

(From the Morning Chronicle.)

The advocates of the subscription deprecate all inquiry into the nature or causes of the distresses they pretend to relieve. Charity covers, no doubt, a multitude of sins; but why should it conceal truth, or distort facts, for the purpose of misleading those whom it affects to commiserate? Among other notorious falsehoods, it has been asserted, that "all other nations are suffering in an equal degree with ourselves." We do not deny that other nations have their grievances, but though in a great measure inflicted by their policy, neither in their origin nor in their nature do those grievances bear the slightest analogy to our own. Spain, Italy, and France, are suffering, and suffering, no doubt, severely. The first from the base, tyrannical, bigoted, and ungrateful character of its Ruler; the two last from the loss of their independence, and the forcible establishment of governments, to which their inclinations and interests are alike adverse. But their inhabitants do not want emancipation, their revenue is not unequal to their expenditure, and their people are not overwhelmed with an intolerable burden of taxes. Whatever other evils we may have inflicted upon them, these are torments we deserve for ourselves.

We have charged the People of England with expenses which ought never to have been incurred, or, if incurred, should have been defrayed by those or whose benefit they were intended, and who can more justly bear the burden of the money than the impoverished People of Great Britain. Austria, for instance, owes England 15 millions. England has as great a share in the possession of some of the finest provinces in Europe, provinces which under Bonaparte increased in population, in agriculture, in internal trade, and in revenue, and in which the inhabitants feel no want of employment, provisions, or capital. France, too, whom we have professed to punish for ambition and turbulence, though more flourishing than our own country, is, even when conquered, a source of expense, not of relief, to the exhausted treasury of England.

We speak of her flourishing condition with reference to her finances alone. God forbid we should represent her other calamities as of easy endurance—we value national independence and political liberty too highly not to pity any People who have lost them. France groans under a despotism enforced upon her by foreign arms. She sees those who have served her in the Senate and the Cabinet proscribed, exiled, and persecuted, and those who have bled for her in the field led ignominiously to the nod of foreign Generals, and in the face of rival troops, to expiate their services and triumphs on a scaffold. The French profess an enthusiastic love of glory. Their enemies accuse them of inordinate vanity. Disgrace and mortified pride must, to such a nation, be the last of miseries, and they have drunk the bitter cup of humiliation to the very dregs. The hatred which such treatment must provoke, has, no doubt, in spite of treaties with a nominal and despised government, confirmed their hostility to this nation. We are accordingly told by the best informed, that our sacrifices of men and money, our privations at home, and our dear-bought victories abroad, have only transferred the hostility, or, in other words, the war against us in France, from the Government to the People. "We had formerly," said Lord Aberdeen, "a hostile Government; we have now a hostile People to contend with in France." And how do we contend with her? Do we attempt to soften her by conciliation, to wrest from her the means of resistance and annoyance, or silently and carefully to augment our own? No: in order that our enemy may unite both the will and the power of attacking us, and that we may be unprepared for an attack, we waste the resources of England to exasperate, but at the same time to enrich the population of France. We keep her in slavery and degradation, but it is at the expense of the comforts and wealth of the People of England. She owed us seven millions for her prisoners of war, and other clear and recognized claims. We cancel that debt, and why?—because, forsooth! Lord Castlereagh, who, in raising sixty millions a year from England, dared to upbraid the People with an ignorant imputation of taxation, was unwilling to expose the Government of France to the odium of raising seven or her subjects for the payment of their lawful debts. The interests of individuals were better attended to, and he exacted the payment of French dividends to English subjects. The motives of that measure would perhaps be better understood, if the names of the persons benefited by it were known to that Public, whose power was thus exerted to enforce the interests of individuals, but whose exchequer is not a lot the richer for a stipulation so extorted from Louis the Eighteenth.

But to return to our argument—why has Lord Castlereagh so much tenderness for the pockets of Frenchmen, so little for those of Englishmen? He was not surely the duped of the delusive his party so frequently practised. He never believed in the utter ruin of France. Our People were indeed for many years soothed with the notion, that Frenchmen were more hardily treated than their own. In a war, profanely and wickedly called a war for Religion, we had the very Christian consolation of supposing (however erroneously), that if we were suffering much, our enemy was suffering more. How many a loyal man checked his rising ebullition at the tax-gatherer with the reflection, that Bonaparte took the French farmers' sons as well as their money; that all manufactures in France were ruined, agriculture rapidly declining for want of hands, public credit gone, and the whole Continent, under French control, one extended scene of misery, wretchedness, and desolation! But, alas! the peace soon undeceived him in these sanguine notions of foreign inferiority. He heard from numerous travellers, whose curiosity had taken them to the Continent, of cheap provisions, excellent roads, magnificent public works, and an improved peasantry, discontented at nothing but the crests which had been represented as delivering them from slavery and oppression.

The war was indeed expensive to Bonaparte, as well as to us. But then a Revolution (stigmatised by us as horrible, bloody, and destructive) had preceded his elevation, and had placed the whole property of his country in active and profitable hands. If he raised large sums, he took special care that every farthing he raised should be bona fide applied to the exigencies of the Public. All contributed according to their means, and all were paid according to their services. The result was, that after all his exertions, and all his wars, necessary and unnecessary, he left France with a debt, the principal of which does not exceed one year's interest of ours, together with the expenses of our establishments. The manufactures of France were at the time of his abdication, and are now, in a more thriving condition than they had ever attained since 1793.

Letters from Madrid of the 11th July mention, that General Castanos has resigned the command of the army of Catalonia, and had been succeeded by General Lacy. In the above province, and in Andalusia, considerable levies are forming to equip a new expedition against Spanish America; as the Government now despairs of any good consequences resulting from that of Morillo. They find it impossible to pacify, and that it is only by main force that the Loyalists retain those points they have been able to conquer. Propositions have been made to several Guacilla Chiefs who distinguished themselves in the late war against the French; some have accepted active service; but, in the midst of all these hostile preparations and threats of revenge against the Spanish American Insurgents, money is wanting—the Treasury of the Peninsula is empty—no credit or trade exists—so that it is a problem among the most despatched, whether Spain is able to fit out another expedition of 5000 men against her ultra-marine provinces, now fast approaching the attainment of the great object for which they have been fighting during a period of seven years.

By the Ridley we have received letters from Buenos Ayres of the 11th May, of which the following are extracts: "May 9.—The civil dissensions in this country, as it were, suspended, as well with respect to the northern banks of the River Plate as the other Provinces. We expect some remedy from the Congress, which has already begun its Sessions, and that some more regular plan will be devised for the union and better government of the various Provinces. The war of posts carried on in Peru distresses Puzuela, who is far from his resources, and surrounded by a perfectly hostile country. It appears by private advices, that he has retreated to Potosi, after destroying the town and fortifications of Cotagaya." "May 11.—Notwithstanding the boasted superiority of Puzuela, he does not seem inclined to follow up the advantage he had gained in Sipe-Sipe, since present appearances indicate that he means to content himself with the possession of Upper Peru. We have received no account of the Portuguese troops on our northern frontier having begun to move, but it is said, that the Buenos Ayres Government is about to send a Deputé to Rio Janeiro. His mission is probably connected with the hostile preparations and attitude assumed by that Court, although Portuguese vessels continue to frequent this port as if no apprehensions were entertained of a rupture."

THE PRINCESS OF WALES'S VISIT TO TUNIS.

We copy the following from one of the last American Papers received:—"Tunis, April 17. "Her Royal Highness the Princess of Wales arrived at this port, on the 3d instant, in an English merchant vessel. This government immediately determined to receive her with the greatest possible honours. In consequence of this, as soon as she came on shore, the forts of Goleta gave a royal salute, and the palace of the Bashaw in this city was destined for her residence, with a guard of Mamelukes corresponding to her dignity."

On the 24th, the French Consul began to negotiate a peace, and to treat for the ransom of the Neapolitan slaves by order of his Government, and the authority of that of Naples. The 28th, her Royal Highness went to the Bashaw, to visit the Bashaw, the Princess, his sons, and the Seraglio; and they exerted themselves so much in showing her attention, that the Princess was greatly satisfied with her good reception, and very grateful for the liberty that was given, from respect to her, to several slaves."

The 10th, her Royal Highness went to see the ruins of Utica; took refreshment and spent the night in a handsome country-seat, that the son of the Bashaw, Sali Mustapha, has in that place; this Prince himself, condescending to the European usages, endeavoured to pay all due honour to the Princess. The 12th, her Royal Highness was to go to a splendid banquet in Manuba Garden and Palace of the Bashaw, when there appeared in the morning at anchor, at the Bar of Goleta, an English fleet, consisting of six ships of the line, one of them a three-decker, two frigates, one cutter, five brigs, one schooner, and three transports, commanded by the Admiral Lord Exmouth, and by Rear-Admiral Penrose. The Princess manifested that she had nothing to do with political affairs, and that she wished to attend the invitation of the Bashaw, which was done; and to her great satisfaction she was received and entertained with the highest marks of consideration and respect by all the sons of the Bashaw, and the whole Court of Barbo, dressed with the greatest splendour and elegance."

