

Coila v. McNamara.

(Concluded from the Chronicle of Saturday.)

Mr. Henry Deane Grady rose to address the Jury on behalf of the Defendant, and spoke to the following effect:—

Gentlemen of the Jury—It has devolved on me to submit, for your consideration, such observations as have occurred to me in the course of this trial, on behalf of my client, the Defendant. This is an action brought against him, Gentlemen, for an alleged breach of marriage promise; the damages laid at £3000. Gentlemen of the Jury, where a lady is the subject of an action, it requires your most serious attention. The Learned Counsel who stated the case for the Plaintiff could not have failed to make a great, a powerful impression: I could not but perceive an impression had been made on the minds of some of you, of a nature to apparently alarm and discourage, that I might almost despair of succeeding even with the strongest case on the part of my client. Gentlemen, I entreat you for a moment to consider seriously the nature of the charge against the Defendant, and the manner in which he has been introduced to you; the severe, unfounded, and unmerited calumnies and reproaches with which he has been assailed by the Counsel for this virtuous English lady. Will you allow an Irishman, a young man of family and education, who had taken out his degree in the University of Dublin—will you allow him to lie down under the heavy charge of being a needy adventurer—a poor, pitiless, disgraceful fortune-hunter—a merchant-dealer in flesh? You will at least hear him before you decide; as pious men, as men disposed to do justice, you will say, "we have been premature; we have been carried away by eloquence, but we will not yet decide." Gentlemen, you are on your oath to return a verdict according to the evidence, and not according to conjecture or wild inference. Allow me, Gentlemen, to draw your attention to the statement of the Learned Counsel for the Plaintiff, and also to the evidence produced in support of that statement. The Learned Counsel stated, that the Plaintiff had been married to a respectable gentleman, Peter Coila, Esq. living in the most fashionable part of London, and visited by persons of the utmost respectability. How has the Defendant been mentioned? Oh! Gentlemen, the contrast is very great; one is amiable, respectable, beautiful, married to an Esquire; the other, a pitiful adventurer, a moral monster, a merchant-dealer in flesh. The Learned Counsel then proceeded to eulogize his amiable, beautiful, and virtuous client, this highly respectable, pure, correct, and chaste lady—Captain McNamara, who, all along, was only a Lieutenant, was introduced to the Plaintiff by a Mrs. Hamilton, who was herself an intruder, as the amiable Caroline has told you. In the words of the Learned Counsel, the Captain "made a judgment;" this fortune-hunter, this keen pursuer of female property, having obtained admission, looked about the room; he liked the furniture, it was just what he wanted. This visit having ended with mere ceremony, the Plaintiff desired little "run-about" to deny her to the Lieutenant in case he should call again; now and then, however, the Lieutenant slipped in; the little maid did her own business; Jerry was drinking tea with little Caroline. The mistress being determined to get rid of this Irish Bergamini, let her house, No. 32, Upper George's-street, Portman-square, and having given directions that no man should know where she had gone, to the Captain was for some time at fault; she was found street-walking—she found her alone, not even little Caroline with her—she went home with the lady to her lodging and staid a considerable time. This little visit at the lodging induced the lady to change her opinion of the Captain, and, after four months, she allowed him to talk of love—she did not talk of love herself, Gentlemen, but—

Pray on her demand check." After love, matrimony was introduced; but you have been told that the Defendant had fixed his minimum at £1000 a year, and that when he learned that the lady had but £280 per annum it caused a reversion of blood from his heart—their means were insufficient for matrimony, and out came the Learned Counsel's Tragedy handkerchief. His client had consented to live as a kept mistress—he would faint.

"Drop a tear upon the word, and blot it out for ever." Gentlemen, I recollect to have heard of a reluctant Judge; he was known by the name of the hanging Judge, and was never seen to shed a tear but once, and that was during the representation of *The Beggar's Opera*, when Mackintosh gets a reprieve.

Gentlemen—If you find that the Plaintiff was a consenting party to her own dishonour, you will not be seduced by the artificial tears of her Counsel—you will not reward immorality, impurity, and prostitution—you will not give credit to the evidence of a little whizzer-snapper, that apt scholar, that sagacious little animal, the prett Miss Caroline. Her mistress finished her education at a milliner's in Bond-street—there goes the apprentice of a milliner. We know, Gentlemen, in what manner milliners' apprentices are finished in London. Who is this Mrs. Hamilton, or what brought Mr. McNamara to her? What brings any Irishman to a pretty woman?—Mrs. Hamilton, who is told, lived in Duke-street; but ladies of light character reside in Duke-street

as well as George's-street, and there is nothing extraordinary in one kept mistress recommending a friend to another. Matrimony was out of the question between the Plaintiff and Defendant—they could live together in prostitution, but not in marriage; and this is the fiction of poetry which is to be sent up to you. The Captain told the little maid that he was married to her mistress, but desired her to keep it a great secret; he told it to her, a lady's maid, of all others the most likely to keep a secret. Gentlemen, you find this hungry fortune-hunter using the language of an honourable man to the Plaintiff—his words are, "all I here is yours." Is this the language of a man living on the property of a seduced and innocent woman? We are told the property of the Plaintiff's husband lay, part in India, and part in Ireland; it might be in the Moon, for all we know, and the entire of the case rests on the testimony of this servant of all works. It appears that the Plaintiff is the quondam apprentice of a milliner, the sister of a chicken-butcher's wife, and the lady who sleeps with her own servant-maid. By the testimony of her own little maid, she always lived as happy as if she had been married. I will now, Gentlemen, read to you one of the Plaintiff's letters to the Defendant; you cannot but admire the style of this elegant-mannered lady.

(Mr. Grady then read a letter, a literal copy of which we subjoin, animadverting, with much honour, on every sentence. The comments of the Counsel, who spelled most of the words as he proceeded, caused much merriment in Court.)

32, Upper George's-street, Portman-square, March 10, 1818.

MY DEAR RICHARD, I am much surprised you do not write to me. I think you must have happened your letters as I have been for my house I much wish to know what you intend to do about coming to England, or do you propose to remain in Ireland if you do not shall go to you as I have nothing now to prevent my going any place I saw Major Hawker this day and he said he is going to Ireland in ten days and much wish to see you. Indeed my dear Mr. I think you very kind not to write all this time, but if you like I can meet you any where you like in England or Ireland. Make up your mind, and let me know by return of post. I have to inform you my next door neighbor, Wallis, is dead. Caroline give her love to you,

And am my dear Richard, truly yours, HARET.

