Treason had been committed by her Majesty, then no Bill of Pains and Penalties should have been preferred ; and if it was doubtful, the Judges were not authorised to expound the doubt, but by the Statute such doubt should come before the King and his Parliament. The Judges who entertained such doubts are to tarry, and not proceed to judgment, and such ought to be the case now. The Judges should have tarried, and the case should have come before the King and Parliament by way of impeachment. The Law would not permit the execution to be changed in any case. If a Statute should provide the burning to death for any crime, and a Judge, out of feelings of mercy, should change the punishment to beheading, such a Judge would be guilty of murder. So, in the present case, if her Majesty had been guilty of High Treason, it was not in the power of any man to mitigate the crime to that of a misdemeanor, and out of mercy proceed by a Bill of Pains and Penalties, but must proceed by impeachment ; and to proceed in any other way would be to shake the Law of the Land to its very basis. He trusted the House would now so express its opinion as to put an end to it altogether. The Petition was then ordered to lie on the table.

Lord J. RUSSELL then presented a similar Petition from some other place, but it was read in so low a tone, we could not collect from whence it came.

Mr. HUME presented a Petition from Aberdeen against the Bill of Pains and Penalties. Ordered to lie on the table.

A new Writ was ordered for the County of Warwick, in the room of Sir Charles Mordaunt, Bart. who has accepted the Chiltern Hundreds.

CONSPIRACY OF FRANKLIN AND OTHERS.

Mr. HUME wished to call the attention of the House to a very important subject. His first object was, that Sir Robert Baker should be called to the Bar to answer for his conduct. He (Mr. Hume) had proofs in his hand to show that, from 1818, to the present time, a Conspiracy, headed by Franklin, Forbes, or Fletcher, (for he had gone by all three names,) had existed, for the publication of seditious and treasonable hand-bills. The Noble Lord opposite had frequently complained of late, that the friends of the Queen had excited the People to violence by the issue of Placards. *(Hear!)* Many of these could be traced to Franklin, as well as one posted at Paisley and Glasgow, urging the Artisans to cease from their occupations, and to take up arms until Parliamentary Reform was obtained. Three Hundred Pounds Reward in Glasgow, and Five Hundred Pounds in London, had indeed been offered for the author, but the consequences had been that lives had been lost, and more than 20 families plunged in distress, the masters of them being dragged away as the writers of this hand-bill. The Riots in the West of Scotland had followed, succeeded by a Special Commission and the execution of criminals. Mr. C. Pearson had traced the whole matter in a way that did him infinite credit; and he (Mr. Hume) was now prepared to assert, that the Conspiracy existed with the knowledge and consent of Ministers.—*(Cheers.)* He had provided himself with a conclusive affidavit, and had taken care to see many Individuals, Printers, Compositors, and Bill-stickers, who were immediately connected with the principal offender Franklin. One Printer swore that he was employed by Franklin, who, notwithstanding, had been so strangely discharged by Sir R. Baker on Sunday. Mr. Birnie had been previously warned by Mr. Pearson to be cautious, and refused to take bail accordingly ; but Franklin procured himself to be brought before Sir R. Baker, and by Sir R. Baker he was allowed to escape. Sir R. Baker had told a deliberate falsehood in his (Mr. Hume's) presence, by asserting that he had taken sufficient bail, when the word of a Mr. Williams was all the assurance he had received. When Mr. Pearson went to the Home Department, he found that Mr. Clive was acquainted with all the facts, and this, connected with other circumstances, showed the participation of Government in the whole transaction.—Mr. Clive said that it was a matter of no consequence, that they knew the import of all the hand-bills ; and, on the return of Lord Sidmouth from the House of Lords, he said, that he did not think the matter worthy of attention. The Hon. Member then noticed the conduct of Government with regard to hand-bills, as far back as 1796; coming down to the Glasgow Placard of the 8th of April last. He then read three Placards issued by Franklin through the instrumentality of a Printer in Tottenham-court-road. He also read the Affidavit of this Printer, which stated that Franklin came to him with a very inflammatory hand-bill in favour of Sir F. Burdett. At first the Printer refused to compose it, until he was assured by Franklin that it would be most advantageous to him, that he should have a great deal of profitable work of the same kind. Afterwards the same person brought him other Papers, and particularly the celebrated Letter addressed to the Jury who were about to try Sir Francis Burdett at Leicester, and which had been stigmatised in the Government Journals as the production of Radicals and Incendiaries. The next Placard brought to him by Franklin was an Address to the Meetings at Smithfield ; but before the Deponent printed so seditious a Paper, he thought it right to follow Franklin, who went in a hackney coach to Charing-Cross, from thence to Downing-street, and afterwards to the house of Mr. Denis O'Bryan, Craven-street, Strand.—The Deponent then printed the hand-bill, on the assurance of Franklin that he had official authority for it. The Hon. Member added, that he had, in addition, the testimony of the Bill-sticker, who had been accompanied by Franklin, from twelve o'clock at night until four in the morning. Mr. Hume added, that he could distinctly prove the connexion of Franklin with Ministers, that he had no visible means of living, and that if he did not dine with the Members of Government, that he left his house stating that he intended to do so. The Hon. Member then read to the House the Placard addressed to the Smithfield Meeting. The whole of the Hand-bill was infamous, inflammatory, and disgraceful. But there was another Placard, dated September 7, 1818, in the hand-writing of Fletcher himself, which was couched in yet more inflammatory language. When he considered the conduct of Government, after the apprehension of Fletcher, he could not avoid thinking that Government had connived at his escape, remembering, as he did, what was done with regard to Castles, Edwards, and Oliver—the latter of whom was styled "a much-injured individual." He thought he had shown sufficient ground for Parliamentary interference. He submitted that Sir R. Baker ought to be called to the Bar of the House—*(hear!)* for it would not perform its duty unless it probed the whole business to the bottom. He concluded with moving, that Sir R. Baker be immediately called to the Bar of the House, to be examined for the discharge of Franklin, without bail.

