PARLIAMENT.

HOUSE OF COMMONS—MONDAY, APRIL 8.

ORDNANCE ESTIMATES.

Mr. R. WARD said, he was very sensible of what was expected of any one whose task it was, in the present times, to propose any thing in the shape of Estimates to the Committee, and that the most vigilant jealousy must be expected from all he addressed. It was a jealousy of which he was not afraid, for he had witnessed such long and anxious attention on the part of the noble person, the Master General of the Ordnance, whom he had the honour of representing in that House, to retrench in every possible point, that he knew his only fear was, lest he should have cut off too much, to be compatible with the interests of the admirable service he had the honour of directing. Of that service too much could not be said, whether in regard to their gallantry, their science, or the benefits which they had rendered to their country. It was painful to part with such men, and the only consolation the Master-General had was, that the plan he had adopted would leave the artillery so constructed, as to enable them to resume their present imposing attitude, wherein they had shewn themselves superior to all the artillery in the world, in the shortest possible time after occasion should require it. For this purpose he proposed to the Committee not to part with a single officer, but to make the reductions in the men. The Horse Brigade, who had so eminently distinguished themselves, he was sorry to say, the exigencies of the country required to be reduced from twelve troops to five, exclusive of the three serving with the Duke of Wellington; and one of the Rocket Troops would be also reduced. This would be irreparable, but for two circumstances, that at the end of five years, when the Duke's army will return, these three troops, instead of being disbanded, as was intended, might be preserved, and in the mean time all the Officers of the reduced troops might still be also preserved, by being attached to the Driver Corps.—[*Hear, hear!*]—The Officers of that Corps were an anomaly; for no Officer could command in the Field, whatever his rank, if the youngest Lieutenant of Horse or Foot were on the spot: their business was confined to mere regimental details. The plan was to allow these Officers to retire on full pay for life, a set of justice due to them (for no fault was to be found with them). He trusted the Committee would do them this justice.—[*Hear, hear!*]—The reduction of the military would thus be immense, in numbers from 27,000 men to 13,000 on the last year, and on the year before from 31,600. The diminution in money was above £400 000.—[*Hear, hear!*]—The Civil part of the Department was also much reduced. All had laid down their War Salaries, and the Establishments in Pall Mall, the Tower, and Woolwich, afforded a reduction of £14,000. The Medical was reduced from 101 to less than 50 persons. The Field Train from 350 to 7. Of the Cadets, only 12 were reduced, it being of the utmost consequence to preserve that glorious seminary of science and military skill.—[*Hear, hear!*]—The whole reduction upon the Ordinary was from £1,141,000 to £693,000. In the Extraordinaries he had to remark on two great points, the Stores and Works. Of the Stores he had reduced above a million; nearly indeed the whole; for such had been the zeal shewn by all employed in preparing them, and such the former liberality of Parliament, that not only we were enabled to do unheard-of things in supplying all that had produced those great actions on the Continent, he might say to all our Allies, but our store-houses were teeming with riches on the return of Peace.—[*Hear, hear.*]—On the works he had much to observe. It was a great mistake to suppose all works were fortifications. There were many, what might be called civil buildings, having no connection with the Ordnance, such as tanks in the West Indies, hospitals and chapels for the army. The Hon. Gentleman here analyzed the whole sum for works, and shewed a reduction of £160,000 on the works of last year, and on the whole extraordinary near £2,000,000. The reduction on the whole was from above £4,000,000 to £1,300,000, together with a prospect of more when the plans came into their full effect. He mentioned that all Generals were taken from the Staff; at their head, the Lieutenant Generals Mann and M'Leod, the former Inspector-General of Fortifications, and the latter Adjutant-General; both of whom he mentioned with particular praise.—[*Hear, hear.*]—He was sorry for the dryness of the detail which he was forced to bring forward, and was only the more grateful to the Committee for the patient hearing they had given him. He had aimed at being clear, which, with the proof he hoped he had shewn, that those whom he had the honour to represent had given their best attention to the great charge committed to them, was all the merit he could presume to claim in discharging the duty he was called upon to perform.—[*Hear, hear.*]

Mr. CALCRAFT thought it required all the confidence of the Hon. Gentleman who had just sat down, to prove to the Committee that every possible attention had been paid to economy by the Board of Ordnance, and that for months past the most minute inquiries had been making, in order to effect such reductions as the circumstances of the country might require, with the two estimates which he had produced in February and March in his hand. Than these he could conceive nothing better fitted to sustain his argument against Ministers—nothing more calculated to prove that they had no regard to economy at all. Out of the expense of the Ordnance Office in Pall-Mall, which amounted to £15,000, it appeared from the statement of the Right Hon. Gentleman, that the sum of £2120 was saved to the Country. When the Hon. Gentleman said, this reduction made from the £15,000, had brought that Establishment as low as it could possibly be brought, he ought to look back to the Estimates of 1796. In them he would find the Civil establishment of the Ordnance, instead of creating a charge of £45,000, had cost the country but £17,000; yet the expense of the Ordnance—of that machine which had been worked for the sum which he had last mentioned, was in that year £1,954,665. This he urged, to meet the answer which he expected was prepared for him, that the Ordnance Service, in extent of duty, had then been nothing to what it was now. At Woolwich, it appeared in the Supplementary Estimates, that a few hundreds had been saved. These ought to have been saved before, and greater savings under that head ought to have been accomplished. In the Carriage Department, the first estimate brought forward by the Hon. Gentleman gave a charge of £3558 for the present year. Subsequently, in consequence of what had been said in that House, or in consequence of what had taken place elsewhere, he had reduced it by £2435, leaving it at about one-third of what had been considered necessary in the first instance for that branch of the service. The Barrack Department, in peace, he held to be unnecessary and useless.

The charge for this in the Ordnance Estimates had been	£3515
In the Supplementary Estimates it was reduced	1606
Leaving the total expense	1909

And out of the last mentioned sum £1126 was paid as salaries to the Barrack Master and the Clerks under him. The Masters had been 36 in number; of these it appeared 14 had been reduced. In the military stores the Honourable Gentleman had effected a saving of £25,000 on the second estimates, and this was all the Public gained under that head. For the Corps of Invalids, the Sappers and Miners, the Horse Artillery, and the Drivers, there was a charge of £13,600. In 1802, after the peace was concluded, the charge for the Marching Battalion, and the Corps of Invalids, was £3700. The expense incurred on that Establishment amounted to nearly four times what it was then. The Honourable Gentleman censured the large Military Establishment kept up by Government. The Drivers, he thought, were more numerous than could be necessary. These, as they could be recruited more easily than any other part of the army when a new war should break out, might now be safely reduced. The Sappers and Miners, though these, from their science, it was of more importance to keep up than the corps he had last mentioned, it was not necessary should continue more than 19,000 strong. In these two corps a reduction might be effected of from 1500 to 2000 men, and this would give a more material saving than any that could arise from dismissing a few messengers and clerks. As to the works, he considered our fortifications to have been carried to a most absurd length; instead of incurring any expense to maintain many of them, he thought it would be better to pull them down and sell the materials of which they were composed; or, if this were not done, it might be as well that they should be left to crumble to dust. He particularly ridiculed the erection of Forts Amherst, Clarence, and Pitt, and other works at Chatham, as being wholly useless. In the charge on account of Chatham, the Honourable Gentleman had worked a reduction with a stout hand. Under this head he perceived a diminution of £10,000 in the second Estimates. It was somewhat remarkable, that those who for months past had made the most minute inquiries to ascertain where any saving could be made, such as the circumstances of the country required, should have thought £12,000 necessary for one particular branch of the service in February, and have found that they could do very well with £2000 in March. He then noticed the charges for Portsmouth and Plymouth. At the latter place he understood a most extravagant expense had been incurred for the erection of an immense wall, for the defence of the dock, which had already cost the nation £200,000, and for this £3000 was now demanded. From the current services and contingencies, £58,000 had been taken at one slice since the last estimates.—The reduction made on the charge for the storekeepers came to £24,000. For the Field Train the charge had been £4000. The whole of this had been saved. Those who thought a Field Train necessary, which would cost £4000, in February, found nothing of the kind was wanting in March. In noticing the sums given to Generals Mann and M'Leod, the Hon. Gentleman bore testimony to their great worth. He was confident it would not be thought their merits were too highly rewarded, as he did not think there could be found two more deserving Officers in the world. In Ireland he believed the Hon. Gentleman would find much of what had been done useless. In the works carried on about Spike Island, a considerable saving might have been effected, and out of the sum which appeared on the estimates, a considerable saving might have been made. Generally, upon the face of the Estimates, he contended much might have been saved, but in framing them the Honourable Gentleman had looked to war rather than to peace, and in doing this, it was not surprising that he and the Gentleman who sat near him (Mr. Calcraft) could not agree in their views of the subject under consideration. The comparison which the Hon. Gentleman had made between the present estimates and those of 1783 was rather unfortunate. He had stated the Ordnance Estimates of that period to have thrown a charge on the Nation of £1,300,000 or £1,400,000. Out of this, however, it appeared there was a debt to the amount of £800,000; and this taken into consideration gave them the real expense of the Ordnance Estimates in that year, which was somewhere about £600,000. He wished this sum to be compared with the charge which appeared on the present estimates, that it might be seen if it would bear the Honourable Gentleman out. Taking into consideration the depreciation in the value of money, there were no circumstances could justify him in going above double the sum which the nation was then called upon to pay for that branch of the service. He found twelve Cadets had been reduced. For this he was sorry, as he thought it of importance that these should be kept up in times of peace. On the whole, he could not give the Board of Ordnance credit for their economy.

