

...referred on the 4th. In the evening, articles which left no doubt of the intentions of the disaffected, and measures of vigour were instantly adopted. These the rebels did not expect; they had anticipated an easy conquest, and conceived that the place would be taken by surprise. What their ulterior projects were, after getting possession of Grenoble, we know not. The *Moniteur* says, that important revelations have been made, and that the chiefs of the conspiracy have been tried. According to the official account in the *Moniteur*, the rebels have been completely put down; the neighbouring communes, which had been misled by the false declarations of the rebels, have submitted, and requested forgiveness. The neighbouring departments were eager to send troops and adopt every measure calculated to put down the rebellion and prove their own loyalty. General Donadieu has been created a Viscount, the Colonel of the departmental legion a Baron, and two grenadiers rewarded with the Cross of the Legion of Honour—one of these, who had accompanied Bonaparte to Elba, upon being hailed by the rebels with cries of *Vive l'Empereur*, replied by exclaiming *Vive le Roi*, cutting down at the same time one of the rebel chiefs. During these events, the French funds have remained steady, a proof that the rebellion was not considered as at all dangerous to the stability and security of the Government. Two *Aides-de-Camp* of General Clausel have been taken up at Toulouse. Our private letters of the 14th and 15th state, that the Palace of Paris is extremely active and vigilant; cavalry and infantry are kept in readiness to act at a moment's warning. These precautions are extremely proper, though there does not appear to be any likelihood of disturbances breaking out at Paris. Several conspirators, however, have been arrested, and 21 have been ordered to be brought to trial forthwith before the Royal Court. There is a report, which we do not believe, of disturbances having broken out at Dijon. At Lyons, there are said to have been some symptoms of disaffection shown, as soon as the accounts arrived from Grenoble, but they were not alarming, and consisted chiefly of placards and hand-bills.

THE ARMY.

