LONDON.

SATURDAY, NOVEMBER 25.

Stocks this day at One.

Bank Stock ——	India Stock ——
3 per ct. Red. 68¾	India Bonds 23 pm.
3 per ct. Cons. 69¼	Ex. Bills 2 pm.
3½ per Cents. ——	Long Ann. 17 12-16
4 per Cents. 86¾	Cons. for Ac. 69¼
5 per Cents. 103¾	Omnium —

There is no truth whatever in the report circulated last night in the City, and alluded to in the *Morning Chronicle* to-day, of a naval force having been ordered to be fitted out for the Mediterranean. —*Courier.*

We have received a Lisbon Mail this morning, and its contents are of some importance. They afford an additional proof of the wretched struggle of faction, which commonly follows, even though it does not precede, the *glorious* march of Revolution.—*Ibid.*

On the 7th inst. the Provisional Junta of the Supreme Government of the Kingdom addressed instructions to the different Magistrates who were to preside at the approaching election of Deputies to the Extraordinary Cortes. The 26th inst. was fixed for the choice of the electors, who were afterwards to elect the Deputies in the chief town of the district, on the 3d December and the following days. The Deputies were then to meet at Lisbon, in the Palace of the Necessidados, on the 6th of January, 1821. The number, it was expected, would be about 100, and they were to receive a moidore per diem. The whole arrangement, however, seems to have been upset by the following occurrence:—

"LISBON, Nov. 12.—A very unlooked-for circumstance has occurred, which will render the above instructions nugatory. An attempt has been made by General Texeira, Colonel Antonio da Silva, or Colonel Cabreira, to turn out six of the Members of the Provisional Junta, at the point of the bayonet. All the troops were called out under the pretext of a review; they were posted in different parts of the city; ball cartridges were publicly distributed among them; and a number of pieces of artillery, stationed in commanding positions, were loaded publicly, and the matches kept lighted. The scheme failed in part (for none of the Members of the Junta were turned out), but the Spanish Constitution was adopted and sworn to. Lisbon was thrown into a state of the greatest consternation, but no excesses were committed."

Paris Papers of Tuesday and Wednesday last have arrived at our Office. The Paris Papers complain of the irregularity of the arrivals from Madrid, implying that it arises from some circumstances of an important nature in the internal state of Spain. It is known, that the northern provinces of the Peninsula are infested by powerful gangs of armed men, but whether they are to be considered in the light of mere predatory associations, or as being influenced by political motives, there seems to be at present no sufficient ground for determining. It was on the 6th instant that the greatest agitation prevailed in the capital.—*The Constitutionel* had stated that a body of cavalry had suddenly appeared in La Mancha, and at the same time it was understood that Morales, at the head of thirty soldiers, or, according to other accounts, of eight only, had at Avila proclaimed the abolition of the Cortes. On the 7th, however, information was received in Madrid, that General the Count de l'Abisbal had put Morales to flight, and had adopted the most decisive measures for pursuing and seizing his adherents.—The story of the body of cavalry in La Mancha was contradicted as a "weak invention" of the counter-revolutionary party. These communications, however, had not the effect of fully tranquillising the public mind. The continued residence of the King at the palace of the Escurial, & the frequent meetings of the Cortes in secret assemblies of long duration, in some of which the Ministers were interrogated by the Cortes, excited strong apprehensions. The latest accounts from Madrid are of the 14th. The King still remained at the Escurial. His Majesty had, it seems, been invited by the Cortes to return instantly to Madrid on the arrival of the intelligence respecting the attempt made at Avila by Morales, but the King replied, that he was indisposed, and could not acquiesce in their desire. These accounts say, that his Majesty's health is perfectly re-established. Private letters state, that at Valencia there were some serious disturbances, in which the people loudly clamoured for the head of Gen. Elio; nor was the Archbishop less an object of popular displeasure. It would seem, that the people were apprehensive, that a counter-revolution was contemplated, and they rose in a body to resist it. Troops were sent to Valencia to suppress the violence of the people.

The discussions of the Sovereigns are still continued at Troppau. All accounts from Germany concur in stating, that the subjects of consideration are of the highest importance. It is said, under the head of Vienna, that Lord Stewart has submitted a second note on the affairs of Naples to the united Sovereigns, which gave rise to long discussions. A courier has been, it is said, despatched from Troppau to Naples, to apprise the Government of the definitive resolutions of the Sovereigns. Nothing can be more revolting to every idea of national independence, or of universal justice, than this violent and unauthorised interference of these military despots in the internal affairs of an independent and unoffending Country.

The British squadron, which by such singular chance assembled in the Bay of Naples, still continues there, and will, it is said, shortly receive considerable reinforcements from England. It now consists of the following ships, viz.—

Rochfort	80 guns	Admiral Sir G. Moore.
Vengeur	74 ditto	Capt. Maitland.
Liffey	50 ditto	Capt. Duncan.
Active	46 ditto	Capt. Sir Jas. Gordon.
Revolutionaire	46 ditto	Capt. Pellew.
Spey	26 ditto	Capt. Bassal.
And the Express.		

The French frigate La Bonte, from Toulon, arrived in the Bay on the 1st, and was joined on the following day by another frigate of the same nation. The latest advices from Sicily announce that every part of that island enjoys perfect tranquillity.

FIRE AT CHRIST-CHURCH, OXFORD.

(Extract of a private Letter.)

Oxford, Friday Night, Ten o'Clock.

"I have to inform you, that the rooms of Mr. Salway (an Under-Graduate of Christ-Church) were discovered to be on fire, this evening, at a quarter past seven. The devouring element soon made a rapid progress, and would unquestionably have led to the most pernicious consequences, had it not been for the prompt arrival of the Christ-Church engine, and the indefatigable exertions of the members of that society, amongst whom we noticed Messrs. Hook, Longley, Sympson, and Calcraft, to whom great praise is due for their well-timed assistance. The flames have now entirely subsided, and we are happy to add, that the damage was confined to the suite of rooms occupied by Mr. Salway."

Extract of another private Letter.

"About seven o'clock this evening, the inhabitants of Oxford were alarmed by a cry of fire, proceeding from Christ Church. Upon examination, it was found that a fire had broken out in that magnificent range of building called the Chaplain's Quadrangle, which would have fallen a prey to the devouring element, but for the prompt arrival of the engines. Owing to the failure of the pumps in Christ Church, a double line of Gownsmen was formed from the river Isis, so that the engines were plentifully supplied. After raging for three hours, the fire was happily got under. Four sets of apartments are entirely consumed, and, we are sorry to add, a valuable collection of books belonging to Mr. Borough.

"Great praise is due to Messrs. Ball and Short, the Censors of the College, for their active exertions on the alarming occasion; as also to Mr. Hudson, the Engineer, who, notwithstanding a violent blow from a falling rafter, continued his exertions till the fire was extinguished."

DESPERATE GANG OF THIEVES.

Daring attack by a numerous gang of Thieves—rescue of Four notorious House-breakers—and wounding Marsden, the gaoler.

Four reputed thieves, of the names of Jones, Dunn, Murray, and Gadley, were fully committed on Thursday, from Marlborough-street Police Office, for trial, for robbing the house of Mrs. Watkins, in May-fair, and another man, named William Paddock, was handcuffed with them, and fastened to the chain, to be taken to Newgate. Paddock's offence was simple larceny. They left the Office about dusk, under escort of Marsden, the gaoler, who took them his usual way for privacy, along great Russell-street. In crossing Tottenham-court-road, a woman of the town got into conversation with them, and in passing along Great Russell-street some whistling was heard, and one of the burglars called out, "Now for a rescue." Immediately after between 20 and 30 ruffians sallied forth from George-street, St. Giles's, and the opposite side, and knocked Marsden down by a blow on the back with a bludgeon, and they continued beating him until he was senseless when on the ground. We scarcely need state that the Prisoners escaped. Marsden was taken into an apothecary's shop, and his head, which was dreadfully cut in four different places, was dressed. He is also much bruised about the back, and but faint hopes are entertained of his recovery.