Colonel PALMER, on the statement made by the Hon. Gentleman opposite, respecting the arrangement entered into for a supply of small arms, wished to observe, that as there were in the Tower already 1,300,000 stand of arms, he could not think it necessary that £100,000 should be expended in the present year to purchase more.

Mr. BENNETT noticed the charge for the depot at Shrewsbury. This, which had been established to receive the arms of the Volunteers, was no longer used for such a purpose; they had been left in the hands of those who had been exercised with them, and when, some time ago, a disturbance had occurred, orders had been sent down to take off the locks, and deposit them elsewhere. He considered a most wanton and useless waste of money, in purchasing the ground, building the depot, &c. to have occurred in this instance.

Mr. W. POLE stated the circumstances under which this depot had been established. When the Volunteers existed, 3 or 700,000 stand of arms had been put into their hands. The war over, these were returned, and from the glut which had occurred in consequence of their all being given in nearly at the same time, proper care had not been taken of them, and when a new war broke out, and they were again wanted, it was found that nearly all of them had perished. To arm to the same extent again and not be effected after this accident, in less than a year and a half, the Government, to prevent the recurrence of such an evil, determined to establish depots in various parts of the Kingdom, in which, on the return of peace, the arms of the Volunteers could be placed and kept safe till they were again wanted. A piece of ground had been purchased in Shrewsbury, for the depot of the County of Salop. This had cost the Government about £300. On this a plain but substantial building had been erected, capable of containing 30,000 stand of arms, to receive the arms of the Volunteers on the return of peace.—The total expense had been £3000 or 3500.

Mr. D. GIDDY called the attention of the Hon. Gentleman opposite to a subject which he had pressed on his attention before. He alluded to the Ordnance Maps. These, from the great scientific skill which distinguished them, he was of opinion ought to be given to the Public. He now gave notice, that, shortly after the recess, it was his intention to move for an Address to the Prince Regent, praying his Royal Highness to give directions for publishing them.

Mr. BANKES thought the maps of great importance to the Country, and hoped they would be published. This could not be objected to, even on the score of economy, as that which the Hon. Gentleman who just sat down recommended might be done without expense. The sale of the maps would relieve the Public from the expense of their publication.

Mr. R. WARD replied, that he ought to apologise to the two Hon. Gentlemen, and owed also excuses to the Master-General, for having omitted in his speech to state his intention to comply with the expressed wish of the House, that these maps should be now published. It was not that the Master-General had changed his opinion; but the most important maps having been given, and the war being over, he thought it due to the interests of science, and the desire of the House, to comply.—[*Hear, hear, hear.*] The Hon. Gentleman who had opened the opposition to these Estimates began with an intimation, for which he (Mr. W.) thought there was little necessity, that it was a long time since he had been at the Board, whose acts he was now criticising. That, indeed, was self-evident, for greater ignorance (he feared he must call it so) of the constitution of the office he attempted to explain, Mr. W. had never witnessed. [*Hear, hear, from the Ministerial side.*] Had his observations come from a Gentleman who had heard of such an office for the first time, he should not have been surprised, but from the Hon. Gentleman who had been such a conspicuous member of it, he was absolutely astonished at his apparent ignorance (for so he must again call it) of every part of its constitution, and every one of its details. He had confounded the Master-General's Office with the Board, the Civil with the Military, and of course their Secretaries. He concurred in every word he had said respecting Mr. Crew, than whom there could not be a more laborious, intelligent, or praise-worthy servant of the Public. But was the Hon. Gentleman to be told, that the Board did only the Civil part of the business, while the Master-General, though he occasionally interfered, performed exclusively all the military and more confidential parts. He left all finance to his Board, but the Military was fully sufficient to employ him. It was an odd mistake to suppose his Secretary a mere private Secretary—in fact, he was his chief Secretary for the most important parts of business; conducted all the Master-General's correspondence at the Board; with the Adjutant-General, the Inspector-General of Fortifications; and, above all, because of most responsibility, with all the higher departments of the State, with whose secrets he was entrusted; and this was properly compared to an Under Secretary of State. The history of the new modelling the office was this:—There had been from very old times (1727) two Secretaries to the Master-General. Their emoluments had altogether been latterly £3000 a year. The Master-General, in compliance with a suggestion of the Commissioners of Inquiry, had confined it to one, to whom he had assigned £1000 a year, and thus had saved a thousand to the Department. The Hon. Gentleman (Mr. Calcraft) had shewn the same ignorance (he did not mean to put it offensively) on the Barrack Department. He had taken the Establishment for the whole expense, and asked with a short lived triumph, whether a seven hundred pounds a year Establishment was necessary to direct the expense of £200. He here indeed again proved how long he had been away from his old office, for he had forgotten all the knowledge he ever had in it. Did he not know that these sums were merely for the Inspector and Clerks, who administered the whole expense of Barracks in furniture, coals, and candles, canteens, rents, and a variety of items to the amount of above £20,000 a year? [*Hear.*] The only advantage the Hon. Gentleman seemingly, and only seemingly, had, was in the difference of the two presented Estimates. But he (Mr. W.) had formerly explained, that the first never had been intended to be the real Estimate for a peace establishment. Grant him that little premise, and he was quite right, and who could not be so if he could chuse his premises? In fact the Departments felt called upon, in common with all the rest of the State, to submit the rough outline of their Establishments, on the opening of the Session, when the business of reduction had gone but slowly on, when plans were not concerted, and when they could not foresee their extent, so that if he (Mr. W.) had opened the original estimate as it was, he should have proposed very considerable reductions upon it, reduced as it was. Gentlemen might flatter themselves it was owing to them—in fact, it was owing to having had more time for the progress of things. Gentlemen might arrogate to themselves the merit of this, and it was fair enough in Parliamentary tactics; but this merit, as most of their other merits, depended solely upon their own assertions. To go on with the Hon. Gent. having observed upon his civil knowledge, he had now to try his military authority, and he must say he found him equally deficient there. For he had proposed to reduce the drivers altogether, which was as much as to desire the artillery to be expert in practice, and give them nothing with which to perform it. Were the artillery to manœuvre in the field without horses, or if with horses, were they to drive themselves? The same strange ignorance followed him into what he said of the sappers and miners, who in fact saved money in an economical point of view, and in a military one were invaluable. [*Hear.*] He came now to Chatham, and desired the Honourable Gentleman to recollect the opinion of General Burgoyne, the great military authority on that side of the House, in throwing out the fortifications, who declared that Chatham was equal in importance to both Portsmouth and Plymouth, not merely as a dock-yard, but as the great military pass to London. Were it a question if you would now fortify Chatham, it would be very different. We had spent a million—would you throw it away? Plymouth, he allowed, was an immense question, and, would concede to the House, ought to be well weighed. He could not now give a specific answer to the Hon. Members who had asked the extent. He would, however, fairly avow, that unless infinitely more were done, nothing would avail. But it was now under consideration, and this he could promise, that the Master-General would not ask a single pound, until the whole extent of place was known, presented, and approved by the House. More he could not say.—[*Hear.*]—A young Member (Mr. Douglas) had closed the debate, by talking of the Martellos being unconstitutional. Every thing was now unconstitutional; but he could not really see how these poor towers were so. When he was told the military dress indicated a conspiracy against liberty, he indeed was much afraid, till he recollected that he had himself preserved his old Major of Volunteers' cloak, and his Colonel, a Learned Judge (of the Prerogative Court) had done the same, and both went home in them at night, and neither of them, he could assure the Noble Lord (Folkstone), had any design in favour of despotism.—As to the Martellos, the Hon. Member (Mr. Douglas) must have been dreaming, perhaps then talking in his sleep, for he had supposed what never had happened, that he (Mr. Ward) said it was better to preserve them than to have to build them anew on the commencement of another war. It happened, that neither he, nor any one, had mentioned the Martellos at all; but this he believed, it would cost more to take them down than the materials were worth. The charge was about £12 per tower per annum, and as it was now before the Treasury to see whether they might not be available in aid of the Revenue, he hoped they might be allowed to remain. Upon the whole, he hoped he had shewn there was no reason to oppose any part of the Estimates.

Sir J. NEWPORT attributed the diminutions in the Ordnance Estimates to the discussions in that House; and hoped that the success already attained would induce Gentlemen to persevere, in spite of the taunts or pleasantries from the opposite side.

Mr. WARD repeated his explanations, and insisted on the necessity of supporting the Sea Batteries.

The Resolution was then agreed to, and the other items were voted without any opposition; the Report was ordered to be received to-morrow.

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Printed and Published by the Proprietor, ARTHUR BIRNIE, Bookseller and Stationer, Quay.

Ramsey's Waterford Chronicle.

No. 11,902. *THURSDAY, APRIL 18, 1816.* *PRICE FIVE PENCE.*

FIRE AT ST. JOHN'S, *NEWFOUNDLAND.*

SUBSCRIPTIONS

FOR THE RELIEF OF THE SUFFERERS *WILL BE RECEIVED AT THE BANK.*

Messrs. Newport and Scott	£50 0 0

I FEEL it strongly imperative upon me to acquaint the Public, that Mr. HOCKIN, of Cork, Oculist, (Nephew of the celebrated Sir WILLIAM ADAMS,) has perfectly restored my Sight, of which I was deprived for a considerable time, and had no hopes of ever recovering. I take this mode, through the public Prints, of returning him my sincere Thanks for the very great Service he has done me.

