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that influence. The witnesses are fully examined by Counsel in chief, then cross-examined by adverse Counsel, and, lastly, subject to the examination of the Jury and the Bench. By being examined before a supreme tribunal, the influence of judicial authority has its effect in producing correctness of department, and his evidence being submitted to the judgment of his fellow-subjects, the Jury, he must have that circumspect attention to truth which a situation naturally creates. Besides, in case of perversion, the authority of a Court, with sufficient power to commit, is held over him, to have an instantaneous operation.

Secondly, The effect of publicity is equally important in regard to the Jury. Their exposure to public view and observation secures, in that respectable body, the casual tribunal, that steady attention, which is not only essential to the appearance, but to the reality of justice; and it is not unimportant to remark, that this solemnity of conduct reflects again on the surrounding audience, and secures in those who compose it the same attention and decorum when they come to be jurymen.

The justice which they do, as I have already observed, is the subject of consideration by as many as the Court will admit; the report of those present at a trial goes forth to the Public at large, and the verdicts of jurymen are secured to be just, by the certainty that they must undergo the scrutiny of the whole extended and watchful community.

The evidence of which they are judge is, owing to this publicity, and to the formation of the Court, governed by rules which are calculated to exclude falsehood, and to secure the testimony of truth.

The introduction of a well-regulated law of evidence is a most important result of Trial by Jury. In order to exclude all evidence from the hearing of the Jury, which, from its nature, may be false, and make an undue impression, the Judges are called upon publicly to decide upon the admissibility of witnesses, and of questions upon objects of competency, as contradistinguished from those of credibility. This they do publicly upon the argument of Counsel; and here, again, the subject is secured in a due and certain administration of justice in matter of fact.

This is a result only attainable by this institution, where there is authority and learning to decide, and a cause for decision. It is this which leads to the exclusion of hearsay, and of all those circumstances in proof where the fact may be false and yet the witness be correctly honest, as well as to all the exclusions of testimony arising out of the various modifications of interest or concern in the cause, or in the question, or connection with the parties.

Thirdly, As to the Bar, this institution will have its just and beneficial influence. When I refer to that most respectable body, the Bar of Scotland, I may safely and justly ascribe upon their great learning, their integrity, their eloquence, and other high attainments; and above all, I can rely on the most rigid honour and pure correctness of their practice in their profession. Yet, great as the learning and eloquence is which they bring into the hitherto ordinary practice of their profession, the public and immediate efforts which they will here to make in this tribunal, cannot fail to afford a new scene for their eloquence.

In putting the course of justice, the Judges will derive assistance from Counsel, while the system of Jury trial will give new occasions to the Bar of Scotland for acute and masterly discussion. By watching and seizing circumstances and emergencies as they arise, as well as by previously preparing themselves upon the important features of the case; and thus these new opportunities for the display of eloquence and address, by training them to a mode of application to which they have not been accustomed, will give new scope and enlargement to their professional talents, and render them still more useful Ministers of Justice in all the branches of their practice.

Fourthly, But, above all, this publicity is important in relation to the Judges who preside in the trial, and preserving correct what I have called the moral part of the tribunal. This happy competition in judicature, when the functions are publicly and openly directed, incorporates all the good and qualities of the judicial character of the honest Judge, and corrects all the defects to which the judicial character is prone.

On the Bench we must call to aid, temper, forgiveness, attention, circumspection, a firmness in giving opinions, a readiness in reconsidering them, no precipitous adherence to first thoughts and yet a decision calculated to enforce well-considered views—and, above all, in this seat, where justice is to be distributed within a period to be measured by the strength of man, despatch must combine with deliberation, readiness of thought with correctness of opinion.

to others, under the controuling effect of their having to decide on the spot on the correctness of his views, secures against such self-willedness.

The error into which the Judges of a Court composed of several is apt to fall is carelessness. Trusting to the efforts of his fellow Judges, the public effort and the duty to impart all that passes, and all his views of it to others, on the spot, and at the moment, proves a sure antidote to this propensity in the Judges of a tribunal of several.

Thus it may be said that the well doing of the permanent tribunal is secured, and the administration of justice in matters of fact (that extensive and ever-varying source of litigation) is better regulated by this contrivance of Trial by Jury, than by any that the wit of man has ever yet devised.

Such are the leading features of this institution, which we are now to try in this country, as an experiment, and, as I have said in the outset, always anxiously attending to this, that it is not to interfere with any fixed rule, or with any part of the system of the municipal law of Scotland, and that we are only to try such issues as the Divisions of the Court of Session shall think it right in their discretion to send here; these, it may be material to observe, will be of three sorts:—

1st. Cases where the issue may comprise both the injury and recompense or damages.

2d. Cases in which the Court of Session, or Lord Ordinary, having decided as to the injury, refer the damages to be assessed by a Jury.

3d. Cases where the Court of Session or Lord Ordinary wishes for information by the verdict of a Jury to inform its understanding, so as to enable it to pronounce a judgment upon the law.

The case about to be tried is of the description last mentioned.