Lord CASTLEREAGH observed, that the Hon. Member had often drawn on the credulity of the House—*(a laugh)*—but he had never seen such a draft as this was. GOD knew that thro' the aid of Mr. Wooler, Mr. Carlile, and other Gentlemen of that character, the Country was inundated with Libels, many of which had been attributed to Government ; it was indeed a disgrace to the House to hear such an assertion, and if there were a grain of truth in the accusation, he should be ashamed to occupy the place he had the honour to fill. He was prepared to punish to the utmost any individual who could be proved to be guilty of so base a crime as conniving at the offence which Mr. Franklin had been accused of ; but when he considered that this proceeding emanated from a Radical Committee—*(Hear!)*—when he recollected that Plots had been contrived to cover those proceedings of a most dangerous tendency, and which had convulsed the whole Country—when he considered that conspiracy was the fashionable expression of the day—*(cheers from the Opposition)*—he could not lend his ear to statements of such an inflammatory nature as those he had heard out of doors. He reminded the House that there was a criminal proceeding now on foot. *(Where, where? from the Opposition Benches.)* He conceived that a warrant was out against the individual—*(hear!)*—and until some further steps were taken, any interference by this House would be premature. He could assure the House that he knew nothing either of Mr. Franklin or Mr. Fletcher, and in saying this, he conceived that he had answered the convivial part of the Hon. Member's statement. *(A laugh.)* The Noble Lord entered into a minute statement of the facts of the case as they had come to his knowledge. With respect to the order sent to the Out-ports to detain Mr. Franklin, he wished the House to recollect, that such an order, although apparently very simple, was never issued, excepting upon great occasions ; and the probability was, if it had been issued, that at least 20 Mr. Franklins would have appeared. The Hon. Member could not be more earnest than every person in his Majesty's Government for the apprehension of this individual. This was not a transaction in which it would be now proper for the House to interfere. As to the unintelligible romance of the Hon. Member, he should think that he was wasting the time of the House in answering it. His Lordship concluded by warning the House against placing reliance on the *ex parte* and parole evidence produced.

Mr. BENNETT, after the high tone of the Noble Lord, was surprised he had not embraced this opportunity of proving his own and the innocence of his friends with eagerness. A case of suspicion had been clearly made out against a Magistrate, and though the Court of King's Bench would not interfere without proof of corruption, the House was bound to inquire. After the encouragement of Castles, Oliver, and Edwards, he looked with great distrust at the Home Department. He did not charge the heads of office with being concerned in it, but some underlings who were in a conspiracy for the benefit of Government to issue these detestable Placards.

Mr. CLIVE related some circumstances relative to the appearance of Mr. Minshull and Sir Robert Baker at the Home Department.

Mr. GURNEY supported the Motion of Mr. Hume, and complained of the power of this Government in apprehending persons in foreign countries.

Lord CASTLEREAGH and Mr. GURNEY mutually explained.

After some further debate, in which Mr. Gurney, Mr. Bernal, Mr. Tierney, and Lord Castlereagh took a part, the Motion was withdrawn.

ADJOURNMENT.

The Committee appointed to search the Lords' Journals made their report through Mr. Brogden.

Lord CASTLEREAGH moved that the House do adjourn to the 23d of November.

Sir G. NOEL objected to so long an adjournment, and moved, as an amendment, that the House, on it's rising, do adjourn till to-morrow.

A long and animated debate ensued, after which Lord Castlereagh's motion was carried without a division. Adjourned to the 23d of Nov. when the House will be called over.

The Waterford Chronicle.

TUESDAY, OCTOBER 24.

The London Journals of Thursday brought down the proceedings relative to the QUEEN to the adjournment of the House of Lords on that day, but want of room prevented us, for the present, from entering into any detail of them.—They consisted wholly of a discussion whether the Counsel for the Defence should be permitted to put questions to witnesses tending to prove the existence of a conspiracy at Milan. The consideration of this point was deferred till Friday, and as the mail of that day has not arrived; we are not enabled to state the result.

BANK OF IRELAND.

The following statement appeared on the Dublin Papers of Saturday :—

"A paragraph having appeared on the *Cork Mercantile Chronicle* and other Papers, that the last *Hue and Cry* states, that a number of Plates of the Bank of Ireland have been stolen, of the numbers therein named, we are authorised to contradict every part thereof, as false and unfounded, as the Bank never lost a Plate."

We published on Saturday the article here alluded to, unconscious of it's falsehood, and we have embraced the first opportunity of giving it this positive refutation. The *Hue and Cry* contained no such statement as was so groundlessly alleged.

THE ARMY.—On Saturday, the 21st inst., the 21 Royal Veteran Battalion, stationed in this Garrison, under the command of Major Boniger, was inspected by his Excellency General Sir David Baird, Commander of the Forces. The men appeared in marching order, and went through their Evolutions and Firings with a steadiness and precision which called forth the General's approbation. His Excellency was pleased to address the Battalion on the Parade, and expressed himself to be highly satisfied with the appearance and discipline of both officers and men :—

"That the character of the Veteran was upheld, and that they were exactly what he would expect from soldiers of great experience and distinguished services."

This fine Battalion is 1100 strong, and, although Veterans, there are in the Battalion 700 men under five and thirty years of age.

On Saturday, at a Meeting of the Corporation, WILLIAM MILWARD, Esq. was chosen an Assistant or Common Councilman, instead of HENRY H. HUNT, Esq. lately elected an Alderman.

At present the London Mail leaves Waterford Post-Office at noon, each day.

There were not three English Roman Catholics at the late Meeting to Address the Queen; it was composed of Irishmen. The Duke of Norfolk, the Earl of Shrewsbury, and all the Nobility refused to attend.

Committed to the County Gaol, on Thursday last, the 19th instant, by RICH. P. O'SHEE, Esq. Pat. Roche, Bridget Hickey, and Bridget Donovan, for aiding and assisting a numerous body of armed men, and making prisoners, on the night of the 28th day of Sept. last, of James Barron, of Georgestown, Esq. and six of his workmen, one of whom they fired at, with the intent to kill him. Also, on Friday, the 20th instant, by the Rev. S. O'GRADY, John Kett, Margaret Kett, and Ellen Kett, charged with having about five stone of fat, suspected to be feloniously taken from 12 sheep, killed on the lands of Coolnamuck on Tuesday night, the 17th instant.