You can address to me at my Home, as I have left my abode in London, I shall expect an answer on receipt of this. (The words that were given in Italics were underlined in the original.)

The lady says, Gentlemen, continued Mr. Grady, that she will follow the Defendant to Ireland; yes, when a kept mistress is in pursuit of her keeper, the devil would not stop her march. Gentlemen of the Jury, I now conjure you, in the name of morality, virtue, and religion, not to rob the Defendant; and I pray that God may direct you in your verdict.

(Mr. Grady sat down amidst great applause, and the Court adjourned at half-past six o'clock.)

TUESDAY, DEC. 12.—THIRD DAY. Lord Norbury having taken his seat on the Bench, and the names of the Jury being called over, Mr. Gould addressed the Court, and stated, that the Defendant's case was closed. The Learned Gentleman, however, begged permission to say a few words to the Jury, on behalf of the Defendant. He said he knew it was contrary to general practice, as the Defendant did not offer any evidence; but notwithstanding this, he hoped the Noble Judge would suffer him to say a few words; he confessed his anxiety on this occasion was great, and that anxiety arose from his being a near relation of Mr. McNamara.

Lord Norbury said he regretted that the fixed practice and rule of *Nisi Prius* precluded his complying with Mr. Gould's request.

Mr. Farrell then addressed the Jury to the following effect:—

Gentlemen of the Jury—My Learned Friend who stated the case has left me a task of no small difficulty; his address would do honour to the Bar. It was not school-boy eloquence, or tinsel declamation, but the sentiments of an ardent mind, clothed in manly diction. Truly has he anticipated, that he would be met by noise and clamour—by assertion without proof, and calumny without foundation. That anticipation, Gentlemen, has not only been verified, but it has been outdone. The three hours' speech of the Defendant's Counsel has been one tissue of vituperation. If the conduct of the Defendant was capable of aggravation, that conduct has been aggravated by the mad career his Counsel has run, stimulated by their client. You have heard, Gentlemen, the shouts, the storm, with which the credible, the collected and ingenious witness was assailed, who was for two days under a severe cross-examination. She had not any thing like fair play, and sat under the brow-beating looks of the Defendant himself, whom she was accustomed to look up to as her master. If you had any doubt on your minds, Gentlemen, the cross-examination of this witness alone must have removed it. She was the only witness who could state facts. She was questioned as to the whole course of her life, and the artless and collected manner in which she gave her testimony was an instance of the justice of the trial observation, that truth will prevail. If she has deposed falsely, she is liable to an indictment for perjury; and what has she to expect from the mercy of the Defendant? But I will convert the Defendant out of his own lips. You have been asked, Gentlemen, "where is the proof of plighted faith?" Look to his letters. Are they not such as a man would write to a faithful and affectionate wife? Was she not his wife in the eyes of God—and if she had been united to him at God's altar, could her conduct have been more exemplary? When he saw this unhappy woman sick at heart from "hope deferred," he gave her that solemn engagement; he then went to his own family, and to his own friends; he had time to reflect on what he had done; but what was his conduct? He followed up that engagement by letters, showing the most unbounded affection. The Plaintiff heard that he was living in Cork, and that he was there paying attentions to another woman which he had sworn to devote to her. With eager haste, she undertakes an expensive journey to ascertain the truth.

"Oh! what damn'd minutes count the year." "Who dares, yet doubts—suspects, yet strongly loves." She did not meet the Defendant there, Gentlemen, and she returned to London; but Captain McNamara shortly afterwards returns to her house, and assumes dominion over her property. You have heard of his illness there, and through whose tenderness and affection he had recovered from that illness. Well has he repaid the obligation. Here is a letter of the Defendant's, dated June 20, 1817. It is addressed to the Plaintiff, and is written from the bedside of a dying parent. If ever a man was to speak the truth, it would be at that moment.

(Here Mr. Farrell read the letter.) Gentlemen, if I was disposed to comment on the grammar of this Gentleman, who was bred in the University, I could do it here, but I despise it. Mr. Grady's overwhelming morality could make no allowance for a woman who could yield herself up to the honour of this man. He wrote to this faithful creature, that "his father asked him how he contrived to live without money?"—Why did he write so to her? The reason is obvious; because she alone could explain. Again he writes—"I owe you an everlasting obligation which I never can repay." And this man raised money on her plate whilst she was attending her dying child, pleading as his excuse, that "his poverty, but not his will, consented." Again he desires her "not to make herself unhappy." If she were living with him as his kept mistress, why write in this manner? But why does he tell her not to be unhappy? He has himself answered, when he goes on, "for I will keep secretly all my engagements to you."

(Here two ladies, closely veiled, entered the Court, and took their seats opposite the Bench.) Gentlemen—It has been said, that Mr. McNamara never received a single guinea of the Plaintiff's money, notwithstanding the circumstances of the leather breeches—(loud laughter)—the only part of the case that has been treated seriously by Mr. Grady, who was humorous on every subject but the breeches. Had this action been tried at Westminster, the Defendant would be there termed an Irish adventurer. What is the definition of adventurer? I will tell you, Gentlemen. It is one who, by his nightly profligacy, earns his daily bread. You have been told he is a religious man; if so, then is "religion a mere rhapsody of words." The Plaintiff is his wife in the eyes of God; and had the engagement which he has solemnly entered into with her taken place in the most moral part of this kingdom (Scotland), she would be his wife in point of law. The spelling of her letter has been a subject of much ridicule; if that was an insuperable objection to their marriage; why is it made after the lapse of so many years? It has been stated, that he is of a wealthy and respectable family; but this is any thing but mitigation. Her letter, which has been so animadverted upon, has been that of a broken-hearted woman; she then says that this man will be shot out from Heaven for the wrongs he had done her. The immortal Sheridan has made an Irishman (the child of fiction) remark, that "when affection guides the pen, he must do a brute who finds fault with the style." Gentlemen, the Defendant's Counsel, after all the ribaldry he used, prayed God to direct you in your verdict. I join with him in that prayer. A verdict for this much-wronged woman cannot be attributed to unworthy or dishonourable motives.

Mr. North, for the Defendant, rose to submit two points of law, contained in the bill of exceptions, just sent to his Lordship for his approval and signature.

Mr. Wallace warmly contended that that mode of proceeding, at present, was totally irregular, and contrary to the practice of the Court.

Lord Norbury said, "Mr. Wallace, I perceive you will find it a difficult matter to steer your course so as to get North about." (Much laughter.)