But in that, and in all cases, it will be easy to clear away difficulties.

In the first place, allow me to observe, more particularly addressing myself to you, Gentlemen, who are assembled to serve on this Jury, that our inquiries here are not into hidden and occult acts of crime, where the discovery of truth may often be involved in intricacy and difficulty, and in doubtful testimony, by the very nature of the acts. But we shall have to do here with the open acts and transactions of men in the ordinary affairs of life, and intercourse of the world. In such transactions, when examined into in open Court, seeing and judging of the witnesses, as I have described their examinations to be conducted, with all the fences against the admitting falsehood, and all the securities for obtaining truth, which a well-regulated law of evidence affords; with a tribunal judging from their own just and honest impressions, uncommenced by interested or extraneous impressions, and only influenced by the desired, explained, and fully delivered opinion of the presiding Judge, he being absent removed from undue impressions; there is nothing likely to happen but an easy solution by a general verdict.

When I refer to that most respectable body, the Bar of Scotland, I may safely and justly ascribe upon their great learning, their integrity, their eloquence, and other high attainments; and above all, I can rely on the most rigid honour and pure correctness of their practice in their profession.

When I look before me to the Bar, I derive comfort from the certainty that I am to be enlightened in the seat of justice by their learning and their eloquence, and that I am sure to receive comfort from their urbanity, and from the mildness of their judgments on my first exertions.

When I look to the Jury now assembled, and the succession of such a class of men to discharge this duty, there again I derive comfort, and feel convinced that their anxiety to do justice, and their steady attention to every case, will secure against any bad effects from my want of experience or incapacity.

If I should prove at all a servicable instrument in giving success to this important measure of justice, while I live I shall enjoy the comforting reflection, that my early education in Scotland, and my habits, have preserved unabated through life my devoted attachments to its interests and its People, and made the high station to which I have been graciously advanced an object of my most ardent desire. I will conclude, therefore, with the anxious hope, that it may be inscribed with truth upon my tomb, that the experiment has proved successful, and that I have not been useless in the accomplishment of this mighty benefit to my native land.

After this admirable address, which was heard with much pleasure, a Jury was sworn in; and the following issue, at the instance of Mr. Robertson and others, laid before them—Whether, in the course of 1814, a steam engine had been erected in the village of Stockbridge, the smoke or exhalation from which, in or may be, injurious to the health, property, and comfort of the subscribers, and whether any means or machinery might be used to alleviate that injury? The engine had been erected by Mr. Keable and Co.

Mr. Grant, as Counsel for the Pursuers, opened the case with a very ingenious speech. After the very eloquent address which the Court and Jury had just heard from the justly celebrated Judge who presided, it would be unnecessary for him to point out the advantages which Scotsmen might reasonably hope for from this new institution. These had already been explained in a manner which deserved commendation on every mind. He would, however, congratulate the Jury, that the case which was now before them was one of a very simple nature, involving merely a question of fact, not of law. He then stated the nature of the evidence he was now to produce, and he trusted the Jury would have no hesitation in finding the issue in the affirmative.

A considerable number of witnesses were then called, who concurred in stating that they considered the erection of the engine to have been a very great annoyance to the village. Several of these stated, that their houses had been repeatedly filled with smoke, in consequence of which they were obliged to retire to the time to leave them, that their lungs had been often spasmodic, and that they were obliged to refresh them. Mr. Robertson's account stated, that one day in particular, when his mistress was in town, the parlour, in consequence of the wind being left open, had been completely filled with smoke, and the surface of the windows blackened with the fumes of smoke, which Mr. Robertson showed him by drawing her white glove over it. Two respectable builders considered the ground in the vicinity of the engine to have diminished considerably in value; that it had been in the market for 10 or 12 years, and though it had not sold anterior to the erection of the engine, they were of opinion its sale would now be materially injured by the engine. Another witness stated, that he was on terms of purchase with the proprietor, but had given up all thoughts of buying, in consequence of the erection of the engine.

Mr. Jeffrey, as Counsel for the Defendants, rose and addressed the Jury in behalf of his clients, in a most ingenious and humorous speech. He compared the evidence on the part of the Pursuers. He contended that nothing whatever of a conclusive nature had been brought in support of the charge. No doubt a servant of Mr. Robertson's had stated, that his worthy mistress, on drawing her white glove over the window surface, and at a word her ladyship white hand, had shown him some black spots. But was this any evidence? Did not every person know that in a populous town, where there was necessity much dust, if the window of a room was left open, the name of the owner might easily be written upon every chair and table in the room? He (Mr. J.) had seen this to be the case in his own house, west end of George's Street. After a number of very humorous remarks on the evidence, Mr. Jeffrey observed, that from some incidental Stockbridge, as the nearest village to Edinburgh which had a running stream of water, had been the receptacle of all that nuisance which the police excluded from their city. At this moment there were numerous public works in it, such as smelting, hick-houses, skin works, dye works, &c. There was also in the neighbourhood a very large distillery, yet of these there was no complaint made. In particular, there was a place appropriated termed Virgin's square, inhabited by a colony of washerwomen, who, attracted by the salubrity of the air, and the pleasantness of the situation, had formed themselves into a corporation. Yet it was some what extraordinary that Mr. Robertson and his friends had not had the good fortune to secure one individual of that virtuous and enlightened colony. Neither the Press nor the Box mistress of that corporation had been prevailed upon to become complainers. But though Mr. Robertson and his friends had failed to do so, he (Mr. J.) had a cloud of these pure and amiable females to bear witness in his favour. After a general outline of the evidence he was now to adduce, Mr. Jeffrey concluded by expressing his hope, that should the Jury have the patience to examine all his witnesses, they would aid for the Defender.

