dirty tricks which have been resorted to: the proposition of agreeing to a special rerdict could not have been intended to impose upon us; they knew very well we could not listen to such an effer; neither could it be calculated for the Court. It was brought forward, therefore, nerely to impose upon the public mind, to make them believe there was opinion against opinion, and that the law was involved in doubt, as if the law had not been pronounced by this high tribunal, and the question solemuly decided. Why then did my learned friend lend himself, as if to shew that he doubted the authority of the Court of King's Bench? It may well become his client, indeed, to wish to disparage the character of the Court of King's Beuch. But I trust, in rejecting the offer, his Majesty's Attorney-General will never give up the advantage of the only authority capable of deciding uponit. Why was this offer of agreeing to a special Verdict never made before? Why was it not made before the trial of Dr. Sheridan ? I will not retort, I will not even insinuate that he declined making that offer, when another Jury was in that box, because he anticipated another verdict. I believe that the former Jury acted most conscientiously; I believe no bet-- It be found in society they formed a conscientious opinion upon the facts alone, but their opinions are not to govern yours; their consciences are not your consciences; you are not to lay your heads upon their pillows, but upon your own. If you should have any doubts, in the name of God acquit the traverser. If you have find out doubts which a conscientious heart never rould sauction. I must return to my Learned Friend, and I declare I felt a pang, that, after the ipon to make out, by metaphysics, that the Goernment framed the pannel, because they got a copy of it after it was formed-that then Mr. Kemmis had made the Jury. Does my learned friend forget, or can be forgive, the scandalous athidavit? Faction is to be pitied for its credulity; it is so condescendingly gracious in believing, that what is infanous must be true, that I cannot be surprised that such an affidavit was made, by which it was attempted to ake away the character of that honourable man who its there, as your foreman, basely asserting that he and regretted that Dr. Sheridan was not convicted. Can my learned friend forgive the affidavit—can be

forgive the aspersion cast upon the other respecta-

ble individuals to whom it alluded? Can be forgive

that man, who made him say that Sir Charles Sixton

formed that pannel, which he saw afterwards had

been in the possession of the Attorney for his

Client, and whom we might as well accuse of form-

ing it, as he has done Sir Charles Saxton? His ad-

rance in column may be formidable and respectable,

out skirmishing and sharp-shooting would better

become another case than this highly extolled and

glorious cause, which he has not defended in any

other way than he would a thief at the Old Bailey.

What am I to collect from his new law argu-

nent upon the Convention Act, which, he will al-

which they had not before, in consequence of his doubts; but I will not compromise the laws of my country to do so, unless called upon by the

Judge Dav .-- From what I have heard, I have no doubt, but, on the contrary, I am rather more per-