POLICE—MAYOR'S-OFFICE.—John Hincks, Master of the *Geres*, of Bideford, was yesterday fined 20s. under the Police Act, for obstructing the navigation of the river, by lying too close to the bridge, contrary to the directions of the Deputy Water Bailiff.

William Edwards, Treasurer to the Sick Poor, acknowledges the receipt of 20s. from the Right Worshipful Samuel King, Esq. Mayor, being the amount of the above fine, for the benefit of that Institution.

CLONMEL, OCT. 21.—On Tuesday night last, 12 sheep were stolen from Coolnamuck, killed, and the fat taken. A fellow was apprehended by W. Neary, of Carrick, with the fat in his possession, and sent to Waterford Gaol. A few days back, several sheep were stolen from Graiguoe, near Holycross. On Thursday night, a cow, belonging to Mr. Hutchinson, of Church-lane, was stolen from the lands of Suirville, Co. Waterford, which cow was yesterday evening found killed and hanging up in the house of a butcher, exactly opposite Mr. Hutchinson's, in Church-lane; the butcher has been sent to Gaol.—*Advertiser.*

DISTRESSED FAMILY.

We understand, that Mr. Cassilis, from the Lyceum and Corres Rooms, Edinburgh, and late of the Rotunda, Dublin, will perform at the Rooms, Old Exchange, Waterford, on Thursday Evening next, being for the Benefit of a Distressed Lady and Seven Children ; upon which occasion Mr. C. and his Company will go through their Mathematical & Philosophical Recreations; and as we understand the large Family, for whom this Benefit is, has been most respectable, till visited with the reverses of Fortune, we sincerely hope they will meet with that support which their distressed situation requires, and which the Inhabitants of Waterford are so ready to manifest in all cases of affliction.

DIED—At Doneraile, on Tuesday last, the 17th inst. in the 82d year of his age, Arundel Hill, Esq.

LONDON CORN-EXCHANGE, OCT. 18.—We have had a fresh supply of Wheat since Monday, and but little left over from that day's arrivals from Essex, Kent, and Suffolk ; in consequence of which, the few fine samples that appeared this morning were readily disposed of on fully as good terms as on Monday ; but there was but little demand for the inferior qualities. We had but few samples of fine Barley at market, yet the trade was heavy at Monday's prices. Grey Peas are in abundant supply, and rather cheaper, as well as the ordinary description of Oats ; but fine Corn met ready sale. In Beans and other articles there is no alteration.

WATERFORD MARKETS.

There was but a small supply of *Butter* at the market-house yesterday, and the price, which had declined a little on Saturday, got up again to 80s. generally for first quality. Crane returns—Saturday, 214 firkins—yesterday 87. No material alteration has taken place in *Singed Pigs* since Saturday, 30s. being still the highest rate, but this was yesterday obtainable for none but those of remarkably prime quality. *Scalded* also remained at 23s. for best. *Prime Wheat* has continued to improve ; 25s. to 25s. 3d. was freely paid to Farmers yesterday for good qualities ; fine Millers' samples obtained 25s. 6d.—and 25s. 9d. to 26s. was given in a few instances; the inferior qualities, however, have not advanced proportionably, the demand for these being much more limited. Good Potato *Oats* were ready sale at 10s. *Barley*, 10s. for good grinding and malting samples. No alteration in *Flour*, *Oatmeal*, or other articles.

☞ *We intend to comply with the desire of "A Subscriber," as soon as our space shall be relieved from the pressure of those proceedings by which it is still encumbered.*

PORT NEWS—PASSAGE, OCT. 23

ARRIVED,

20th—Friends, Kilgour, Banff, herrings, for Cork.

21st—Surprise, Louro, Banff, ditto; Higson, Johnson, St. Ubes and Cork, salt and reeds; John and Sophia, Howard, Glasgow, iron.

22d—Richmond, Cruiser, Lieut. Morris, from a cruise; New Augustine, Molowney, Youghal, oats, for Liverpool; George, Coleman, Youghal, barley, for Dublin; Brothers, Gilbert, Banff, herrings, a market; Kitty and Jane, Edwards, Wick, herrings, for Cork.

SAILED,

20th—Richmond, Cruiser, Lieut. Morris, on a cruise; Speculator, Gilbert, Milford, cattle and horses; Ann, Mills, London, butter, bacon, lard, &c.; John and William, Hamson, Newhaven, oats; John and Sally, Sweetingham, Southampton, barley; Eleanor, Ellis, London, wheat and oats; John and Mary, Williams, Bristol, beef, pork, butter, barley, &c.

21st—Friends, Kilgour—and Margaret and Jane, Smart, from Banff, Cork, herrings; Star, Artis, London, wheat and oats; Avon, Jones—and Providence, Williams, Liverpool, wheat and flour.

22d—Alfred, Maine, Swansea, wheat. Put back—Providence, Williams—Friends, Kilgour—and Margaret and Jane, Smart.

23d—Wind N. W. at 8 morning.

WANTED,

A COOK,

In a regular Family, where a HOUSE-KEEPER is kept.

☞ Apply to the Printer.

Waterford, Oct. 23, 1820.

WANTED,

AN ARCHITECT to complete the Building of the NEW CHURCH of KILCULLIHEEN, as Mr. ROBINSON has FORFEITED HIS CONTRACT.

Application to be made to the Rev. HENRY BOLTON, Newtown.

N. B. GOOD PERSONAL SECURITY required.

October 23, 1820.

NOTICE.

ALL Persons indebted, by Bond or otherwise, to the late Alderman JAMES RAMSEY, are requested forthwith to pay the Sums by them respectively due, to WILLIAM BELL, Esq. his surviving Executor, he being under the immediate necessity of providing for the Discharge of the several LEGACIES under the Will of the Deceased.

Waterford, Oct. 23, 1820.

NOTICE.