About half-past ten o'clock at night, Paddock, one of the Prisoners rescued, and who was a stranger to the four burglars, gave himself up at the Marlborough Head, opposite the Police-office, to Valentine, the officer, who was there, and he was conveyed to St. Anne's watch-house. He was yesterday examined before Messrs. Conant and Farrant, and his deposition was as follows:

He was not aware of the rescue until it happened. There were more than twenty persons came upon them, hurried them on, and on turning round, he saw Marsden was not with them. They ran down Museum-street, into Charles-street, Drory-lane, when the party who rescued them attempted in vain to get the irons off. They proceeded to Lincoln's Inn-fields, where they again were attempted to be set at liberty, but it could not be done. Here witness was exhausted with running, and being one of the two foremost on the chain, he was lifted on by the collar of the coat and the breech. They proceeded through Clare-market and the Temple over Blackfriars bridge, other attempts having been made to get off the irons. They were led down the first street on the left in Blackfriars-road, and proceeded by the back streets to the Obelisk, and from thence into the Kent-road, where a supply of files, chisels, hammers, &c. was obtained, and the Prisoners were let loose. But previously to this, some of the gang asked witness if he knew either of the other four, and on his answering in the negative, they took the handkerchief from his neck and placed it over his eyes, whilst they released the whole of them, and the fellow who untied the handkerchief kept it. On separating, the burglars said, "You all know where we are to meet." Witness went into the first public-house he came to, and related the whole fact, and then returned and gave himself up.

He was re-committed to Coldbath-fields, as a witness, with an order to be leniently treated.—He would be able to identify some of the gang.

John Hitchen, a porter in the Inner Temple, stated, that he was struck by the gang as they passed through the Temple, and several persons were seriously injured, but particularly a lamplighter, who was in their way. They were too strong to be resisted, and the manner in which they flourished their bludgeons was very intimidating. Witness would be able to identify one of them, and he came to the office to see if any were apprehended.

Mr. Conant, at the close of the business, went to the Secretary of State's Office to report the affair, and no doubt a proclamation will be issued.

At the close of writing this, four o'clock, P. M. Marsden is worse, and, it is said, cannot survive.

COURT OF KING'S BENCH, NOV. 24.

THE KING v. BYRNE.

This was an indictment, under the Act the 49th of the late King, against the Defendant, William Byrne, for negotiating the sale of a commission in the army at a higher price than that fixed by the regulation. There have been two trials in the case: in the first the cause was undefended, and a second was obtained upon the affidavit of the Defendant, alleging surprise, and that he had material witnesses and a good defence to the Prosecution. The facts were these: Mr. Byrne, residing in Findyer-street, and terming himself an army-agent, in the spring of 1819 was applied to by a gentleman named Lorsine, who wished to enter into a regiment of cavalry. Mr. Byrne said that he had several commissions to dispose of, and, among others, a Cornetcy in the 16th Lancers belonging to a gentleman named Hodson. For this commission the Defendant asked £1200 (£700 being the regulation price). Mr. Lorsino agreed to give £1200; paid £900 in advance; and in conclusion, could neither obtain his commission, nor get back his money. The action was tried at Westminster before the Lord Chief Justice: the Jury found a verdict of guilty; and

Mr. Gurney now prayed the judgment of the Court.

Mr. Byrne put in, first, his own affidavit. It described him as having formerly served in the army; mentioned his dealings with persons of rank, and his general respectability; denied his having acted in the transaction in question with any view to his own emolument; and ascribed the non-appearance of Mr. Loraine's commission to the objection of that gentleman's father to his entering the army, Mr. Loraine, sen. wishing his son to become, or continue, a coal-merchant, a profession for which, in the opinion of the deponent, he was better fitted than for a military life. The affidavit went on to state, that the deponent could have refunded the £900 when it was first demanded, and that he would have done so, had a proper apology for certain imputations been tendered to him, but that he was now in a state of insolvency; spoke of the great injury done to his reputation by the present prosecution; and concluded by referring to a letter from Cornet Hodson, dated 12th May, 1819, in which that gentleman used the following expression:—"I think £1200 or guineas would tempt me to resign the sword."

The Defendant further put in affidavits from Lieut. Stopforth, Mr. Womble, of the Life Guards, Lieut.-Col. Compton, of the Artillery, and Lieut.-Col. Campbell, of the Veterans, as to the general accuracy of his dealings and goodness of his character at the periods when he had transacted business upon their several accounts.

Mr. Gurney, on the part of the Prosecution, put in the affidavit of George A. Loraine, and of Mr. Chisholme, of Lincoln's-inn, setting out a former conviction of the Defendant for a similar offence.

Mr. Byrne then addressed the Court from a written paper, in mitigation of punishment. He had not employed Counsel, he said, from inability to fee them; but doubted not that his military habits had given him more information upon the merits of the peculiar question before their Lordships than perhaps any Barrister could be expected to possess. Had he been present upon the occasion of the trial, he could have proved one of the witnesses, Cornet Hodson, guilty of perjury.

The Lord Chief Justice.—Not having been present at that time, Sir, you ought not now to make such an assertion.

Mr. Byrne adverted to the letter of Cornet Hodson, in which he said that he would have £1200 for his commission.

The Lord Chief Justice.—That letter is written subsequent to your letter to him, in which you say, "of course I get £1000 for your commission," when in fact you had at that time bargained with Mr. Loraine for £1200.

Mr. Byrne had a conviction of Mr. Hodson's perjury, or he would not have stated it.

Mr. Justice Best thought that, after what had passed, the Defendant would find a difficulty in communicating that conviction to any one else.

The Lord Chief Justice thought that it was the duty of the Court to go further, and to protect a witness in a cause from being afterwards charged with perjury when the Defendant came up for judgment.

Mr. Byrne continued.—The impolicy and absurdity of the statutes under which he was convicted must be apparent to all; because, if every person who offended against them were punished, some of the highest characters in the army, and some persons who were in the House of Commons, would stand in the same situation with himself.

Mr. Justice Bayley.—That is a very improper assertion.

The Lord Chief Justice.—Sir, if a man of the highest rank were to be convicted in this Court, he would receive the punishment he deserved.

Mr. Byrne said that the conduct of the Prosecutor denoted, not the gentleman, but the reformer.

Mr. Justice Best.—That comes with a very ill grace from the lips of a man who has obtained the Prosecutor's money on pretence of getting him a commission, and afterwards giving him neither commission nor money.

The Defendant concluded by pleading the distressed situation of his family, and threw himself upon the justice and mercy of the Court.

Mr. Gurney rose in aggravation. In the whole course of the Learned Counsel's practice, he had never heard such an address in mitigation as that which had just been uttered by the Defendant. It had grown up into a custom, he thought, of late, that convicted criminals became privileged lecturers. The whole transaction on the part of the Defendant had been a fraud and a cheat; and if such a man could be heard in Court to talk of his honour and of his reputation, every pick-pocket at the Old Bailey might utter a discourse upon the same theme. The Defendant had not been imprisoned in the King's Bench 18 months upon the present indictment; and if the rules of the prison had been refused to him—of which Mr. Gurney knew nothing—they had been most properly refused; for the Court would be surprised to learn, that the Defendant had actually been a Prisoner in the rules of the King's Bench when he had committed the fraud in question; that it was by violating those rules, and holding himself out as an army-agent in Westminster, that he had been enabled to cheat the Prosecutor of his money.

Mr. Byrne begged to say, that he had only been nominally in the rules of the Bench at that time. It was under peculiar circumstances.

The Lord Chief Justice.—It amounts, I apprehend, to this—that, being in the rules of the King's Bench, you represented yourself in Findyer-street as a person of credit.

Mr. Byrne.—My being there was known to the Solicitor in the cause against me. My being in the rules was generally known. I told every body of it.

Mr. Justice Best.—Did you tell the gentleman who paid you the £900 of it?

Mr. Gurney went on to advert to the former conviction of the Defendant for a similar offence, and to the lenient sentence pronounced by the Court on that occasion—the mere restitution of the money which had been obtained from the then Prosecutor. It was too much that a man, after defrauding another of his money, should attempt, as the Defendant had just done, to defraud him of his character; and mercy to such an individual, the Learned Counsel submitted, would be cruelty to the Public.

Mr. Hutchinson followed on the same side, and said that the second trial had been obtained upon a representation that the Defendant had material witnesses; when the cause came on, however, no witnesses were called.

Mr. Byrne had not been able to call witnesses, because the trial was stopped by the evidence of Mr. Hodson.

The Lord Chief Justice.—It was not so stopped. Your Counsel addressed the Court.

Mr. Gurney,—Certainly, my Lord, Mr. Pollen said he could not resist the case.