His Lordship then charged the Jury.—It was the law, that, where there was a solemn promise on the part of the man, and the lady received this promise in silence, the law says there is reciprocity; she had not any thing like fair play, and sat under the brow-beating looks of the Defendant himself, whom she was accustomed to look up to as her master. If you had any doubt on your minds, Gentlemen, the cross-examination of this witness alone must have removed it. She was the only witness who could state facts. She was questioned as to the whole course of her life, and the artless and collected manner in which she gave her testimony was an instance of the justice of the trial observation, that truth will prevail. If she has deposed falsely, she is liable to an indictment for perjury; and what has she to expect from the mercy of the Defendant? But I will convert the Defendant out of his own lips. You have been asked, Gentlemen, "where is the proof of plighted faith?" Look to his letters. Are they not such as a man would write to a faithful and affectionate wife? Was she not his wife in the eyes of God—and if she had been united to him at God's altar, could her conduct have been more exemplary? When he saw this unhappy woman sick at heart from "hope deferred," he gave her that solemn engagement; he then went to his own family, and to his own friends; he had time to reflect on what he had done; but what was his conduct? He followed up that engagement by letters, showing the most unbounded affection. The Plaintiff heard that he was living in Cork, and that he was there paying attentions to another woman which he had sworn to devote to her. With eager haste, she undertakes an expensive journey to ascertain the truth.

the strongest promise of matrimony. She is a widow; she has no father; but the question is, has her conduct been such as to entitle her to large damages. The Noble Judge observed, that there was scarcely any evidence in favour of which we were more familiar. His Lordship bore testimony to the great exertion of Counsel, on the present occasion, and to the talent displayed both for the Plaintiff and for the Defendant. He commented very strongly on the circumstance, that the evidence the Defendant had produced against the Plaintiff was her letter to him, which, no doubt, was written not in the best hand, and contained a few blots; however, he did conceive these to be the only stains upon her character. It appears, said the Learned Lord, that this Plaintiff treated this Defendant with ardent affection; he lay on her bed in sickness for six weeks, and she acknowledged that she saved his life. Gentlemen, I respect the name of Mr. McNamara; this Defendant shall have the full benefit of whatever points of law were made in his favour.

The Jury then retired, and in an hour and a half, returned with a Verdict for the Plaintiff—£2000 damages, and 6d. costs. When the Verdict was announced, there was much applause in Court.

Counsel for the Plaintiff—Messrs. Wallace, Farrell, Crampton, Doherty, and Howell Walsh. Agents, Messrs. Menzies and Kelly.

For the Defendant—Messrs. Grady, Gooldy, O'Connell, North, Wolfe, and Phillips. Agents, Mr. Scott.

ASSAULT ON MR. WALLACE. DUBLIN, Dec. 16.—On Thursday morning, at half-past ten, Mr. Wallace, who had been Leading Counsel in the Cause of Coila and McNamara, and had stated the Plaintiff's case on Saturday last, was met in Sackville-street, near the corner of Henry-street, by the Defendant, Mr. Richard McNamara, and a person wearing mutton-chuffs, whose name is yet unknown. After a word or two, spoken by Mr. McNamara, intimating that what he was about to do was in consequence of Mr. Wallace having, in his statement, spoken as he had done of Mr. McNamara's wife, he instantly, and without any request of explanation, in satisfaction, gave Mr. Wallace a violent blow in the left side of his face, and, while staggering under the blow, gave her several blows of a whip, with which he was armed, upon the head. The violence of the blow had driven Mr. Wallace towards the door of Mr. Burke's house, which was distant about three yards from Mr. Wallace when he received the first blow. When recovering from the effect of the blow, he was at the door of the house, when some person from within came forward; Mr. McNamara, and the person who accompanied him, both fled towards Elephant-lane, from whence they, in a few minutes, escaped. It appears that the slaying of Mr. Wallace, and the commission of this unparalleled outrage, had been meditated from the Sunday preceding; but no intimation, of any kind, that Mr. McNamara had been offended at any part of the statement made by Mr. Wallace, had been given to him. The whole had been kept a profound secret until the moment the crime was perpetrated. At the time the outrage was committed, there were seven other persons, besides the two by whom it was actually committed, waiting at a short and convenient distance, for the purpose, we doubt not, of the escape of the offenders, had there been any attempt made to secure them.

Mr. Wallace was met by two Gentlemen of the Bar, immediately after the flight of Mr. McNamara, and proceeded with them to Court, when, after a short consultation with some of his friends, an Affidavit of the facts was made, and a Warrant granted by the Chief Justice of the King's Bench. Since that time, the utmost exertions of the Police have been made to arrest the offenders, but, unfortunately, for the present without effect.—D. E. P.

On Thursday last, a party of the Limerick Police, stationed at Glin, consisting of a sergeant and seven men, (by an order of Samuel Harding, Esq. a Magistrate,) attended Mr. Evans, of Glin, to protect the peace, whilst he was distraining his tenants on the lands of Athra, for rent and arrears of rent. The cattle being recused, a party took place, wherein the distrained were to have back the cattle; and the Police, conceiving all was settled, were returning to their quarters, when they were most violently attacked by a tumultuous mob, consisting of upwards of 100 men, armed with stones, pitchforks, and clubs, and a few firearms. After the first volley, the Police were completely disarmed, and beat most barbarously, the fellows leaving three of them as dead, and the other five making their escape. The following day, the tenants of the Knight of Glin, with a great deal of humanity, went for the men who were left behind, and brought them to Glin, mutilated as they were. Every possible attention was paid them by the Knight of Glin. One of the assailants was shot dead on the spot, and two more are stated to have been wounded. The Policemen (Tolson and Mullins) are not expected to recover.—Limerick Chronicle.

We hear that the party were since obliged to take shelter at the Knight of Glin's house, and it is said that the country people have threatened destruction by fire to the entire village of Glin, if they are not permitted to wreak their vengeance on the Police.—Ibid.