THE COLLECTOR of CUSTOMS for the District of WATERFORD, finding that some Doubts are entertained in his District as to the Value at which the New Coin called SOVEREIGNS are to be taken in Payment in Ireland, hereby gives Notice, that he is authorized to receive them in Payment of HIS MAJESTY'S DUTIES at the Rate of TWENTY BRITISH SHILLINGS each, being ONE POUND ONE SHILLING and EIGHT PENCE of the Currency of Ireland.

As to the other STERLING COINS of the Realm, he does not think it necessary to give any Notice, not being aware that any Doubt exists as to the Value of any of them as fixed from time to time by the Proclamation of HIS MAJESTY and his Royal Predecessors, according to which he will of course receive them in Payment, as all the Subjects of this Realm are bound to do.

JAMES WALLACE, Collector.

Custom-House, Waterford,
23d October, 1820.

In the Matter of SAMUEL NEWPORT, a Bankrupt.

THE CREDITORS of the Bankrupt who have proved their Debts under the Commission in this Matter are particularly requested to meet the ASSIGNEES, at the CITY COURT-HOUSE, on SATURDAY, the 28th day of October instant, at 12 o'Clock at Noon, in order to determine whether and upon what Terms the ASSIGNEES should receive the *Notes* of the late WILLIAM, SAMUEL, and JOHN NEWPORT, *in payment of the Debts* due to that Firm—and whether and upon what Terms the ASSIGNEES should adjust in an amicable manner certain *Accounts* depending between the late Firm and other Members of the Family of the late Mr. WILLIAM NEWPORT—and to invest the ASSIGNEES with power to *compound Debts*, submit *Differences to Arbitration*, and commence *Suits in Equity*—and upon other very important Business relating to the Bankrupt's Estate.

Waterford, Oct. 10, 1820.

WATERFORD:

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Ramsey's Waterford Chronicle.

No 12,623. *THURSDAY, OCTOBER 26, 1820.* PRICE FIVE PENCE.

GALWEY & POWER

HAVE ARRIVED TO THEM,

A CARGO OF

PRIME NEW GALWAY KELP,

Which will be sold, at their Stores in High-Street,

ON ENCOURAGING TERMS.

They have also on Sale, New Montreal 1st quality POTASHES, Dublin RENDERED TALLOW, SCALE SUGARS, SALTPETRE, Cape and Benecarlo WINES, COACH SPRING STEEL, &c. &c.

Waterford, Oct. 21, 1820.

WANTED,

A COOK,

In a regular Family, where a HOUSE-KEEPER is kept.

☞ Apply to the Printer.

Waterford, Oct. 23, 1820.

NOTICE.

THE COLLECTOR of CUSTOMS for the District of WATERFORD, finding that some Doubts are entertained in his District as to the Value at which the New Coin called SOVEREIGNS are to be taken in Payment in Ireland, hereby gives Notice, that he is authorized to receive them in Payment of HIS MAJESTY'S DUTIES at the Rate of TWENTY BRITISH SHILLINGS each, being ONE POUND ONE SHILLING and EIGHT PENCE of the Currency of Ireland.

As to the other STERLING COINS of the Realm, he does not think it necessary to give any Notice, not being aware that any Doubt exists as to the Value of any of them as fixed from time to time by the Proclamation of HIS MAJESTY and his Royal Predecessors, according to which he will of course receive them in Payment, as all the Subjects of this Realm are bound to do.

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Waterford, Oct. 10, 1820.

NEW HOPS.

COURTENAY & SON

DAILY EXPECT,

Per the *Peter and Rebecca*, from London, and the *Johnson* from Rye,

120 Pockets Prime Kent and Sussex HOPS,

Which they intend to dispose of on encouraging Terms.

10th Mo. (Oct.) 21st, 1820.

NOTICE.

THE COLLECTOR of EXCISE for the District of WATERFORD, finding that some Doubts are entertained in his District as to the Value at which the New Coin, called SOVEREIGNS, are to be taken in Payment in Ireland, hereby gives Notice, that he is authorised to receive them in Payment of HIS MAJESTY'S DUTIES, at the Rate of TWENTY BRITISH SHILLINGS each, being ONE POUND ONE SHILLING and EIGHT PENCE of the Currency of IRELAND.

As to the other STERLING COINS of the Realm, he does not think it necessary to give any Notice, not being aware that any Doubt exists as to the Value of any of them, as fixed from time to time by the Proclamation of HIS MAJESTY and his Royal Predecessors, according to which he will of course receive them in Payment, as all the Subjects of this Realm are bound to do.

WILLIAM HUGHES, Collector.

Excise-Office, Waterford, Oct. 20, 1820.

DUBLIN MARKET NOTE,

For the Week ending Friday, Oct. 20, 1820.

	From s.	From d.	To s.	To d.	M. Price s.	M. Price d.
2767 Wheat, per Bar. 20 Stone,	20	0	30	0	24	9¾
279 Bere, per Bar.	10	0	12	0	11	9
877 Barley, per Bar.	11	0	15	0	13	6
6758 Oats, per Bar.	9	0	13	0	10	9
9742 Flour, per Cwt.	6	0	22	0	0	0
613 Oatmeal, per Cwt.	9	0	16	0	11	6¾
0 Peas	0	0	0	0	0	0
Sold to Bakers only.						
0 Barrels, Wheat	0	0	0	0	0	0
7888 Cwts. Flour	14	0	22	0	17	0¼

Average Price of Wheat and Flour 43s. 4d. per Sack.

Receipts of Flour 11610 } 1st, from 22s. 0d. to 00s. 0d.
Sales of Flour .. 9742 } 2d, from 14s. 0d. to 19s. 0d.
3d, from 6s. 0d. to 12s. 0d.

JAMES RIDDALL, Clerk of the Corn Table.

Weight and price of Bread for the ensuing Week.

Quartern Loaf.....4lb. 5oz. 8drs....0s. 8¼d.
Half Quartern.....2lb. 2oz. 12drs....0s. 4¼d.

NOTICE.

ALL Persons indebted, by Bond or otherwise, to the late Alderman JAMES RAMSEY, are requested forthwith to pay the Sums by them respectively due, to WILLIAM BELL, Esq. his surviving Executor, he being under the immediate necessity of providing for the Discharge of the several LEGACIES under the Will of the Deceased.