sunded to concur in my former opinion. The Solicitor-General, -I hope it will not be thought I meant to cost the slightest imputation of the Court; although my learned friend has a second time an opportunity of changing his opinions, if it was in his power to do so, yet, it does not follow that your minds are changed. I will now say not more upon the Lis; but, I will tell the Traverser, that the Court of King's Beach has decided the law. I will tell the Public, that the Court of King's Bench has decided it, for the purpose of opening the ever of those who are determined to be blind, who could see if they would; and yet, after the Court of King's Bench has so expressed its opinion, it is deemed proper to go on by stratagem, to get to the House of Lords, and to tell them he is not satisfied with the decision of the Court of King's Bench, but is determined to go on experimentally in violating the law; and what will their advisers say, if they go on, the interim between the decision by you and its sanction by the House of Lords? To represent, though for the one purpose of preparing a Petition. I say is illegal, and such a Meeting may be dispersed by a Magistrate; I assert this now boldly. I asserted it before with timility and reserve. I stated it then with diffidence, because many respectable men differed with me; but I say now it is the announced law of the land, and let any one man disobey it at nis peril. To put the law in a state of abeyance, until the House of Lords decide upon---what may never come before it, is monstrous to think upon. As long as the dissolution of the law of the land is allowed to be postpourd, and God knows how long that may be, the law of the land must be taken from and interpreted by the Court of King's Banch .- A distincion has been attempted to be made by my learned friend, that if a person be delegated for the purpose of Petition alone, that restricted purpose cannot be general representation; this he calls a new argument, and set it is identified with the argument upon the preamble. If the word 'pretence' means 'real preence,' then it would enact it by preamble. I remember to have heard a distinguished Prelate say, the preamble of an Act of Parliament was nothing out a starting post, that the rest of the Act might un away from. Mr. Burrowes has said that the Jury ought to use their understandings to interpret he law. I grapple with him upon it, and let ut both stand or fall upon it. I say no such proposi ion was ever heard by a lawyer without censure the law of libet has been relied upon, as relevant to the argument; but a libel of to-day may have no nection with a libel of to-morrow. The Judges ormerly acted in libel cases in a manner which the law ways was erroneous; they were combated by lawvers upon the principle that they wanted to make a question of law of what was, in truth, a question of fact, namely, the intention of the party, and the tendency of the publication; it has been declared by law, that upon the case of a libel, and no other, Juries are to decide as well upon the laws upon the facts of the case; and this was merely delarators of what always ought to have been the law. Thus a Jury is allowed to pronounce judgment upon fugacious libels, which may never be seen again; they have the power to decide upon the law themselves. The finding of the Jury upon the construction of the statute has been sought for in the shape of a special verdict. The special verdict, i conceded, would be a monster—it would be the finding of a Jury upon a question of law. Suppose this to be a case of murder, possessing all the shadowy distinctions which such cases so frequently display, and which make it difficult to distinguish not, do not distract your mind by attempting to | between murder and manslaughter, the Court would tell the Jury, if you believe that no motive actuated the prisoner, then you will call it manslaughter .--But does the Jury do any more? Do they do more attempt to asperse the array had been done away than pronounce whether it was the one or the other? by the verdict of the Triers, he could so soon have I struggled with this upon a former occasion. orgiven his client for making him the instrument of know I was much censured for it -- for encroaching, hallenging the pannel, and that he should be called | as it was said, upon the rights of Jurors. I was accused of professing arbitrary principles, a charge at which I should blush, if I was convicted of it; but that conviction must come from a higher authority than from the censorial opinion of the peoplemean those censorial clients of my learned friend, who think that the laws of the land are not to be nounced upon by the Judge, but to be interpreted

I hope, Gentlemen, the law will never be submited to the discretion of a Jury; such a doctriat ould be fatal to the existence of liberty—such loctrine would beat down the best barrier of the onstitution. I will now call your attention to 🌬 facts deposed to by the witnesses. Those men my are sworn falsely - but let me ask, what motion had they to do so? What interest to perjure the elves, and that by deliberate perjury? Has ar erson come forward to say, that any one of the immoral? Has any one of the hundred witness o be produced, come forward to say, that thos nen have sworn falsely? I repeat the Attorney General's strong expressions, is it not an insult! the understanding of a Jury, to call on them, by verdict of acquittal, to convict those men of the grossest perjury, any one of whom could be co tradicted by dozens, if they had sworn falsely? How is that to be accounted for? Was it a relian on Mr. Burrowes's argument, which would pr