A great number of proprietors, who had long resided in the village, were then called. They unanimously concurred in declaring, that they had in the smallest degree experienced any annoyance from the engine; that their properties had not in the smallest degree been injured by it; they had never considered the value of what they possessed as diminished; their clothes had not been burnt or soiled by the smoke, and they never heard any complaints, or dream of any.

Professor Leslie stated that, by express desire of both parties, he had examined the engine minutely on Friday last. He is in the habit of walking there during the summer months, and other leisure times, and never felt the smallest inconvenience from the smoke. When the engine was examined it was going at full power, and he considered it, after the examination, as a very perfect one. A large quantity of fuel was thrown into the furnace by his desire, that he might witness its effects on the smoke, but he saw no reason whatever to consider it as a nuisance. Being examined by the Court as to what improvements he would suggest, as a man of science, for preventing the smoke, he do not know any improvements which could be made, and from the perfect nature of the engine, would hesitate very much in recommending any, as he feared the experiment might have a bad effect. Perhaps the chimney might be built higher, but there was danger in doing so, as it might occasion too great a draught of the smoke upwards. This evidence was corroborated by another professional Gentleman. Three washer women, who had long resided in Stockbridge, declared they had no cause of complaint, and had never found any injury more than usual to the linen under their charge. Other witnesses concurred in their testimony.

Mr. Jeffrey believed the Court and Jury had now heard sufficient, and he doubted not their patience was exhausted.

The Jury was shortly addressed by Mr. G. J. Bell, for the Pursuers, when the evidence was summed up in a most luminous and impartial manner by the Lord Chief Commissioner. "Gentlemen of the Jury (said his Lordship) I congratulate you on the assiduous and patient manner in which you have discharged the arduous duties of this day. It is particularly happy for us that in the commencement of this new era in the law of Scotland a case of so easy and simple a nature has been the object of our discussion. It will afford us satisfaction in relating to our respective homes this evening, that during the two hours we have sat, more has been done than would probably have been done in the ordinary Court for twelve months. You have no doubt had a variety of contradictory statements, but it is justice to say, that I consider the evidence on both sides has been emitted by correct, honest witnesses. To reconcile these contradictory statements, to point out that which appears to you to be the truth, is your province now." His Lordship, after a most eloquent and judicious address, gave a short but eloquent detail of the principal facts.

The Jury were then enclosed, and after half an hour's consultation, unanimously found the issue as respects the erection of the engine affirmed; that the Pursuers were entitled to a decree for the costs of the cause, and that the Defendants were liable to pay the same.

His Lordship then addressed them—"Gentlemen, in now discharging you from your duty, I return you my warmest thanks for the very handsome manner in which you this day conducted your sittings, and the laudable anxiety you showed to lift every thing to the bottom. The verdict you have now returned is in unison with the sentiments of the Bench, and I again express my hopes, that to distant ages our country will enjoy this best of blessings."

The trial lasted from ten in the morning till nine at night.—The Court was very much crowded.

Sir John Colquhoun will be made Governor of Greenwith Hospital, in the room of the late Viscount Hood; and Sir Thomas B. Thompson, who last lay by at Copenhagen under Lord Nelson, is to succeed to the situation of Treasurer of that Institution, in room of Sir John Colquhoun.

Friday, Jan. 28.—The tribunal sitting at Bourne, in a Correctional Audience, on the 26th, proceeded, as a Tribunal of Appeal deciding in the last resort, to give two important judgments:—1st. The Sieur Claude Francois Fere Jean, priest, residing at Vologant, was declared convicted of having distributed, in the Commune of Vologant, in the latter end of September last, a pretended proclamation of Bonaparte as the French King, dated 14th Aug. 14, 1815; of having uttered several blasphemous and alarming words; and of sedition, and of having distributed, in the Commune of Vologant, in the latter end of September last, a pretended proclamation of Bonaparte as the French King, dated 14th Aug. 14, 1815; of having uttered several blasphemous and alarming words; and of sedition, and of having distributed, in the Commune of Vologant, in the latter end of September last, a pretended proclamation of Bonaparte as the French King, dated 14th Aug. 14, 1815; of having uttered several blasphemous and alarming words; and of sedition, and of having distributed, in the Commune of Vologant, in the latter end of September last, a pretended proclamation of Bonaparte as the French King, dated 14th Aug. 14, 1815; 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