JOHN WOGAN.

William-street, Waterford, April 9, 1816.

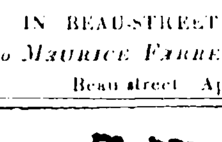
TO BE LET,

A DWELLING-HOUSE,

IN BEAU-STREET.

☞ *Apply to MAURICE FARRELL, next door.*

Beau-street, April 11, 1816.



FOR NEW YORK, AMERICA.

M. P. & M. FARRELL hourly expect the arrival of the new, fast sailing Brig, the SHAMROCK, Burden 200 Tons, THOMAS WALSH, Master.—This Vessel will immediately take in a Cargo for New York, and proceed on or about the 20th of April.

For Freight or Passage apply to M. P. & M. FARRELL, Ship Agents—or the Master on board.

Waterford, March 26, 1816.

PASSENGERS FOR THE UNITED STATES OF AMERICA.

THE remarkably fast sailing BRIGANTINE QUEEN, now lying at the Port of ROSS, is intended to be despatched for NEW YORK in the early part of next month;

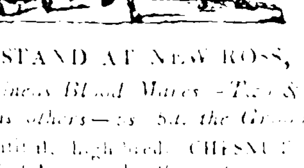
AND

The MARY (to succeed the QUEEN, for the SAME PORT,) will sail on or about the 15th May.

ALSO,

A fine, new Vessel, of 300 Tons Burden, on her Passage from LIVERPOOL, will touch at CORK about the 10th April, and take *cabin Passengers only* for NEW ORLEANS.—Apply to C. RIGG.

New Ross, March 26, 1816.



TO STAND AT NEW ROSS,

At Five Guineas Blood Mares—Two & a Half Guineas others—&c 5s. the Groom,

THE beautiful, high bred, CHESNUT HORSE RECORDER, got by *Remembrancer*; Dam, *Fair Charlotte*, by *Precipitate*, Grand Dam *Everlasting*, by *Eclipse*. He covered in Season 1813. He is a sure Foal getter, and his Stock is uncommonly large and promising. He is 7 Years old. Won the Craven Stake at Newmarket, beating ten others, and was reckoned as fast a Horse as any in England until he was injured.

☞ GOOD GRASS provided, on the usual Terms. No Mare taken away until first paid for, the Groom being accountable. Ross, Feb. 14, 1816.

WATERFORD MARKET PRICES—APRIL 17.

Butter, first Quality,	0s. 0d.		per Cwt.
——— second,	0s. 0d.		
——— third,	0s. 0d.		
Tallow (rendered),	76s.	80s. 0d.	
Lard (flake)	45s. 0d.	58s. 0d.	
—— (casks, rendered)	47s. 0d.	50s. 0d.	
Singed Pigs,	27s. 0d.	29s. 0d.	
Scalded ditto,	[illegible]	27s. 0d.	
Beef,	20s. 0d.	[illegible]	
Oatmeal,	10s. 0d.	11s. 0d.	
Flour, first Quality,	[illegible]	[illegible]	per Bag
—— second,	44s. 0d.	48s. 0d.	
—— third,	[illegible]	[illegible]	
—— fourth,	[illegible]	[illegible]	
Wheat,	[illegible]	[illegible]	per Barrel.
Barley,	[illegible]	11s. 0d.	
Oats (common)	[illegible]	[illegible]	
—— (potatoe)	11s. [illegible]	11s. [illegible]	
Malt,	[illegible]	[illegible]	
Crass,	[illegible]	[illegible]	
[illegible] (rough),	[illegible]	[illegible]	per Stone
Potatoes (new),	[illegible]	[illegible]	
Beef (quarters)	[illegible]	[illegible]	per lb.
—— (joints)	[illegible]	[illegible]	
Mutton (quarters)	[illegible]	[illegible]	
—— (joints)	[illegible]	[illegible]	
[illegible]	[illegible]	[illegible]	
Butter,	[illegible]	[illegible]	
Train Oil,	[illegible]	[illegible]	per Ton
Whiskey,	[illegible]	[illegible]	per Gal.

The Returns for the Week ending on Saturday,

[illegible] Barrels Wheat,	Averaging	£1 [illegible]
[illegible] —— Oats		0 [illegible]
[illegible] —— Barley,		0 [illegible] 3d.

MOUNT BERESFORD

TO BE LET,

AS HERETOFORE ADVERTISED,

AND IMMEDIATE POSSESSION GIVEN.

April 4, 1816.

TOBACCO.

CHARLES TROUTON

HAS ON SALE,

A few Hhds. of Prime VIRGINIA TOBACCO,

VERY SWEET AND WRAPPERY.

Waterford, April 9, 1816.

WATERFORD BRIDGE.

THE PROPRIETORS of the WATERFORD BRIDGE are requested to meet at the Hall of the New Rooms, on MONDAY, the 22d Instant, between the Hours of One and Two o'Clock, in order to SET the TOLLS of the Bridge for ONE YEAR, to commence the First Day of May next, when all who intend to offer for the same are requested to attend.

Waterford, April 9, 1816.

In the matter of PIERSE CLARKE, a Bankrupt. TO BE SOLD BY AUCTION, at the Royal Exchange Coffee Room, Dublin, on MONDAY, the 22d day of April, 1816, before the Major Part of the Commissioners,

The Bankrupt's INTEREST in an undivided Fourth Part of the LANDS of SMOREMORE, Barony of Middlethird, and County of Waterford, held under THOMAS CHRISTMAS, Esq. at £155 yearly rent, for the Lives of JAMES ANTHONY, GEORGE BACKAS, and JONATHAN GATCHELL, and containing One Hundred and Fifty Acres, One Rood, and Eight Perches.

Also, the Bankrupt's INTEREST in an undivided Fourth Part of TWO HOUSES in JOHN STREET, Waterford, with Back Houses and Yards appurtenant—held under a Demise from JOSEPH CHRISTMAS RICE, Esq. for Three Lives, or for the Term of 99 Years, from the 25th of March 1774, at the yearly rent of £8, and underlet at £26 per Annum.

Also, the INTEREST in the HOUSE on the OLD MALL, Waterford, in which the Bankrupt lately resided—held for the Term of 53 Years, from 1st May 1808, at the yearly rent of £80.

Statements of the Title to the respective Premises are posted in said Coffee Room, and are to be seen at C. and C. S. TANDY's, Lady Lane, Waterford, or No. 1, Palace street, Dublin.

SPEECH OF MR. NORTH,

In the Case of O'Gorman v. Magee, tried at the late Galway Assizes.

When the Case for the Plaintiff had closed, Mr. North, for the Defence, rose, and spoke as follows:

May it please your Lordship,

Gentlemen of the Jury—In this Case I am of Counsel for the Defendant, Mr. James Magee. I cannot but observe, that some impression appears to have been made on your minds by the reading of those repeated libels, for which the Plaintiff demands so ample reparation. I cannot but feel how much that impression has been deepened and increased by the eloquent voice that has been raised in his behalf. Indeed, it is impossible for my learned and respected Friend to advocate any Cause in this County, without giving to his Client an advantage, which, in the cold eye of Reason, he is, perhaps, by no means entitled to. A thousand favourable prepossessions rise along with him, advance before his words, and are the heralds of his progress. Some former example of his noble and touching eloquence involuntarily recurs to the memory, and lends to his language the charm of a classic association. Our esteem and affection for the man prepare for all his arguments a too willing audience; and we are ready to surrender our judgments to his unrivalled powers of persuasion, almost before they are exerted.

But, Gentlemen, it is not only in the selection of his Advocate that the Plaintiff has endeavoured to procure an advantage for himself; he has sought to obtain one also in the choice of his Tribunal. I am sure, if this County is to be made a kind of listed field for every legal combatant who may feel a more than ordinary passion for these judicial tiltings, it is not for the Gentlemen of my profession who go this Circuit, to complain of such an arrangement. One cannot help inquiring, however—one cannot help asking one's self, how it comes to pass, that a Cause of this description should be drawn from Dublin, which was its natural forum, and be brought down here, at no inconsiderable expense to the Plaintiff, at an enormous one to the Defendant, to be tried before you, totally foreign, as it is, to all the interests of your County, and totally unconnected with every subject of discussion usual in this place. The motives which have influenced the Plaintiff, I must now suppose, are those which my Learned Friend has ascribed to him; and I take for granted, they are equally honourable to himself and to you. Sure I am, if they are any thing but honourable, he is as little acquainted with the spirit and integrity of the Gentlemen of this County, as, I think, he will shortly appear to be ignorant of the nature and obligation of his own duties.

One advantage, certainly, the Plaintiff has acquired by this apparently capricious exercise of the privilege which the Law allows him. He has deprived my Client of the profit he would have derived before a Jury of his Fellow-Citizens, from their intimate knowledge of the solid worth of his character, the generous frankness of his disposition, and all the amiable and engaging qualities of his heart. It is, perhaps, the excess of these fine qualities—the carelessness, as well as the consciousness of innocence, which has induced him to confide his cause to the conduct of an inexperienced Advocate, who is almost as much a stranger to you as he is himself. In every circumstance but this, I agree with my Client in his view of this case. I am of his opinion, that his best and surest defence will be found to consist in a faithful and uncoloured narrative of the facts which gave rise to the publications complained of. I think with him, that those facts will speak to you with a plain and impressive eloquence, far beyond the studied flights of any cold declaimer.