Contentments of the Army now in France under the command of Field-Marshal the Duke of Wellington. CAVALRY.—Head quarters, Lieut. General Lord Colville.—Head quarters, Casse. First Brigade, Lord Edward Somerset—3d Dragoon Guards, at the Camp de St. Denis; at Bouziers; troop of Horse Artillery, at Freytil. Second Brigade, Major General Vivian—7th Hussars, at Estaples; 15th Light Dragoons, Fruges; 18th ditto, Deoarsy. Third Brigade, Major General Sir G. Grant—11th Light Dragoons, Vauxmont; troop of Horse Artillery, Casse. INFANTRY.—Head quarters, Cambrai. First Division, Lieut. Genl. Cole.—Head quarters, Cambrai. 1st Brigade, Major General Sir P. Maitland—3d Batt. Grenadier Guards, and 2d Batt. Coldstream Guards, at Cambrai. 7th Brigade, Sir J. Kept—7th Royal Fusiliers, at Ambion; 5th Regt. 23d Foot, Hamalincourt; 33d Foot, at Hamme. 8th Brigade, Sir J. Lambert—27th Foot, at Bugny; 40th Foot, Hamincourt. Major Sinclair's Brigade of Artillery, at Cambrai; Captain Upton's ditto, ditto, Baranum. Second Division—Lieut. General Sir B. Clinton. 3d Brigade, Major General Sir R. O'Callaghan—3d Regiment, at St. Croix; 9th ditto, Touques; 91st ditto, St. Fol. 4th Brigade, Sir D. Pack—4th Foot, at Touques; 5th ditto, Therouanne; 6th ditto, Valenciennes; 7th ditto, St. Brafford; 8th ditto, at Lillers; 9th, Chocques; 11st, Sorrent; Troop of Waggon Train, Aubigny; Commissariat Train, Vauxrain; Brigade of Artillery, Lillers; ditto, St. Pol; Royal Sappers and Miners, Perne. Third Division—Lieut. General Sir T. Colville. 2d Brigade, Major Genl. Sir E. Pakenham—3d Battalion Royal, at Valenciennes; 4th Foot, ditto; 2d Batt. Rifle Brigade, Celler. 5th Brigade, Sir F. Brouha, Valenciennes; 9th Foot, St. Amant; 21st ditto, Valenciennes. 6th Brigade, Sir J. Keane—81st and 85th Foot, at Valenciennes; Brigade of Artillery, St. Amant; Brigade of Artillery, Anzeux; Major Duraford's ditto, and Major Martin's ditto, Valenciennes; Pontoon Train, Bannarce; Colonel Nicholay's, Royal Staff Corps, Noyelles; Lieut. Colonel Aird, Royal Waggon Train, Buren Court. RUSSIAN CONTINGENT. 1st Division—1st Brigade, (Head quarters,) Moudouze; 2d Brigade, Laudrecies; 3d Brigade, Le Coteau. Seventh Division—3d Brigade, Avenue; 3d ditto, Borey. Third Division—Dragoon and 1st Brigade, at Hétel; 2d Brigade, Vouzerik; Cosaque, Devauding at Eos. AUSTRIAN CONTINGENT. Head quarters, Leuwarden. 1st Division, Regiment of Infantry, 4th Batt. at Heteron; 1st Regiment of Infantry, 4th Batt. Mookhuise; 1st Regiment of Infantry, Archduke Keyser, Regiment, 3d Batt. at Infantry, Brouweren; 2d Brigade of Artillery, Ober Bothen; Lieutenants Regiment of Infantry, 3d Batt. Kani; Hohenlohe Hussars, 3d Batt. Milt; 2d Brigade of Artillery and 3d Batt. of Light Infantry, ditto; Prince Royal of Wustend's Hussars, 8th Regiment, at Vork; 1st Troop of Hussars, 2d ditto; 1st Regiment of Dragoon, 3d Squadron, Broosker; King of Bavaria's Regiment, Eastern Dragoon, 3d Squadron, ditto; 1st Troop of Hussars, 8th Regiment, Koyshen; 1st Division Reserve Artillery, Frouburg; Hospital Establishment, St. Croix; Infantry of the Staff, Furkoven; Procuers, Meraki; ditto.

DANISH CONTINGENT. Head quarters, Leuwarden. 1st Brigade Le Batt. Julund, at Bouchain; Le Battalion de Fron. Arlonx; Du Prince Ferdinand, Corbetron; 2d Brigade Le Batt. de S. M. La Reine, Duvalon; Un. Batt. Chasseurs, Avignon; Para de Artillerie, Antcha. LIBEL. [FROM THE DUBLIN EVENING POST.] COURT OF KING'S BENCH, DUBLIN. SATURDAY, MAY 18. The King v. Harding Tracy, Printer of the *Cork Mercantile Chronicle*.

This day, the Defendant was brought up to receive the sentence of the Court, for having published a Libel in his Paper on the 17th of April, 1815. To the indictment the Defendant pleaded Guilty, and, in mitigation of punishment, two Affidavits, which were read by Mr. Bourne, the Officer of the Court. The first read was the Prisoner's Affidavit, which stated in substance, "that he had no concern whatever in the publication of the Libel, except that of being the registered Printer of the Paper—that he had never read the Publication said to contain the Libel—that he had never seen the original manuscript, or even a copy thereof, nor did he know what became of the manuscript—that his health was very much impaired, and that he was advised by Physicians that protracted imprisonment would be destructive of his life—that he was ready to make every statement in his power to the Laws of his Country—and concluded by stating, that he had a wife and five children solely dependant on his labour for subsistence, and that by his confinement they would be left destitute of support."