On the 13th, in the morning, the Admiral, Lord Exmouth, went on shore, and proceeded immediately, accompanied by the English Consul, to the Bashaw; and during a conference of two hours he insisted on the following pretensions: 1st. The liberty of all the slaves without exception. 2d. An extraordinary punishment at the favour of Commodore, who, with two companies, committed the last invasion on the Island of St. Antonio, under the English flag, notwithstanding the promise that he had made a few days before to the Commander of an English vessel, that he would not attempt any landing. 3d. That they should make no more slaves, and only possessors of war. And, 4th. That they should settle a peace with his Sardeian Majesty by the mediation of England."

On Wednesday last, as Mr. N. Collins, Revenue Officer, was walking with his wife at about 12 o'clock on that day, in the village of Carr, in the Barony of Inishowen, he was fired at by an assassin, and expired on the spot.

WATERFORD. Printed and Published by the Proprietor, ARTHUR BERNINI, Base Court, Waterford, QUAY.

These conditions could not fail of producing surprise in the Bashaw, therefore he instantly answered, that he did not fear threats, and that he would endeavour to repel force; but after a moment of reflection, he said, that he would refuse nothing to her Royal Highness the Princess of Wales, and that he was disposed to grant to her the Sardinian Slaves, if it should be agreeable to her to accept them. The Admiral insisted, that they should be granted to him, and not to the Princess. The Bashaw likewise observed, that General Maitland, when he passed through this place, shewed the powers he had of his Royal Highness the Prince Regent to treat upon political affairs with the States of Barbary, and that he himself positively declared, that the intentions of the English Government were, not to interfere in any affairs but those of its own nation; consequently, he presumed that Lord Exmouth could only now be a negotiator as to the States of the King of Naples, and not of that of Sardinia, and that he must have instructions posterior to those of the French Consul, in order to cause him to suspend his negotiations. The Admiral cut short these reasonings, declaring, that if in twenty-four hours he did not grant him what he demanded, he would pursue another method to obtain his purpose, and went away.

Having arrived at Tunis, he proceeded to visit her Royal Highness, who intended to go the following day to an ancient temple, about twelve leagues distant from Tunis, at a place called Zaguan. In consequence of the conference that took place, her Royal Highness ordered immediately that her baggage and attendants should be embarked.

The Bashaw being informed of so sudden a determination, sent word to her Royal Highness, that whatever might be the result of the serious differences that he had with the Admiral of her nation, those would in no manner have any influence upon the attention due to her Royal person, and that she might, without the least fear, continue to reside in that country, being assured of ever being treated with the utmost distinction and respect. In the same afternoon, the Princess being with the Admiral, the orders and instructions of the French Consul, relative to the affairs of the Portuguese troops on our northern frontier having begun to move, but it is said, that the Buenos Ayres Government is about to send a Deputé to Rio Janeiro. His mission is probably connected with the hostile preparations and attitude assumed by that Court, although Portuguese vessels continue to frequent this port as if no apprehensions were entertained of a rupture."

On the 12th, at the end of the 24 hours, the Bashaw sent his answer to the Admiral, stating, that he would by no means yield by force the Neapolitan slaves, because the Court of Naples itself ordered him a ransom, through the medium of the French Consul. Measures were immediately taken by the English Consul, to cause all captains, merchants, and other persons that resided there, to go on board the vessel, and the ships and frigates were placed in a line of battle. On the other side, the Tunisian gun-boats, and the batteries of Goleta, were getting ready. In this confusion the soldiers began to give signs, that, as soon as the first gun should be discharged, the situation of all the Christians would be very grievous, for that they would be sacrificed."

However, Lord Exmouth requested another audience of the Bashaw for the following day (April 15), at 6 A. M. He had for an answer, that that being an inconvenient hour, he could not receive him, and it was deferred till eight, and in the mean time the English continued to prepare in order to depart. The Princess was to go on board the next morning. Her Royal Highness regretted very much that these events should oblige her to such a precipitate departure, without being able to take leave of and express her thanks to the Bashaw, who defrayed entirely the daily expenses of the Princess, from the day that she deigned to inhabit his Palace."

On the 16th, the Admiral went to see the Bashaw, having already at this time written a letter to the French Consul, informing him that he wished him not to continue his negotiation for the ransom of the Neapolitan slaves. In short, after the most serious and warm discussions, Lord Exmouth obtained the liberty, without any ransom, of the Sardinian captives, and, under the promise of a present, the Neapolitan captives were also set at liberty; the Bashaw condescending finally to admit the mediation of England, in order to settle a definitive peace between his Sardeian Majesty and his Sardeian Majesty with that Regency."

A Letter from a military Gentleman in London states, "That it is mentioned at the Horse Guards, that the 9th regt. and all upwards will be disembodied before the 24th of December." Melancholy Effects of Hydrophobia.—Tuesday exhibited in Dublin streets a most interesting and affecting circumstance, in consequence of this dreadful disease. It was the funeral of Lieutenant Amphlett, of the 3d Rifle Brigade, who was bitten by his own dog, some two or three months ago, in the Royal Barracks. This Gentleman was much beloved in his regiment, which was testified by one of the grandest military spectacles ever seen, who attended the funeral from the barracks to St. Anne's Church, in Dawson-Street. There were several pirates of the brigade bit at the same time with the deceased, and their present state of suspense may be easily conceived to be truly lamentable.

On Wednesday last, as Mr. N. Collins, Revenue Officer, was walking with his wife at about 12 o'clock on that day, in the village of Carr, in the Barony of Inishowen, he was fired at by an assassin, and expired on the spot.

WATERFORD. Printed and Published by the Proprietor, ARTHUR BERNINI, Base Court, Waterford, QUAY.

These conditions could not fail of producing surprise in the Bashaw, therefore he instantly answered, that he did not fear threats, and that he would endeavour to repel force; but after a moment of reflection, he said, that he would refuse nothing to her Royal Highness the Princess of Wales, and that he was disposed to grant to her the Sardinian Slaves, if it should be agreeable to her to accept them. The Admiral insisted, that they should be granted to him, and not to the Princess. The Bashaw likewise observed, that General Maitland, when he passed through this place, shewed the powers he had of his Royal Highness the Prince Regent to treat upon political affairs with the States of Barbary, and that he himself positively declared, that the intentions of the English Government were, not to interfere in any affairs but those of its own nation; consequently, he presumed that Lord Exmouth could only now be a negotiator as to the States of the King of Naples, and not of that of Sardinia, and that he must have instructions posterior to those of the French Consul, in order to cause him to suspend his negotiations. The Admiral cut short these reasonings, declaring, that if in twenty-four hours he did not grant him what he demanded, he would pursue another method to obtain his purpose, and went away.

Having arrived at Tunis, he proceeded to visit her Royal Highness, who intended to go the following day to an ancient temple, about twelve leagues distant from Tunis, at a place called Zaguan. In consequence of the conference that took place, her Royal Highness ordered immediately that her baggage and attendants should be embarked.

These conditions could not fail of producing surprise in the Bashaw, therefore he instantly answered, that he did not fear threats, and that he would endeavour to repel force; but after a moment of reflection, he said, that he would refuse nothing to her Royal Highness the Princess of Wales, and that he was disposed to grant to her the Sardinian Slaves, if it should be agreeable to her to accept them. The Admiral insisted, that they should be granted to him, and not to the Princess. The Bashaw likewise observed, that General Maitland, when he passed through this place, shewed the powers he had of his Royal Highness the Prince Regent to treat upon political affairs with the States of Barbary, and that he himself positively declared, that the intentions of the English Government were, not to interfere in any affairs but those of its own nation; consequently, he presumed that Lord Exmouth could only now be a negotiator as to the States of the King of Naples, and not of that of Sardinia, and that he must have instructions posterior to those of the French Consul, in order to cause him to suspend his negotiations. The Admiral cut short these reasonings, declaring, that if in twenty-four hours he did not grant him what he demanded, he would pursue another method to obtain his purpose, and went away.

Having arrived at Tunis, he proceeded to visit her Royal Highness, who intended to go the following day to an ancient temple, about twelve leagues distant from Tunis, at a place called Zaguan. In consequence of the conference that took place, her Royal Highness ordered immediately that her baggage and attendants should be embarked.

The Bashaw being informed of so sudden a determination, sent word to her Royal Highness, that whatever might be the result of the serious differences that he had with the Admiral of her nation, those would in no manner have any influence upon the attention due to her Royal person, and that she might, without the least fear, continue to reside in that country, being assured of ever being treated with the utmost distinction and respect. In the same afternoon, the Princess being with the Admiral, the orders and instructions of the French Consul, relative to the affairs of the Portuguese troops on our northern frontier having begun to move, but it is said, that the Buenos Ayres Government is about to send a Deputé to Rio Janeiro. His mission is probably connected with the hostile preparations and attitude assumed by that Court, although Portuguese vessels continue to frequent this port as if no apprehensions were entertained of a rupture."