Waterford, Oct. 23, 1820.

SEDITIOUS HAND-BILLS.

FURTHER PROCEEDINGS.

PUBLIC OFFICE, BOW-STREET.—On Tuesday morning, about eleven o'clock, Mr. Harmer, accompanied by Mr. Haydon, of Welbeck-street, appeared before the sitting Magistrate, R. Birnie, Esq., for the purpose of laying an information against Mr. Denis O'Bryen, of 21, Craven-street, Strand, charging him with being the publisher of a certain treasonable placard or posting bill.

The Magistrate being engaged at the moment, the parties were referred to the Clerk's office, where a person named John Jones deposed to the following effect, on oath :—

Deponent is a bill-sticker, residing at No. 4, Gardner's-row, Westminster. On the — July, the evening before the Smithfield Meeting, a gentleman, whom he has been informed and verily believes to be Mr. Denis O'Bryen, called at his house in Gardner's-row, and produced a bundle of about two hundred bills, precisely the same as the one now produced, which bills he requested the deponent to post up in the streets from Westminster to Smithfield. The deponent, perceiving there was no printer's name to the bills, objected ; but the gentleman telling him there was nothing to fear, for that he himself would meet him when he had got as far as Charing-cross, and go through it with him to Smithfield, and having frequently before employed him to post bills in the night time, he at last consented. The same night, at eleven o'clock, deponent began to post the said bills at Westminster, and continued to do so till he came to Charing-cross, where he waited in expectation of meeting the gentleman ; but after having waited a considerable time without seeing any thing of him, he went on alone towards Smithfield, and finished posting up the whole of the bills so delivered to him. Some time after this, the said gentleman called upon deponent at his house, and paid him £2 for the job, but deponent's regular charge would not have been more than 12s. Some little time ago, the same gentleman called again upon deponent, and wanted him to do (post) some small bills. These were also without a printer's name, and deponent again objected, upon which the gentleman laughed at him, and asked him what he was afraid of? adding—"I will lend you a great coat to cover your paste-pot, and if, after all, you should be taken up, it will be the better for you."

This deposition being completed, and a warrant for the apprehension of the above-named Mr. D. O'Bryen being filled up, the parties returned to the public room, and laid them both before Mr. Birnie, who immediately read the deposition, and then asked, "Is this *all*?" Mr. Harmer replied that it was.

Mr. Birnie.—I cannot issue my warrant on the unsupported evidence of an accomplice.

Mr. Harmer.—But, Sir, we cannot at this moment be ready with any other.

Mr. Birnie.—I cannot help that. This man (the bill-sticker) is equally culpable with his employer, even upon his own showing, and I ought, in the strict line of my duty, to commit him to prison also.

Mr. Harmer.—In my opinion, the person who employs these poor creatures is the most to blame.—We could have had the evidence of the printer instantly, but that you would think, perhaps, liable to the same objection.

Mr. Birnie.—Most assuredly.

Mr. Harmer.—Then, Sir, I fear we can make no other instant arrangement.

Mr. Birnie.—I do not know that——

Mr. Harmer.—Yes, Sir, but whilst we are arranging that other evidence, Mr. Denis O'Bryen may be off.

Mr. Birnie.—I should not think so. But at all events it is very irregular to proceed in this way.

Mr. Harmer.—If, Sir, you will suffer him to be taken into custody upon this deposition, I pledge myself to produce other evidence when he is brought before you.

Mr. Birnie here requested to see the placard in question, and it was instantly placed before him. It is a posting bill of the largest class, bearing date 12th July, 1819, and addressed to the "non-represented ;" and upon the whole it is no doubt one of the most wicked and inflammatory compositions that ever issued from the press.

Mr. Birnie, having looked at it, observed, that it was one of those produced by Mr. Pearson last week.

Mr. Harmer replied, that it was produced, among many others, but no specific charge had been made upon it before.

Mr. Harmer then pointed out to the Magistrates some of the most treasonable and bloodthirsty passages in it, and after a short desultory conversation, Mr. Birnie retired to Mr. Stafford's Office, followed by Mr. Harmer and Mr. Haydon.

Here we are not aware of what passed, but after the lapse of about an hour they returned to the public room, where Mr. Birnie wrote a letter to Mr. Hobhouse, Under Secretary of State for the Home Department. This letter the Worthy Magistrate showed to Mr. Harmer, who declared himself perfectly satisfied with it ; and it was then sent off to Lord Sidmouth's Office, inclosing the deposition and the unsigned warrant.

In about another hour the messenger returned with a note, the purport of which, we believe, was to desire the Magistrate to use his own discretion in the affair.

Mr. Birnie then signed the warrant, which was afterwards, we understand, placed in the hands of Mr. Harmer, and in consequence of it Mr. Birnie, in the course of the afternoon, received a note from Mr. Denis O'Bryen, saying, that tho' he wrote from a sick bed, having scarcely tasted food for the last fortnight ; and though his physician, Doctor Maton, had strictly enjoined him not to stir outside his door ; yet he would, nevertheless, appear before him at the evening public sitting, provided the following day would not do as well.

Mr. Birnie, in reply to this, urged, we presume, the necessity of Mr. O'Bryen's appearance in the evening, and he immediately wrote to Mr. Harmer, appointing, we believe, half-past seven o'clock for the investigation of the business.

Half-past seven arrived, but neither party made their appearance. A few minutes before eight o'clock, however, Mr. Denis O'Bryen entered the office (having come in a hackney coach), accompanied by a friend, but his accusers were still absent, and after he had waited about a quarter of an hour, Mr. Birnie said he would not detain him longer. Mr. O'Bryen expressed his willingness to wait, but the Magistrate observed it was much past the appointed time, and he could not think of detaining him longer in his ill state of health.

Mr. O'Bryen then rose to depart, but before he did so he begged to say a few words.

Mr. Birnie replied, that he was perfectly at liberty to say whatever he thought proper, and Mr. O'Bryen then placing his hands together, most emphatically made the following solemn asseveration :

"Mr. Birnie, were any persons to accuse you of murder, or parricide, it would—upon my word of honour, and you have known me more than 30 years—it would be just as true and feasible as this attempt to implicate me with any of these placard writers, compositors, printers, or bill-stickers ; and I have only to say I shall be ready to meet the charge at any time."