The second affidavit was one made by Doctor Walsh. It merely stated, that the Defendant was in a bad state of health, and that confinement might, in his present situation, be productive of the loss of life. The Chief Justice inquired whether it were the intention of the Counsel for the Defendant to make any observations on the Affidavit now read. Mr. O'Connell said, that, in cases like the present, where the Defendant pleaded guilty, and where the affidavits were only made on his part, if Counsel for the Crown indulged in speaking in aggravation of punishment, the Defendant was entitled to the reply. To establish this principle, he cited the opinion of Lord Kenyon, as given in the case of the King v. Buntz, 23 Term Reports, 684, which states, "that where any Defendant shall be brought up for sentence after judgment by default, the Prosecutor's affidavit shall be first read; then the Defendant's affidavit; after which the Counsel for the Prosecution shall be heard; and lastly, the Counsel for the Defendant. If no affidavit shall be produced, the Counsel for the Defendant shall be first heard, and then the Counsel for the Prosecution."

The Court called on the Counsel for the Crown to proceed. The Attorney-General said, that in this case, on part of the Crown, he felt his particular duty to call the attention of the Court to the Libel, which was the subject of this Prosecution; a Libel demanding from the Court the infliction of the heaviest sentence of the law on the unfortunate man now at the bar. He (the Attorney-General) would satisfy their Lordships, that public justice required from them that the severest sentence should be inflicted on the person who had taken on himself the entire responsibility of publishing this more than seditious and treasonable Libel. It appeared to have been published in the month of April, 1815, in *The Mercantile Chronicle*, a *Cork Newspaper*.

On referring to the Record, their Lordships would see, that this was not an ordinary Libel. It appeared to him to have no other object in contemplation than a wicked and malicious incitement of the population of the country to revolt and rebellion. It professed this on the very face of it, and came before the Public in the shape of a Speech, said to be spoken at an Aggregate Meeting of the Roman Catholics of the County and City of Cork, on the 15th of April, 1815, by Mr. O'Connell. This Speech, addressed to a part of the rabble of this unfortunate country, in point of libel, sedition and malignity, transcended any thing that had ever since or ever before been offered to the Public.—Their Lordships most readily, that, however seemingly decorous the department, and however humbly and subdued the tones of Treason have become, she was arrogant and audacious at the time of the publication of this Libel. Napoleon then usurped the Government of France, and the advocates of Treason were anxiously looking forward for its results in this Country.

[Here the Attorney-General proceeded to read the Libel from his Brief, as follows:] Let it be recollected, that one great cause of the fall of the Bourbons, and of the restoration of Napoleon, was the generally received opinion in France, that the Bourbons Judges were partial and corrupt. The first and most popular act of Napoleon was his Proclamation or Decree from Lyons, restoring the former Tribunaux and Judges. The Bourbon Judges were said to be faithful Partisans of the small Faction of restored Bourbons. It was said they concerning the said Judges of his Majesty's Court of King's Bench in Great Britain, prejudged every question that came before them. That they (meaning the said Judges of his Majesty's said Court of King's Bench) were partial and corrupt.

Mr. O'Connell.—There is not a word of what the Attorney-General is asserting on, brofied to me. The Learned Gentleman is amusing himself by reading the barefaced lies instead of the Libel. Attorney-General.—Mr. O'Connell cannot misunderstand me. I am saying the Libel from the

Record, and the import of it as given by the information, and which the Defendant has admitted to be true by his plea. It is perfectly intelligible to Mr. O'Connell, and this kind of interruption shall have no effect in putting me out of my course. [The Attorney-General then continued to read.] So that they (meaning the said Judges of his Majesty's said Court of King's Bench) convicted before investigation, argument, or trial, and even held out lures to the Government (meaning the said Officers employed in conducting his Majesty's Government of Ireland), to send victims to their tribunals, rather than want causes for trial, promising before hand to insure conviction. It is said that they (meaning the said Judges of the said Court of King's Bench) decided every question which arose between the Crown Prosecutors and the People, whether of law, or fact, or even of form, in favour of the Crown and against the People, so that the Crown was never wrong with those Judges (meaning the said Judges of the said Court)—the People were never right.