On the 12th, at the end of the 24 hours, the Bashaw sent his answer to the Admiral, stating, that he would by no means yield by force the Neapolitan slaves, because the Court of Naples itself ordered him a ransom, through the medium of the French Consul. Measures were immediately taken by the English Consul, to cause all captains, merchants, and other persons that resided there, to go on board the vessel, and the ships and frigates were placed in a line of battle. On the other side, the Tunisian gun-boats, and the batteries of Goleta, were getting ready. In this confusion the soldiers began to give signs, that, as soon as the first gun should be discharged, the situation of all the Christians would be very grievous, for that they would be sacrificed."

However, Lord Exmouth requested another audience of the Bashaw for the following day (April 15), at 6 A. M. He had for an answer, that that being an inconvenient hour, he could not receive him, and it was deferred till eight, and in the mean time the English continued to prepare in order to depart. The Princess was to go on board the next morning. Her Royal Highness regretted very much that these events should oblige her to such a precipitate departure, without being able to take leave of and express her thanks to the Bashaw, who defrayed entirely the daily expenses of the Princess, from the day that she deigned to inhabit his Palace."

On the 16th, the Admiral went to see the Bashaw, having already at this time written a letter to the French Consul, informing him that he wished him not to continue his negotiation for the ransom of the Neapolitan slaves. In short, after the most serious and warm discussions, Lord Exmouth obtained the liberty, without any ransom, of the Sardinian captives, and, under the promise of a present, the Neapolitan captives were also set at liberty; the Bashaw condescending finally to admit the mediation of England, in order to settle a definitive peace between his Sardeian Majesty and his Sardeian Majesty with that Regency."

A Letter from a military Gentleman in London states, "That it is mentioned at the Horse Guards, that the 9th regt. and all upwards will be disembodied before the 24th of December." Melancholy Effects of Hydrophobia.—Tuesday exhibited in Dublin streets a most interesting and affecting circumstance, in consequence of this dreadful disease. It was the funeral of Lieutenant Amphlett, of the 3d Rifle Brigade, who was bitten by his own dog, some two or three months ago, in the Royal Barracks. This Gentleman was much beloved in his regiment, which was testified by one of the grandest military spectacles ever seen, who attended the funeral from the barracks to St. Anne's Church, in Dawson-Street. There were several pirates of the brigade bit at the same time with the deceased, and their present state of suspense may be easily conceived to be truly lamentable.

On Wednesday last, as Mr. N. Collins, Revenue Officer, was walking with his wife at about 12 o'clock on that day, in the village of Carr, in the Barony of Inishowen, he was fired at by an assassin, and expired on the spot.

WATERFORD. Printed and Published by the Proprietor, ARTHUR BERNINI, Base Court, Waterford, QUAY.

These conditions could not fail of producing surprise in the Bashaw, therefore he instantly answered, that he did not fear threats, and that he would endeavour to repel force; but after a moment of reflection, he said, that he would refuse nothing to her Royal Highness the Princess of Wales, and that he was disposed to grant to her the Sardinian Slaves, if it should be agreeable to her to accept them. The Admiral insisted, that they should be granted to him, and not to the Princess. The Bashaw likewise observed, that General Maitland, when he passed through this place, shewed the powers he had of his Royal Highness the Prince Regent to treat upon political affairs with the States of Barbary, and that he himself positively declared, that the intentions of the English Government were, not to interfere in any affairs but those of its own nation; consequently, he presumed that Lord Exmouth could only now be a negotiator as to the States of the King of Naples, and not of that of Sardinia, and that he must have instructions posterior to those of the French Consul, in order to cause him to suspend his negotiations. The Admiral cut short these reasonings, declaring, that if in twenty-four hours he did not grant him what he demanded, he would pursue another method to obtain his purpose, and went away.

Having arrived at Tunis, he proceeded to visit her Royal Highness, who intended to go the following day to an ancient temple, about twelve leagues distant from Tunis, at a place called Zaguan. In consequence of the conference that took place, her Royal Highness ordered immediately that her baggage and attendants should be embarked.

Ramsey's Waterford Chronicle.

No. 11,957.

SATURDAY, AUGUST 24, 1816.

PRICE FIVE PENCE.

TO BE SOLD BY AUCTION, AT THE ADELPHI TERRACE, ON TUESDAY, THE TWENTY-SEVENTH INSTANT, 200 Tons of Pine Timber, 30 Tons of Straight Oak Timber, 5000 Feet of Inch Board, 8000 Pine Staves, 14 Barrels of Pearl Ash (first quality), and 70 Barrels of Pot Ash.

Imported direct from Quebec, per the Brig Phoenix, MICHAEL POPEY, Master. The above Articles will be disposed of on moderate Terms, and will be well worthy the attention of Purchasers. Waterford, August 20, 1816.

TO BE SOLD, FOR EVER, FOR PAYMENT OF DEBTS, THE HOUSE and DEMESNE of BISHOP'S HALL, in the County of Kilkenny, situate within 3 Miles of Waterford, containing 145 Acres, subject to the small and great Rent of 15s. 8d. per Acre. Also, Part of the LANDS of MELLEVILLE and GAULTSTOWN, adjoining the Demesne, both held for Lives renewable for Ever, containing 17 Acres.

The House is new, roomy, and elegant, and the quality of the Ground is well known to require comment. There is a quantity of TIMBER and a most excellent LIMESTONE QUARRY on the Lands, within One Mile of Water Carriage. Application to be made, in writing, to RICHARD BLACKMORE and SIMON BLACKMORE, Esqs. Bishop's Hall—or to Dr. POOLE and PETER WALSH, Jun. Esq. Waterford, August 20, 1816.

BY Virtue of His Majesty's Writ of Fieri Facias in this Cause to me directed, I will, on the Sixth Day of August next, proceed to sell by Public Auction, at Saint Patrick's Hall, in said County, the Defendant's Interest in all that those CAROLINE A. GALLAGHER and CAHILLAWAN, to satisfy the Plaintiff his Debt and Costs.—Dated the 16th Day of July, 1816.

WRAY PALLEISER, Sheriff. The above Sale is ADJOURNED to the 7th day of October, 1816, to be held at Saint Patrick's Hall.

BROOD EWES FOR SALE. TO BE SOLD, at ANSFIELD, Thirty remarkably selected LEWIS.—Two sets for TIPS.—Apply to the Rev. JOHN BULLOCK, or to PHILIP WALSH, at said Place. August 20, 1816.

CATHERINE O'BRIEN, Plaintiff, DEBRA O'BRIEN, Esq. Defendant. Name of SAUER. RICHARD ROYAL, a SAUER. TIMOTHY DALY, a SAUER. This third Day of August, 1816.

WARREN'S ORIGINAL JAPAN LIQUID BLACKING. PRODUCES the most brilliant Jet Black ever held. It preserves the Leather soft and prevents its cracking. Cleans out the Limes, and will retain its virtues in any Climate. Made by R. WARREN, 14, St. Martin's Lane, London, and sold Wholesale by WHITE and CO. and Retail by BIRKBECK, BULL, and PARKER, Waterford—BANKS, ROWE, GORMAN, FARRER, HOLLAND, and THOMPSON, Chinnel—M'LEOD and BYRNE, Cork—CANNELL and SPENCE, Dublin.—Sold in every Town in the Kingdom, in Stone Bottles, 1s. 6d. each. (Half a Pint, 7d. each.)

Advertisement for Robert Warren's Blacking, mentioning its benefits for leather and its availability in various locations.

THE BRIG HIBERNIA. WILLIAM WALMSLEY, MASTER, FROM HALIFAX.

ARRIVED, and now in the River, with a Cargo of SQUARE TIMBER and LATHWOOD, which will be immediately landed and offered for Sale, on very moderate Terms, by JAMES GUNN, Esq., at the Glass-Work, in the North of the next month. Wind and Weather permitting, all such as wish to take their PASSAGE in her are requested to be ready immediately, that the necessary arrangements may be made for their comfortable Accommodation. A FEW TONS OF COALS will be taken on board. Other Particulars, apply as above, or to the Captain on Board. Waterford, 7 Mo. (July) 22, 1816.

FURTHER INFORMATION. THE NORWIGIAN SHIP INDUSTRY. H. A. WILSON, Master, 500 Tons register, will be ready to sail about a fortnight. For Freight of Passage apply to the Captain, or to JOSEPH JAMES and CO. who are now landing a cargo of DE WILSON'S BRAND CURRIAS. Waterford, 20 Mo. July 31, 1816.

FOR SALE, A REMARKABLY fast-sailing, faithful built HOOKER, well calculated for fishing, piloting, or pleasure.—Apply at this Office. August 17, 1816.

A SAVING OF AT LEAST 10 PER CENT. TO THOSE WHO DEAL FOR READY MONEY ONLY!