This excellent young man, whose fortunes are now entirely at your disposal, is the younger brother of Mr. John Magee, the late Proprietor of *The Dublin Evening Post*; and, as the manner in which he became concerned in the conduct of this Newspaper will be material for your consideration, and is highly honourable to himself, I shall briefly relate it. This high spirited and independent Print has been, for many years, a kind of little family estate of the Magees. It was long conducted by the Father of these two Brothers with the greatest courage and ability, when, in the earliest period of their childhood, they were deprived of his parental care by that most mysterious and afflicting of all human calamities, mental derangement. During their minority, that worthy, and, I may now say, venerable Citizen, Mr. Gilbert, supplied for them the place of a Father. Under his direction and advice, a disposition was made of their fortunes, by which the property in *The Dublin Evening Post* devolved upon John, the eldest Son, and a portion was allotted to James, my Client, for commercial pursuits. Solely with a view to these he was educated, served his apprenticeship to that respectable Merchant, Mr. Roe, of Temple bar, and afterwards engaged very successfully in trade.

Gentlemen, in the year 1811, Mr. John Magee took upon himself the management of *The Dublin Evening Post*. That, I am sure, you must all recollect, was a season of great political fermentation in this Country. We were told, from high authority, that a new era had arrived; the People were taught to believe that it was the intention of their Rulers to adopt towards them a new and more liberal policy; and, above all, it was supposed that the great and long looked-for boon of Catholic Emancipation was about to be conceded, at a time when it might have been given with grace, and would have been received with gratitude. These expectations, acting on the sanguine and susceptible minds of our Countrymen, produced, as I have said, a considerable degree of ferment and agitation; and a number of persons, previously unknown, except in their private capacity, stood forward, with motives perfectly pure and honourable, I make no doubt, to cherish and excite this popular sentiment, and sustain it at that degree of exaltation to which it appeared to have risen. Amongst the foremost, the most active, and most conspicuous of these, was Mr. O'Gorman. To him and his friends it immediately suggested itself as an object of the very highest importance, to secure the alliance of the Press. With this purpose they looked abroad, and, at the first glance, *The Dublin Evening Post* presented itself. The known spirit and resolution of Mr. John Magee, the liberal principles in which he was well understood to have been educated, his ardent attachment to what he believed to be the interests of his Country, and, perhaps too, his youth and inexperience, his unwary generosity, and his ignorance of the ingratitude with which public service is so often requited, all concurred to point him out as the proper object of these designs. At once he met the warmest wishes of the Plaintiff & his friends, & thenceforth devoted the columns of his Newspaper to the celebration of their talents, the circulation of their principles, & the advancement of their views. Such conduct on his part naturally produced an intimacy, of the closest nature, between Mr. O'Gorman and the Managers of *The Dublin Evening Post*. Indeed, for some time, he might have been considered one of them himself. Every morning, before he went down to the Four Courts, to attend his professional duties, he was to be found in the Printing Office, informing himself what were the materials for the next day's Publication; discussing the merit and propriety of every article, applauding one paragraph for its spirit, condemning another for its tameness and moderation, suggesting topics, proposing corrections, and, sometimes, supplying original communications which he deemed of the utmost public importance, but which consisted principally of his own political and forensic exhibitions, together with the history of their effect, and the high-flown panegyric of their merits. Magee meanwhile was the idol of his admiration; he actually incensed him with praise, and absolutely oppressed him with the vehement assurances of his friendship and regard. All this passed on, and day after day some new publication was inserted in *The Dublin Evening Post* at the instance of the Plaintiff and his party, to which a very moderate and prudent man could not yield his entire approbation. The Government, meantime, were silent, but not unobservant spectators, and, in the year 1813, some severe animadversions having appeared upon the character of the Duke of Richmond's Administration, Mr. Magee was called upon to plead to a prosecution at the suit of the Crown. What flattering overtures were made to him on this occasion, from those quarters in which solicitation is seldom unsuccessful, it is unnecessary to relate; suffice it to say, they were steadily resisted. Mr. Magee was convicted, and sentenced to undergo an imprisonment of Two Years, and to pay a Fine of £500. Here, however, let me remark, (it is a duty imposed upon me by my instructions, and one which I discharge with pleasure) that no share can be attributed to the Plaintiff in that composition which produced these unfortunate results. The event supplied to Mr. O'Gorman and his friends a new opportunity for assurances and professions. It was not lost. Enthusiastic Resolutions and Addresses, Votes, Promises, and Pledges of Support, Vows of eternal Fidelity and Attachment, poured in with an overflowing abundance. To doubt their sincerity would have required the most splenetic and misanthropic incredulity. Poor Magee was troubled with no such scepticism; his nature was moved; his heart was softened; he brushed the manly tear from his eye; shook his friend, O'Gorman, by the hand, and passed the threshold of that Prison, whose gates were to close on two years of his manhood. Two years, do I say! Shortly after this, he was tried a second time for publishing the Resolutions of the Catholics of the County of Kilkenny; his imprisonment prolonged by Six Months more; and £1000 added to his Fine. But this was not the worst. Gentlemen of the Jury, there is a Statute peculiar to this Country (the People of England, I am persuaded, would no more submit to such a law, than they would endure a direct infringement of Magna Charta); it was passed in the year 1798, in the very height of the Rebellion, and was then a temporary Act, altho' it has since been made perpetual. By one of it's provisions it is enacted, that the stamps required by law for the publication of a Newspaper shall be withheld from the Printer of a seditious Libel, and such the Remarks on the Duke of Richmond's Administration were charged to be. Of this enactment Mr. Magee was the first victim; he was no longer capable of holding that valuable property he had derived from his Father. Beneath the stroke of this inexorable law his flourishing fortunes were felled in an instant. He looked about him in his cell, considered his condition, and saw himself at once a captive beggar. In this crisis of his fate he found a friend; not one of those hollow, worthless flatterers with whom Politics and Party had encircled him, but a true and genuine friend, whom Nature had bestowed upon him with the kind forecast of her provident bounty; his Brother, the Defendant. At once, without a moment's hesitation, he came forward to his aid; abandoned his own pursuits, which he loved, and in which he had prospered; took an assignment of the Newspaper, made the necessary Affidavit, entered into the requisite Securities, established his liability to Actions and Indictments, and assumed the situation of Proprietor, with all the serious consequences annexed to that perilous capacity; but great as he knew them to be, he was not aware of their full extent. When he purchased this estate from his Brother, he did not know that he would one day be called on to pay off the heavy incumbrance of Mr. O'Gorman's friendship. The intimacy which had hitherto subsisted between the Plaintiff and Mr. John Magee was now transferred to his successor, the Defendant. Mr. O'Gorman continued his visits, as usual, at the Office of *The Evening Post*; grew still more ardent in his expressions of regard, and was received with the most entire confidence in his integrity, sincerity and honour. At length, in the month of January, 1814, he was sent down upon a special mission from the Catholic Board to the City of Londonderry, to defend a Roman Catholic Clergyman, who was indicted at the Sessions for an Assault and Riot in his own Chapel. This Reverend Gentleman was the same identical Cornelius O'Mullan, on whose character the Verdict of yesterday has pronounced so pregnant a panegyric.* "Alas, poor Yorick!" Mr. O'Gorman has ever been his faithful Eugenius; they have journeyed together on a tender sentimental tour of litigation, and have now nearly completed the circle of the Island. In three of our most ancient Cities, in Dublin, in Derry, and in Galway, they have addressed their social sorrows to unhearing and inexorable Juries. In three of our provinces, in Leinster, in Ulster, and in Con-

* A most respectable Jury on the preceding day had given Mr. O'Mullan *Sixpence* damages, for a Libel on him in *The Derry Journal*.

naught, they have celebrated that illustrious Riot, endeared to them by so many pleasing recollections. It would be injustice to the one that remains to deprive it of a share in the glory. In Munster they may yet find a Jury to their wishes. Justice, perhaps, still lingers in Kerry; they are a remote and uncorrupted People.