Mr. Justice Bayley, in passing sentence, said that the Defendant, who called the Prosecutor his friend, had, in the first instance, engaged that friend in a transaction which, even had a commission been given to him for his money, would, if discovered, have subjected him to be cashiered. The Prosecutor, far from deserving abuse at the hands of the Defendant, had taken a most humane and forbearing course; for, had the Prosecution been instituted for obtaining money under false pretences, instead of under the statute, the Defendant would have been sentenced to seven years' transportation. The conduct of the Defendant, in his address to the Court, had been at least extremely indiscreet; and, independent of the misdemeanour, under the Act, the whole transaction was full of fraud. Those circumstances would not, of course, have any weight in the judgment pronounced; but the previous conviction must be taken into consideration. The Learned Judge then sentenced the Defendant to be imprisoned in the House of Correction, Coldbath-fields, for the term of one year.

ENGLISH BULL.—Some late London Papers, in detailing the affecting case of two natives of the Island of Owhyhee, in the Pacific Ocean, lately brought before the Lord Mayor, adopted one of those peculiarities of expression, the use of which our English Brethren have long affected to consider as the exclusive privilege of the *Hirish*. After narrating the adventures of the young *Americans* who acted as Interpreter between his Lordship and the two South Sea Islanders, the London Editors sagaciously remark—"He is the first *European* who ever resided amongst the natives of those islands!"

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COUNTY OF THE CITY OF WATERFORD.

THE ASSIZE OF BREAD,

BY ORDER OF THE RIGHT WORSHIPFUL SAMUEL KING, ESQ. MAYOR OF SAID CITY.

THE Middle Price of Wheat and Flour (taken by Act of Parliament to form the Assize) was last week 26s. 6d. per Barrel, besides an Allowance of Eight Shillings per Quarter, by Act of Parliament, on White and Ranged, for the Benefit of the Baker, and Ten Shillings on Household.

	WHITE.	RANGED.	HOUSEHOLD
	lb. oz. dr.	lb. oz. dr.	lb. oz. dr.
Penny Loaf,	0 5 5	0 8 4	0 11 0
Two-Penny,	0 11 3	1 1 0	1 6 0
Four-Penny,	1 6 6	2 2 1	2 12 0
Six-penny,	2 2 1	3 3 2	4 2 2

☞ All other Sorts of Loaves are to weigh in proportion—and besides the two initial Letters of the Baker or Maker's Name, the White Bread must be marked with a W, the Ranged with an R, and the Household with an H—and the Weight must likewise be imprinted upon each Loaf, otherwise to be seized. And the several Bakers and Dealers in Wheat, Meal, and Flour, are required to make Out Weekly Returns, ON OATH, on every Wednesday, before 12 o'clock, of all Wheat, Meal, and Flour, bought or sold by them, according to the Acts of Parliament for regulating the Assize of Bread, or the Penalties will be levied according to Law.

Nov. 30. SAMUEL KING, *Mayor.*

By the Lord Lieutenant and Council of Ireland,

A PROCLAMATION.

TALBOT.

WE, the Lord Lieutenant, by and with the Advice of his Majesty's Privy Council, in order to remove doubts which have been erroneously suggested as to the lawful Value of the Pieces of Gold Coin called SOVEREIGNS and HALF SOVEREIGNS, and of the Pieces of Silver Coin called CROWNS and HALF CROWNS, which have been issued from his Majesty's Mint, do hereby declare and make known, as follows—that is to say, that, agreeably to the provisions of the Statute of the 56th year of the reign of his late Majesty, King George the Third, intituled, "An Act to provide for a New Silver Coinage, and to regulate the Currency of the Gold and Silver Coin of this Realm," and to the tenor of the respective Proclamations of his Royal Highness the Prince Regent, in the name and on the behalf of his late Majesty, of the 1st of July and 10th of October, 1817, and of the 3d of April, 1819, and of his present Majesty, of the 20th of October, 1820, in that behalf, each and every of the said Pieces of Gold Money called SOVEREIGNS is of the Value of Twenty Pieces of Silver Money called Shillings, each of the said Pieces called Shillings being of the Value of Twelve Pence of British Currency, and of Thirteen Pence of Irish Currency; and that each Piece of Gold Money called a HALF SOVEREIGN is of the Value of Ten of the said Pieces of Silver Money called Shillings; and that each of the said Pieces of Silver Money called CROWNS is of the Value of Five of the said Pieces of Silver Money called Shillings; and each of the said Pieces of Silver Money called HALF CROWNS is of the Value of Two of the said Pieces of Silver Money called Shillings, and of Six Pence of British Currency, being Six Pence and One Halfpenny of the Currency of Ireland.

And We do hereby command all Persons concerned to receive the said Pieces of Money called SOVEREIGNS, HALF SOVEREIGNS, CROWNS, and HALF CROWNS, respectively, in payment of any of his Majesty's Revenues, of what nature or kind soever, in Ireland, according to the respective Values thereof, as herein before declared.

Given at the Council Chamber in Dublin, the 20th of November, 1820.

ERNE. FRANKFORT DE MONTMORENCY. GORT. NORBURY. D. BAIRD. W. DOWNES. WM. MCMAHON. JOHN STEWART. ST. G. DALY. WM. SAURIN.

FROM THE LONDON GAZETTE OF NOV. 25.

CARLTON-HOUSE, NOV. 22, 1820.

This day the following Ambassadors and Ministers had audience of his Majesty:—Their Excellencies the Count de Lieven, Ambassador Extraordinary and Plenipotentiary from the Emperor of All the Russias—the Baron Fagel, Ambassador Extraordinary and Plenipotentiary from the King of the Netherlands—and his Highness Prince Esterhazy, Ambassador Extraordinary and Plenipotentiary from the Emperor of Austria—*to deliver letters from their Sovereigns;* his Excellency the Duke de Frias and Nuda, Ambassador Extraordinary and Plenipotentiary from the King of the Spains, to deliver his credentials as Minister Plenipotentiary from the Grand Duchess of Lucca; his Excellency the Duke de Cazes, Ambassador from his Most Christian Majesty, *to deliver a letter;* his Excellency Monsieur de Souza, Ambassador Extraordinary from the King of Portugal and the Brazils, to deliver his credentials and a letter of congratulation upon his Majesty's accession to the Throne; the Count de Bourke, Envoy Extraordinary and Minister Plenipotentiary from the King of Denmark, to deliver his new credentials to his present Majesty; Baron Just, Envoy Extraordinary and Minister Plenipotentiary from the King of Saxony, and Count de Ludolf, Envoy Extraordinary and Minister Plenipotentiary from the King of the Kingdom of the Two Sicilies, *to deliver letters from their Sovereigns.* The above Ambassadors and Ministers were introduced to their respective audiences by Lord Viscount Castlereagh, his Majesty's Principal Secretary of State for Foreign Affairs, and conducted by Sir Robert Chester, Kut. Master of the Ceremonies.

This Gazette contains a Proclamation, convoking Parliament for the 23d of January next, "for the despatch of divers urgent and important affairs"—a Proclamation, declaring that the Mediterranean passes granted by the Governors of Gibraltar and Malta, under the authority of the Proclamation of the 20th of November, 1819, shall be in force for one year only, from the respective dates of their being issued—an Order in Council, suspending the calling out of the London Militia for the present year—and an Order in Council, continuing in force, for six months, from the 30th instant, the existing prohibitions and restrictions as to the exportation of gunpowder, arms, or ammunition. The Gazette also notifies, that, on the 22d inst. his Majesty conferred the honour of Knighthood on Col. C. Mac Carthy Lyragh, Governor of Sierra Leone.

INTERFERENCE OF FOREIGN POWERS IN THE DOMESTIC AFFAIRS OF GREAT BRITAIN.