ALEX. POPE, JUN. AND CO. BEERS OF THE EXCHANGE QUAY, GRATEFUL for the liberal share of Business they have received since their Commencement, beg leave now to lay before their Friends and the Public a Sketch of their present Prices, which, with the Quality of the Articles, they trust will give general satisfaction.

Plan Congou Tea, 6s. 6d. per lb. Fine ditto 7s. 0d. Best ditto 7s. 6d. Fine Souchong Tea, 8s. 0d. Best ditto 8s. 8d. Bloom Tea, 10s. 0d. Fine Hyson Tea, 12s. 6d. Best ditto 11s. 6d. Fresh roasted Coffee, 2s. 6d. Scale Sugar, from 12s. 0d. to 14s. 6d. per Stone. Refined ditto, 1s. 5d. per lb. by the Leaf. Port Wine, at 40s. 0d. 45s. 6d. and 50s. 0d. per Dozen. Best Tennyiff, 50s. 0d. per Dozen. Best Sherry, 32s. 0d. per Dozen. Old Cork Whiskey, of superior Quality. Spices of every kind, Pickling Vinegar, Soap, Candles, Starch and Blues, &c. &c.

With a further reduction to Purchasers of 5 lbs. of Tea, Half a Cwt. of Sugar, 10 Gallons of Whiskey, or 3 Dozen of Wine. Waterford, August 2, 1816.

FREEHOLD ESTATE. TO BE SOLD, UNDER AN ACT OF PARLIAMENT, FOR PAYMENT OF DEBTS AND INCUMBRANCES, Either together, or in such Divisions as may be agreed on.

ABOUT 450 Acres of the LAND of FAITHLEGG, in the County of Waterford—250 Acres of which now produce about £1200 a year. The remainder of the Land is unimproved. Application to be made to CONNELL BULLOCK and CONNELL HENRY BULLOCK, Esqrs. Faithlegg, May 2, 1816.

THOMAS NEVINS EXPECTS, in about five Weeks from this date, 200 Barrels POT and PEARL ASH'S, a quantity of OAK and PINE TIMBER, and PIPE STAVES, per the Sardinia, direct from Quebec, which, on arrival, he proposes to dispose of on reasonable Terms. Waterford, August 10, 1816.

TO BE LET, FROM THE 29th DAY OF SEPTEMBER NEXT, For such Term of Years as may be agreed on.

THE HAYCOCK and PROVISION CELLARS, at FERRYBANK, in the possession of Mr. JOHN BERRY. There is a REMOVED HOUSE, on the Corner, in complete order, with a plentiful supply of good Water, together with a very new DWELLING-HOUSE, in complete repair, and also a SPAN and COACH-HOUSE. The Lease of great messes of TENANTS belonging to the BACON BUSINESS, which the Tenant may have at a reasonable Valuation. A very little expense, room could be made for the reception of Cattle. Apply to NICHOLAS KNOLL, Bridge-street. Waterford, Aug. 10, 1816.

HEALTH AND LONGEVITY. Health is the only Riches a man can set a value upon; without it all men are poor, let their estate be what it will.

Health is certainly the Riches of Life; and, if men were to derive their rank from that alone, it would, in all probability, make them more careful to preserve it.

LET those who are afflicted in the following manner read a Treatise on the Cause that produced such havoc upon the whole human species, and powers of life—disordered stomach, dry cough, weakness in the voice, hoarseness, shortness of breath upon the least exercise, and relaxation of the whole system. Those afflicted with pulmonary languor of the eyes, weakness of sight or memory, should take time to consider LAMARCA'S advice, that "youth is the important period for framing a robust constitution," and that "nothing is to be dreaded so much as premature excess." The foundation of a happy old age is a good constitution in youth; temperance and moderation at that age are passports to happy grey hairs.

THE CORDIAL BALM OF GILEAD, prepared by Dr. SOLOMON, Cold-House, near Liverpool, is universally acknowledged to be peculiarly efficacious in all inward weakness, loss of appetite, indigestion, depression of spirits, trembling or shaking of the hands or limbs, obstinate coughs, shortness of breath, and consumptive habits. Sold by ARTHUR BERNINI, price 1s. each, or four in one Family Bottle for 3s. British, by which our 11s. Bottle is saved, with the words "SACRILE SOLOMON, Waterford," engraved on the Stamp—British money.

WHERE MAY BE HAD, (Price Three Shillings British.) A GUIDE TO HEALTH, BY S. SOLOMON, M. D. Containing a Treatise on Female Diseases, Nervous and Hypochondriacal Complaints, &c. General Remarks on those Diseases with which the human body is most frequently afflicted. Dr. SOLOMON'S expects, when consulted by letter, the usual complement of a second edition to be enclosed, all drawn by Messrs. LEE, Dr. SOLOMON, Cold-House, near Liverpool. Paid double postage.

CAPITAL CONCERNS TO BE LET.

Lot No. 1.—A CORN STORE, KILN, and SMALL YARD, capable of storing and preparing at one time Ten thousand Barrels of Grain. Lot No. 2.—CORN STORE, KILN, and YARD, capable of storing and preparing at one time Twelve or Fourteen thousand Barrels of Grain. Lot No. 3.—A LARGE YARD, and a CELLAR, flagged for a BAGGAGE-CELLAR. This Lot would make a most suitable Bonding Timber-Yard, having a good quay in front, and will be let with the Corn Store, or separately. These Premises are situate at FERRYBANK, the wharves in thorough repair, the Stairs and Cellars slated with Tin Slates, and fit for immediate occupation. Application to be made to GEORGE IVIE, Attorney. Waterford, August 3, 1816.

TO BE LET, OR THE INTEREST SOLD, FOR THREE LIVES AND THIRTY-ONE YEARS, And immediate Possession given.

THAT beautiful Residence, WOODLANDS, situated on the Banks of the Suir, midway between Waterford and Passage. The HOUSE is fit for the immediate reception of a Family, with STABLING for Six Horses, a double COACH-HOUSE, and every other convenient Out-office, 2 1/2 Acres of GROUND, in the highest state of improvement; a well-planted, walled-in GARDEN and ORCHARD; and a QUAY on the ground for landing Manure. Application to be made to RICHARD USHER, Esq. at Woodlands. July 13, 1816.

STAMP-OFFICE, DUBLIN, AUGUST, 1816.

STAMP ACT, 56th GEO. III. CHAP. 56. SCHEDULE of Articles upon which New Duties have been imposed, or upon which the Duties have been increased or decreased, or respecting which new Regulations have taken place, COMMENCING 5th JULY, 1816.

Table with columns: New Duties, Page in Schedule, and various categories of duties and regulations.

WATERFORD MARKET PRICES—AUG. 23.

Table listing market prices for various goods such as Butter, Pork, Beef, Mutton, etc.

LORD COCHRANE'S ESCAPE. GUILDFORD, SATURDAY, AUGUST 17.

THE KING, ON THE PROSECUTION OF WM. JONES, ESQ. MARSHAL OF THE KING'S BENCH, & LORD COCHRANE. Lord Cochrane entered Guildford this morning about eight o'clock, in a post chaise and four, accompanied by Mr. Brooker, of the Strand, and a young gentleman, an acquaintance. The Civil Court was crowded to excess at an early hour, with the nobility, gentry, and respectable inhabitants of the County, to witness the trial; it being very generally reported, that his Lordship would conduct his defence in person. Lord Ellenborough, who had hitherto sat at Nisi Prius, notified his intention, last night late, of disposing of the remaining common jury causes, and leaving Lord Cochrane's case to be tried last, by Mr. Justice Burrough; the Noble and Learned Judge, from motives of delicacy, having determined not to try this cause, which would, in the ordinary course of the business of the Assizes, have fallen under his judicial cognizance. At half-past 11 o'clock, his Lordship having finished all the common-jury business, adjourned to the Crown Court, and in about half an hour afterwards Mr. Justice Burrough took his seat on the Bench. In the mean time, Lord Cochrane, accompanied by Sir Francis Burdett and other friends, came into Court. The Special Jury Panel was then called over by the Associate, but only two gentlemen attending, Mr. Marriott, as leading Counsel for the Prosecution, prayed a tales, upon which the following gentlemen were sworn of the Jury:—

Table listing names of the jury members and other court officials.

ECCLIASTICAL COURTS AND COURTS OF DEEDS.