"*extrema per illos,*"
"*Justitia excedens terris vestigia fecit.*"

But to return.—Gentlemen of the Jury, the Plaintiff exerted himself in the defence of his Client, I make no doubt, with great animation and ability. Indeed we are told that his efforts were prodigious, and almost supernatural. Lest I should make any mistake, however, on so delicate a topic as this, allow me to read to you his own account, with which he has had the kindness to oblige the Public. "After the evidence of the Crown had closed," says Mr. O'Gorman, "Mr. O'Gorman rose on behalf of the Traversers, and addressed the Jury in an astonishing impressive speech of two hours and forty minutes, which was heard in the utmost silence and eagerness by a more numerous auditory than ever was assembled in the Court-house of Derry." And again: "Here Mr. O'Gorman concluded a speech unexampled in exertion: his efforts were often so great, that he was heard at a considerable distance from the Court-house." [*A general laugh in Court.*]

"'Tis not in mortals to command success"—and, notwithstanding these astonishing and unexampled efforts of his Counsel, poor O'Mullan was convicted. This, however, did not detract from the merit of the Plaintiff, and he returned to Dublin, covered with laurels. The first place he resorted to was his old haunt, the office of *The Dublin Evening Post*; there Mr. Magee eagerly congratulated him upon this new accession to his legal and oratorical reputation, and told him he was about to copy a report of the trial which had appeared in *The Londonderry Journal*. "If you do," said O'Gorman, "I am undone. Hold your sacrilegious hand; the Catholic Cause will be inevitably ruined, for my speech is horribly given." To prevent these fatal consequences, Mr. O'Gorman undertook to furnish *The Dublin Evening Post* with a faithful and genuine report of this celebrated trial, which accordingly afterwards appeared in six successive Newspapers, to the exclusion of other matter of great public interest. And such was the perfect confidence reposed by the Defendant in the honour and good faith of Mr. O'Gorman, that he left to himself the entire conduct of the Publication. A professional friend, however, observed in the Report a comment upon the evidence of Mr. O'Doherty, the Prosecutor of O'Mullan, altogether unjustifiable, and conveyed in very harsh and improper language. He immediately apprized Mr. Magee of the fact. "Mr. O'Doherty," he observed, "is quite unknown to you; he is no friend of yours; he has made you neither promise nor profession; you have conferred upon him no obligation; he is not bound to overlook this paragraph, and be assured of it, he will institute an Action." Gentlemen of the Jury, the Defendant acted as became him—he instantly inserted in his Paper a most handsome and satisfactory apology. When Mr. O'Gorman read it, he was enraged; he repaired forthwith to the Office, and remonstrated with the Editors. "If any Action be brought," said he, "I will abide the consequences; but I know the fellow, and damn the Action he will bring." Gentlemen, the Defendant's professional friend was a better Prophet than Mr. O'Gorman. An Action was brought, and the Damages laid at £5000. Of this event Mr. O'Gorman received the earliest notice. He was called upon to perform his undertaking, and admitted his responsibility, offering for Mr. Magee's indemnification two securities, whose names at once suggest their respectability, Mr. Nicholas Mahon and Mr. Randall M'Donnell. The Defendant was perfectly satisfied, and Defence was forthwith taken in his name. But this offer of Securities was all colourable and illusive—a mere counterfeit; a paltry cheat; when called for, they were not forthcoming; all the responsibility was thrown upon Magee, who was left to make such battle with O'Doherty as he could. That Action was tried in Derry, at the Summer Assizes, 1814. Mr. O'Gorman attending, in obedience to a subpœna, and accepting from his old friend, on the defence of his own Libel, a *viaticum* of £15. £500 Damages were awarded to Mr. O'Doherty. It has been said, upon a former occasion, and is repeated to-day, that Mr. Magee purposely neglected the defence of that suit. I am surprised that my Learned Friend, Mr. Whitestone, could renew such a foolish imputation. No man understands the selection of his topics better than he does. But greatly as the Defendant has been duped and deceived, can he seriously believe that he would prefer the security of Mr. O'Gorman's equity and honour, such as he then experienced them, to the actual possession of £5000 or £500. The position is so gross and monstrous, that it only serves to expose the weakness of the desperate Cause which is compelled to rely upon it. But I will not pause to comment. I am anxious to conclude this odious detail. Mr. Magee still entertained a hope that the Plaintiff would at last waken to a recollection of his promises and a sense of his duty. He employed a common friend to mediate between them; but Mr. O'Gorman was inaccessible; he was not at leisure; he was from home; he was engaged in particular business. At length, in the Four Courts, a Meeting was effected, and Mr. Magee made, thro' his friend, this noble & generous proposal: "Examine your income, calculate your expenditure; do not descend from the condition in which you have lived; do not deprive yourself of any one of the reasonable comforts, which you and your family have hitherto enjoyed; but, when you have provided for these, pay me out of the surplus, in any manner most convenient to yourself; in instalments; in three years, in ten years, or in twenty years." Gentlemen, you are prepared to hear, that the Plaintiff was affected by this singular liberality, that he flew to meet the excellent young man, whose generosity had taught him to forget his injuries, invoked at his feet their former friendship, and solicited his forgiveness. Alas, he coldly answered, "that he must take a few days to deliberate, and then he should communicate his final resolution." The few days elapsed, and what do you suppose was the result of the deliberation?—what do you imagine was the final resolution? Hear it, Gentlemen of the Jury: "Let Mr. Magee first come out and fight a duel with me, and then, perhaps, I may consider his proposal!" I make no comment upon this reply; I say not one word by way of aggravation. O no! no! The simple fact is commentary enough; the simple fact is all-eloquent; it will speak to you in tones that the heart hears.

Gentlemen of the Jury, Mr. Magee has persons in his Establishment who have lived in his service, and shared his bounty; who are acquainted with his virtues; who know and love him. They saw his Brother languishing in prison for Mr. O'Gorman's principles and party; they saw himself abandon his peaceful occupations to encounter the hazards of the Press; they witnessed all the acts of friendship he had lavished on the Plaintiff; they beheld his return; they saw him deceived and betrayed; they saw him insulted and set at defiance; their indignation rose, they felt like men, and they published the paragraphs which are made the ground of this Action. No part of them was written by the Defendant; he has no talent of that description; he never wrote a line for a Newspaper in his life. Finding every offer, however amicable, rejected by Mr. O'Gorman, he perceived that no resource was left him but an appeal to the laws; and, by the advice of Counsel, he instituted that Action which Mr. Whitestone has already mentioned to you. In the month of July, 1815, it came on to be tried in Dublin, when a proposal was made by Mr. O'Gorman's Counsel, that both these Suits should be left to Arbitration; and Mr. Lidwill, his particular friend, was named the Referee. To this proposal Mr. Magee acceded with the most perfect good faith, but it proved as illusory and deceitful as every offer had been from the same quarter. The long Vacation passed over, and at the end of it my Client was told, that Mr. Lidwill had determined not to arbitrate. He brought his Cause to Trial a second time in Dec. last; and, after a most patient investigation of four days, by a Jury as enlightened and as honourable as yourselves, assisted by as able, learned, and upright a Magistrate as adorns the Bench in either Country, he fully established his Case, and obtained a Verdict for £977 Damages, being the precise amount of what he had paid to Mr. O'Doherty, with his own expenses in that suit. But do not suppose he has received one shilling of this money; alas! he may never receive it. Mr. O'Gorman has suspended the effect of that Verdict by a Bill of Exceptions as long as one of the Title Deeds to your Estates, and has given notice of a Motion in arrest of Judgment, by succeeding in which, he will make that Verdict waste paper. Nay more, that he might avail himself of every advantage afforded by the publications that have been read to you, he actually gave them in evidence upon the Trial in Dublin, to mitigate the Damages there, although he has made them the foundation of a separate Action, and now demands from you a second reparation; discovering to this the real spirit in which he sues; discovering that money is his only object, and that nothing will satisfy him but usurious Damages and double Compensation.

Gentlemen of the Jury—such is the long detail through which I have been compelled to lead you; such are the circumstances in which these publications have originated. Look at this Case as men of the world. Search your own hearts, and tell me, does my Client find there no defence? You have heard the injuries of Mr. Magee. I have described to you the conduct of the Plaintiff. Is its reprobation too bold, and are the epithets applied to it too strong? I know to whom I address myself; I know to whom I speak. You are not twelve anchorites collected in that box, to teach us, by your Verdict, lessons of preternatural endurance; you are men who have passions that knock at your breasts, and will be heard; whom insult can kindle to resentment, and injustice can rouse to indignation. As such I speak to you; as such I ask you, would you have had my Client fawn on Mr. O'Gorman? Would you have had him soothe and flatter him in "holiday and lady terms"—tell him it was most just and right he should be plundered and deceived; very meet and most becoming that he should be cheated, insulted, and betrayed? Would you have had him

"——— bend low, and in a bondsman's key,
"With 'bated breath and whispering humbleness,
"Say this—Fair Sir, you spit on me, on Wednesday last;
"You spurned me such a day; another time
"You called me Dog; and for these courtesies
"I give you thus much money."

No, Gentlemen of the Jury, it is not thus you would have had my Client act; it is not thus you would have acted yourselves. Had you been placed in the Defendant's situation, you might have lost your temper; but, sure I am, you would have kept your courage. You never would have bowed or humbled yourselves to the man that had cheated and insulted you; you never would have knelt down in the highway and offered your purse to Mr. O'Gorman, even though he had asked it of you with a pistol at your breast. This you will tell me is language calculated to inflame your passions. To be sure it is. It is impossible to speak of the Plaintiff's conduct, and not to inflame your passions, if you have any passions at all. But it is not from your passions I would beg this verdict; I demand it from your understandings. Consult your reason. Look at this case once more. Say are you quite satisfied, are you perfectly sure, that these very publications of which Mr. O'Gorman now complains are not the things which of all others he most desired. Have you no suspicion that he lay in wait for them; that he wilfully provoked them; that, when they appeared, he did not congratulate himself that now, at last, Magee had fallen into his toils; that now he had obtained a complete answer, a full set-off, to his Action of Deceit.—Gentlemen of the Jury, if you should entertain a suspicion of that nature, his Lordship will tell you that the Law is plain. The maxim applies "*Volenti non fit injuria.*" Mr. O'Gorman cannot now complain of that as an injury, which he has sought for as a boon, and solicited as an advantage. I shall be told, no doubt, that this is a severe imputation on the Plaintiff, and so it is. But it is the misfortune of that line of conduct he has thought proper to pursue, that it exposes him to such an imputation, and takes from him the possibility of removing it. Remember, I entreat you, that Mr. O'Gorman was perfectly well acquainted with all the persons in Mr. Magee's Establishment; he knew their feelings, their tempers, the extent of their patience, the limits of their discretion, how far they were likely to yield to the temptation he threw in their way, and to commit their principal. He knew the men he was dealing with, and the materials he was working on. Gentlemen, you will consider this view of the subject, and give it what importance you please. At least my Learned Friend will allow, that, under this aspect, the injuries of Mr. Magee are relevant to the issue. How vain indeed is the reasoning by which he would exclude their consideration. The Verdict obtained in Dublin he would persuade you is full remuneration for all the Defendant's losses, and ample reparation for every injury; and even if it were, still the irritation produced by those injuries would be the same; still the argument derived from it would remain in all its original efficacy and force; but there is an essential defect in the logic of the Plaintiff, which all the ingenuity of his eloquent Advocate cannot supply. Mr. O'Gorman has never paid those Damages; he never means to pay them; he laughs at that Verdict; he hopes to see it vanish into thin air; he looks upon the award of that honest Jury as a mere mockery; he is advised by his Counsel that he must succeed upon his Bill of Exceptions; that though the facts are against him, the point of Law is in his favour. Gentlemen of the Jury, perhaps they are right; they are some of the ablest men at the Bar. Perhaps when that case comes to be argued, Mr. Magee will be told by his Judges, that Mr. O'Gorman is bound to remunerate him in conscience, bound to remunerate him in honour; but that he is not bound in law; that the justice which they are appointed to administer is not that nice and delicate justice which is the offspring of a refined humanity, but "that coarse and vulgar virtue," (I speak the language of a learned man) "which is the guardian of pecuniary contracts, whose guide is the square and the compass, and whose protector is the gallows."