We are assured, on authority which has never misled us, that among the matters under consideration with the Sovereigns assembled at Troppau, the state and condition of the Royal Authority in England form not only an essential, but a fundamental article. The Ministers of those Courts affirm it to be perfectly cogatory for them to engage their respective Sovereigns in any measures for the suppression of the revolutionary spirit in Europe, while it remains a doubt whether that Member of their Body, without whom no course of action could be successful, by or be not sufficiently master at home to ensure his co-operation with them. While they admit the necessity of making a liberal allowance for the difficulties imposed on an English Ministry by the forms of a Government not as yet so entirely assimilated as might be wished to those of which they themselves are at the head, they feel at the same time that a crisis is arrived at which decisive measures can no longer be deferred; and having been assured by Count Munster, that he himself, as the adviser of the King of Hanover, will assist to his utmost in any endeavour to put down the mischief, by force of arms, they now want a security for the consent and assistance of the King of England towards the same end. Of his consent they are assured, and of his assistance they are ultimately in hopes, so long as they see Lord Castlereagh at the head of our Foreign Affairs—his Lordship's memorable declaration, at the Congress of 1815, *that popular Constitutions were no longer suitable to the actual situation of Europe*, being still fresh in their memories, and most consistently exemplified by his practice; but then come the questions—How is his Lordship to be secured in his office? Is the British Monarch so absolute in his prerogative as to say to his subjects, "IT IS MY WILL that he remain, and you shall have no other reason?" The Sovereigns, we are informed, have allowed themselves to be persuaded, under these circumstances, that their interference in his favour would materially tend to invigorate their Councils at Troppau; they have agreed, therefore, on hazarding a second *démarche* (the first was in June last, when Ministers pretended to resign), expressive of the disappointment they should feel if any material changes should take place in the British Ministry. This manifestation of their views has been confided, by common consent, to Prince Esterhazy, *with directions to lay it in person before his Majesty, at a private audience.*

We forbear, for the present, from such indignant remarks as an interposition of this sort most justly deserves. We ask, however, in what times do we live, when the King's Closet shall be selected as the scene on which so gross an insult shall be offered to the independence of his People? What Ministry, with the common feelings of English Gentlemen, would submit to such support?—*Morning Chronicle.*

THE QUEEN.

ANSWER TO LORD LIVERPOOL'S LETTER.

MY LORD—I have been honoured by her Majesty's commands to acknowledge the receipt of your Lordship's letter of yesterday, and to state that her Majesty cannot for a moment misunderstand its real purport.

The Queen perceives that the King's Ministers have resolved to prevent Parliament from assembling for the despatch of business at the time to which both Houses had adjourned. The justice and wisdom of the Legislature would at that period, beyond all doubt, have restored her to the full enjoyment of those rights which the Constitution has vested in the Queen Consort. The Ministers plainly show that such is their belief, and they are determined, for some purposes of their own, to delay the redress to which she is entitled.

In a measure thus alike contemptuous towards Parliament and the Nation, the Queen perceives a still deeper design. It is impossible to doubt that the authors of the late Bill have formed the project of trying in some other shape their baffled scheme of degrading her Majesty, and ruining the best interests of the august Family to which she belongs. Defeated in their first attempt—disgraced in the eyes of the People—consigned to the contempt of all Europe—deserted by the most rational and respected of their own adherents—they meditate a new attack on the honour of the Queen. Their speculations must be founded on the hope, that the public sentiment, so loudly and universally expressed, will at length be wearied and exhausted, and that the Queen herself will no longer have patience to resist such cruel and endless persecutions. But her Majesty owes it to the British Nation to declare, that she has the firmest reliance upon their support as long as she is the victim of oppression; and to herself she deems it due to add, that no harassing treatment on the part of the King's Ministers will ever shake the duty she owes to this generous People. She has also the strongest conviction, that the King's highest interests are at the present moment as much betrayed as those of the State, by the evil counsellors who are now once more plotting her destruction.

To the offer of money with which Lord Liverpool has thought proper to accompany his notice of the intended prorogation of Parliament, her Majesty has no answer to give but a direct refusal. Nearly ten months have elapsed since his late Majesty's death, and no parliamentary provision has been yet proposed for her. As long as the Bill was pending, the Queen saw the propriety of accepting the advances made for her accommodation; but she will not accept as a favour from the Ministers what a due regard for the honour of the Crown would induce Parliament to grant as a right; and she is still more averse to impose upon the People the unnecessary burden of finding a Palace for her, when the national munificence has already provided Royal residences for all the Princesses who fill her exalted station.

The Queen expressly commands me to add, that her Majesty, as well as the King and the Country, have reason deeply to regret that the persons who have involved all those parties in their present unhappy difficulties should still have influence to prevent that adjustment of differences which the Queen regards as essential to their common interests. Her Majesty has never entertained a doubt, that the King, if left to the guidance of his own sound judgment and honourable feelings, would at once listen to the Queen's claims upon his justice, and to the united prayers of his loyal People.

I have the honour to be, my Lord, your Lordship's obedient and humble servant,

R. KEPPEL CRAVEN.

Brandenburgh-house, Nov. 18, 1820.

The Psalms appointed to be read on the 29th day of the month contain many allusions applicable to the supposed situation of the Queen. The *Times*, whose logic is quite as good as its grammar and its principles, says, "Can such a coincidence be the effect of chance? Is it the ordination of Providence, or the arrangement of human design? If it *is* the last of these, *which we do not believe*," &c. Of course every rational individual will partake of the incredulity of the *Times* upon this subject. It was at first intended, and publicly announced, that her Majesty would go to St. Paul's yesterday, but the Psalms for that day were not quite so appropriate. That they happen to be more so on Wednesday, formed no part of the motives which produced the change. Nobody can suspect the Councils of Brandenburgh House of trickery and manœuvre. No. All must agree with the *Times*, that it is the miraculous effect of Divine interposition. This profane buffoonery is worthy—most worthy—of the cause in which it is employed.

But there *are* parts of that day's service, which, if responded by her Majesty with TRUTH, must, indeed, appal her inmost heart. With what feelings will she repeat the following words:—

"O LORD! thou hast *searched me out*, and *known me*."

"Thou art about my path, and ABOUT MY BED, and spiest out ALL my ways."

"Whither shall I go then from thy spirit, or whither shall I go then from thy presence?

"If I climb up into Heaven, thou art there; if—I go down to Hell, though art there also."

"If I say, peradventure, the *darkness shall cover me*—then shall my night be turned into day."

"WILT THOU NOT SLAY THE WICKED, O GOD?" Tremendous question!

These are the parts of the service, which may well rouse her Majesty to a sense of the awful situation in which she will stand on Wednesday, in the presence of that GOD, from whom *no secrets* are hidden.—*Courier.*

A new attempt to discover a north-west passage to the Pacific Ocean, it is said, will be attempted, under Captain Parry, next year. The attempt is not to be made in so high a latitude as Lancaster Sound, but to explore the American coast in a more southerly direction.

By Mr. Justice Bayley. I think you were not present, Mr. Blackburne.

Mr. Evans, on the same side, commenced by submitting, as a proposition unanswerable, that if an offence was committed, part in one county, part in another, the offence, unless by act of Parliament, could not be tried in either. He knew that his assertion would be impugned—that it would be held a strange declaration to say that in such a case a man must escape altogether; but—and here he meant nothing like personal allusion—it was notorious that those who had framed the law as to political offences, had taken most especial pains and caution to protect the subject from Ministers and from Attorneys-General. Upon this question of *venue* there was a most important decision recorded in the Year-books, the 2d Henry VI., 4 b., and also in 2d Roll's Abridgment. A deed being forged in one county and published in another, it was held that the trial must be by a jury of both counties. This case formed an answer to the arguments of the learned Attorney-General, as they applied, Mr. Evans thought, to the case of forgery.

The Lord Chief-Justice. Is that the judgment of the Court, Mr. Evans, or the argument of Counsel; for, in the Year-books, it is difficult to distinguish one from the other,

Mr. Evans could not pledge himself; but thought, from the appearance of the *dictum* in Roll's Abridgment, that it must have been the holding of the Court. The case was also quoted in a subsequent case of "the King and Queen v. Thorpe," reported in the 3d Modern. He thought it distinctly proved, the Learned Counsel continued, that the writing and the publication could not be connected; and upon that ground only a new trial must be had, for the former trial had been a mis-trial. Mr. Evans then proceeded to combat the proposition of the other side, that writing alone amounted to an offence. He contended, that the fate of the case, "the King v Woodfall," completely destroyed all the effect of "the King v. Bere;" quoted the *dictum* of the House of Lords upon the Libel Bill, to show that the crime consisted in the publication; and referred to the several cases of the King v. Stockdale, Easton, Lambert, Franklin, Reeves, Finnerty, Peltier, Wakefield, and Withers, as cases in which nothing but the fact of publication had been left to the Jury; whereas, had the writing been an act any way punishable, the Jury would certainly have been directed to find that fact one way or the other. Then, what was publication? As described in the dictionaries of Johnson and of Bailey, it was the act of publishing to the world—divulgation. There was a clear distinction between publication in a criminal case and publication in a civil case. In the first case, the delivery of a libellous letter to the party whom it assailed would amount to publication, because it might tempt the person libelled to a breach of the peace; but in a civil action such a delivery would not amount to publication, because the slander would not have been uttered to the world so as to prejudice the party, but would, except by his own subsequent act, be confined to his own knowledge. The learned Counsel, however, would at once submit to the Court an argument which he took to be conclusive. Admitting, for the purpose of discussion, that writing with intent to publish was an offence, even then, in the present case, a new trial must be granted; because the information charged that the Defendant wrote and published, and the verdict had been given for writing and publishing. Now, if the Court proceeded to pass sentence upon the Defendant for writing only, they would deprive him of his motion in arrest of judgment, and of the advantage of his writ of error in the House of Lords. A second point, equally conclusive: admitting what, from the bottom of his heart, the Learned Counsel abjured; admitting that delivery from the Defendant's hand, or putting into the post by him, would amount to publication, still there must be a new trial, for there was nothing but presumption of even such a publication in Leicestershire; and in no case, he contended, could crime be presumed.