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and a great variety of climate, every portion of which is engaged in foreign commerce, and liable to be affected, in some degree, by the changes which occur in the condition and regulations of foreign countries, it would be strange, if the produce of our soil, and the industry and enterprise of our fellow-citizens, received, at all times, and in every quarter, an uniform and equal encouragement. This would be more than we have a right to expect, under circumstances the most favourable. Pressure on certain interests, it is admitted, have been felt; but, allowing to these their greatest extent, they detract but little from the force of the remark already made. In forming a just estimate of our present situation, it is proper to look at the whole, in the outline as well as in the detail. A free, virtuous and enlightened People know well the great principles and causes on which their happiness depends; and even those who suffer most, occasionally, in their transitory concerns, find great relief under their sufferings from the blessings which they otherwise enjoy, and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a Government which is founded by, administered for, and supported by, the People. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signified it. The convulsions with which several of the Powers of Europe have been shaken, and the long and destructive war in which all were engaged, with their sudden transition to a state of peace, presenting, in the first instance, unusual encouragement to our commerce, and withdrawing it in the second, even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we had to support through this long conflict, complicated, as we were finally, to become a party to it with a principal Power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs, by augmenting, to a vast amount, the circulating medium, and thereby elevating, at one time, the price of every article above a just standard, and depressing it, at another, below it, had likewise its due effect.

It is manifest, that the pressures of which we complain have proceeded, in a great measure, from these causes. When, then, we take into view the prosperous and happy condition of our Country, in all the great circumstances which constitute the felicity of a Nation—every individual in the full enjoyment of all his rights—the Union blessed with plenty, and rapidly rising to greatness, under a National Government, which operates with complete effect in every part, without being felt in any, except by the ample protection which it affords, and under State Governments which perform their equal share, according to a wise distribution of power between them, in promoting the public happiness—it is impossible to behold so gratifying, so glorious a spectacle, without being penetrated with the most profound and grateful acknowledgments to the SUPREME Author of all good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I cannot regard the pressure to which I have alluded otherwise than in the light of mild and instructive admonitions; warning us of dangers to be shunned in future; teaching us lessons of economy, corresponding with the simplicity and purity of our Institutions, and best adapted to their support; evincing the connection and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social cooperation, and adding, by its strong ties, new strength and vigour to the political system. The object of that law having been merely to counteract the inequalities which existed, in the disadvantage of the United States, in their commercial intercourse with France, it is submitted also to the consideration of Congress, whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to preserve in their intercourse with other Powers, it may not be proper to extend relief to the individuals interested in these cases, by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the Colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood, still prevail. In no part of South America has Spain made any impression on the Colonies; while, in many parts, and particularly in Venezuela and New Grenada, the Colonies have gained strength and acquired reputation, both for the management of the war, in which they have been successful, and for the order of the internal administration. The late change in the Government of Spain, by the re-establishment of the Constitution of 1812, is an event which promises to be favourable to the Revolution. Under the authority of the Cortes, the Congress of Angos-

ture was invited to open a negotiation for the settlement of differences between the parties—to which it was replied, that they would willingly open the negotiation, provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are unenformed.

No facts are known to this Government, to warrant the belief, that any of the Powers of Europe will take part in the contest; whence it may be inferred, considering all circumstances which must bear weight in producing the result, that an adjustment will finally take place, on the basis proposed by the Colonies. To promote that result, by friendly councils, with other Powers, including Spain herself, has been the uniform policy of this Government.

In looking to the interior concerns of our Country, you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these important objects, none holds a more important place than the Public Revenue, from the direct operation of the power by which it is raised on the People, and by its influence in giving effect to every other power of the Government.—The Revenue depends on the resources of the Country; and the facility by which the amount required is raised is a strong proof of the extent of the resources, and of the efficiency of the Government. A few prominent facts will place this great interest in a just light before you.

On the 30th of September, 1815, the funded and floating Debt of the United States was estimated at 110,635,558 dollars. If to this sum be added the amount of five per cent. Stock subscribed to the Bank of the United States, the amount of Mississippi stock, and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain States, for military services, and to individuals, for supplies furnished and services rendered, during the late war, the Public Debt may be estimated as amounting, at this date, and as afterwards liquidated, to 158,713,049 dollars. On the 30th of September, 1820, it amounted to 91,003,883 dollars, having been reduced in that interval, by payments, 66,879,165 dollars. During this term, the expenses of the Government of the United States were likewise defrayed, in every branch of the Civil, Military, and Naval Establishments; the public edifices in this city have been rebuilt, with considerable additions; extensive fortifications have been commenced, and are in a train of execution; permanent arsenals and magazines have been erected in various parts of the Union; our Navy has been considerably augmented, and the ordnance, munitions of war, and stores of the Army and Navy, which were much exhausted during the war, have been replenished. By the discharge of so large a proportion of the Public Debt, and the execution of such extensive and important operations, in so short a time, a just estimate may be formed of the great extent of our national resources. The demonstration is the more complete, and gratifying, when it is recollected that the direct tax and excise were repealed soon after the termination of the late war, and that the revenue applied to these purposes has been derived almost wholly from other sources.—The receipts into the Treasury from every source, to the 30th of September last, have amounted to 18,794,107 dollars and 60 cents; whilst the public expenditure, to the same period, amounted to 16,871,534 dollars and 72 cents; leaving in the Treasury, on that day, a sum estimated at 1,920,000 dollars. For the probable receipts of the following year, I refer you to the statement which will be transmitted to the Treasury.

The sum of three millions of dollars, authorized to be raised by loan, by an Act of the last Session of Congress, has been obtained upon terms advantageous to the Government, indicating not only an increased confidence in the faith of the Nation, but the existence of a large amount of Capital seeking that mode of investment, at a rate of interest not exceeding five per centum per annum. It is proper to add, that there is now due to the Treasury, for the sale of Public Lands, 22,996,645 dollars. In bringing this subject to view, I consider it my duty to submit to Congress, whether it may not be advisable to extend to the purchasers of these lands, in consideration of the unfavourable change which has occurred since the sale, a reasonable indulgence. It is known that the purchases were made when the price of every article had risen to its greatest height, and that the instalments are becoming due at a period of great depression. It is presumed that some plan may be devised, by the wisdom of Congress, compatible with the public interest, which would afford great relief to these purchasers.

Considerable progress has been made, during the present season, in examining the coast and its various bays, and other inlets; in the collection of materials, and in the construction of fortifications for the defence of the Union, as re-

MEETING OF CONGRESS. We have received American Papers containing accounts of the re-assembling of Congress, on the 13th November, and a copy of the President's Message.

IN THE SENATE—NOVEMBER 13. Mr. Gallard, the President, pro tempore, having taken his seat. Mr. King (of Alabama) moved the appointment of a Committee to acquaint the President of the organization of the Senate, and of its readiness to receive any communication from him; whereupon Messrs. King (of Alabama) and Mason were appointed.

The order issued at the commencement of the Session having been made, the Senate adjourned to await the organization of the House of Representatives.