They (meaning the Judges of the said Court) are said to have gone so far as to have made the Government and the Dictionary yield to their decision, and to have altered the very language itself, under the pretence of legal construction—(meaning, in the said opinion, as to meaning and construction of the word *pretence* in the said statute, so delivered in open Court aforesaid). Those Judges (meaning the said Judges of his Majesty's Court of King's Bench in Ireland) are said to have been as ignorant as they were wicked. If it be true, that France was, as we are told, cursed with such villainous, corrupt, and partial Judges, who can wonder at the late Revolution. We are, indeed, told, that these Judges (meaning the said Judges of his Majesty's said Court of King's Bench in Ireland) were in the constant habit of keeping themselves of hearing of the immorality and impurity of their own conduct—and that there was no offence which was punished with such unrelenting severity as the slightest allusion to the fact, that the Judges were corrupt and partial.

This is a sample of the Libel, which is supposed to be part of a Speech, delivered at a Meeting of the Catholics of the County and City of Cork by a Barrister. The meaning of the Libel is quite clear and intelligible. It tells the People, that the corrupt administration of justice not only calls for, but justifies Revolution—that the Judges of this Court are profligate, corrupt, and partial—that they are of a description extending to corruption any Judges that ever sat in a Court of Justice in either Great Britain or Ireland; the conclusion is, then, easily known, for such conduct in the Judges of any Country would not only justify but command revolt and revolution. This is the purport of the speech, published just at that time, too, when Napoleon had occupied the Government of France (and published in the name of a Barrister), to the Catholics of the County and City of Cork. Whether it was or was not spoken by that Barrister, or whether that Barrister be guilty or innocent of its publication, he (the Attorney-General) would not take upon himself to decide. But he would not hesitate to declare, in the hearing of the Members of that honourable Profession, now in Court, that if there was a man in the Profession of such a character, a man capable of being the author of a Libel, composed of such a compound of treason, sedition, and malignity, he was not only a disgrace to his Profession, but a disgrace to the Country that gave him birth. If, to avoid punishment and secure impunity to himself, he will seek to shield his wretched Printer—if he will stand on his protection to conceal the Authorship of such a Libel—if he will not have the manliness to avow himself the Author, but permit his Printer to be impugned for his crimes—let, said the Attorney-General, such a man be in the Profession, it will be disgraced to any Gentleman to hold, in future, any communication with him. Whoever was the Author, he (the Attorney-General) wished he were present in such a way as to be made responsible for his crimes.

This vile Libel had found its way into several of the Provincial Papers, and into several of the Dublin Papers. He had informations filed against every one of the Proprietors, and he was glad to say, for the credit of the Irish Press, that to every information, the Proprietors, in the spirit of conciliation, had pleaded guilty. By their affidavits they expressed the utmost regret that their Papers should be disgraced by so treasonable a Publication. On this ground, he (the Attorney-General) considered himself justifiable in not bringing the Delinquents up to receive the judgment of the Court. The registered Proprietor of *The Cork Mercantile Chronicle* swore he had taken the management of the Paper himself, as the Assignee of a Bankrupt—that he never had interfered in any other manner than as a Trustee for the benefit of the Creditors of the Bankrupt. He (the Attorney-General) felt it his duty, under such circumstances, to take proceedings against the registered Printer, conceiving that he, being at the head of the Printing Department, most be to discover who was the Author. The Defendant was served with Process on the Information, and he thought proper to stand out in contempt of the Proceedings till the very last moment; and it was not till the 1st of Spring Assizes, when Briefs were delivered to Counsel, that he sent up a consent to withdraw his plea of Not Guilty, and to plead Guilty to the Information. This part of the Defendant's conduct it would become him to explain to the Court. He had made an Affidavit, stating two great evils, poverty and sickness, as if they were to be taken as an excuse for the commission of the crime with which he was charged. He states himself incapable of sustaining imprisonment on the ground of poverty and sickness, and therefore seeks impunity by the Court as excuse for publishing the Libel. The Defendant, by his Affidavit, does not explain why he had not been consulted with on the subject of the Publication, nor whether he had printed the Libel—whether he does or does not know the Au-