Mr. Justice Best. That is to say, you cannot presume, unless there are facts to warrant the presumption.

Mr. Evans meant to carry his proposition further.

Mr. Justice Best. Then some thousands of persons have been improperly executed: because, where there is not direct evidence of a crime, crime always has been, and always must be, presumed.

Mr. Evans submitted, that the fact that a crime (say murder) had been committed, must first be proved.

Mr. Justice Bayley. And here the publication is fully proved.

Mr. Evans. Yes, but in Middlesex, which is a different crime from the crime charged.

Mr. Justice Best. The law is this: You must have positive proof that a crime has been committed, and then you may take presumptive proof as to the party who committed it.

Mr. Evans referred to the instance of offences committed upon canals, or in stage-coaches, as to which there was a particular Act of Parliament, making them triable in any county.

Mr. Justice Best. Because there would frequently be nothing from which to draw an inference that they were committed in one county rather than in another.

Mr. Evans. That, my Lord, is exactly what I want; for I contend that it is impossible to draw an inference to the prejudice of a Defendant. The Learned Counsel then repeated the positions which he thought he had established, and proceeded to advert to the refusal of evidence offered upon the trial. The first point to which he should address himself upon this part of the subject was, that, as a principle recognised by the late Lord Ellenborough, and by all the most eminent Judges of the land, the right to discuss political questions was the birthright of an Englishman. The second point, an instance of the case taken to protect Defendants from Attorneys-General, was, that the Jury were sole judges of the whole offence of libel, sole judges both of the law and of the facts. Now he submitted it was impossible for the Jury to form a correct judgment unless they had all the circumstances of the case before them. Then let their Lordships suppose a meeting of 80,000 persons, men, women, & children, assembled by public advertisement to discuss (whether wisely or foolishly, it mattered not some political measure. Let them suppose a body of men), armed & clothed in red, without provocation, let loose upon the defenceless multitude, killing 11, wounding 164, and trampling upon and injuring 400 persons. What were those men in red, and could any words in the English language sufficiently express abhorrence of such a deed?

Mr. Justice Bayley. The libel did not profess to proceed upon the fact, but only upon information gathered from a newspaper.

Mr. Evans. That, my Lord, can make no difference; if it was shown that the Defendant acted upon the information of a newspaper, he had a right to show that the information contained in that newspaper was true. He got his information from a newspaper; and if he had received it directly by express, would not the Attorney-General have relied upon that fact as proof of a malignant intent? My Lords, I do assert that the Defendant could have proved the truth of every word contained in this publication, miscalled a libel; every word of that which I have now been stating to your Lordships. How could the Jury judge whether the comments were or were not proper, when they had not the facts before them? Supposing those facts to have been true, and I think there will be no man at this time of day sufficiently hardy to deny them—

Mr. Justice Bayley thought that Mr. Evans was going too far.

The Lord Chief Justice was of the same opinion.

Mr. Evans must submit, that, if it had been proved at the trial that the statements were untrue, that proof would have been evidence of malicious intention; and, by the same rule, if it had been shown that the statements were true, that showing would have negatived malice; and in the case of the King v. Hone, such proofs had been received: whatever might have been its effect in that case, whether favourable or prejudical to the Defendant, in that case it had been received.—The last point upon which Mr. Evans would detain the Court was upon the summing up of the Learned Judge before whom the cause had been tried. First he should contend that no Judge at *nisi prius* was entitled to direct a Jury to presume any thing as to which there was not an innuendo in the indictment. This was a most important point, because it might frequently happen that a Judge full of zeal for his King and for his Country might get a verdict of guilty against a Defendant, by imputing a meaning to the words of that person, which even the Attorney-General had not dared to apply to them. In the present case, alluding to the words "a reign of terror and of blood," the Learned Judge had said—If this does not apply to the Government, to what does it apply?

The Lord Chief Justice. And the form of the information is, that the libel is of and concerning the Government; and the Judge desires the Jury to consider whether those words can relate to any thing but the Government.

Mr. Evans. I submit, my Lord, that, in order to connect those words with the Government, they should have put as an innuendo—"meaning the Government." Reign is a word of idiom, used not merely with respect to Government; we speak of the reign of beauty, of fashion, or of folly. And I submit, my Lord, with respect to the averment, that the libel was "of and concerning the Government," that those who introduced that averment were bound to prove it.

The Lord Chief Justice. That must be proved by the contents of the paper; and, upon that proof, it becomes a question for the Jury.

Mr. Evans. My Lord, in order to prove that this was "of and concerning the Government," it would be necessary to show that this business at Manchester was done by the order of Government: and would the Attorney-General dare to say that Government did wrong? Would any man dare to say so? Would it not be a gross libel to say so? My Lord, I do again submit, that, if it were permitted to suggest a meaning at pleasure to the Jury, it would frequently happen that a Judge, desiring to get a verdict—

The Lord Chief Justice objected to that mode of expression. His Lordship was sure that Mr. Evans did not mean to speak offensively, and therefore he mentioned his objection; desiring to get a verdict was not quite a correct phrase.

Mr. Evans had not used the words with any offensive meaning; but he still submitted that evidence had been improperly rejected.

Mr. Justice Best. Would you have offered evidence that a reign of blood and terror had begun?

Mr. Evans never meant to say more than that the acts which were spoken of by his client had, in truth, been committed; and he still objected that the Learned Judge, after refusing evidence of the truth of the several statements, had assumed, throughout his summing up, that those statements were untrue. After forbidding the Defendant to prove facts, he had assumed that the Defendant could not prove them. Again, the learned Judge had presumed the fact of the letter having been delivered open to some person in Leicestershire. The point had not even been left to the Jury; the learned Judge had broadly stated it as a fact.

The Lord Chief Justice. But a Jury are always supposed to use their own understanding.

Mr. Evans. My Lord, we can have affidavits from the Jury that they—

The Lord Chief Justice. You know, Mr. Evans, that the Court cannot receive such affidavits; and, therefore, you ought not to offer them.

Mr. Evans. Your Lordship is aware of the impression made by a statement from a Judge.

The Lord Chief Justice. Was not the evidence read?

Mr. Evans confessed that it had been read. In conclusion, Mr. Evans could not but recollect that this was a case which would carry down to posterity, in a greater or lesser degree, every person connected with it. Of the impartial and unbiassed judgment of their Lordships he had no doubt. He trusted he had, as far as was possible, avoided any offensive course of proceeding; and having, at least he hoped so, done his duty, he should sit down with the fullest confidence as to the success of his motion.

The Lord Chief Justice. This case has occupied much time in discussion, and a great many authorities have been quoted. Before I deliver my opinion, therefore, I should wish to have a little time to look into those authorities, particularly into those which have been quoted on this day, lest I should be subjected to the imputation of having delivered that opinion without sufficient attention and research. Whatever view may be taken of my conduct, either by those who are now to judge of it, or by those who may judge of it hereafter, I take leave to say, that if, in the result, I should think that no new trial ought to be granted, that conclusion will arise out of a conscientious belief that nothing was done at the trial which was contrary to law.