exams he contended not only that they swore his heart, has told you, that this prosecution is an our constitution free, our country rich, our people f Court. It is not imputed to the Traversor, that tentr. but that his client's acts were meritorious? Invasion of the right of petitioning, not confined bold, our Prince magnanimous. I trust the deci- he has been guilty of any degrading, unworthy, You heard Mr. Huddleston cross-examined—he to the Roman Catholics, but an invasion of that sion of our Imperial Parliament will soon rovon- or immoral act, or any illegal act, abstracted from ans asked questions painful to any man—the na- right affecting the subjects of the realm. I wish cile all interests—but let no man presume to ap- the consideration of the Act of Parliament, which I ture of his opinions -- his religious dogmas, and the he had reconciled the two passages of his speech; proach the Constitution through the wounded laws. to jets of his cored. I admit he could not have fallen and if it was a violation of the right of petition- | Gentlemen, I disclaim the right of calling on you ther he has violated the terms of this statute, a stainto the hands of any man better qualified to read a ling, and affecting all his Majosty's subjects, he acture on Divinity, that my learned friend, Mr. would have reconciled the assertion with that pastisold—he was hunted through metaphysical dis- sage, saying, that it was a proceeding undertaken by the Government, for the purpose of putting disition, from Thomas a Kempis to Thomas Agginas, and the whole corpus juris canonici; and down the Roman Catholic people of Ireland: but. hiar what did he depose to? -why that he was I will tell the people of Ireland, that petitioning escent at a public assembly where my Lord Fingal is lawful; but must not be by delegation. Consider the consequence of such a Meeting as that mided, and certain resolutions passed. I know of between six and seven hundred persons, electy Lord Fingal to be a most raluable and honourato man, and there is only one thing to prevent | ed from all parts of Ireland, sitting, God knows me mixing that homage due to his virtues and his how long-elected, God knows how or by whom principles, and that is his presence. I believe he | -- saying what they wish -doing what they please, acted under delusion and mistake. I don't They might meet for the sole purpose of petitionthink he would intentionally violate the law; ing, but, will any man of common and uncorrupted but I could tell his Counsel, that it is now seven or understanding say, that an assembly of that nature. right mouths since issue has been knit on this im- sitting in a public Theatre, with their galleries pertant subject, and the fact of the Proclamation, crowded and open to every factious declaimer who with my Lord Fingal's name to it, in every public may think proper to arraign or condemn the constinewspaper, is undeniable; yet they dare not asow | tuted authorities, should be allowed. I know my to there has been a refusal to confess it it is friend Mr. Burrowes has been instructed to leave gloried in without those walls, while an advocate nothing unsaid, whether founded even on probability shired to deav it within-no, it has been too hot or not.-I know he was instructed to tell the Jury, to touch -tuey shrink from the contest-let Mr. I that if that Committee had not been dissolved, i would in five minutes have died a suicide death, Barrowes then descend from his jambies-let him speak on cooler terms; projectisset ampullas & sesand be heard of no more; and does he forget, when cripedalia verba. I say my Lord Fingal sits there, I those very clients, who had so instructed him, had it announced from the chair at a public meeting, the compargator of Mr. Huddleston, and his prethat the Catholic Committee might speedily be dissence sets up histestimony, not even otherwise exceptionable. I will next call your attention to the solved by Catholic Emancipation?-What is the eridence of John Shepherd-he has told you his fair inference from this? Why, that till the last story -- it may be false, or it may be true; it might minute-till the Parliament of the Empire yielded becontra acted by all the people whom he swears to the last trench of the Constitution, the Committoo was to agitate the country—to ride on the have been at that meeting. Dr. Sheridan was in the gallers; he could not criminate himself, he was I which wind, and take its chance for directing the an acquitted delegate. On what, then, does any imstorm. What is the security of the country against putation on Shepherd's testimony rest? He was such an assembly? I repeat it anew-I do solemnor to the torture by Mr. Burne . I am sure he ! ly declare that I am conscious a great majority of that Committee are men of the purest loyaltyconsidered it necessary, but it certainly was exemplarity profix: none of us can forget it it was with honourable riews-immaculate fame, and atfull three hours and a balf by Shrewsbury clock. tachment to the Constitution-who, if they have My learned friend was auxious he should abide violated the law, have done so through ignorance the law of Shepard's Touchstone, and probably, not but if they have, the law will assert its rights and vindicate itself. It provides against a probable misfinding that sufficient, he tried what Born's Justice could do; and, really, so ratuable a specimen of chief -- it counteracts eventual disorder and revolucross-examination will entitle Spenied's Fouchston tion. This statute acts not against what is done. and Burn's Justice to shoulder every other law aubut what may be done, as Mr. Burrowes has feebly the from the shelves of our library. I am satisfied argued, and the only thing he argued feebly. Those he extracted numberless contradictions, but I deissemplies might be dispersed—it was the fear of clare to you, that I myself, after the most patient atsuch a necessity, when their dispersion might be tention of three hours, found myself atterly incapalangerous to the public peace, that induced the Parble of understanding what was passing, I found iament to declare them unlawful. The right of pesuch a variety of sounds, a confusion of terms, of titioning, I hope, is not now considered as having notes, and drafts, and informations, ringing in my been declared war against by the Government. It is ears like so many discordant instruments, that, I one of the most sacred and inviolable privileges of yow to God, I could not distinguish an intelligible the people, which, as I hope I never will see forsentence, or comprehend a definite idea. I am sure | feited, so I will never see abused. One other tomy learned friend acted well and ably-but, Genpic, and I have done—it is said these prosecutions are levelled against the Catholics, Gentlemen, I tlemen, could any man sustain the torture of such a piene forte dure?