But that I may not be thought to confine your attention solely to the sufferings of my Client, let us now inquire what injury the Plaintiff has sustained. The imputation he feels most severely, he tells you, is that upon his honour. Gentlemen of the Jury, notwithstanding the light in which I most ever view these transactions, and in which I think they must be seen by every impartial man, I am yet willing to believe, that Mr. O'Gorman deserves the character which my Learned Friend has bestowed upon him; I am yet willing to hope, that he has lost the broad path of honour upon this occasion, only because he has suffered some unworthy passion to blind his understanding and pervert his judgment. He cannot be ignorant of the duties that honour would prescribe to him. He has lived too long in the company of liberal and honourable men not to know in what that delicate and lofty sentiment consists. Honour, in my acceptation of the term, is the pure and perfect service of Justice and of Truth; a mixed principle of Generosity and Fortitude; the parent of every noble sacrifice, the great enemy of all selfish regards, the pure and perennial fountain of the finer virtues, springing up spontaneously in manly minds, gathering strength from the precepts of a liberal education, invigorated and sustained by habits of gentlemanlike intercourse; the security, and grace, and ornament of social existence, that cheers and embellishes our nature, and makes life lovely. Oh! had the Plaintiff felt the influence of this refined and generous principle, he would have erected in his own breast a Tribunal far more rigorous than any before which my injured Client had the power to call him. That Honour which is now so impatient to resent an injury, would have been equally ready to repair one. It would not have permitted Mr. Magee to suffer from the unsuspecting confidence of his friendship, and the zealous alacrity of his unbought services; it would have been miserable until it had found the amplest means of reparation; it would not have waited to be called upon; it would have required no notice; it would have demanded no subpœna; it would have accepted no *viaticum*; it could not have endured the cold delays of an Arbitration. It would not have lain by, until Bills of Exceptions were argued, and Motions in Arrest of Judgment were disposed of. It would have scorned to pore over black letter, and Norman French, to ascertain its duties. It would have felt and acknowledged that there are obligations which the Law cannot enforce; duties that lie beyond its limits, that are without its bulwarks, and therefore the more sacred, because they are the more unprotected; virtues that spring from the generous stock of Friendship, Benevolence and Gratitude—"whose quality is not strained"—whose practice and observance are not the reluctant task work of the citizen, but the voluntary and unprompted occupation of the *man*. Surely, if Mr. O'Gorman ever recovers from this strange delusion, it will be to him a subject of eternal regret that he has mistaken his Tribunal—that he has appealed to the cold jurisdiction of the Law, from the judgment that was already pronounced by his own conscience. Yet it is with a case like this, it is under circumstances like these, that he calls upon you for a Verdict of TEN THOUSAND POUNDS. Weak, infatuated man! He believes that twelve honourable and feeling men will become the accessaries of his crimes, will abet him in his injustice, and help him to heap up the measure of his ingratitude.—Is this, then, the task for which you have been selected from all the Counties in Ireland? Is this the office for which you have been preferred to the Citizens of Dublin and the Gentlemen of Clare? Fie upon it! fie upon it! He ought to have been better informed—he ought to have known that the Gentlemen of the County of Galway have understandings too clear, and hearts too good, to make themselves the instruments of the dark and resentful passions of any man in existence. If you are to give this man £10,000, with what measure of damages, let me ask you, will you satisfy the unhappy Parent who complains that the Child of his affections, and the Daughter of his hope, has been robbed of her innocence by a vile and perjured Seducer—with what verdict will you soothe the miserable Husband, who drags his loathed and weary being into your presence, to tell you that the polluted Adulterer has invaded the sanctuary of his domestic peace? TEN THOUSAND POUNDS! I protest to GOD, if you had the baseness to offer him the sum, he ought to have spirit enough to fling it in your face,—[*Here some of Mr. O'Gorman's Counsel smiled*]—I see the Gentlemen on the other side smile—I do not envy them their mirth—I do not envy them the source in which it originates. No, thank God! I do not envy that worldly wisdom, whatever may be its own complacency, that can think the scorn and derision of mankind are well endured for Ten Thousand Pounds. "*Populus me sibilat—contemplor* "*nummos in arca*" "Put money i' thy purse, "Roderigo, put money i' thy purse." Is this the motto of the new Chivalry? Is this the device of the modern Patriots? The old Patriots were of a different stamp—they were men of another *port* and other bearing—they were poor and proud—they stood by what they said—they made their actions the solid basis of their character—they never came before a Jury to turn their reputation into sterling coin. See in what a spirit this action is brought. It is confessed that money is the object. Nothing will satisfy the Plaintiff but the irretrievable ruin of this amiable young man, whose friendship is his crime, and whose services are his offence. What a fine contrast is furnished by the conduct of the Defendant. When he instituted his Action for the Deceit that had been practised on him, he looked not for vindictive damages. He instructed his Counsel to insert in the Declaration the first round sum that would cover the real amount of his losses. His damages were laid at £1000, and he proved a loss to the extent of £977, the precise sum which the Jury awarded him. This is the sum which one of the Plaintiff's Counsel told me, on the early part of this Circuit, he would make *us* disgorge. The Plaintiff himself has rendered the accomplishment of that threat impossible. We cannot disgorge what we never have received.

Mr. Whitestone has slightly adverted to the injury the Plaintiff has sustained in his professional character. With respect to that, one word—be assured of it, Gentlemen of the Jury, no professional character is either won or lost by the praise or censure of a Newspaper. Legal reputation is acquired by other arts—by persevering industry—by accurate and extensive knowledge—by an assiduous attention to the duties of a difficult and laborious profession, and by these alone. But Mr. O'Gorman, surely, has no right to complain that his professional talents have been made the subject of discussion in the Newspapers. Let it be remembered who it was that first introduced the topic. Let it be remembered that Mr. O'Gorman is, in this respect, his own libeller—that he it was, who, by his own foolish panegyrics on himself and his exertions, was the original cause of all those cruel investigations and distressing inquiries.

But, Gentlemen, I trifle with your patience—on this part of the case I have dwelt too long. Permit me now to call your attention to another ground of defence which cannot fail, I apprehend, to govern your Verdict; and here I shall beg leave to address myself for a while as much to his Lordship as to you. It is a principle of our Law, that no man can come into a Court of Justice to seek reparation for a Libel on himself who has been in the habit of traducing others—it is expected that he shall appear before your tribunal with clean hands—it is thought that *he* does not complain with much grace of the consequences of a practice in which he has himself indulged. My Lord, you will find this doctrine laid down in the latter part of the case of Finerty *v.* Tipper, 2d Campbell, 72, to which you have been already referred, upon another subject, during the course of this Trial. There is, however, a degree of obscurity hanging over the judgment of Sir James Mansfield, in consequence of which, it would seem to a careless Reader, that he limited the principle to the peculiar case of two parties who had mutually libelled each other. The Chief Justice, your Lordship will perceive, founds his judgment upon the authority of Anthony Pasquin's case, the doctrine of which he confirms, although he limits the extent of its application, holding it admissible only to mitigate the Damages, and not a bar to the Action.—(*To be continued.*)

Waterford Chronicle.

THURSDAY, APRIL 18.

The Mail of Sunday was due when we went to press. The London Journals of Friday and Saturday contained some articles to which we shall hereafter attend, but they are not of importance. We have devoted much of our space to a Trial of moment to the whole of Ireland. There is an awkwardness in the arrangement which we could not avoid. The first part of the proceedings commences in this page, and the continuation, so far as we have been able to go, begins in the first page.