Mr. Justice Bayley would only say at present, that, attending to the comments made by the learned Judge upon the trial, as those comments had been repeated by Mr. Blackburne, he thought that, in almost every word of that part of the summing up, he should have gone along with that learned Judge. At the same time, he would add, for the sake of the Bar, that he believed that learned Judge would never wish the time to come when any Counsel should feel the least degree of fear in canvassing his opinions to the utmost; and, in the present instance, from what he knew of Mr. Blackburne privately, he believed that the gentleman had done his duty manfully and fearlessly, and without the slightest personal animosity towards that learned Judge. His Lordship had attended to Mr. Blackburne's repetition of what his learned brother (Best) had said at the trial; and he did not think that the learned Judge had said any thing which he (Mr. Justice Bayley), if he had possessed equal talent, would not have said himself.

Mr. Justice Best. I should be one of the last men to prejudice the right of the Bar to speak freely and fearlessly. The right of the Bar is, like the right of the Press, to say anything fearlessly which may be said with propriety and decency; but I do not think that the Court should be addressed in language such as ought not to be addressed to gentlemen; and such has been the language in which I have been addressed to-day.

Mr. Blackburne. My Lord, I intended no such thing, and I am extremely sorry if I have done so. There is no man at the bar, I trust, less likely to take such a course than myself.

Mr. Justice Best, as it appeared to us, intimated by a motion that he had not addressed his observation to Mr. Blackburne.

The decision of the Court was postponed till a future day.

THE KING v. CARTWRIGHT AND OTHERS.

This, it will be recollected, was an indictment against John Cartwright, Esq. George Edmonds, Charles Maddocks, Thomas Jonathan Wooler, and William Greathead Lewis, for a conspiracy, with others, to unlawfully elect a Representative in Parliament for the inhabitants of Birmingham, and in pursuance thereof electing Sir Charles Wolseley, Bart. to be such Representative. At the last assizes for the County of Warwick, before the Lord Chief Baron, the Defendants were found guilty.

The Defendants now appeared in Court personally, for the purpose of moving to set aside the verdict, and obtaining a new trial.

Mr. Denman appeared on behalf of Edmonds and Maddocks; Mr. Hill for Major Cartwright; and the rest of the Defendants proposed to address the Court in person.

Mr. Denman opened the application. This motion was made on grounds which were altogether independent of any thing that took place in the course of the trial of the indictment. It was founded on grounds arising antecedently to the trial itself, and related to the mode in which the Jury was collected to try the indictment. The trial was ordered, by a Rule of Court, to take place before a Special Jury. Four Special Jurymen only attended; and a Tales having been prayed, eight Talesmen were sworn of the Jury. The first objection he had to submit arose long before the date of the trial, and related to the mode of appointing Special Jurors in general. That objection was intended to draw the attention of the Court once more to the doctrine laid down in Rex v. Wooler—1 Barn. and Ald. 103, where it was held that the Master of the Crown Office has the right of nominating and selecting the names of persons who were to serve as Special Jurors.

The Chief Justice. Is there any other mode of selecting Special Jurymen, that can be suggested?

Mr. Denman. I submit that it is not to be an act of selection, and I think upon consideration these are good grounds for submitting that argument.

Mr. Justice Bayley. In the case you refer to, was it a motion to set aside the verdict, or to set aside the list of Jurors nominated?

Mr. Denman. It was a motion antecedent to the trial, and therefore the question did not undergo all the discussion it might.

The Chief Justice. When was the Special Jury struck in this case?

Mr. Denman. Before the Spring Assizes; I think in Hilary Term.

The Chief Justice. Then there were two Terms, in which a motion might have been made to set aside the Special Jury?

Mr. Denman. The Special Jury was struck on the 25th of February last, and the indictment was taken down to the Lent Assizes, but it was not then tried.

The Chief Justice. Is there any instance in which a party has been allowed first to take the chance of his trial, and then take advantage of such a motion as this, after having had an opportunity, of which he omitted to avail himself, of moving to set aside the Special Jury?

Mr. Denman. I am very unwilling to commit the interests of my clients to my memory, whether any such case has occurred. I am not provided with any case in which that has been done. This Special Jury was struck on the 25th of February, for the Assizes then coming on, and at the moment of striking this Special Jury, the objections were made which I shall now have the honour of submitting to the Court. These objections were reiterated at the time, and I think they are entitled to very great weight; for when the Defendants afterwards came down to trial, they again objected to the proceeding, and they challenged the array for the imputed partiality of the Master. This imputed partiality forms the second ground of this application to your Lordships. The first ground is simply upon the authority of the Master to exercise a discretion in making the nomination of the Special Jury.

The Chief Justice. This part of the case, I presume, is founded upon affidavit.

Mr. Denman answered, that it was founded upon the affidavits of Mr. Charles Pearson and Major Cartwright. Those Gentlemen stated, that they attended by appointment, on the 25th of February, at the Office of the King's Crown, to nominate the Jury to try this cause, when the book or list of freeholders of the County of Warwick, competent to sit upon juries for that County, was produced, which book contained 2500 names, or thereabouts. That Major Cartwright asked the Master of the Crown Office what was the rule he observed in striking a panel on such occasions? to which he was answered by the Master, that he had been in the habit of opening the book at hazard with his pen, and from the place thus opened, selecting the names of such persons as he thought proper, and of so proceeding until he had completed the panel; but that for some time past he had ceased to proceed in that manner, and selected from the entire list the whole panel, according to his own judgment and discretion. The first question then was, whether, according to the true intent and meaning of the Act of Parliament, 3 Geo. II. c. 25, the Master of the Crown Office has a right to exercise his judgment and discretion in the choice of the names of persons to sit on Special Juries?

The Chief Justice. What did they tell him to do, and what ought he to do?

Mr. Denman. I say that he should have adopted some mode of nominating the Jury, which was indifferent.

The Chief Justice. Is not this the proper mode?

Mr. Denman. I submit not.

The Chief Justice. Why not?

Mr. Denman. Because it places the matter entirely in the discretion of the individual Officer, which I submit ought not to be.

The Chief Justice. The question is, whether the Legislature does not so direct the selection to take place? Who selects the ordinary Jury for the Assizes?

Mr. Denman. The Sheriff.

The Chief Justice. Then does not the Sheriff select the Jury, and is not that the usual mode?

Mr. Denman. In this case I submit to your Lordships that the Master of the Crown Office is to *nominate*, and *not* to *select*. *Nomination* does not import the power of *selection* according to his own judgment; for, if that were so, it would give the Master very considerable opportunities for making a partial and biassed selection. Probably the same opportunities for such partiality would not be afforded for the selection of Jurors from the books for London and Middlesex, where the Defendant might have an opportunity of knowing the persons intending to be struck. But not so in small counties, where the persons qualified to serve as Special Jurors must be comparatively few in number. The proper course for the Master to pursue would be, to take the description given by the Sheriff, and select the Jurors according to that description; but, according to the practice now pursued, it gives the Master a complete discretionary power as to who shall, or who shall not, serve on the Special Jury. The Court will bear with some surprise, that in the county of Warwick, though there are 2500 freeholders, good and lawful men, those of that number who are entitled to the appellation of Esquire amount only to 66.—So that if the Sheriff had returned those only, the Master would have an opportunity of selecting 48 from among them, and the same 48 Esquires might be selected in every instance. In other counties there might not be 48 Esquires to make up the panel. I think Rutlandshire would furnish an example of that kind. According to the Statute 3 Geo. II. c. 25, the only description given of the persons eligible to serve as Special Jurors is, that they should be "free and lawful men."

The Chief Justice. Is it not usual to add some description to the persons nominated, in order to distinguish them? for it may happen that there are persons of the same name in the county. Even in common Jury panels, I believe, an addition and description is given with that view.

Mr. Denman. I submit, that the meaning of Special Jury is not merely a collection of persons of a certain rank and station in life, who should be thought by the Master of the Crown Office fit persons to serve on a Jury, but that the Special Jury must be a return of 48 names, taken indifferently, and by hazard, from which the 12 Jurymen are to be sworn. I cannot find any thing in the Statute which gives the Master of the Crown Office a right to exercise any discretion in the selection of those who are to be returned upon the panel.

The Chief Justice. Can a person nominate without selecting? How is the Master to nominate without selecting?

Mr. Denman. It is very easy to set aside or nominate names that are presented indifferently in the book, without any exercise of discretion upon the subject, in the same way as the names of twelve persons are taken out of an urn or box, to be sworn as a common jury.

The Chief Justice. There no discretion can be exercised, because it is expressly required by the Statute, that the officer shall draw the names by ballot.