Appearances in Admiralty Courts out of Dublin, 481 Clinton, on Friday, not otherwise charged, 481 Copy of any Affidavit being from said Courts, 481 Deceit, Final Suits for recovering Tithes, 482 Exceptions to Allegations, 482 Inhibitions, 482 Petitions, 482

SCHEDULE, PART III. LEGALS, Receipt from the Child or any Deceit from a Child, if deceased, liable to the fractional duty, 492

NEW REGULATIONS RESPECTING PROBATES OF WILLS AND LETTERS OF ADMINISTRATION. Relief when too high a Duty has been paid, 110 Ditto, when too low a Duty has been paid, 120, 121, and 122. Credit may be given of the Duties in certain cases, 123 Term of Credit may be extended, 124 Regulations

Mr. Adolphus stated the indictment, which charged, that, in the 54th year of his Majesty, Charles R. De Berenger, Sir Thomas Cochrane, Andrew Cochran, Johnstone, R. Sandon, A. M'Har, and others, were duly tried by a Jury of the County at Guildhall, in the City of London, before Lord Ellenborough, Chief Justice, and convicted of divers conspiracies and misdemeanours. The indictment then proceeded to state, that, on a subsequent day in Trinity Term, the Defendant, Sir Thomas Cochrane, was brought into Court, and adjudged for his offence to pay a fine of one thousand pounds, and to be imprisoned for twelve calendar months in the King's Bench Prison, during which time he was to stand in and upon the pillory for the space of one hour, opposite the Royal Exchange of London, between the hours of twelve and two; it then stated, that the Defendant was committed to the custody of Wm. Jones, Esq. Marshal of the said prison, in execution of his said judgment and sentence. It then went on to state, that the said Sir Thomas Cochrane afterwards, before the expiration of the said 12 calendar months, for which he was committed, was sent to the said prison on the 27th day of March, in the 56th of the King, with force and arms, unlawfully, wilfully, and contemptuously, did escape and go at large from and out of the custody of the said Marshal, whosoever he, the said Sir Thomas Cochrane, would, and to places to the Jurors unknown, in contempt of our said Lord the King and his laws, to the evil example, &c. and against the peace, &c. There were two other counts, alleging the offence, with some slight variances, and to this indictment the Defendant pleaded *not guilty*, and put himself upon the Country.

Mr. Marryatt stated the case to the Jury.—It was his province to state to them the circumstances which had led to this prosecution; and though the singularity of the case had produced a very numerous attendance of auditors, it was one, the intrinsic merits of which could occupy but a very small portion of time. He should content himself with stating the mere principle of law upon which the prosecution was instituted, and then sketch out the circumstances of fact, from whence the Jury were to draw their conclusion of the Defendant's guilt. There were many reasons why he should not go at length into all the particulars of the case, and many more why he should not digress beyond the simple facts necessary to sustain the present indictment. He had a slight personal acquaintance with Lord Cochrane, from having met him at the table of a near relation of his own; and certainly he had nothing to allege in prejudice of the noble Defendant's character and conduct, independent of the transaction which now brought him before a Jury of his Country. Lord Cochrane had some time since engaged with several persons in a plan for defrauding the Stock Exchange; and, in execution of that plan, a rumour was spread through the City of London, for the purpose of deception, of a victory having been obtained over the then Ruler of France; and a person in the garb of a King's messenger reached London with all the decorations of triumph, the object of which was, to impose upon persons who were dealers in the Stocks, and thereby to enable those who were holders of such property to speculate largely to their advantage. The device had undoubtedly the effect intended by its contrivers and abettors. Whether Lord Cochrane was one of the persons implicated in that conspiracy to cheat the proprietors of Stock, it was not now necessary to inquire; the fact was, that he was included with other persons in an indictment for that offence, which indictment came on for trial. It was not for him (Mr. M.) to go into the merits of that trial; it was sufficient for the present purpose to state, that a Jury of the County, appointed to inquire into its circumstances, found Lord Cochrane guilty; and, upon a subsequent application by the Noble Lord for a new trial, the Court were satisfied with the verdict, and refused to enter into a new inquiry. The necessary consequence was, that Lord Cochrane received sentence of conviction, and was adjudged to be committed to the custody of the Marshal of the King's Bench Prison for the term of 12 calendar months, and to pay a fine of £1000, and to be further imprisoned until that fine should be paid. Lord Cochrane therefore had two things to perform, and which a due obedience and submission to the Laws of his Country required of him, namely, with patience to await the expiration of his imprisonment, and cheerfully to pay that fine, which the Justice of his Country had imposed upon him. The period of his imprisonment would have expired, by efflux of time, on the twenty-first day of June, 1814, the sentence having been passed upon him on the same day of June in the preceding year, 1813. One of the charges against the Defendant was, that he escaped from prison before the twelve months expired. Another was, that he took an opportunity of making his escape before the £1000 fine was paid; and he (the Learned Counsel) was in a situation to prove these charges most satisfactorily. In the first place, because the time of his imprisonment had not elapsed at the period of his escape, which took place in the month of March, 1813, between three and four months before the expiration of the year; and, secondly, because Lord Cochrane had actually paid the fine at a period subsequent to his liberation—namely, at the 31 of July, 1813. This prosecution was instituted by the Marshal of the King's Bench Prison, was, properly speaking, the person who had Lord Cochrane in custody, and who was in some

degree amenable to the Public for the detention of persons committed to his charge. If the Marshal permitted such persons to escape voluntarily, he was liable to an indictment, and very severe punishment. The Marshal had two objects in view by instituting the present prosecution—the most prominent of which was, his own vindication from all suspicion of connivance at the Defendant's escape; and the next was, to hold out to the hundreds of persons entrusted to his custody, that there was no possibility of escaping without punishment for such an offence, by shewing that even a person of the highest rank in the realm could not violate the laws of his Country with impunity. In what manner the Defendant's escape was effected, the Prosecutor and his Counsel were utterly ignorant. Whether it was done by stratagem, or by assistance from without the prison walls, the Prosecutor was wholly uninformed; he knew it was not done by his own connivance, or by any contrivance to which he was privy. Lord Cochrane was seen for the last time by the attendants of the prison on Saturday, the 6th of March; and he was not missed until a day or two afterwards; and he was not recaptured until the 21st of the same month. There was reason to suppose, that, soon after his escape, Lord Cochrane was very anxious to return to confinement when he was aware of the consequences. With the motives of his conduct, or the means of his escape, the Jury had nothing to do; it was sufficient that he was seen at large by a great many persons before the time of his imprisonment had expired. On the 21st of March, the Defendant, being a Member of Parliament, was seen in the House of Commons some hours before the Speaker took the chair, and the Prosecutor having heard the place of his retreat, went with his assistants, and took him prisoner on the same day, in the lobby of the House of Commons. This was the short outline of the case. As to the facts which would be necessary to support this indictment, they would be proved beyond the possibility of doubt. The principle of law applicable to the case was quite clear. It was simply this: the King's subjects owed obedience to the Magistrates and constituted authorities; they were bound to acquiesce in the sentences which the Magistrates pronounced. Indeed, so well established was this principle, that if a man sentenced to the stocks made his escape from the persons empowered to see the sentence carried into execution, he was liable by the old law to be indicted as a felon. Undoubtedly the law in modern times had been ameliorated; and where there was no actual breach of prison, but the party escaped by stratagem or management, he was indictable only for an escape, or for going at large before the expiration of the time of his imprisonment; an offence which was certainly not subject to the severe penalties entailed upon the person who broke the prison walls, or forced the doors. In this case it was not imputed to Lord C. that he broke the prison walls, but only that he broke its boundaries, and was out of prison long before his sentence had expired. This allegation was incontrovertible; because it would be proved, that he was recaptured in the month of March, at a time when his period of imprisonment had three months or more to run—added to this, was the fact of his having actually paid the fine of £1000 on the following third of July. The only inquiry of to-day was, whether Lord Cochrane had escaped from his confinement in the King's Bench Prison before the twelve months were expired. Of that fact there could be no doubt. Lord Cochrane appeared to-day without Counsel; but whether his object was merely to watch the legal proof of the misdemeanour against him, or to meet the charge by a speech and evidence, was at present uncertain. Whatever course the Noble Lord might think proper to take, he (Mr. Marryatt) should confine himself to the simple facts of the case, which lay in an extremely narrow compass, and of the result of the inquiry there could not be a doubt entertained. With the sentence the Jury had nothing to do; that would be matter of consideration of the Court of King's Bench in the ensuing term.

Mr. Richard Gude examined by Mr. Gurney—stated that he was clerk in the Crown-office; and produced a copy of Lord Cochrane's commitment to the King's Bench Prison, in execution of his sentence; and also a copy of the rule of Court by which his commitment was made out.—These documents were put in and read by the Associate.

Thomas Gibbons, examined by Mr. Adolphus.—Witness was Lord Ellenborough's tip-staff; he was present in the Court of King's Bench when the Defendant was brought up and received the sentence of the Court of King's Bench on the 21st of June, 1814. In consequence of the judgment, and in obedience to the order of the Court, witness conveyed the Defendant to the King's Bench Prison, in execution of his sentence, and delivered him into the custody of the jailors; witness afterwards saw the Defendant on the 21st of March, 1813, about two in the afternoon, in the House of Commons, and, with the assistance of Mr. Jones, the Marshal, Mr. Brooshooff, the Deputy-Marshal, Lavender, the Bow-street officer, Poole, a tip-staff, and another officer, took him into custody, and conveyed him back to the King's Bench, and replaced him in confinement.