On Tuesday, a meeting, convened by the Deputy Mayor on a requisition which was not published, took place at the New-Rooms, for the purpose of considering the Bill now in progress through Parliament for the improvement of the Navigation of the River Suir from the Tower of Hook to the Old Bridge in Clonmel. The invitation to attendance upon the occasion was not, as is usually done in such cases, made public through every medium of publicity; but there was, perhaps, policy in this plan of proceeding, as it was quite unnecessary, that the Citizens, whose violated rights were the vaunted objects of consideration, and the majority of whom could only hear of the intended meeting either through this paper, or by common report, should be made acquainted with the design in agitation. Be that as it may, the meeting did take place, and it was numerous, and Constables were in attendance to preserve the peace, should it's infringement have occurred. Their interference was only requisite to give their votes, as men deeply conversant in the rights of the Citizens of Waterford, eager to support them against the Old Corporation, and thoroughly acquainted with the whole system of commerce and navigation. Their presence was important, for it secured a majority of eleven in favour of the rights of the Citizens, and against the Old Corporation. To the Constables, therefore, and to them alone, is the public gratitude due. They were certainly somewhat at a loss to decide on which side of the room they were to stand, when the *Ayes* and *Noes* were divided; but, as their duty is, they have always a very sharp look-out, and they soon saw where their friends were placed, and immediately gave them their victorious support. In consequence of their timely interposition, a Committee of Five was appointed to ascertain, as well as we can recollect the purport of the Resolution, whether or not Parliament should be petitioned to stop the progress of the Bill. Long speeches were made at the Meeting, both Corporations were grievously abused, and there was a profusion of personal compliment to personal independence. The Members of the Old Corporation bore the slander poured forth upon them with peculiar grace and complacency, except in one instance about toll duty, and we were at a loss to find out whether they abandoned their claimed right on that point as a boon to the Citizens, and from a desire to obtain their co-operation *upon all occasions*, or as a matter of which legal investigation would have divested them. But the rights of the Citizens were the grand topics of declamation. The individuals who signed the requisition were actuated by the purest motives—they disclaimed all love of patronage, and yet they wished to take it from another Body, and consign it to Citizens from 30 to 40,000 in number, of whom they hold themselves forth as the unsolicited agents and generous protectors. Had the Corporation of Merchants nominated in the Bill, as Commissioners, a majority against themselves in the Old Corporation, and had they nominated another majority against them of those who now talk of public rights, we ask, and we put it solemnly to the Citizens of Waterford, would they have heard one word of this fervent patriotism, of this devotion to their interests, which is as new as it is surprising and suspicious? What rights of the Citizens of Waterford are abrogated by the Bill? We answer boldly, none. What, then, is this clamour about these rights? Let the Citizens decide upon that point; we wish not to impose upon, or to mislead, their judgment; and, from experience, they will do us the justice to believe, that, if their privileges were at stake, we would be amongst the first to warn them of their dangers, from whatever quarter those dangers might proceed. We have now to tell them, that the best interests of their City are in jeopardy, but not in jeopardy from the Corporation of Merchants. We heard much on Tuesday of the benefits conferred on the City by the Old Corporation, and upon the public spirit and immaculate virtue of those Citizens who do not belong to the Corporation of Merchants. A few plain questions must throw these glowing representations to the ground. What has the ancient Corporation done for the City, in so far as the rights of the Citizens are concerned? Does it confer the elective franchise upon those who are entitled to it? Does it account to the Public for the expenditure of that property which it is bound, by the principles of its Charter, to lay out for the benefit of the City? Does it summon the Court of D'Oyer Hundred for the election of discreet and wise Citizens to fill the vacancies in it's Body, to which it is bound by the Charter? Has it, during the space of centuries, taken any measures to improve the Navigation of the River, for the benefit of those Citizens to whose interests it pretends to be so extremely attached? Have those Citizens, who came forward on Tuesday so magnanimously to vindicate the interests of their Fellow-Citizens, been always the advocates of those interests? Is the time forgotten, a short time ago, when some of them stood forth in a meeting of these Citizens to proclaim the unsullied purity of the Old Corporation? Have these new patriots devoted their time and property to the improvement of the Navigation of the River, and is it to be endured, that they shall now step forth, and, by a collusive plan, prevent that improvement? That improvement has been an object of the first desire for many years of the Merchants, and they have at last, after great labour and great expense, approached the accomplishment of their design; but that design, which is to secure to this quarter of Ireland the expenditure of £25,000, and all the immense advantages that are to flow from it, is now to be rendered abortive by an opposition whose views we are unwilling to scrutinize, and to which we are still more unwilling to give a name. The Merchants, in procuring the Bill, have expended upwards of £400, and, before it can be carried into a Law, it will require at least £300 more. That money must be advanced in every step of the progress of the Bill. But that, perhaps, is nothing. Those who plead so meritoriously the rights of the Citizens will this day, probably, come forward, and say, that they are ready to repay to the Corporation of Merchants all their expenses, to remunerate them for all their trouble in having, exclusively of either the Old Corporation, or the high and independent Citizens, secured at least the chance of enjoying this important boon. But the Public was told on Tuesday, that the Citizens were sold by both Corporations. The blame thrown on the Old Corporation was a mere farce, and every reflecting mind saw through the scheme. The Citizens were made the dupes of a deep design, and it becomes them to resume their independence, and to exercise it. If they should be called upon to petition Parliament to reject the Bill, and if they accede to that proposition, the Bill will certainly be rejected. If they should be called upon to nominate Commissioners from the Citizens, that proposition will be justly refused by the Merchants, and the Bill will certainly be defeated. The Citizens will probably be told, that they are not represented by the Bill; but they will have the discernment to see, that their representation through the Mercantile Body, who are Citizens of Waterford, is already complete. There are Merchants who are not Members of that Body, but their number, which does not at present amount to quite one hundred, may be extended to three hundred, and no respectable commercial man can have the slightest fear of exclusion from it. Is this, then, a plan which deserves the opprobrious epithets which have been gratuitously applied to it? We say, and we give the opinion after full examination of the subject, and with the most unprejudiced candour, that a greater boon has never been offered to the City of Waterford, and that no petty jarrings ought to interpose against it's application. The Citizens may rely upon it, that, if the grant be not now secured, it will be lost to them for ever. The adjourned general meeting, to receive the Report of the Committee, is to take place this day at ONE O'CLOCK precisely. From circumstances of which we have heard, particularly as to the circulation of Hand-Bills, and no *Advertisement* having been sent to a Newspaper, it is absolutely necessary for those who really wish to promote the interests of the City of Waterford to attend at TWELVE O'CLOCK, and that they should then attend for the purpose of manifesting their independence of every scheme which is formed to lead them astray.

In our paper of Tuesday, we mentioned, that, at the meeting of the Catholic Clergy of the United Diocess of Waterford and Lismore, at Carrick-on-Suir, on the 8th instant, three Reverend Gentlemen were *unanimously* nominated as qualified to be, any of them, successor to Doctor POWER. We are now desired, on unquestionable authority, to contradict that statement as to the *unanimity* of the Clergy of the Diocess we have mentioned, and to say, that they were not *unanimous*. Part of them, we understand, have referred the appointment of a successor to Dr. POWER to the Bishops who are to meet at Kilkenny on the 24th instant.

A generous feeling has been manifested by the Citizens of Waterford in favour of Mr. CARTLAND. The sum of £9 2s. 7d. has been already given for his relief and that of his family. That sum we shall hand over to one of his medical attendants, who will hereafter state publicly it's application. Yesterday, JOHN DENIS, Esq. Deputy Mayor, sent to the family a fore quarter of mutton, seized in the market. This is seasonable relief, but it is not adequate to the affliction to which we allude. We shall not press the matter, because generosity is fully alive to the calamity that has occurred. Additional Donations will be received as we formerly stated.

PORT NEWS—PASSAGE, APRIL 17.

ARRIVED,

13th—Perseverance, Lewis, Llanelly, coals; Lily, Griffiths, ditto, ditto; Oakwell, Jones, Swansea, ditto; Union, King, ditto, culm.

14th—Familien, Hoist, Halmstrand, deals; Peter Oneila, Ugland, Arundahl, timber and deals, a market; Gower Packet.

15th—Victory, Evans, Swansea, culm; Vigilant, Lloyd, Glasgow, coals; Sir Henry Stanhope, Adams, Barcelona and Cork, bardia and cork wood, Belfast; Maria, Morris, Swansea, coals.

16th—Friendship, Bogie, Whitehaven, coals. Sandwich Packet; Camden Packet.

SAILED,

13th—Richmond Revenue Cruiser, A. Bolton, on a cruise; Marys, Quinton—and Dorchester, Hodge, London, bacon, &c.; Severn, Norman, London, oats; Ely, Sever, Portsmouth, butter, bacon, &c.; William and Mary, Goodland, Bristol, passengers; Earl Leicester Packet; Flying Fish, Barford, Naples, wheat; Friends, White, Newfoundland, porter, provisions, &c.; Naiad, Hutchinson, from Nantz, Youghal, ballast.

14th—Anne Dorothea, Rost, London, dunnage mats, &c.; Fame, Lowther, Swansea, ballast; Dolphin, Down, Newfoundland, provisions, &c.; Caroline, Gilbert, London, bacon, pork, leather, hides, &c.; Freeling Packet.

15th—William, Boadle, Whitehaven—and Neptune, Bowen, Milford, ballast; Naomi, Williams—Christian, Goss—Desire, Griffith—and Eleanor, Williams, Liverpool, wheat, oats, flour, &c.; Gower Packet.

16th—Moston, Bully, from Buenos Ayres, Liverpool, tallow and hides; Anna Maria, Ahlgrew, from Dublin, Uddewall, ballast; Sandwich Packet.

17th—Wind N. W. past 7 A. M.