Mr. Denman. If there had been that express provision made in such a case as this, there could be no argument, because the practice then would be clear and definite; but I submit, that when there is an ambiguous expression, capable of misapplication, the practice should be similar to the mode adopted in other cases, and to the general rules of law and the principles of justice.

Mr. Justice Best. If what you suggest be the proper course, special juries will be the same as common.

Mr. Denman said, in the case of a common jury the party had a right to reject or challenge a juror not eligible to serve; but in the case of a special jury, the Master exercises his discretion in the selection of names—a discretion which was no where given by law. He believed that the addition of *Esquire* depended entirely upon a grant from the Crown.

Mr. Justice Best. Then you will find a great number of Esquires who would have great difficulty in making out their title.

Mr. Denman said, that if all the persons qualified to serve as special jurors were returned merely as freeholders, they would fall under the same principle which all jurors should fall under. In this case it so happened, that fourteen of the persons actually nominated had been on the Grand Jury who found the Bill. This must have arisen from the paucity of persons who were described by the appellation of Esquire, and that was one great objection which he had upon principle to this mode of selecting jurors.

The Chief Justice. Was any person sworn upon the Jury to try the indictment, who had been upon the Grand Jury?

Mr. Denman replied in the negative.

Mr. Justice Best. That would be a good cause of challenge.

Mr. Denman. There could be no cause of challenge to a special juror at the time of the trial.

The Chief Justice. That is another point.

Mr. Denman contended, that the nomination of the 48 names upon the panel ought to take place by hazard and indifferently, without any discretion on the part of the Master. The question was, whether the Act of Parliament intended to give a right of selecting, which was liable to abuse and suspicion if exercised in the way complained of. The King v. Wooler had decided that such a discretion might be exercised. It was now his duty to submit, upon a question so extremely important, that such a construction ought not to be put upon the Act: and he did not think that the objections to it could be better stated than they were stated in the affidavit of the deponents, who, amongst various other arguments before the Master, adduced the following:—First, that neither by the Statute regulating the appointment of Special Juries, nor by any other Statute, was the qualification of such Juries rendered different from that which was required of common Juries. Secondly, that the power of the King's Coroner was derived from the rule of Court, and that such rule of Court, in describing the persons to be appointed, defined them by the common designation of ordinary juries, namely, "free and lawful men," and not by the description of Esquire, or otherwise. Thirdly, that the mode in which such power was to be exercised was laid down by the words "to nominate," which gave the Coroner the right, and imposed upon him such duty, of a Ministerial officer only, namely, to "nominate, or announce," the names of the Jurors only, and that the rule of Court did not give the Coroner an elective faculty; and that, had it been the intention of the law to invest the King's Coroner with the right of choosing the Jury, to try all causes in which the King was prosecutor, the rule would have distinctly authorised him to "select," or to "elect," and to nominate only. Fourthly, that the rule of Court pointed out that such nomination should take place in the presence of both parties or their agents, which would have been an useless, if not an absurd provision; and that the Coroner had not a right of consulting his discretion only in the persons to be selected, but that the object of the law was, that the parties might see that the Coroner discharged his duty fairly as a ministerial officer only, in the nomination of the Jury.—Fifthly, that had it been the intention of the law to vest a discretionary power in any one in the nomination of a Special Jury, it would have been given to Sheriffs, who returned other Jurors, and who, from their residence within the several counties in which the issues would be tried, must be supposed to be acquainted with the respectability and qualification of the Jurors named in the freeholders' book, whereas the King's Coroner being in London, and acting in the nomination of Special Jurors for the whole of England, it was clear that he could not have proper materials to enable him to make a selection. These were the arguments submitted to the Coroner at the time the Jury was struck.

Mr. Lushington, the Master of the Crown-office, interposed, and said, in allusion to the Learned Counsel's statement, that 14 of the gentlemen who had been of the Grand Jury, and had found the bill, were nominated upon the Special Jury panel, but afterwards other names were substituted in lieu of the names of those gentlemen.

Mr. Denman said, that hitherto he was confining himself to the general argument against the discretionary power exercised by the Master of selecting the Jurors; but he did not mean to withhold the fact, that the Coroner did substitute other names in lieu of those 14 that had been first selected. This circumstance, however, constituted the second objection which he had to the mode of nomination. The Defendants charged the Master of the Crown-office with making an improper selection in this respect; and upon the objection being made, the Master said he could not withdraw those 14 names until he had obtained the express consent of the Solicitor of the Treasury to their being so withdrawn; and upon that consent being obtained, they were certainly withdrawn.

Mr. Justice Bayley asked the Learned Counsel, whether he could cite any case in which it had been held that a Defendant had a right to take a chance of being tried and acquitted, but, upon being found guilty, was afterwards at liberty to object to the mode in which the Jury was impanelled?

Mr. Denman replied, as before, that at present he was not supplied with any such authority.

The Chief Justice remarked, that as two Terms had been suffered to elapse, during which an application might have been made to the Court before trial, it seemed to him to be now too late. The old rule for challenging the array required that the challenge should be before the trial

Mr. Justice Best. And that must be upon affidavit.

Mr. Denman said, that the case now before the Court was upon affidavit, and he conceived that this was the only opportunity that the Defendants had of correcting any irregularity in the mode of forming the panel, because the Learned Judge, at the trial, refused to allow the array to be challenged at that period. He submitted that the Defendants were not bound to come to the Court of King's Bench at all upon the subject; but that they had a right to challenge at the Assizes, and that the Judge, in such case, was bound to appoint triers to say whether the returning officer had, or had not, done his duty. At the trial the facts were laid before the Chief Baron: upon that occasion there was a direct challenge of the array for partiality, and it became then the duty, he contended, of the Judge, to appoint at once triers to examine, and to declare upon oath, whether such partiality had or had not tainted the proceeding.

The Lord Chief Justice. What do your affidavits say of the challenging the array?

Mr. Denman. Mr. Wooler states that he challenged the array upon the ground of partiality shown by the Master of the Crown office; and that the Judge refused to hear his challenge, saying, that the Jury was a Special Jury, and could not be challenged. Now, supposing Mr. Wooler to have come before this Court, and to have stated upon affidavit that which he now states, then the Master of the Crown office must have been heard in answer to the affidavit, and so must other persons; but I submit to your Lordships that the Defendants were entitled to go at once to the Judge at the Assize.

The Lord Chief Justice. No doubt, if they were entitled to challenge the array, they would challenge it at the Assize. Would not that be matter of error?

Mr. Denman really was not aware.

The Lord Chief Justice intimated that the Court expected gentlemen to be aware of the law of their cases. He knew the engagements of professional gentlemen, and meant nothing personal to Mr. Denman, who had of late had very heavy calls upon his attention; but, generally speaking, it would be convenient for gentlemen to make themselves acquainted with what had been done.

Mr. Denman could not answer off hand every particular question put by their Lordships; but, generally speaking, he had not found it stated that partiality in the returning officer was error in fact.

The Lord Chief Justice, even supposing it to be error, was not inclined to hold that of necessity it could not be received upon a motion for a new trial.

Mr. Denman. The objection is, that the Judge, upon the trial, would not hear the challenge.

Mr. Justice Best thought that, in a civil case, such a refusal would be the subject of a bill of exceptions; and that, in a criminal case, it came properly before the Court in a motion for a new trial. A bill of exceptions, in a criminal case, could not be obtained without the consent of the Attorney-General, and he thought that a Defendant ought not to be put to obtain such consent.

Mr. Denman submitted to their Lordships, as a third objection, that one of the Jurors was not, in fact, summoned to attend until the morning of the trial, namely, the 3d of August, whereas the summons was for him to appear the 23d of July. This, he contended, was a good ground of challenge to the array, and had been objected in vain at the trial. He referred to Trials per Pais, 125, and to R. v. Johnson, Strange, 1000, in support of his argument. The fourth and last ground of objection was, that the Learned Judge refused to appoint triers to ascertain whether some of the Jurymen had not expressed opinions unfavourable to the Defendants shortly before the day appointed for trial, which matter was suggested as ground of challenge for favour. On each and all of these grounds, he submitted that a new trial ought to be granted, contending that, on general grounds, there ought to be no distinction between Special and Common Jurors as to the right of challenge.

The Chief Justice then asked Mr. Hill, as he appeared for Major Cartwright, whether he had any additional ground to state in support of the motion.

Mr. Hill replied in the negative.