IN THE HOUSE OF REPRESENTATIVES, NOVEMBER 13. The Clerk having announced that a quorum of the House was present, said, that he had received a letter from the Hon. Henry Clay, late Speaker of this House, which, with the leave of the House, he read, as follows:—

Lexington, Kentucky, 28th October, 1820. Sir—I will thank you to communicate to the House of Representatives, that, owing to imperious circumstances, I shall not be able to attend upon it until after the Christmas holidays; and to respectfully ask it to allow me to resign the office of its Speaker, which I have the honor to hold, and to consider this as the act of my resignation. I beg the House also to permit me to refer to the expression of my sincere acknowledgments and most grateful gratitude for the distinguished consideration which it has uniformly manifested for me—I have the honor to be, with great esteem, your faithful and obedient servant.

Thomas Dougherty, Esq. Clerk of the House of Representatives.

On the motion of Mr. Newton, the House then proceeded to the election of a Speaker. Owing to the different interests which came in conflict, the House did not succeed, in seven ballottings, in making choice of a Speaker. It required a majority of the whole to make a choice, and none of the Candidates though they came within two or three of that number, succeeded in completing it. The ballot was adjourned.

HOUSE OF REPRESENTATIVES—NOV. 14. The House proceeded forthwith to ballot again for a Speaker of the House, in the place of Mr. Clay.

The votes having been counted, Mr. Newton reported, that the whole number of votes was 119; of which 75 were necessary to a choice; and that the 75 were—

For Mr. Taylor, 61  
Mr. Lowndes, 64  
Mr. Smith, 66  
Scattering, 44

No one having the requisite majority, eighteen more ballots took place, but with no better effect. The numbers, on the 19th ballot, were—

For Mr. Taylor, 66  
Mr. Lowndes, 65  
Mr. Smith, 64  
Scattering, 44

Four Members had by this time paired off. A motion was now made for a second adjournment of the Election, and agreed to.

HOUSE OF REPRESENTATIVES, NOV. 15. The proceedings of this day had not reached New York on the 17th, when the Papers of which we have quoted the preceding accounts; but on the morning of the 16th, a copy of the President's Message had been received there by express; and as the Message could not have been transmitted till the House of Representatives was organized, there is no doubt that the election of Speaker had been completed on the 15th. "We have no intelligence," says the *New York Commercial Advertiser*, of November 17, on whom the choice of Speaker has fallen." The *New York Gazette* of the same day is in a similar predicament, and adds—

"It is apparent, from an inspection of the ballottings, that the old distinctions of party have been broken down on this occasion, and that the votes do not indicate the strength of any hitherto known party in the House or the Country. The number of ballottings is without precedent in the House of Representatives, but not without precedent in the Senate, in which body, on a late occasion, there were eleven ballottings before a choice was made of a President."

THE MESSAGE. The following is the President's Message to both Houses, at the opening of the Second Session of the 16th Congress, transmitted by Mr. J. Monroe, Junr.

Fellow-Citizens of the Senate, and of the House of Representatives! In communicating to you a just view of public affairs, at the commencement of your present Session, I do it with great satisfaction—because, taking all circumstances into consideration which claim attention, I see myself cause to rejoice in the felicity of our situation. In making this remark, I do not wish to be understood to imply, that an unvaried prosperity is to be seen in every interest of this great community. In the progress of a Nation inhabiting a territory of such vast extent,

and a great variety of climate, every portion of which is engaged in foreign commerce, and liable to be affected, in some degree, by the changes which occur in the condition and regulations of foreign countries, it would be strange, if the produce of our soil, and the industry and enterprise of our fellow-citizens, received, at all times, and in every quarter, an uniform and equal encouragement. This would be more than we have a right to expect, under circumstances the most favourable. Pressure on certain interests, it is admitted, have been felt; but, allowing to these their greatest extent, they detract but little from the force of the remark already made. In forming a just estimate of our present situation, it is proper to look at the whole, in the outline as well as in the detail. A free, virtuous and enlightened People know well the great principles and causes on which their happiness depends; and even those who suffer most, occasionally, in their transitory concerns, find great relief under their sufferings from the blessings which they otherwise enjoy, and in the consoling and animating hope which they administer. From whence do these pressures come? Not from a Government which is founded by, administered for, and supported by, the People. We trace them to the peculiar character of the epoch in which we live, and to the extraordinary occurrences which have signified it. The convulsions with which several of the Powers of Europe have been shaken, and the long and destructive war in which all were engaged, with their sudden transition to a state of peace, presenting, in the first instance, unusual encouragement to our commerce, and withdrawing it in the second, even within its wonted limit, could not fail to be sensibly felt here. The station, too, which we had to support through this long conflict, complicated, as we were finally, to become a party to it with a principal Power, and to make great exertions, suffer heavy losses, and to contract considerable debts, disturbing the ordinary course of affairs, by augmenting, to a vast amount, the circulating medium, and thereby elevating, at one time, the price of every article above a just standard, and depressing it, at another, below it, had likewise its due effect.

It is manifest, that the pressures of which we complain have proceeded, in a great measure, from these causes. When, then, we take into view the prosperous and happy condition of our Country, in all the great circumstances which constitute the felicity of a Nation—every individual in the full enjoyment of all his rights—the Union blessed with plenty, and rapidly rising to greatness, under a National Government, which operates with complete effect in every part, without being felt in any, except by the ample protection which it affords, and under State Governments which perform their equal share, according to a wise distribution of power between them, in promoting the public happiness—it is impossible to behold so gratifying, so glorious a spectacle, without being penetrated with the most profound and grateful acknowledgments to the SUPREME Author of all good for such manifold and inestimable blessings. Deeply impressed with these sentiments, I cannot regard the pressure to which I have alluded otherwise than in the light of mild and instructive admonitions; warning us of dangers to be shunned in future; teaching us lessons of economy, corresponding with the simplicity and purity of our Institutions, and best adapted to their support; evincing the connection and dependence which the various parts of our happy Union have on each other, thereby augmenting daily our social cooperation, and adding, by its strong ties, new strength and vigour to the political system. The object of that law having been merely to counteract the inequalities which existed, in the disadvantage of the United States, in their commercial intercourse with France, it is submitted also to the consideration of Congress, whether, in the spirit of amity and conciliation which it is no less the inclination than the policy of the United States to preserve in their intercourse with other Powers, it may not be proper to extend relief to the individuals interested in these cases, by exempting from the operation of the law all those vessels which have entered our ports without having had the means of previously knowing the existence of the additional duty.