-If Mr. Burne himself was am not fond of speaking of myself-1 believe those nailed on that table, and to that chair, and that I who know me, will do me that justice-it is an could get another Mr. Burne to examine him for odious and disgusting topic. But I cannot help feeling sore-feeling tortured in my heart, when three hours, would be sustain the trial? As to M'Donough, he was cross-examined, and Mr. Bur- I find a foul imputation flung indiscriminately for did not stint himself in his share of his duty to at every man placed in an official situation, his client. Gentlemen, I shall say to you, if you who endeavours to do his duty and that do not believe the evidence, you ought to acquit the conscientiously, but who may be mistaken. I am traverser; but if you do believe it, don't, I beseech | sure my friend Mr. Burrowes, for whom I feel you, compromise the dictates of your conscience. the warmest and sincerest regard, and whose heart your oaths, and the integrity of the laws, by find-I know returns that friendship, did not apply to me intentionally that fierce and general tirade against ing a verdict, not founded on the truth or falsehood of the witnesses, but on the political influence which | the advisers and conductors of a corrupt and bigot- | the considerations of the resolutions of the first asit may have on the public mind. My Learned | ted persecution, I think I have carned another cha- | sembly, and only charges his roting and acting in Friend has called on you for a healing verdict -- but racter than that of a bigot. I believe I trust in God the Jury will never be persuaded to individual of his Majesty's Government, that has a make a nostrum of the laws, for healing the bad | feeling of bigotry or intolerance, on the question of | assembly, which is described as one intending to proand distempered passions of the public. What the Roman Catholic Emancipation. Its general prininfluence your verdict. Gentlemen, may have on ciple no man can deny; but it is a question of great the public, is a consideration you must deprecate. variety and complication. The Penal laws were unless it be warranted by the facts directing the law : the growth of unfortunate times, and grounded and let me tell you, there is no greater mischief, upon political principles of Government, which which political empiries could devise, than persuadhave now ceased to be necessary. It does not being a Jury to trample on the authority of the come me to discuss such a question. If I did, pro-Court, and beat down the best branch of the Conbably I would not dissent from my Lord Fingal. stitution, for the purpose of administering a doubt-Let every man, unrestrained, consult his feelings ful and a metaphysical remedy to the agitations of for his religion—let no man go between him and his God-but, political power must be exercised for the public feeling. There now gone through my observations on the safety of the Empire-if it could be done, I think law and the facts; but there are some little by e-bat- the Constitution of the country should be open as iles, which Mr. Burrowes has not thought it below the mercy of God, and I could no more justify an him to enter into, and the first is, the allegation of exclusive toleration than an exclusive salvation. In a variance between the evidence and the indictment. this no man will differ from Mr. Burrowes-an ad-My Lords, on this part of the case, taken unavocate, the gifts of whose understanding vanish bewares, I was yesterday somewhat apprehensive of fore the worth of his mind and the virtues of his a difficulty, which was heightened by the able and heart. I concur with him; but I say it is a subliwyer-like manner in which it was argued by Mr. ject fit for Parliament, and Parliamentalone; and I did appear, that their recollection was stronger or Perrin. I have considered the subject since yestera question of compromise, not arrogated as a right, day, and not a shalow of doubt now rests in my but to be accepted on security. I trust in God I mind on the object. [The Solicitor-General here] may live to see the day when the wisdom of Parlinaliv and eloquently went into the discussion of the ment will have achieved this desired event -- when it point at variance, and, in support of his argument, will leave the Catholics nothing to complain of, and cited a case reported in a note to a case of Diewry the Protestants nothing to fear. I trust I may see against Twiss, in 4th Term Reports, p. 561, and them admitted into the temple of the Constitution, also a case in 2d East, 497.1 with the portals open as my heart to receive them. Chief Justice .- We shall take care that this point But let me not see them cut their way to it through be reserved for the opinion of the Judges, in case the laws of the land. Let them approach it with of a verdict against the Traverser; and for that purtemper and moderation, and their cause will be sucose we must get from the Jury a decision on the cessful. And I here pronounce, that the question ct, whether the election in Liffey-street was conof Catholic Emancipation has never known so haed to the representation of the inhabitants within deadly a foc as the Catholic Committee. That is my | ceived from Counsel an able and elaborate discussion the city or within the whole extent of the parish. firm opinion -whatever is to be done must be done Solicitor-General .-- Very well my Lord. Gen-