DROPPED,

YESTERDAY EVENING, about Six o'Clock, at FERRYBANK, by a poor, industrious Man, a GREEN LEATHER POCKET BOOK, containing NOTES, of the Bank of Messrs. NEWPORT & SCOTT, to the amount of about Thirty five Pounds, with some other Papers of no consequence to any one but the Owner. All the Notes have the Name "*William Roche*" written on them, and some of them have the words "*From Mr. Joseph Knox*" prefixed to said Name.

The Proprietor, though very ill able to afford it, will give THREE POUNDS REWARD to any Person who may have the Honesty to bring said Notes to the Office of this Paper; if offered in payment, it is requested that they may be stopped.

Waterford, April 18, 1816.

NOTICE
TO RETAILERS OF BEER.

THE COMMISSIONERS of INLAND EXCISE and TAXES in IRELAND having received representations from many of the Licensed Retailers of Spirituous and other Liquors in different parts of Ireland, complaining of the practice of Unlicensed Persons selling Beer and Ale, alleged to be of low Quality and Price, the said Commissioners hereby give Notice, that a Duty is, by Law, imposed upon a License to any Person to sell Beer or Ale by Retail; and that any Person who shall sell, by himself or herself, or by any Person employed by him or her, in his or her House, Out-house, Building, or other Place, or to be consumed elsewhere, Beer or Ale, in a less quantity than a Quarter of a Barrel, (Sellers of Bottled Beer or Ale, who send the same abroad, and such not sell any to be consumed in their own Houses, excepted,) is by Law deemed to be a Retailer, and to sell the same by Retail, and, if not duly licensed, is subject to all the Penalties and Forfeitures to which Unlicensed Retailers are liable; and the Law having made no reference or distinction as to the Quality or Price of the Beer or Ale, the said Commissioners hereby require all such Unlicensed Persons before alluded to, on pain of being proceeded against, either forthwith to discontinue the Retailing of Ale and Beer, or to take out the proper License to authorize such Sale.

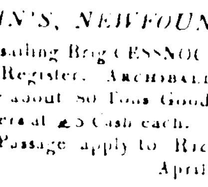
By Order of the Commissioners,
E. HARDMAN.

Excise Office, Dublin,
April 9, 1816.

£270

TO be given for an ANNUITY, during the Life of a Lady about Sixty Years of Age. Application to be made to Mr. A. M. ALCOCK.

Waterford, April 18, 1816.



FOR ST. JOHN'S, NEWFOUNDLAND,

THE new, fast sailing Brig CESSNOCK, of Troon, 185 Tons Register, ARCHIBALD STEWART, Master; will take about 80 Tons Goods at 25s. per Ton, and Passengers at £5 Cash each.

For Freight or Passage apply to RICHARD POPE, Quay, Waterford. April 18, 1816.

GALWAY ASSIZES.

TUESDAY, APRIL 2.

O'GORMAN *v.* MAGEE.

This cause came on to be tried this day, before Wm. Johnston, Esq. one of his Majesty's Serjeants at Law, presiding as Judge, and the following Special Jury:

Malachy Daly,	Robert Martin,
Charles Reddington,	Andrew Blake,
John Browne,	Netterville Blake,
Francis Blake Forster,	John Longworth,
John Bodkin,	Robert Persse,
Stephen Donnellan,	Richard Galbraith, Esqrs.

Mr. Everard.—My Lords and Gentlemen of the Jury—In this case Nichs. Purcell O'Gorman, Esq. is Plaintiff, and James Magee, Esq. is Defendant. This is an Action brought to recover damages for Libels published against the Defendant in *The Dublin Evening Post*.

The first Count states, that the Defendant, on the 19th day of November, 1814, did falsely and maliciously print and publish, in a certain Newspaper called *The Dublin Evening Post*, the libellous and defamatory matter following:

"Mr. Magee is to be sure in prison; but he "has constitution, and spirit, and consciousness "of rectitude, to support not only the privations "to which his youth has been condemned, but to "despise the baseness and ingratitude of those "who have incarcerated him. He is in prison—"but neither the cowardice of a Bryan, *nor the* "*heartless and unprincipled meanness of an* "O'Gorman, have, for a single moment, shaken "his principles, or influenced the performance of "his duty."

And another Libel set forth in the Declaration is in the following words:

"It will be asked, and it has been asked, why "*we*, who have no reason to be pleased with Mr. "O'Connell's conduct to ourselves—who, from "terms of intimacy, have ceased to have intercourse with him for a considerable time—why "we should be so anxious about *him*? To this "we have a ready answer—it is not for Daniel "O'Connell we feel, or have expressed anxiety.—"Had Nicholas O'Gorman, *for whose character* "*we should in vain look for a term in the vocabulary of contempt*—had this *pretending, hollow hearted*, and *dishonourable blockhead* been "placed in the shoes of Mr. O'Connell, we should "not have asked ourselves for a moment who the "man was—we should put him out of the question, in the consideration of the principle."

There are other Counts stating the Libels differently, and the damages are laid at TEN THOUSAND POUNDS.—To this Declaration the Defendant has pleaded the general issue.

Mr. Whitestone—My Lord, and Gentlemen of the Jury, in this Case I am Counsel for the Plaintiff, Mr. O'Gorman. You are aware that Mr. O'Gorman is a Gentleman of the Bar; and, if the unanimous voice of his Cotemporaries be allowed to decide on his merits, no man has a more unsullied character than Mr. O'Gorman—he has won the esteem and the respect of every man who knows him, and to the invulnerable shield of that character I confide him.—Gentlemen, this Action has been brought to recover damages for the most malicious, the grossest, the most vulgar, the most mischievous, and the most scandalous Libel that ever emanated from the Press.

This Action, Gentlemen, has been brought against Mr. James Magee, and not against Mr. John Magee—James is the Defendant, and the Proprietor of the *Evening Post*—it is necessary, Gentlemen, that you should bear this distinction in mind. With respect to the merits or demerits of Mr. John Magee I have nothing to do—I ask damages, Gentlemen of the Jury, from your hands, for a wanton and malicious Libel published by Mr. James Magee against Mr. O'Gorman. The Case comes before you unconnected with any Party Question—and I make this observation, Gentlemen, to anticipate any objection which may be made at the other side.

It will, no doubt, be asked, why Mr. O'Gorman brings his action here. Gentlemen, weighty, serious, well-founded and important reasons have induced Mr. O'Gorman to take this course. In the first place, it will be attempted to distort this into a party question. Gentlemen, it is no party question; but were my Client aware that it could be looked upon in that light, he would naturally wish to have it tried in the most independent county in Ireland. Gentlemen, yours is that county. In the worst of times, the fever of politics, the intolerance of religion, the disgrace of party, have not reached you; in the ruins of our country you stood almost alone, an honourable example of unanimity, good order and repose; it is a homage, Gentlemen, to the high character and independence of your county to have an action like this tried before the Jury which I have the honour to address. There are other reasons—I have urged one—it is enough—yet I cannot help making another remark:—in any other county, the observations of the *Evening Post*, which runs through a great and extended circulation, might prejudice and debase the public mind; but in this county it will produce no bias—great as its circulation is here, it will produce no effect injurious to the claims of my Client.

Gentlemen of the Jury, I cannot lay the merits of this case before you as I should wish, without, in some degree, mingling it with a book to which I shall have frequent occasions to allude.—[*Counsel here alluded to the Report of the Trial, Magee v. O'Gorman, then before him.*]

I cannot state this Case, without detailing a few facts contained in that book; it is so connected with this subject, that I must advert to it; and I will do so as candidly and briefly as I can. Gentlemen, in the year 1814, at a Sessions of the Peace held in the City of Londonderry, a Clergyman of the Roman Catholic religion, the Rev. C. O'Mullan, of whom you heard so much yesterday, but who has nothing to do with this Case, was indicted for an assault. Wishing for the aid of particular Counsel, his attention was turned to Mr. O'Gorman as a fit person to conduct his defence; he accordingly applied to Mr. O'Gorman; and Mr. O'Gorman went down specially to defend O'Mullan—and, Gentlemen, from that fact has proceeded all the litigation and all the disagreeable circumstances which I shall detail to you; from that fact has arisen a more stupendous mass of defamation and malignity than ever came out in the history of judicial inquiry. Gentlemen, when my Client arrived at Derry, he found that the prosecution was sustained principally by one person; inquiring into his character, he found that person to be a man whose credit he ought to impeach; this person was Mr. Richard O'Dogherty.

Gentlemen, the Trial came on, and, strange as it may appear, a case of a simple assault occupied no less than five days in the Court of Derry. I mean not to impeach the Jury, or the Magistrates who presided at that Trial; but I cannot help saying, that something more than a fair investigation must have mingled in the proceedings. On this Trial, Gentlemen, my Client, as was his duty, exerted, and powerfully exerted, all his powers and talents; his exertions, his powers, and his talents, were directed to one point—to discredit O'Dogherty; yet, though he laboured so hard, he was unsuccessful—the Jury brought in a verdict of Guilty against Mr. O'Mullan. This took place, Gentlemen, in January, 1814. At that time a Paper was published, and is still published, in Derry, called the *Londonderry Journal*. This Paper published an imperfect Report of the Proceedings. When Mr. O'Gorman arrived in Dublin, he found that this Report was about to be published in the *Dublin Evening Post*—he found it a garbled and partial Report, and he informed Mr. Magee that he could furnish him with a fair and correct Report of the