Mr. O'Bryen then bid the Magistrate good night, and departed ; and in less than ten minutes Mr. Harmer entered the Office alone, almost breathless, and in a profuse perspiration.

Mr. Birnie immediately explained to him what had transpired, and Mr. Harmer, having observed that he had made all the haste he possibly could, and that he was but a few minutes behind his time, said he would write to Mr. O'Bryen and appoint a time for his re-appearance before the Magistrate; and here this affair rests for the present.

MANSION-HOUSE.—A letter was brought from Mr. Pearson to the Lord Mayor, on Tuesday, requesting that his Lordship would furnish him, as a member of the Corporation, with the names of all those bill-stickers, or others, who had been brought to that office on charges of having posted seditious placards, and other matters, from the Minutes of the Justice-room, as might tend to facilitate the obtaining of evidence against a person named Fletcher, or Franklin, for whose apprehension, on several charges of high treason, warrants had been obtained.

The Lord Mayor, upon receiving this communication, immediately ordered an investigation of the nature requested by Mr. Pearson ; and expressed his willingness to grant every facility to Mr. Pearson, in furtherance of his object.

On Tuesday, a Mr. Haydon waited upon the Lord Mayor in behalf of Mr. Pearson, who, he stated, was on the Continent in pursuit of the individual charged with treason, and whom he had every reason to believe he should speedily overtake and secure.

The Lord Mayor said, he had caused a search to be made into the minutes, and Mr. Hobler, the Chief Clerk, would state the result.

Mr. Hobler said, he had caused every inquiry to be made amongst the City Officers, touching their knowledge of the case. He had also searched the book containing the minutes kept of these matters, and also the minutes of evidence taken in the Justice Rooms, and he found one case, and but one, which was likely to serve the purposes of Mr. Pearson. It was the case of a poor man who was taken into custody in the latter end of November last, for having distributed bills of a most treasonable nature amongst the mob assembled at one of the Smithfield Meetings. Mr. Hobler handed the bill to Mr. Haydon.

The bill, which, at the time of the apprehension of Toulman, made much noise, was a violent appeal to the lower orders, representing the uselessness of unarmed meetings, and blaming them for tamely viewing the sacrifice of their best men on the scaffold (alluding to the executions at Derby). It went on to say, "What are we, the non-represented people, up to this hour, but a set of cowardly flinchers? Cannot a common account be found, even with the Venal Whigs, in making a cruel and execrable Government a common victim?" It went on much in the same strain, pointing out, that in the neighbourhood of Threadneedle-street there lay mouldering the means, which, properly applied, would wipe off the tears of distress from every eye in this metropolis; with some inflammatory comments on the affair at Manchester, and calling upon the people to revenge their murdered countrymen. It was dated the 24th of November.

Mr. Haydon immediately declared it to be one of a series of bills of which they had evidence of Fletcher having been the author and publisher.—He desired to hear the minutes of the case on which the distributor of the bills had been apprehended.

Mr. Hobler read the minutes. The Prisoner, it appeared, was apprehended by Brown and another city officer, whilst distributing those bills amongst the people assembled at one of the Smithfield meetings. He had, when taken, a considerable quantity of the bills in his possession, from all of which the printer's name was carefully cut off. The account which he gave of himself was, that his name was John Toulman, and that he lodged at No. 1, Blue Anchor yard, Rosemary-lane ; that he had been a sailor, and now got a precarious subsistence by sweeping a crossing in the City-road. He was at his daily occupation on the day of one of the Smithfield meetings, when a well-dressed gentleman of a smart address came up to him, and asked him if he wanted a job. The Prisoner replied in the affirmative, when the gentleman gave him a parcel of bills, which he directed him to take to Smithfield, and gave him some money, saying, that he would meet him again before the day was over, and give him some more bills to distribute, and some more money for his trouble. The Prisoner went to the appointed spot, but the gentleman never came, and the Prisoner was subsequently taken into custody whilst he was giving away the bills, of the contents of which he was ignorant. Several persons came forward to speak to the Prisoner's character and the truth of his statement, when it appearing to the then Lord Mayor (Alderman Atkins) that he had been made unwillingly the dupe of some designing character, he was discharged on his promise to appear when called upon. The description which the Prisoner gave of the person who employed him was, that he was about five feet six or eight inches high, fair complexion, well made, and of ready address. That he was smartly dressed, with a gold watch and chain, and that he did not seem by any means deficient in money.

Mr. Haydon said, that there was not a doubt but that he was the same individual now charged. He took some memorandums, and thanked the Lord Mayor and Mr. Hobler for the obliging manner in which they had acceded to the communication.

Intelligence from Naples states, that the Parliament was opened on the 1st inst, on which occasion the Prince Vicar-General, at the request of his Majesty, read a long speech, for which we have not space for an abstract even. When the reading was concluded, General Pepe approached the throne, and in a short congratulatory speech tendered his resignation of the post of Commander-in-Chief of the Army, which the King accepted, after expressing his satisfaction at his conduct.

CAPE OF GOOD HOPE.—A number of applications have recently been made at the Office of the Colonial Department, respecting the intention of Government to permit any settlers to go to the Cape of Good Hope on the terms prescribed by the Treasury, and stated in the Commons by the Chancellor of the Exchequer. The numbers who have applied are very considerable, many of them of the most respectable character, and of trades which might prove useful to the Colony. An answer, however, has been sent to the applicants, stating that Government have, for the present, relinquished any intention of complying further with the terms formerly mentioned, as the number of persons applying has been more by far than the sum voted by Parliament will allow. Government, at the same time, have no objection to permit settlers to emigrate with their families to the Cape, provided they can cultivate the land; and the Governor has the discretion of granting or refusing such quantity of land as he may think proper; he may refuse any grant of land if he is not satisfied as to the qualification of the applicant.