The contest between Spain and the Colonies, according to the most authentic information, is maintained by the latter with improved success. The unfortunate divisions which were known to exist some time since at Buenos Ayres, it is understood, still prevail. In no part of South America has Spain made any impression on the Colonies; while, in many parts, and particularly in Venezuela and New Grenada, the Colonies have gained strength and acquired reputation, both for the management of the war, in which they have been successful, and for the order of the internal administration. The late change in the Government of Spain, by the re-establishment of the Constitution of 1812, is an event which promises to be favourable to the Revolution. Under the authority of the Cortes, the Congress of Angos-

ture was invited to open a negotiation for the settlement of differences between the parties—to which it was replied, that they would willingly open the negotiation, provided the acknowledgment of their independence was made its basis, but not otherwise. Of further proceedings between them we are unenformed.

No facts are known to this Government, to warrant the belief, that any of the Powers of Europe will take part in the contest; whence it may be inferred, considering all circumstances which must bear weight in producing the result, that an adjustment will finally take place, on the basis proposed by the Colonies. To promote that result, by friendly councils, with other Powers, including Spain herself, has been the uniform policy of this Government.

In looking to the interior concerns of our Country, you will, I am persuaded, derive much satisfaction from a view of the several objects to which, in the discharge of your official duties, your attention will be drawn. Among these important objects, none holds a more important place than the Public Revenue, from the direct operation of the power by which it is raised on the People, and by its influence in giving effect to every other power of the Government.—The Revenue depends on the resources of the Country; and the facility by which the amount required is raised is a strong proof of the extent of the resources, and of the efficiency of the Government. A few prominent facts will place this great interest in a just light before you.

On the 30th of September, 1815, the funded and floating Debt of the United States was estimated at 110,635,558 dollars. If to this sum be added the amount of five per cent. Stock subscribed to the Bank of the United States, the amount of Mississippi stock, and of the stock which was issued subsequently to that date, the balances ascertained to be due to certain States, for military services, and to individuals, for supplies furnished and services rendered, during the late war, the Public Debt may be estimated as amounting, at this date, and as afterwards liquidated, to 158,713,049 dollars. On the 30th of September, 1820, it amounted to 91,003,883 dollars, having been reduced in that interval, by payments, 66,879,165 dollars. During this term, the expenses of the Government of the United States were likewise defrayed, in every branch of the Civil, Military, and Naval Establishments; the public edifices in this city have been rebuilt, with considerable

on to accuse Mr. Wright of having committed other forgeries, and some of them with a view to pecuniary advantage. Mr. Cobbett had called the reading that letter a breach of confidence; but even taking it to have been so, was that a ground for charging a man with being a felon and a spy? In contexts between the bitterest enemies, a certain degree of honour and decorum should always be preserved, and the man who could entirely forget those feelings was a savage, unworthy to dwell in civilized society; and if the conduct of any man could show him to be devoid of every feeling belonging to a gentleman or to a man of honour, such must be the effect of Mr. Cobbett's conduct on this occasion. He had aggravated his libel by justifying it upon the record; and he had committed a second aggravation by shirking from the justification which he had pleaded. The Plaintiff was ready to have evidence to meet every charge of Mr. Cobbett's charges against him—charges which were as false as hell, and which would have been so shown had the Defendant dared to meet the question. The Learned Counsel—after apologizing for the length into which his opening apology led him, upon the plea that he should probably have no opportunity of reply—briefly adverted to the subject of damages. The verdict of a Jury was the constitutional restraint upon the liberty of the Press; it was, Mr. Scarlett hoped, the only restraint to which the Press would ever be subjected; but if that time should ever come, when Justice should fail to give ample compensation in damages for libel, then all the world would agree that the Press had gone too far, and that some other check was necessary to restrain its license. For the sake of the Press, then, no less than for the sake of the individual he represented, Mr. Scarlett entreated the Jury to give such damages, not as would compensate the Plaintiff, but as would read a lesson to the Defendant.

Mr. Hay, a printer, proved the printing of the libel in question. In the cross-examination of this witness, Mr. Cobbett asked him "Have you ever read the 16th chapter of St. Luke?" On which the Chief Justice interposed, and said, he would not allow such questions to be put.

Mr. Thomas Dolby proved the publication of the Register of the 6th March, 1819, an action having been brought against him by Mr. Wright for the libel contained in that Register, which was also one of the subjects of the present action. Witness applied to Mr. Cobbett for materials for his defence. Mr. Cobbett then said, that all that had been alleged in that libel against Wright he could prove to be true. Witness spoke to Mr. Cobbett of the libel, as being of his (Mr. Cobbett's) own composition; and no doubt Mr. Cobbett understood it.

Mr. William Jackson proved that he published the Political Register, at the time when Mr. W. Cobbett, Jun. arrived from America in January, 1819. He then resigned the publication to Wm. the son, in consequence of a letter received from the father. That letter was dated Dec. 1818, and contained the following passage:—"My son William goes to take charge of all my affairs in England, relative to publication and the press."

The alleged libel, dated January 4, 1817, was then read. It was addressed to "George Rose." Mr. John Reeves—I know Mr. Cobbett in the years 1810 and 1811; I remember the circumstance of his having been tried and convicted for publishing a libel; I have no recollection of having had any conversation with him respecting his being brought up for judgment. (A letter from the witness to Mr. Cobbett, indorsed with the words "Mr. Reeves to Mr. Cobbett," was handed to the witness.) The indorsement is Mr. Cobbett's hand-writing. The letter brings to my recollection the transaction which took place between us; I remember a proposition respecting his being brought up for judgment; there was an offer on the part of Cobbett through Mr. Yorke to Mr. Perceval; Mr. Cobbett authorized me to say, that he was ready to give up his Register if the Ministers would favour him with respect to his being brought up for judgment; the letter was written by me after I had made the proposition to Mr. Perceval; I forget whether I saw Mr. Perceval; I have no recollection of seeing Mr. Wright after that period. (Here several letters were put in.) I believe these letters to be Mr. Cobbett's hand-writing.

Examined by Mr. Cobbett—I do not recollect whether the letter was directed to Mr. Wright or sent to you; I have no memory of having seen your son William's hand-writing; I know your hand-writing; there are three or four of my letters here; I have no recollection of the mode and manner in which they were sent; I do not remember that I ever sent a letter to Mr. Wright for you.