Mr. Wooler being asked whether he had any objection to offer in addition to what had been mentioned by Mr. Denman, said, that he had another ground to mention, namely, as to the marshalling of the panel, an objection which had been discovered a few days since. A gentleman, named S. Peach, had, in the original panel, stood twelfth on the list, but since then his name was placed fourteenth.

The Chief Justice said, that having inquired how that happened, the reason assigned by the officer was, that there being two Baronets in the panel, their names had been removed to the top of the list, as was usual on account of their superior rank, and that in consequence of this, and for no other reason, Mr. Peach's name was placed lower down.

Mr. Lewis said, he had no other ground to mention in addition to those already stated.

Mr. Wooler claimed the privilege of being heard, if it was not the pleasure of the Court to entertain the application after what had been urged by Mr. Denman.

The Chief Justice. We should certainly hear you if it were necessary in this stage of the proceeding. The latter objection, that the name of Mr. Peach was removed lower down upon the panel, would have no weight, unless some improper motive could be assigned; none, however, has been assigned; and as the alteration has been satisfactorily explained, that point may be left out of consideration. But as to some of the others, the Court think they are fit to be farther considered, particularly those two points; first, whether there can be a challenge to the array of Special Jurors; and, second, whether there can be a challenge to the poll for favour? The Defendants will therefore take a rule to shew cause, but the case must not be set down in the new trial paper, but must come on upon motion.

Rule *Nisi* granted.

The Waterford Chronicle.

THURSDAY, NOVEMBER 30.

Several articles of considerable interest will be found in our columns; they are not of a nature to require attention in this place.

It is stated, that Mr. CANNING has certainly withdrawn from the present Administration.

Counsellor O'CONNELL is appointed the QUEEN'S Attorney-General for Ireland, and it is rumoured, that Mr. HOLMES is to be HER MAJESTY'S Solicitor-General. The rank of the QUEEN'S Law Officers in this Country will be the same as in England.

We understand that Madame GIRARDELLI, the celebrated *Anti-Combustible*, or *Fire-Proof Lady*, from Dublin, will exhibit in this City in a day or two. Our Fellow-Citizens are thus likely to have an opportunity of soon witnessing this very extraordinary Phenomenon.

DEATH OF ARTHUR FRENCH, ESQ. M. P.

With the deepest regret we announce the death of this most amiable and worthy Gentleman. This melancholy event took place at his house, French Park, County of Roscommon, early on Friday morning last, after a severe indisposition of a few hours—he had been out hunting on the Wednesday preceding. It is supposed he over exercised himself, which terminated his existence. Mr. French was a most excellent husband, a good father, a steadfast friend, an indulgent landlord, and was successively chosen Knight of the Shire for the County of Roscommon for many Parliaments. Within a few years, experience has taught us to estimate that man as a real Patriot who resides in his native Country, improving and spending his income in it. Such a Patriot was the late Mr. French, who continually, with his large family, resided on his estate, unless when about his Parliamentary duties. His hospitalities were fully commensurate with his fortune, which was most ample. Universal sorrow prevails in the County which he so often represented, as well as amongst his numerous relations and friends. On the memorable question of the Union, he voted for his Country, and was always an Advocate for Catholic Emancipation. A vacancy, of course, occurs for the representation of Roscommon.—Whether any of the French family mean to offer themselves, we have not learned. There has not been a contest for the County for many years.—There can be little doubt if Mr. French's son comes forward as Candidate, that he will be returned without opposition.—*Athlone Herald.*

THE MARKETS.

CORK MARKETS, NOV. 28.—There is very little grain coming in, and no alteration from last quotations. Wheat, 22s. to 24s. 6d. per bag, 20 stone; Oats, 18s. to 21s. per barrel, 33 do.; Barley, 18s. to 22s. per barrel, 36 do.—New Flour—1st, 16s. to 18s.; 2d, 15s. to 16s.; Household, 12s. to 14s.; 3d, 5s. to 10s. per cwt.—India Pork, 21s. to 22s. per cwt.; Prime Mess, 19s. to 20s. do.; Inferior, 17s. do.; Planters' Ox Beef, 30s. to 33s. do.; India, 26s. to 28s. do.; Navy, 24s. to 26s. do.

Butter to Merchants 80s.—76s.—70s.—64s.—60s.

Do. to the Country, 70s.—66s.—60s.—54s.—50s.

CLONMEL MARKETS, Nov. 28.—Butter, 78s. to 80s. per cwt. Oatmeal, 11s. 6d. to 12s.—Bacon Pigs, 28s. to 29s. Scalded, 00s. Flour, 2ds., 34s. per bag; 3ds., 26s. to 27s.; 4ths., 16s. to 17s. Bere, 8s. per barrel. Barley, 9s. to 11s. Wheat, 1s. 2½d. to 1s. 2½d. per stone. Oats, 7½d. to 7¾d. per do. Potatoes, 2d. to 1½d. per do.

WATERFORD MARKETS.

Butter has declined materially; on Tuesday, 66s. 6d. was given for first quality, and 67s. was paid for one prime lot; yesterday, the price opened at 66s. but few were purchased at that rate, and 65s. was afterwards the highest general currency; before the close, some firsts were bought at 64s. The inferior qualities were in little demand, as is usual on a falling market—Thirds, 62s. to 63s.—Fourths, 72s. to 70s. The number of firkins weighed on Tuesday was 134—yesterday, 210. *Singed Pigs* continue at about 30s. 6d. to 31s. 6d. generally; 32s. has been paid in some instances. There was a very large supply yesterday of *Scalded Pigs*, several of which remained unsold to an advanced hour—yet, though there was some appearance of dulness in the sales, there was little reduction in price; 29s. 6d. was paid for a few prime heavy pigs in the morning, but 29s. 6d. to 30s. was the highest general rate, and some of the thinner kind were sold, at 28s. The receipts of *Wheat* from the Country have increased considerably within the last two days, and the price has continued looking up; prime quality yesterday readily obtained 26s. per barrel, and 26s. 6d. was paid in several instances. Very little *Oats* yet coming in; 10s. was freely given yesterday for good samples, and in some cases a shade higher. *Barley* has continued at 9s. 3d. to 10s. 6d. No change in other articles.

LINES

WRITTEN AFTER READING THE FOURTH CANTO OF

CHILDE HAROLD.

It is not that thy youth's gay lyre
Is touched by sorrow's finger now—
It is not that thy early fire
Is cool'd by manhood's calmer glow—
It is not that the cypress wreathes
It's sombre round thy laurell'd brow—
But 'tis—that thro' thy strain there breathes
The more than majesty of woe.

When HAROLD's wood-notes warbled wild,
And Youth was in its fairy spring—
When first the Muse embrac'd her child,
And Fancy prov'd her eagle wing—
Not from the mists of twilight freed,
E'er lovelier rose the blushing morn;
Not sweeter o'er the flow'ry mead
The vernal breeze was fragrant borne.

And when the witching hand of time
Had sped thy soul's meridian flight,
'Twas now the noon of torrid clime,
And now the awful spell of night;
Oft rapture'd genius, fancy led,
Would live in days and scenes gone past,
And mingle with the mighty dead,
Where Greece's hallow'd relics waste.

And now, when autumn's pensive shade
Makes hope's gay visions fainter wear;
When woe hath bidden rapture fade,
To the cold numbness of despair;
When HAROLD, like the scenes he lov'd,
Is but the wreck of years gone by—
How grand, how soft, the chords have mov'd!
How exquisite their minstrelsy!

And must that spark of Heaven divine,
Still feed upon thy heart's worn moan?
And hast thou reach'd indeed the shrine?
And are the pilgrim's conflicts done?
No; still 'tis thine, tho' darkness lower,
To chase the threat'ning clouds away;
For life is but a gloomy hour—
The prelude of a brighter day!

T. W. X.

Waterford, November, 1820.

PORT NEWS—PASSAGE, NOV. 29.

ARRIVED,

27th—None.

28th—Nancy, Clarke, Weymouth, ballast; Margaret, Thomas, Wexford, bark and oats, for Barnstaple.

SAILED,

27th—None.

28th—Richmond, Cruiser, Lieut., Morris—and Hardy Cruiser, Lieut. Herbert, on a cruise; Favourite, Duck—and Rising Sun, Budd, before mentioned; London, Fox—and John Thomas, Gordon, London, butter, bacon &c.; Prince Regent, Jacob, London, butter; Fox, Cruiser, Lieut. St. John, on a cruise.

29th—Wind E. S. E. at 8 morning.