The LORD CHANCELLOR expressed his readiness to alter the shape in which he had put this question, and render it he hoped clearly intelligible to all their Lordships. The House had now been between 30 and 40 days engaged in this inquiry, and they had up to this day, on points of this kind, always referred to and abided by the opinions of the Judges upon the construction of the law of evidence. If they were now, therefore, determined to shake off that assistance, it would be material to know upon what reasons they had come to that determination. The Noble and Learned Lord then ably and forcibly pointed out the imperative necessity, that their Lordships should not depart from the well known and salutary rules of evidence, without clearly satisfying their minds of the propriety of that departure for all the purposes of justice. A great deal had been said about Impeachments, and Bills of Pains and Penalties, which had nothing to do with the immediate question before their Lordships. Much had also been said about the corruption of witnesses; he should, however, beg leave to say, that until that were proved, the witnesses, like others in their situation, were entitled to the protection of this House. *(Hear!)* His only motive for pressing the question to the Judges was, to have a doubt on his mind, upon the practice of the Courts, set at rest.

The Marquis of LANSDOWN said, the point as to whether the Queen's means of defence had not been already materially impaired was altogether different from that on which it was now proposed to take the opinion of the Learned Judges. The great object of the inquiry was to ascertain the extent to which the practices of certain agents had been carried in this business. It had been said they ought not to launch into an inquiry in which they might be duped, and that they ought not to raise a fictitious agency, the source of which could not be traced to the one side as well as to the other. There was undoubtedly, at present, no full and confirmed proof of the authorised agency of Regnati; but it was impossible to suppose that the advocate Vimacarti, acting at Milan, confiding in Powell and Browne, making accurate reports of all that passed before him, could have been a corrupt agent of the Queen. A Noble and Learned Lord had contended that the House having always adhered in practice throughout these proceedings to certain rules of evidence, it might be productive of the greatest inconvenience if they now departed from them, important as the occasion was. He heard such a remark with the utmost astonishment, for, according to his recollection, their Lordships had not throughout adhered to those rules. *(Hear, hear!)* They had not so adhered in cases perfectly analogous to the present, and in which, after the Judges had declared that a particular question could not be put, conformably to the rules of evidence observed in Courts below, their Lordships had decided that the question should be put. If such evidence was at all admissible on any occasion, it ought to be received immediately. It never could hereafter be received with any good effect. Good God! was it possible that whilst they were proceeding to depose a Queen, with a suspicion hanging over the facts upon which their proceedings were founded, they were to be satisfied with being told that they might inquire into them afterwards? He had heard of an Earl of Warwick, who was a great puller down and setter up of Kings: he trusted their Lordships had no inclination to act in the same capacity with regard to Queens. After having pronounced their judgment against her, would they then deem the time to have at length arrived for ascertaining whether a conspiracy had been formed against her? His Majesty might have continued again before this inquiry was concluded (and as the Bill now stood he was enabled to do so the moment it passed); and if its result should be to discover that a corrupt conspiracy had been organised against the present Queen, what was then to be done? It would be but a poor reparation to make to their Sovereign, who had been injured—to her Majesty, who had been deposed—and to the Country, which had been deluded—that they must then proceed to divorce the King from his new wife, and set up their former Queen. *(Hear!)* The real substantial question before them now was—ought the Queen of England to be deposed? *(Hear!)* He did think that, as far as respected the Milan Commission, every person acting in which formed a part of the system of agency under consideration, they were bound to hear whatever evidence was tendered as to the practices which it adopted or sanctioned.

The LORD CHANCELLOR said he had prepared a new form of putting the question to the Learned Judges, which, with the permission of their Lordships, he would read.

After some conversation, it was agreed to refer two questions; they were in substance as implied by the preceding arguments—whether in Courts of ordinary Judicature, evidence can be received of corrupt practices, of bribery and subornation of perjury, in a cause under trial, by any agent, without previously establishing in proof the fact of his agency.

The Judges then retired.

After an hour's absence, the Judges returned.

Lord Chief Justice ABBOTT stated, that the Judges had conferred together on the questions propounded to them; but, in consequence of their great importance, they required further time, until to-morrow, before they delivered their opinion.

The LORD CHANCELLOR then moved, that the House do now adjourn.

The Earl of CARNARVON did not conceive that their Lordships could be more unprofitably employed than sitting in that place discussing technical questions; because it appeared to him that the point of law which had been so much debated had no connexion whatever with the point of duty on which they would ultimately be called to decide for themselves.

Lord ERSKINE rose for the purpose of proposing that another question should be referred to the Judges with the view of ascertaining whether evidence like that on which their Lordships had been debating, and on the propriety of receiving which no decision had yet taken place, might not under particular circumstances be legalized, and rendered admissible. Although the question put to the Learned Judges might be by them decided in the affirmative, he would assume that a negative decision had taken place, and under that supposition he would put the following question:—"Supposing, according to the rule of law, evidence of a conspiracy, by subornedwitnesses, to support any prosecution, ought not to be admitted, except such as applies to the Prosecutor or the agents employed by him, whether general evidence of such conspiracy will not, nevertheless, in the first instance, be received, as a preliminary step to connect the Prosecutor himself, or any agent employed by him, with the conspiracy? and whether, by the same rule, evidence should not be received from the Defendant, he seeking to establish the existence of a conspiracy to suborn evidence against him?" His Lordship moved "that this question be referred to the Judges."

After some observations from the LORD CHANCELLOR, the question was referred to the Judges, and the House adjourned.

THURSDAY, OCTOBER 18.

At 25 minutes past ten o'clock, the Counsel were called in.

The Judges took their seats soon after. They had been in consultation until a late hour last night, and from five o'clock until nine this morning, upon the following question, propounded to them yesterday by the House:—

"If, in a trial for a capital offence, a statement came out upon the cross-examination of a witness examined in chief for the prosecution, from which it was to be inferred that A B, who was not examined as a witness, was proved to have been employed by the prosecutors, had had some conversation with a witness, and that the party indicted should propose that C D be examined, whether the said A B offered a bribe, there being no proof of the agency of A B in the cause, save the statement of the witness who had been examined—would the Courts below allow C D to be examined for the purposes aforesaid, if the Counsel for the prosecution objected to that course?"