Cross-examined by Lord Cochrane.—Q. What authority did you convey Lord Cochrane from the Court of King's Bench to the King's Bench Prison on the 21st of June, 1814? A. I was present in Court, and heard your Lordship's sentence pronounced by the Judge; and in performance of my duty, as directed by

the Court, I took your Lordship to the King's Bench Prison, in execution of your sentence. I delivered you to the Turnkeys, in obedience to my orders.

Q. Was the Marshal present when you delivered Lord Cochrane into the custody of the Turnkeys? A. The Marshal was not present.

Q. Do you consider a deliverance to the Turnkeys a deliverance to the custody of the Marshal of the King's Bench, and do you know whether the Turnkeys had any authority to act? A. I know nothing of the authority of the Turnkeys; I acted in obedience to my orders, and I delivered your Lordship into the custody of the Turnkeys as the servant of the Marshal.

Q. Had you any authority to act on that occasion? A. I had no authority to act by except the verbal orders of the Lord Chief Justice, which were quite sufficient for me. I was present at the proceeding, and heard the Judges' orders pronounced, with which I immediately complied, and delivered your Lordship into the custody of the Turnkeys.

Q. Will you take upon yourself to swear, that the person, into whose custody you delivered Lord Cochrane, was a Turnkey duly authorised to act as such? A. I know nothing of the person's authority; he acted as Turnkey, and I delivered your Lordship into his custody, as the acting officer on duty.

Q. Why do you take upon yourself to say, that the person, into whose custody you delivered Lord Cochrane, were really Turnkeys? A. The only question is, were they acting as such at the time; were they then on duty as Turnkeys? A. They were the persons who opened the gates, and were on duty at the time.

Q. (By Lord Cochrane.) Will you take upon yourself to swear that they had "the run of the key"? A. I don't know of any such circumstance; they were the Marshal's servants, and acted under his orders.

Q. The Marshal was not present? A. No; he was not.

Q. Do you consider the delivery of Lord Cochrane at the time to the Turnkeys, a delivery to the Marshal, the Marshal not being present? A. I certainly considered it a delivery to the custody of the Marshal of the King's Bench, in obedience to the orders of the Court—the principal officers, Mr. Morris and Mr. Devereux, being then on duty.

Q. Then, to the best of your belief, and upon your oath, you never saw the authority upon which those persons acted? A. I only know that they were acting officers of the prison.

Q. You think the Marshal was not present? A. I have already said he was not.

Re-examined by Mr. Adolphus.—The persons to whom the Defendant was delivered were acting as Turnkeys and officers of the prison; Defendant was delivered to their custody in the usual way in which all other persons committed by the Court of King's Bench were delivered, in obedience to the order of the Court, in execution of their sentence.

Examined by Mr. Justice Burroughs.—Witness was in the habit of conveying prisoners to the King's Bench Prison, and generally delivered them to the custody of the same persons.

Mr. J. E. Brooshooff, Deputy Marshal of the King's Bench Prison.—The Defendant was committed to prison on the 21st of June last, in execution of his sentence, and remained there until his escape took place, which was some time in the month of March, but witness could not precisely state the day. Witness first heard of the Defendant's absence from prison about the 8th or 9th of March, when he searched and found the Defendant was missing. He was afterwards present, on the 21st of March, when Defendant was taken into custody in the House of Commons. There were no other Members in the House at the time, and the Speaker was not then in the Chair. The House of Commons was not a part of the rules or limits of the King's Bench Prison. Defendant was re-conveyed to confinement, and underwent the remainder of his sentence of imprisonment. On the 3d of July, witness accompanied Defendant's secretary to the Crown-office, where the fine of £1000 was paid. Defendant was liberated on the same day.

Cross-examined by Lord Cochrane.—Q. Were you present when Lord Cochrane was committed? A. No, I was not present; this I recollect.

Q. Was the Marshal present when Lord Cochrane was delivered into custody at the King's Bench Prison? A. No; certainly not.

Q. Do you consider the delivery of Lord Cochrane into the custody of the Turnkeys, a delivery into the custody of the Marshal? A. I certainly consider a delivery into the custody of the officer of the prison in effect a delivery into the custody of the Marshal.

Q. Do you know by what authority Mr. Jones, the Marshal, acted on that occasion; and do you not know that in point of fact the Marshal was not acting in his office of Marshal? A. The question is not upon what authority the Marshal acted, or whether he properly discharged the duties of his office; we have no right to inquire into that subject. The issue is not whether Mr. Jones, the Marshal, in point of law acted legally and properly; but the question is, whether the Defendant, being legally delivered into custody, escaped from that custody before the period of his imprisonment had expired.

Lord Cochrane.—I submit to your Lordship, that it is of material importance to inquire whether an officer, holding a certain situation to which

certain duties are assigned, has performed those duties. Does not your Lordship think it an important issue in this case, whether that officer, holding such a situation, has performed the duties of his office, and whether that officer can be considered as legally executing the duties of his office, when it appears, by the evidence, that he was not present.

Mr. Justice Burroughs.—We have nothing to do with the authority or the duties of the Marshal. The question is, whether *ipso facto* the Defendant has been legally committed to custody? If the officer does not perform his duty, or misbehaves himself, he may be removed from his office, or punished for any misbehaviour in it; but that is not the offence we are now trying.

Lord Cochrane.—It is clear, upon my cross-examination of the witness, that Mr. Jones, the Marshal, was not in the exercise of his office, nor performing the duties assigned to him, and that he was not acting agreeably to the tenor of his commission.

Mr. Justice Burroughs.—He was exercising the office of Marshal, and the Defendant was delivered to the custody of his servants, acting on his behalf. The Marshal might not be personally acting, but still he was legally exercising his office through the medium of his servants.

Lord Cochrane.—I trust I may be permitted to call your Lordship's attention to the terms of the commission under which Mr. Jones is authorized to act.

Mr. Marryatt.—I submit to your Lordship, it is not competent for the Court to enter into any such inquiry as this.

Mr. Justice Burroughs.—I take the object of my Lord Cochrane to be, rather to suggest what is the nature of the office, and the nature of the commission under which the Marshal acts.

Lord Cochrane then read a passage from the Report of the Committee of the House of Commons on the subject of the King's Bench Prison. The definition of the duties of the office of the Marshal of that prison were there contained, the principal of which was, that he should be present and personally acting in the discharge of his functions.

Mr. Justice Burroughs.—Whatever objection may be made to the manner in which the duties are performed, that does not make the office void. He still acts as the ostensible officer in the government of the prison.

Mr. Marryatt submitted, that the Court ought not to inquire into the manner in which the duties of the office were discharged.

Mr. Justice Burroughs agreed that this course of inquiry ought not to be pursued, as the Court had nothing to do with the manner in which the office of Marshal was discharged.

Lord Cochrane then objected, that the evidence adduced did not sustain the language of the indictment, which charged him with having, with force and arms, contemptuously escaped from prison.

Mr. Justice Burroughs said, that this was mere formal language, in which all indictments of this sort were framed. Whether the escape was effected with violence or not, was of no consequence.

Mr. Marryatt said, that the same language was used in cases of libel and perjury.

Lord Cochrane then submitted, that it was material to state in the indictment a precise day on which the escape had taken place.

Mr. Justice Burroughs.—The day is not at all material. There are very few cases in which it is necessary to allege the precise day on which the offence was committed.

Lord Cochrane then stated his cross-examination of the witness, who claimed that he never knew of any case where a crown prisoner was at liberty to go at large. He never knew that Sir William Manners had the benefit of the rules, though certainly that person was not confined within the four walls of the prison.

Mr. Justice Burroughs.—Sir William Manners never escaped from prison, therefore that case is not applicable to the present. But even supposing he was improperly indulged with his liberty, that is only matter of complaint against the officers, and has nothing to do with the present case. Your case is to show that you were really in prison at the time you are alleged to have escaped. Your case is, that you were at large before your Lordship's imprisonment expired. If you can show that that is not so, the case is answered.

Lord Cochrane declined further cross-examination.

Mr. Marryatt here closed the Prosecutor's case.