to your consciences for the fact. I am satisfied, that whatever verdict you pronounce will be one of that rendict, I have it not in my power to promise you there shall be no illuminations; but your If you believe the evidence, convict the Traverser; if not, acquit him. I do not despair that a rerdict. I know that many valuable men of my own profession, I know the worthy Nobleman who has attendmost honourable views, and only wait the decision of this question, I know that Noble Lord will be appy to return to his habitual respect for the laws of his country. I trust his example will be followed by others; and we may all expect, from the rethe pacification of the country.

sult of this trial, the establishment of the laws, and THE CHARGE Chief Justice. - Gentlemen of the Jury, much of our time has been taken up with political discusions with which you have nothing to do-and much of your time also with discussions as to objections-discussions which cannot press on the Jury for their consideration, but the Court. The facts of this case, which really are for your cousideration, are confined within a narrow compass. -The Traverser stands indicted for an offence, which you are to try if he has committed. He is charged with having voted and acted at the election of a representative of a particular kind; and it will be for ou, under all the circumstances to which I will adrert, to say, whether the fact is proved to your satisaction. The indictment states, that a meeting was held on the 9th day of July, in Fishamble-street, of a number of persons, contriving, and intending o cause and procure the appointment of a committee thus—one of the original Resolutions directs five of persons professing the Roman Catholic Religion persons to be chosen from each parish in the City of The indictment further charges, that such assembly Dublin. The Meeting at Lifley-street elected five should be of a particular description, set out in cerpersons; the evidence is, they were elected to repreain resolutions, and it will be enough to state of sent this parish; and it will be for you to say, if that hose resolutions, that such assembly was to consist election was not complying with the requisition in of the Catholic Peers, and their eldest sons, the Cathese Resolutions of the 9th of July; you will judge tholic Paronets, the Prelates of the Catholic Church whether that election was meant to include the rein Ireland, and also ten persons to be appointed by presentation of persons living in every part of the the Catholics in each county in Ireland, the surrivors parish; you will judge of the menoing of the parof certain delegates, and also five persons, to be apties at the first assembling, and the intentions of those pointed by the Catholic inhabitants of each parish in in Liffey-street, and you will find your verdict ac-Dublin; and the indictment states the object of that assembly to be, the procuring an alteration in matters established by law in Church and State, under pretence of petitioning. The Traverser is charged with nothing which was done in the first meeting, for it does not appear that he was present; -but he is charged with acting in conformity with the resolutions of the 9th of July. He is charged with this, that, in order to carry into execution she resolutions of the assembly in Fish-

case, and that, even if the facts were believed by

you, yet there has been no case made out criminal

under the law. As to the weakness of the case.

you will judge .- The facts are before you, and it is

for you to decide if they took place, and if the wit-

nesses are to be believed; and if you do believe the

how the law stands as applicable to it. The law of the

question, both on this and a former occasion, has re-

-it has been carefully considered by every one of us.

and we have had repeated and frequent conferences

on every objection that has been suggested; and,

on the most deliberate consideration of the law,

in the Parliament, these are no times for popular

conventions -these are not the days of Runny-

Comen, I must observe, that much of your jealousy !

and sensibility has been appealed to on the subject of a mode. We are not to look to the Barons' associa-

evidence, then it becomes necessary for us to tell you

amble-street, a meeting was held on the 31st July, enemy have had possession of the place, they have constructed a palisadeed redoubt on the nill of St. in 22 days after, in Liffey-street, in order to ap-Francisco, and have fortified three convents in the point persons to represent the district in the City of Dublin commonly called the parish of St. Masuburb, the defences of which are connected with the ry's, and the Traverser is accused of being one of ork on the hill of St. Francisco, and with the old line by which the suburb was surrounded. By these those persons so appointed, and of having roted and acted at that assembly. There is a further means, the enemy have increased the difficulty of approaching the place; and it was necessary to obcharge in the indictment, which abstracts itself from tain possession of the work on the hill of St. Francisco, before we could make any progress in our atrected a detachment of the light division, under ing 5 people to represent that district, us in a future the command of Lieutenant-Colonel Colbourne, of the 52d Regiment, to attack the work shortly afcore an alteration in matters established by law, ter it was dark. The attack was very ably conductinder pretence of petitioning. To establish these facts three witnesses have been examined. Mr. Huded by Lieutenaut-Colonel Colbourne, and the work was taken by storm in a short time; two Capdleston spoke as to the first assembly of the 9th of July. (Here his Lordship recapitulated this wittains and forty-seven men were made prisoners. and the remainder of the garrison were put to the ness's evidence.) You have. Gentlemen, two witsword. We took three pieces of cannon. I cannesses speaking to the fact of the second assembly. not sufficiently appliand the conduct of Lieutenant-I need not minutely recapitulate what they have Colonel Colbourne, and of the detachment under proved; it is enough for me to say, that they both his command, upon this occasion. I am happy to agree in the material circumstances, that an assembly did meet on the 31st July, in the Chapel of add, that our loss in this affair has not been severe. six men having been killed; Captain Mein and Liffey-street, and that it was proposed and carried. Lieutenant Woodgate, of the 52d, Lieut. Hawksthat five persons should be appointed to act in the ley, of the 95th, and fourteen men, having been Catholic Committee; and they proceeded to shew vounded. The success of this operation enabled us how that election took place, and that the Tranmediately to break ground within 600 yards of verser was one of those who thanked the assembly the place, notwithstanding that the enemy still held for electing him. They were cross-examined, with a view to destroy their credit-which, if successthe fortified convents; and the enemy's work has been turned into a part of our first parallel, and a ful with you, would put an end to the case; and i good communication made with it. this than the former occasion, owing, as they said, to their having refreshed their memory from certain documents .- Gentlemen, the Traverser's case rests