The Chief Justice of the Court of King's Bench rose, and stated that the Judges had considered the matter submitted to them yesterday by the House, in the form of three questions, with respect to the latter of which they had to request a fuller explanation, before they pronounced their opinion; or, if it were preferable in the judgment of the House, they (the Judges) would answer the two first questions, and withhold their sense of the third, until the House were pleased to state to them the meaning in which it was put.

Lord ERSKINE suggested whether it would not be better to shape the third question in a clearer form to the Judges, so as to obtain their answers to all the three questions more distinctly. For instance, could their Lordships not ask the Judges whether—if in the course of evidence a conspiracy was hinted at, they would not deem it their duty to admit evidence of that conspiracy, in the most comprehensive form?

The LORD CHANCELLOR thought that the House should, before any other question were put, state whether it was their wish that the Judges should now deliver their opinion on the two first questions, and for the present, until further advised, withhold their opinion upon the third. He must, however, for his own part, say, that were he called upon to give an opinion on a proposition embracing these questions of this sort, he should prefer giving his answer in one complete form; because it would not only, he thought, be the more satisfactory way of proceeding; but also it might happen that the consideration of the last question might bring reflections which would have a bearing upon the two former.

Lord ERSKINE said, he would shape a question for the Judges, and then they might retire and reconsider the whole.

After a few observations from Earl GREY,

The Judges withdrew to take into their consideration the whole three questions.

While they were out of the House—

Lord KENYON rose and said, he had to ask permission of their Lordships to permit Mr. Granville Sharpe, who had given evidence at their bar, to correct a part of his testimony respecting the personages present at the Government House at Calcutta, during the performance of the Turkish dance. The witness had named the Bishop of Calcutta as being of the number. *(A laugh.)* Now, upon reconsideration, he was induced to think his memory had deceived him, and that the Bishop was not present on that occasion.

Mr. Granville Sharpe was then introduced to the Bar, and stated, that since he had been examined he had seen a gentleman who was present on the occasion alluded to, and who took a memorandum of the company, by whom he was told, that the Bishop of Calcutta was not one of that company. Mr. Sharpe added, that his memory still suggested that the Bishop was there, but he thought it probable that the written memorandum was more correct. That memorandum, he said, confirmed the other parts of his evidence.

The Lord CHANCELLOR commended the candour of Mr. Sharpe, whose explanation was then annexed to his former evidence.

Mr. BROUGHAM here said, that to save the time of the House, while the Judges were out, he should propose to have letters read from his late Majesty to her Royal Highness the Princess of Wales. He held the letters in his hand, and if any Noble Lord would please to verify the handwriting, they might as well be read now.

The SOLICITOR-GENERAL, to save trouble, admitted the hand-writing.

The first letter was dated Windsor Castle, April 13, 1796; the second Windsor Castle, November 12, 1804. They were then put in and not read.

Samuel Inman, from the Navy Office, appeared at the bar with extracts from the ship's books relative to the service of Wm. Carrington, which had been ordered by the House, and which he verified as correct copies.

At ten minutes before eleven the Judges returned.

Chief Justice ABBOTT said, he had conferred with his Learned Brother Judges on the questions submitted to them by their Lordships, on which they had not been able to come to a decision yesterday: but after considering the subject with them, had written down his own opinion. Thus, on perusing it, his Learned Brothers had thought proper to adopt, and he was therefore authorised to deliver it to the House as their opinion, though, from the circumstance which he had just mentioned, he should read it in the first person singular. His Lordship then proceeded to read the paper, which he had drawn up. It stated the first question referred to their consideration, which he (Chief Justice Abbott) regarded as one of great importance, and had accordingly given it all the attention due to it, with anxiety proportioned to its importance; and he now, with great diffidence, submitted the result of that consideration to the House. He considered it his duty to view the question as if the parties were reversed, and he then proceeded to shew what might be the effect of the adoption of the principle contended for in the case he had supposed. He shewed that, under particular circumstances, it might go to throw discredit on a just defence, and thus lead to the condemnation of an innocent person. This consideration enabled him to contemplate with more calmness the answer which he should feel it to be his duty to give. In cases like the present, agents, to obtain evidence, were necessarily employed; and there was no degree in employing, or in being employed, as an agent. The principal in any case could only be affected by the acts of the agent where those acts were authorised by the principal. One person could not be disgraced by the actions of another who might be his agent, unless the action referred could be proved to have been done by his immediate order. It was possible, that up to the moment of the opening of the prosecution, the prosecutor might be ignorant of the acts of his agent, and would reject the means that were used if they came within his knowledge. An important consideration suggested itself as to the effects such acts ought to have on the character of the witnesses. These might be numerous and respectable in a case where the agent for the prosecution had grossly misconducted himself: and the witnesses were not all to be regarded as perjured knaves, because certain wicked endeavours had been made to seduce other persons, by money or other means, to give evidence to the same effect. He, therefore, came to the conclusion, that in this case, as in that which he had supposed as analogous to it, the question could not be put. If it were proved that practices of the kind alluded to had been resorted to by the agent, a slight degree of suspicion might in consequence attach to the witnesses, but it was not on suspicions that the verdict of a Jury ought to be founded—it ought to rest upon facts. He begged to add, that he by no means meant the length of saying, that, in no case, and under no possible circumstances, could evidence of the nature now tendered be received. He was conducted by reasons similar to those which he had stated to operate on his mind in deciding on the first question, to give a like opinion on the second. He thought it could not be allowed, that they should examine whether the agent of one party had applied to the agent of the other party to give up papers that had been entrusted to him; as the fact might be true, yet the papers might turn out to be wholly irrelevant to the matter at issue. To the third question, whether on an indictment for a criminal offence the Defendant could be allowed in some cases to give evidence generally of a conspiracy, he replied, that in the Courts below such evidence of a conspiracy might be received to shew the true character of the acts of an individual. But it was to be observed, that there was evidence of this general nature was admitted, it was expected that the Counsel for the parties should, in opening, give his answer in one complete form; because it would not only, he thought, be the more satisfactory way of proceeding; but also it might happen that the consideration of the last question might bring reflections which would have a bearing upon the two former.

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