Lord Cochrane now rose and addressed the Court and Jury; he observed, that, with a view to trespassing as short a period as possible upon their attention or time, he had committed to paper such matters as he thought it necessary should be understood in the investigation of the subject before them, and which he thought ought to be taken into consideration by the Jury before they came to a decisive conclusion. Concerning, as he did, that the injustice done to him on a former occasion was in part attributable to the conduct of his Counsel, he had resolved in this instance to appear in his own defence; relying principally on these considerations, his Lordship then proceeded to read his written speech, which was as follows:—

Gentlemen of the Jury.—The Marshal himself has repeatedly been necessary to much more glaring violations of the sentence of the Court than that for which he now prosecutes me. An escape, to be criminal, is contemplated in law as an act done with the intent wholly to abscond from and evade justice, whereas mine was a very

contrary intention, as is quite evident from the way I made of my liberty. The escape, if an offence, was such as the Marshal himself attempted to compromise; and such as, on recapture, he had the immediate power to punish—a power which he did not fail to exercise. It is notorious, that the sentence of the Court has frequently been violated by the Marshal himself, who has seldom scrupled to allow such prisoners as could pay for the indulgence to quit the prison at their pleasure, and walk daily to any distance within the space denominated the rules, or even wholly to reside in them; and I have heard that neither the rules of the King's Bench, nor the shores of the kingdom, have always limited their excursions. Every such practice is as much an evasion of the sentence of the Court, which contemplates an unremitted confinement within the walls, as any description of escape whatever. It is in reality an escape from prison by the assistance of the jailor. The notoriety of such enormities ought to render it imperative on the Marshal to prove the manner of the escape now alleged, were it only to shew that he himself was not an accessory; and, even then, it could only be said, that the present prosecution is not for a violation of the sentence of the Court, but for not buying the confederacy of the Marshal.—It is not for the commission of a breach of prison, but for not effecting it by bribery. The Marshal himself, when examined before a Committee of the House of Commons, did in effect acknowledge the existence of such practices; for he expressly resolved a resolution not to be guilty of them again. Indeed the matter was so notorious, that the Committee did not inquire whether such things had been done, but whether he contrived to do them? Seeing, then, that such corrupt practices, like others elsewhere, are as notorious as the sun at noon-day, how could it be expected that I should consider it any very serious offence to escape from the King's Bench prison? I had been condemned with seven others, and had applied for a new trial, but was told that I could not be heard, because all the convicted persons were not then present. I had said I did not require an impossibility. But the answer was, that the practice of the Court required it, and that the practice of the Court of King's Bench was the law of the Court of King's Bench. Afterwards I was sent to prison, where I found it was the practice to depart and go at large. I went, then, might not I conclude from what I had been told, that the practice of the King's Bench Prison was the law of the King's Bench Prison? Why should practice constitute the law in one case, and not in the other?

If, however, I have trespassed by observing the practice of the prison, rather than that of the Court, I have still to plead, that my transgression was the fruit of oppression. Was it no extortionation, to know that my imprisonment was unjust, to be conscious of my entire innocence of the crime for which that imprisonment was imposed as a punishment, not to evade the pain of that punishment, but to denounce the injustice of its infliction? To use my own previous language on the subject, "I could endure enough in prison to evince that I could endure restraint as a pain, but not as a penalty." I had staid long enough to be certain that my prosecutors were conscious of their injustice, and to feel that my submission to their unmerited inflictions was losing the dignity of resignation, and making into the ignominious endurance of an insult. Was it unnatural then to think it high time to be gone; and my manner of going was of all others least exceptionable: not, as alleged in this indictment, "to the evil example of all others;" but by my plain scarcely any one knew, and none would dare to follow. I neither set an example that could be followed, nor followed the evil example that was set. Had I made an escape by the old, cowardly, corrupt method, you would never have heard of this prosecution; and as to my motives, they were more than barely defensible—they were laudable. Mine was not an escape to defraud a creditor, or do any man an injury, but to do and to obtain justice. I might, indeed, be mistaken as to the mode by which I was to be freed; but it was a venial error. It was an irregular way, to be sure; but it was the only one which presented itself to my imagination at the time, wholly unimpressed as I was with indignation at the insolence and iniquity of those under whose conscious injustice I was suffering, and eagerly grasping at the hope of escape, and repelling that injustice by any practical means. I therefore effected my liberation with the sole view of assuming my seat in Parliament, and of reminding that Assembly, that the sentence of expulsion had been reversed by the People; and of drawing from them that strict investigation into the cause of my suffering, and into the conduct of my Judge, to which I was entitled, and which had not then, and which, I am sorry to say, has not yet been afforded to me. The House of Commons is described in the 4th writers upon the Constitution to be the place where all wrongs are to be righted, and where no man can obtain redress elsewhere." And, therefore, in that House I had a right to expect that redress, when it is found to afford to all, and in particular to me as a Member. Such was my object, and such, at the moment, was my hope; and if I was too sanguine in that hope, it can only be accounted for (in my mind) by the alteration, or rather the determination of Parliament, from its original end and institution. Such a hope in better days would have proved better founded. The *Marrow*, written in Saxony

times, says, "The Parliament was instituted for the redress of wrongs done by the King, the Queen, or their children, and especially of those (wrongs) where one could not have otherwise common right." The same thing is said in other words by Finch, in the old Norman French, which power to make laws, judge of matters in law, the life of a man, and correct errors in the King's Bench, especially where there is some mischief which the ordinary course of law cannot remedy." Knighton, a very old historian, says, "Parliaments are held, in order that poor as well as rich may be refreshed with peace and ease of their oppressions, and always find inflexible and sure refuge and succour." And Roshworth says, to the same purpose, that Parliament is "the corrective of injustice and oppression, which (corrective) is to be distributed to all, so that every man shall have that benefit and protection of justice that is due to him." Now these passages shew a received opinion that justice might be done to a man in the Courts of Parliament, but in that highest of all Courts he was to look with assurance for redress. Such being the case, I, as a Member of that Court, might well imagine that I had only to cross its threshold to find not only refuge but redress. That I was so actuated is notorious, for it was in that House, in possession, as I conceived, of that very refuge, and in search of that very redress, that I was found by my present Prosecutors—who, in open violation of my privilege as a Member, and my right as a suitor, forcibly dragged me back to the seat of oppression, and, in gross aggravation of that oppression, instantly immured me in a pestilential dungeon, and there held me inured for a period of 26 days; and who, instead of being punished for his violence and barbarity, imprudently called on a Jury of his Country to heap fresh oppression on the head of his persecuted victim. When the Marshal of the King's Bench was first apprized of my absence, he sent my servant with a message to Mr. Basil Cochran, entreating, if he knew, or could ascertain where I was, to endeavour to prevail on me to return, and that he would receive me at any hour of the night, and no notice should be taken of it. Mr. Cochran replied, that he should certainly advise me to return if I was really absent, but could not believe it, having received a letter from me on the day before, enclosing two franked letters, which letter, as soon as the report of my absence was known, Mr. Cochran himself took and showed to the Marshal, in order to evince that I had not made him acquainted with the transaction. But the Marshal immediately perceived that that letter might possibly answer another purpose, namely, that of giving belief that I was actually in the prison on the day that he had dated, and therefore in all probability was still confined within the walls; for he immediately let Mr. Cochran to allow him to show that letter to the Chairman of the Committee of the House of Commons, then sitting; and being so done, he begged Mr. Cochran to communicate to me, that if I would not shortly return, I should be received in the name of the night by himself and one confidential Turnkey, and that no other person should be in attendance, or know any thing of the matter; so that I might be found in my room the next morning, and it would appear that I had not been concealed myself in the prison. Then, upon Mr. Cochran's assurance, that he would use every exertion to effect the object proposed, and would, if possible, accomplish it immediately, observing, that the Marshal would thereby save his own hundred guineas, the reward he had held out for my apprehension, he seized Mr. Cochran's hand, and thanked him for his kind consideration for his interest, and the trouble he took in the matter. And on the next day he wrote to Mr. Cochran a letter, which is as follows:—

Sir.—In consequence of the conversation that passed between us several days since, I was led to hope that I should have the pleasure of seeing you in the course of the night, according to an arrangement that was in a manner made between us; but having been disappointed in that pleasure, and having been already substantially harassed by the late late, unaccountably, I have therefore not the least doubt, in a conditional way, to request that you will let me know whether you have any expectation of accomplishing so desirable an object for all our parties, as we had contemplated. I am, Sir, your very obedient humble servant, WM. JONES, Marshal.

Lord Cochrane, Esq. Secy. to the King's Bench, Tuesday evening, 14th March, 1813.