thor, or by whom the manuscript was furnished, or under whose authority it was printed, and at whose particular instance, it was printed. It does not contain one word explanatory of these facts, nor does he express the smallest contrition for the publication of his Paper of so gross a Libel. He does not affect to say, that he did not know the Author, or by whose desire the Libel obtained insertion in that Paper, the conduct of the Printing of which he has sworn to belong to him. Under these circumstances, it became essential to public justice, that Printers should understand the responsibility that the Law attaches to them, and that an example should be made to the offended Justice of the Country.

With respect to the Defendant's misfortunes, his poverty or sickness, these were topics, not for the consideration of the Court, but for the humanity of the Executive Government. If such complaints would not be found wanting in clemency. It still, however, remained to the Defendant to rescue himself from the situation in which he is placed, by making the only satisfactory statement now in his power—let him now come forward and explain, if this abominable Libel were not published by him, by whose directions and under whose authority and superintendance it was inserted? If he will think proper to keep all this a secret to himself, he (the Attorney-General) felt it utterly impossible for him to avoid calling on the Court to inflict on the Defendant the heaviest sentence of the Law. No man could suppose that either he (the Attorney-General), or the Persons connected with his Majesty's Government in this Country, could have any desire to punish such a man as the present unfortunate Defendant. It was extremely painful to his feelings to call for punishment on a wretched person so circumstanced; but public justice required an example, in order that some restraint should be put on this modern species of incendiary speech-making and incendiary libelling. To this system he, in a great measure, attributed the outrages which had disgraced the inhabitants of the South of Ireland. For many years past, the People are told that they are kept in a state of slavery by the Government of the Country. They are told that they could not have justice from the persons administering the Laws, nor expect mercy from the Executive Government. This has been so often repeated, so impressed on the minds of the lower orders of the People through the medium of speaking and libelling, that he did not hesitate in ascribing to those outrages and assassinations which have disgraced the Country, and which he would call on the Court, and on the Honourable Members of the Profession who heard him, to aid in putting down those incendiary Publications and their Authors.

If the Law of the Land were not sufficient to reach the guilty offender, in the name of God, let public opinion exert itself. He said so much, conceiving it was necessary to justify himself in calling for the severest sentence of the Law to be inflicted on an unfortunate man for the crimes of others. Mr. O'Connell said he rose on the part of the Defendant, in his Counsel, and would confine himself to the observations he should feel it necessary to make, to the exercise of his duty as such. He would not descend to notice the extraneous topics introduced by the Attorney-General. He felt to would desert the interest of his Client if he were capable of adopting that course. He also felt quite certain it was for that purpose those irrelevant topics were unnecessarily urged. At present he would apply himself to the Affidavit of the Defendant, the facts of which the Attorney-General, in his warmth of feeling, mis-stated to the Court. The Defendant's situation was this: he was the Printer of a Newspaper, *The Cork Mercantile Chronicle*. The profits arising from his labour, and which go to the support of his wife and five children, amount to a guinea and a half a week. He has been long confined by illness, and this fact is strongly testified by the Physician who attended him in his sickness. By illness, he has been reduced to poverty and distress; in this situation he comes before the Court, awaiting his determination with tremors, though well knowing that confinement will not only produce the ruin of his family, but deprive him of his life. The Physician swears that death will be the consequence of his imprisonment. There are the facts which he humbly submits to the humanity of the Court in mitigation of punishment. Sentencing him to long confinement, under such circumstances, would be equal, in its effect, to sentencing him to execution.