Licotenant-General IIIII arrived at Merida on the 30th of December. He had hoped to surprise General Dombrouski (who, I had been led to imagine, solely on the alleged weakness of the Prosecutor's was killed in General Hill's last affair with the encmy) in that town; but his advanced-guard was discovered on the 29th, by a patrole from a small detachment of the enemy, which happened to be at La Nava, which effected its retreat to Merida, notwithstanding the efforts of a detachment of Lieut. General Hill's cavalry to prevent it. General Dombrouski retired from Merida in the night, leaving a magazine of bread, and one hundred and sixty thousand pounds of wheat in the town, and several anfinished works, which the enemy had been contructing. On the 1st, General Hill moved forward with the intention of attacking General Drouet, who commands the 5th corps, at Almendralejo. This General, however, retired upon Zufra, leaving a constitutional freedom; and the learned advocate, I tions or the revolution of 1699. Our Sovereign as applicable to this subject, we have no heritaimagnzine in the town, containing four hundred and who is never more eloquent than when defeading has never betrayed his kingdom, like John, or ab- tion, no manner of doubt exists on our minds, fifty thousand pounds of wheat, and some barley. anso principles which do honour to his head and to dicated it, like James; our Government is powerful, as to the law as heretofore delivered by this Ou the 3d, Licutenaut-General Hill seut a detach-

am going to state to you-but the question is, whefor a healing verdict. I call on you for a rational tute made with great political precaution; it is like verifict-to attend to the Court for the law, and all other acts, which we sit here, not to alter or correct, but to dispense, supposed to be made on due consideration, for public necessity, and on prinaccording to your consciences. As to the operation | ciples of public policy. We must not question or discuss the wisdom of the Lexislature; we must pronounce the law as we find it. No matter, if it ountry expects from you a fair and honest decision. | bears heavy on an individual; it is our duty to declare it, whatever we may feel, or not feel, for the situation of the criminal. This Act has not for its such as I expect, will be healing to the Catholics of | object so much the punishment of the Assembly dethe country. The law and the facts will be settled. scribed, as to prevent its existence. It acts on the principle, not of its being mischievous, but that it may become dangerous, by meeting to alter any mated this Court, have acted in the business with the ters established by Law in Church and State. (His Lordship here went minutely into the several arguments in support of the law, as laid down by their Lordships on the trial of Dr. Sheridan.)-Gentlemen, in this case you were told, that the verdict upon the former trial was had upon the witnessesbut it is not for me to say whether that rerdict was right or wrong: you must act upon your own judgment; you must act for yourselves; if you disbelieve the evidence, you must acquit the Traverser. But, in case you be of opinion that the facts existed, as stated by the witnesses, you must conrict. It is necessary for me to have your information moon andther fact-that you will tell us, if the election in Liffey-street was confined to the inhabitants of the strict bounds of the city, or was intended to extend itself to the representation of the inhabitants of the whole Roman Catholic Parish of St. Mary's. As to the evidence with respect to that fact, circumstances have appeared in one of the Resolutions which should be the subject of your consideration. However, in case you should be of opinion, that the whole case is established, then you will inform us, if you believe the election in Liffey-street was to represent the Catholic inhabitants within the bounds of this city, or to extend to the whole parish. The exidence stands

LONDON GAZETTE.

DOWNING-STRELT, JAN. 27, 1812.

Dispatch, of which the following is an Extract, was this morning received at Lord Liverpool's Office addressed to his Lordship by General Viscount Wellington, dated Gallegos, Jan. 9, 1819. I invested Ciudad Rodrigo yesterday. Since the