Ifence it appears that the Marshal was most anxious to compromise an act, which he has since visited with the severest punishment, and still represents as a great and untoward error, and calling for further castigation. Mr. Basil Cochran took the earliest opportunity of conveying to me by letter the Marshal's proposition, stating that he would receive me privately at any hour of the night I would appoint, and that the Marshal was rejoiced at the idea of such an arrangement; upon which I immediately wrote to Mr. Cochran, informing him that I had quitted the custody of the Marshal for the purpose of endeavouring to bring the conduct of Lord Ellenborough before the House of Commons, and that I should act accordingly on an early day, probably the Tuesday following, and it was precisely on the Tuesday following that I did so act; and Mr. Cochran had, in the mean time, communicated my intention to the Marshal, and had actually recommended him to have persons in readiness to take me in charge on my return from the House; and it was under the apprehension that such a person would be in attendance, that I went at an early hour, in order that my entrance might not be obstructed, but not anticipating any violence within the walls, and being indifferent as to what might occur at my ingress, provided I could succeed in my purpose of being

heard in the house. The Marshal, therefore, had an opportunity afforded him of effecting the arrest by his own officers, and of avoiding the advertisement of payment of 300 guineas; and, therefore, if he has really sustained that, or any other considerable expense (which is most improbable), it is his own fault. I also announced my intention of going to the House, and for what purpose, by a letter to the Right Honourable the Speaker, on the very day that my absence from the prison was discovered; and I am assured, that the Marshal himself, through the medium of that communication, had almost immediate intelligence of my intention; so that in effect he had all along apprized of the cause and object of my departure, and where I might ultimately be found; and, through Mr. Cochran, he was made acquainted with the precise day. It is therefore most evident, that nothing could be further from my intention than to elude the sentence of the Court; however conscious I was of the injustice of that sentence. I avoided it for the moment, because I had no other hope of effectually remonstrating against it; but remonstrance, & not evasion, was most decidedly my object. The intention of the person charged is the gist of every criminal act; my departure from prison, therefore, was not an escape in any criminal sense, which, as before observed, is contemplated in law as an act done with intent wholly to abscond from and evade justice. It is such an intention carried into effect which constitutes the offence with which I am charged; whereas it has been demonstrated, that no such intention existed, and it is well known, that no such effect ensued. It is but too true, that I have suffered the full term of the imprisonment decreed, with the aggravation of much wanton coercion and unnecessary restraint. The dungeon, for such it is, in which the Marshal thought proper to incarcerate me, after my recapture, is usually called the strong room, but it has also another name. In the orders for the better government of the prison, made and signed by the Judges, in the year 1729, it is called the hole—the hole, or room, commonly called the strong room. It is near a hundred years ago since the Judges recognized it by that name, and length of time has not entitled it to a better. The recent Committee of Inquiry, treating of this hole, and of my confinement therein, report as follows:—The places of confinement within the prison are called the strong rooms; there are two of them, and are both of the same size; one floored with stone, the other with wood; but both without fire places, and without glass to the windows, which open into a small court, about six feet wide. In these miserable places, persons have been shut up for months. Those who have beds are permitted to bring them, but to those who have none, straw is furnished. It is in this place that Lord Cochrane has been confined for above three weeks; the windows were, however, washed and glazed on the third day after he came into it, and the room carpeted; yet the cold, and damp, and offensive smells, so affected his health, as to render his removal necessary." The Committee report, that persons have been confined in the strong room for weeks and months, and that one person was so shut up for 42 weeks, and his sufferings were most considerable. Nevertheless, the Marshal had the confidence to tell the Committee, that he never kept people there above a day or two, upon which the Committee courteously enough remark, "they cannot suppose he wilfully concealed from them the fact above mentioned; and they must therefore consider this circumstance as furnishing another instance of his entire ignorance of all that is transacted within the walls of the prison." The Committee further declare their opinion (page 15), that the strong rooms are not fit places for confinement, and strongly recommend the selection of some other apartment, and suggest, that whenever a necessity of punishing any prisoner occurs, the Marshal should immediately report the reasons thereof to the visitors, and that the period of confinement should not be extended beyond a week, without their special authority. On the subject of my confinement in the strong room, which occurred in the inclement month of March, the Committee addressed some questions to Mr. Brooshooff, clerk to the Marshal, who stated that Lord Cochrane was confined in the strong room nearly a month; that it was two or three days before the windows were glazed; that, during the first part of the time, he was not permitted to walk out into the little yard, except for the occasions of nature; that, owing to the darkness of the room, he had frequently seen him with a candle in the day time; that there was no mode of warming the strong room; that Lord Cochrane made use of charcoal, till he (Brooshooff) begged he would do so no longer; that he complained of the cold and damp, and that offensive smells arose, and a large butt underneath, for the reception of the urine;" meaning a considerable proportion of the urine of the whole population of the prison; for the exterior of the wall, from its vicinity to the tap-room, and to the entrance of the prison, is rendered the place of most frequent resort for that purpose; and although Mr. Brooshooff conceived that the place for making water was below the room, it is in fact immediately opposite. The Committee report, that urine is suffered to accumulate for continued persecution. When it is considered that the Marshal, on the commitment of a prisoner to the county goal, has no authority to dictate to the keeper of that prison upon the mode of confinement, but merely to require him to receive and safely keep him in custody, it may fairly be doubted, that if he had so acted by me, whether the keeper of that prison would have attempted greater rigour than

punitive and unwholesome. Such was the situation to which I was consigned by the Marshal for six and twenty days, and yet he still calls for further inflictions. He will have it, that this punishment is not quite so bad as a cell in the New Gaol in Horsemonger-lane, in which, he asserts, I should have been confined, had he exercised his power of committing me to that prison on his own warrant for that escape, as he could have done, for the space of one month; that therefore I have not had my full measure of punishment, and the Marshal will make no abatement. He must have an equivalent for the difference between the hole and the cell, and for the two odd days. To the odd days, in particular, he is especially entitled, as he remitted them at the moment out of pure humanity; they could not then have been added without endangering my life. He admits he was aware that my health would inevitably decline in that situation; for he has made it his boast, that he "requested two medical Gentlemen to attend, with a view to receive their successive reports as to the progressive state of my health;" and that when they reported that it was so much impaired, that a longer continuance might be attended with "dangerous consequences," he determined to "become my friend," and to remove me to another apartment; that is to say, he ascertained, by surgical inspection, the extent to which he could torture me without absolute danger of death, and then critically interposed just in time to save my life, and preserve me for further inflictions. The present prosecution is the best comment on the Marshal's boasted humanity. But, in fact, it is not till after the urgent certificate which I received from one of the Gentlemen sent by the Marshal, as well as that of my own Physician, Dr. Buchan, pointing out the absolute necessity of an immediate change of abode, had been transmitted to the Hon. Mr. Bennet, Chairman of the Committee of Inquiry into the state of Prisons, and by him laid before one of the Secretaries of State; and until Mr. Bennet and Mr. Lambton (a Member of that Committee) had remonstrated with the Marshal, that he reluctantly determined to liberate me from the dungeon.—These certificates were as follow:—

"This is to certify, that I have this day visited Lord Cochrane, who is affected with a severe pain in the breast, his pulse is low, his hands cold, and he has many symptoms of a person about to have typhus or putrid fever. His symptoms are, in my opinion, to be ascribed to the state of the strong room in which he is now confined, which has no ventilation, and is rendered extremely damp and unwholesome by the exhalation of urine coming through the wall." 15th April, 1813.

ALEX. B. BUCHAN.

"I hereby certify, that I have visited Lord Cochrane, and am of opinion, from the state of his health at this time, that if a person about to have typhus or putrid fever, the room in which he now inhabits, is one which is better ventilated, and in which there is less place, his Lordship's complaint of pain in the chest, with difficulty of respiration, accompanied with great coldness of the hands, and from the general state of his health, there is great reason to fear that fever of a low typhus may ensue on." RICHARD SAUNDERS.

Newington, Surrey, April 14th, 1813.

[In reading these certificates, his Lordship was so much affected as to be almost incapable of proceeding. Mr. Justice Burroughs begged of his Lordship not to hurry himself, but to take his own time. Lord Cochrane apologized for the interruption, and said it was wholly attributable to the painful recollections, which reading those certificates had produced. His Lordship then proceeded.]

By an order of the Court for the better government of the King's Bench Prison, bearing date the 19th day of May, 1760, and which is still in force, and is inserted in the appendix to the recent Report of the Committee of Inquiry, it appears, that in any case any Prisoner shall either actually escape, or attempt to escape, the Marshal is empowered to remove him to the goal for the County of Surrey, for such time as he shall adjudge and think adequate to the offence, not exceeding the space of one month. Now, if the Marshal, in the present instance, had exercised such authority by removing me to that prison, he could have had no pretence, and I conceive no power, of bringing the present prosecution, because the terms of his authority are, he shall commit the offender for such time, not exceeding one month, as he shall adjudge and think adequate to the offence. The exercise of such authority, therefore, implies the infliction of a *judicial* and *adequate* punishment, and must be an effectual bar to ulterior proceedings. The language of his authority will admit of no other construction; and the fact is equally clear from the reason of the thing; for, though he may possibly possess the option either to punish by virtue of his own warrant or to proceed by indictment, it can never be held, that he is first to punish, and then to prosecute; he is not to adjudge and impose an "adequate punishment," and then to apply to the Court for additional penalties.—If, therefore, the Marshal had thought fit to remove me to the county goal for the greatest length of time in his power, instead of incarcerating me in his own dungeon for nearly the same period, he could not have promoted the present indictment. Here then is a reasonable motive for the boasted forbearance of the Marshal. The rigorous cell would have precluded him from the exercise of further barbarity; but the merciful hole still left him a pretence for continued persecution. But when it is considered that the Marshal, on the commitment of a prisoner to the county goal, has no authority to dictate to the keeper of that prison upon the mode of confinement, but merely to require him to receive and safely keep him in custody, it may fairly be doubted, that if he had so acted by me, whether the keeper of that prison would have attempted greater rigour than