Re-examined.—I am positive that this is Mr. Cobbett's hand-writing; it is a very particular hand. (The letter of Mr. Reeves to Mr. Cobbett, dated June 27, 1810, and indorsed by Mr. Cobbett, was read.) I do not recollect receiving any answer from Mr. Cobbett.

Mr. Cobbett's letters to Mr. Wright were read, stating that he would send his proposition to Mr. Reeves, and also his farewell article. A subsequent letter stated that he would not sacrifice fortune without obtaining freedom in return, and that he would rather be called up for judgment than give up the Register.

Various letters from Mr. Cobbett to Mr. Wright were put in; but their contents being merely of a private nature.

The Chief Justice interposed, observing, that neither the Court nor the Gentlemen at the Bar could have the least wish to wound the feelings of

any individual, by giving unnecessary publicity to details of a private nature; and that the insinuations which the Defendant had thrown out were wholly unjustifiable and unbecoming for a man of his rank and position.

The Register continuing the alleged libel having been read.

Mr. Scarlett said, that as the Defendant had announced his intention not to proceed with the justification which he had put upon the record, he should forbear at present to trouble the Court with any further evidence.

Mr. Cobbett rose to address the Jury. The precedent, he said, which had been so frequently given to the cobbler, not to go beyond his last, might, with a small change of the term, be found extremely applicable and useful, if observed by lawyers. If Mr. Scarlett had not gone beyond his brief, he might have saved the Jury a great deal of time and trouble; and there was another person in Court whose time might also have been spared. The Jury must have observed how little conversation he was with those matters with which he was surrounded and encumbered. He had come forward now, as upon the former occasion, to meet those whom he had designated as conspirators; and he declared that he was less anxious about the decision as to money than the decision as to character. They had been told a long story about that injured innocent, Mr. Wright. Mr. Scarlett had told them that he was a most respectable person; but in his (Mr. Cobbett's) opinion, if he possessed all the other virtues and excellences, the fact of his having produced and exhibited those bundles of letters was enough to make him detested by all mankind. The language of those letters would show them how great was the confidence which he once placed in that man. What must be the ingratitude of that man, who, after having lived upon his bounty, after having been actually fed and clothed by him, could exhibit to the world a letter, from which it appeared that he (Mr. Cobbett) once drew upon him to the amount of £20. He would state to the Jury the history of their connexion. When he was in America, previous to the year 1800, he gave a commission to a friend to send him some books, who fixed upon this Mr. Wright. Mr. Wright sent out the books and the invoice with them, and the money was punctually paid to him. Their acquaintance, therefore, did not commence, as was stated by the Learned Counsel, by Mr. Wright's lending him £20, but by his (Mr. Cobbett's) being an excellent customer to Mr. Wright. The fact as to the draft of £20 was this: He did not come from America without money, or resources, but having stopped at Halifax, in Nova Scotia, longer than he intended, he became short of money; he drew upon Mr. Wright for £20, sending him at the same time a draft which he had no doubt was paid within 24 hours after its arrival in London. Shortly after their acquaintance commenced, Wright fell into difficulties, failed in his trade, and in the year 1803 or 1804 was confined in the King's Bench prison. Whenever the transactions between them came to be brought fully before the Public, as he was resolved they should, in all their details, the world would be able to judge how far Mr. Scarlett was justified in asserting, he hoped by instruction, and not voluntarily, that their connexion began by Wright lending him £20. The Learned Gentleman had thought proper to commence his address to the Jury by making a pre-meditated attack upon him, so that he was not only obliged to defend himself against John Wright, but against every Advocate at the Bar who chose to assail his character. It had been stated by Mr. Scarlett, that his acquaintance with Mr. Wright commenced at the time he was writing against Tom Paine, and that when he began to write the connexion ceased.

Mr. Scarlett begged not to be misrepresented. He had never distinguished any period of the Defendant's life in which he did not write libels.

Mr. Cobbett resumed.—The Learned Gentleman had certainly endeavoured to create an impression, that Mr. Wright's connexion with him commenced when he was writing against Paine's irreligious works, and ceased when, as the Learned Gentleman thought fit to state, he became an advocate for irreligious and republican principles.—Now if there was any man who had had the patience to read every thing he (Mr. C.) had written, he would defy him to find a single passage in which the irreligious, or even the republican writings of Paine were commended. He had never approved of those writings; on the contrary, he thought they were calculated to make a considerable deduction from the merits of his other writings. Of his writings on political economy he was highly approved; and, he thought, that in point of acuteness, profundity, and simplicity of illustration, he surpassed every man who had ever written on that subject. It was not, however, his approbation of those writings which induced him to take up his bones and bring them to England. The memory of Paine had been incultured by the Republic of America; and though no man had done more to promote the independence of that Country, the Americans refused to bury his remains in any place where human beings were interred; and a short time before his death, an American, who had shot at Mr. Paine while sitting at his window, publicly boasted of the attempt to assassinate him, and was suffered to escape without a hair of his head being touched, and without the reprobation of any of his countrymen. He (Mr. C.) felt, as an Englishman ought to feel, the ingratitude with which his countryman had been treated by the Americans, and he was anxious therefore to bring home some strong proof, some outward and visible sign, that a republican form of Government was not that

which was calculated to engender and keep alive public spirit and public virtue. The Jury had next been told, that bills to the amount of £60,000 had passed between himself and Mr. Wright; and this might have been the fact; but they were perfectly aware of the nature of this species of negotiation. Bills might be tossed backwards and forwards in a way which was sufficiently intelligible to the Jury, and topics had been introduced only to make a show, and if possible to dazzle and bewilder the minds of the Jury. It had been said, that Mr. Wright was under the greatest difficulty to produce matter of justification, because he (Mr. Cobbett) had destroyed the vouchers. This, however, was perfectly untrue; he had destroyed no vouchers, and he would acquaint the Jury with the real state of the transaction. When Wright was in the King's Bench prison, he had some concerns with Mr. Harding, the bookseller, in Pall-mall. Mr. Harding and himself contributed to support him in prison, for a great length of time. When Mr. W. had arranged his affairs with his creditors, he (Mr. Cobbett) printed the Parliamentary Debates, which were at that time published at the end of the Register, in a separate form, merely with a view of giving him something to do; and promised him a share in the work, if it succeeded. He at first accommodated him with an apartment in his own house, and afterwards provided a lodging for him. Mr. Wright was an industrious, attentive man, and his circumstances gradually improved, till at length he was able to keep his day-horse, and dine in a splendid manner at the Orange Coffee-house, when he (Mr. Cobbett) and family were contented to dine on the humblest fare. Well might Mr. Cooke, the arbitrator, say, "What a careless man Mr. Cobbett has been!" It was very true; he ought not to have trusted this man as he had done. The Jury must have observed his reluctance to attend to accounts. He was too fond of gardening, farming, and courting, to attend to matters of pecuniary detail; even the writing of a Register a week was a task which he always postponed to the latest moment, and he was in the habit of saying, "needs must when the devil drives." This part of his character Mr. Wright very soon found out, though he believed he went on keeping his accounts for a considerable time without any intention of committing rogueries.