What are your Lordships called on by the Crown Counsel to do? To inflict the heaviest punishment known to the law on an unfortunate man, who fully asserts his innocence of any knowledge of the Publication; who, as the Printer of the Paper, makes all the statement in his power, by pleading guilty to the information. From the Affidavits your Lordships will perceive, that, in the opinion of the Physician, the sentence of imprisonment would amount to the sentence of death. Would, therefore, the sentence the Attorney-General calls for be an adequate punishment to the crime of the Defendant? See whether, under such circumstances, the punishment sought for by the Attorney-General would not be greater than your Lordships would be justified in inflicting on the Author himself. But there is another fact in the Affidavit, which he (Mr. O'Connell) considered of great and tasteful importance. The Defendant positively swears, that he knew nothing, either directly or indirectly, of the publication of this Libel. He admitted his legal responsibility; he submitted with humility to the Judgment of the Law; but, O Defendant, by his Affidavit, does not explain why he had not been consulted with on the subject of the Publication, nor whether he had printed the Libel—whether he does or does not know the Au-

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With respect to the Defendant's misfortunes, his poverty or sickness, these were topics, not for the consideration of the Court, but for the humanity of the Executive Government. If such complaints would not be found wanting in clemency. It still, however, remained to the Defendant to rescue himself from the situation in which he is placed, by making the only satisfactory statement now in his power—let him now come forward and explain, if this abominable Libel were not published by him, by whose directions and under whose authority and superintendance it was inserted? If he will think proper to keep all this a secret to himself, he (the Attorney-General) felt it utterly impossible for him to avoid calling on the Court to inflict on the Defendant the heaviest sentence of the Law. No man could suppose that either he (the Attorney-General), or the Persons connected with his Majesty's Government in this Country, could have any desire to punish such a man as the present unfortunate Defendant. It was extremely painful to his feelings to call for punishment on a wretched person so circumstanced; but public justice required an example, in order that some restraint should be put on this modern species of incendiary speech-making and incendiary libelling. To this system he, in a great measure, attributed the outrages which had disgraced the inhabitants of the South of Ireland. For many years past, the People are told that they are kept in a state of slavery by the Government of the Country. They are told that they could not have justice from the persons administering the Laws, nor expect mercy from the Executive Government. This has been so often repeated, so impressed on the minds of the lower orders of the People through the medium of speaking and libelling, that he did not hesitate in ascribing to those outrages and assassinations which have disgraced the Country, and which he would call on the Court, and on the Honourable Members of the Profession who heard him, to aid in putting down those incendiary Publications and their Authors.

If the Law of the Land were not sufficient to reach the guilty offender, in the name of God, let public opinion exert itself. He said so much, conceiving it was necessary to justify himself in calling for the severest sentence of the Law to be inflicted on an unfortunate man for the crimes of others. Mr. O'Connell said he rose on the part of the Defendant, in his Counsel, and would confine himself to the observations he should feel it necessary to make, to the exercise of his duty as such. He would not descend to notice the extraneous topics introduced by the Attorney-General. He felt to would desert the interest of his Client if he were capable of adopting that course. He also felt quite certain it was for that purpose those irrelevant topics were unnecessarily urged. At present he would apply himself to the Affidavit of the Defendant, the facts of which the Attorney-General, in his warmth of feeling, mis-stated to the Court. The Defendant's situation was this: he was the Printer of a Newspaper, *The Cork Mercantile Chronicle*. The profits arising from his labour, and which go to the support of his wife and five children, amount to a guinea and a half a week. He has been long confined by illness, and this fact is strongly testified by the Physician who attended him in his sickness. By illness, he has been reduced to poverty and distress; in this situation he comes before the Court, awaiting his determination with tremors, though well knowing that confinement will not only produce the ruin of his family, but deprive him of his life. The Physician swears that death will be the consequence of his imprisonment. There are the facts which he humbly submits to the humanity of the Court in mitigation of punishment. Sentencing him to long confinement, under such circumstances, would be equal, in its effect, to sentencing him to execution.

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Waterford Chronicle.

THURSDAY, MAY 23.