Mr. Scarlett interposed. The Defendant had intimated that he intended to withdraw his plea of justification, and he submitted that he could not state as a matter of fact what he had no intention of calling evidence to prove.

The Chief Justice said, he could not hear the language which had been used by the Defendant, after he had abandoned his plea of justification.—If he abandoned the charges which he had put upon the record, he was not entitled to state them as matters of fact to the Jury.

Mr. Scarlett submitted also, that the Defendant had no right to pour out a torrent of abuse upon the Plaintiff, with reference to transactions which were wholly irrelevant to the cause.

Mr. Cobbett contended, that as he had been charged with having destroyed the accounts, he had a right to clear himself of such an imputation, and if Mr. Scarlett had not made that charge against him, he should not have said one word with reference to those transactions. The Learned Gentleman had stated truly, that Mr. Wright kept all the accounts, and as the Register at one time brought in not less than £4000 a year, and they were engaged in other works, the Parliamentary Debates, and the State Trials, the receipts and out-goings were of course very considerable. He never interfered with Mr. Wright's management of the accounts, till at last the Attorney-General brought him up, as it was termed, and tied him to the stake, and then he became desirous of making a final settlement with Mr. Wright. He began to think of his family, and of the fever which might possibly seize him in prison, and he called upon Mr. Wright to produce his account. Mr. Wright brought it, and he (Mr. Cobbett) had given instructions to his Attorney, to draw up an assignment of Wright's share of the property, when he had a dream in the night, that he had discovered certain things belonging to him. He told his little daughter, who slept in the same room with him, as the Jury would hear from her mouth, that since he went to sleep he had found £3000. On examining the accounts, he found that Mr. Wright had, by his mode of stating them, wronged him intentionally or not he could not say, wronged him to a large amount. When he came the next day, he (Mr. C.) refused to put his hand to the assignment, he looked him hard in the face, and said, "Will you say, upon your honour, that all this is fair and true?" He looked pale, and trembled, and I consequently concluded, that something was wrong.

The Chief Justice.—Do you mean to call evidence on these statements.

Mr. Cobbett.—Yes, my Lord. At length the arbitration took place; Mr. Wright offered him £430, and Mr. Cooke awarded him £6000. He was aware that Wright had persuaded Mr. Scarlett that this was a misrepresentation. He had persuaded Sir Francis Boddett to believe so too; but whenever the circumstances came to be fully investigated, the truth of what he now stated would fully appear. He had been accused of making excuses, but he would state to the Jury the facts of the case.

The Chief Justice.—You cannot make statements to the Jury as matters of fact, unless you enter upon your plea of justification, and call evidence to prove them.

Mr. Cobbett said, he did not mean to enter into the justification, but he intended to call some witnesses. It certainly was not his intention to

call evidence to substantiate the plea of justification, but he wished to explain his reasons for abandoning that plea.

The Chief Justice said, it was certainly competent to the Defendant to do that; explanation was matter of argument, not matter of fact.

Mr. Cobbett resumed.—When he came to England in December, he found that editions had been commenced against Dolby and Clement. Clement had just returned, but Dolby had just arrived, and was ready to defend Mr. Dolby, they would show the receipt against Dolby, but went on with the action against Clement, who, having no idea of his (Mr. Cobbett's) return, had pleaded the general issue. A verdict, and damages to the amount of £300, were obtained in the action against Clement; but the law, always our protector, came with her shears in the shape of an arrest of judgment, and cut off the five hundred pounds. Thus they were once more adrift, and being afraid to attack Clement, because they were aware he would now justify, they had brought an action against himself. He would now explain to them how it happened that he had withdrawn his plea of justification. Mr. Nott-ford came to him while he was at the Angel Inn, preparing for the Coventry Election, and asked him whether he would justify. In the hurry he answered in the affirmative; but upon a subsequent application with regard to this point, and an explanation as to what the plea of justification meant, he saw the trouble of the undertaking, especially while he was engaged in the bustle of an election, and having asked what was to be done besides, he was told to plead the general issue, which he understood to mean that he was not liable, he was wrong.—"Then have at him upon the general issue." Hence the plea of justification was withdrawn. But if he were not to justify in this case according to the technicalities of law, he felt that he could in another way; for, whatever might be the result of the present action, he should take care to have all the merits of this transaction fully made known to the world, so as to afford the parties who complained an ample opportunity of entering into further investigation, if they thought proper—for he should not be daunted from proclaiming the truth in one way or another. As to Sir Francis Boddett, whatever he had written of him would have been long since forgotten, if it were not for the spiteful, low, dirty, under-working party in Westminster who wished to keep alive and inflame the dissension against Sir Francis Boddett; he had, he acknowledged, written several articles, which might have been made the subject of action in a Court of Law, but the Honourable Court that appeals to a Court of Law were not the means by which public character was to be maintained, and he was persuaded that Sir F. Boddett would have been one of the last men alive to avail himself of the agency of a detainer of private confidence to gratify personal revenge.

The Plaintiff in this action, had betrayed his (Mr. C.) confidence. He had received Mr. Reeves' letters for him, and kept them; or, having forwarded these letters, he had stolen them.—He had been either a traitor, or a thief.

Mr. Scarlett observed, that the Defendant had himself stated, in a letter produced in evidence, that he had sent those letters to the Plaintiff.

Mr. Cobbett adhered to the acts of Dr. Franklin with respect to the letters of the Governor of the Province of Massachusetts, which the late Lord Rosslyn called a theft at the bar of the House of Lords, although these letters had been used by the Doctor for a public purpose, intimately connected with the interests of his Country. This act of Franklin's was never indeed justified by his own countrymen, because deemed a violation of private confidence. For such a violation was never, among honourable men, deemed capable of apology. This, indeed, was the feeling of Mr. Brougham when he denounced the persons to whom he some time since addressed an essay with respect to Parliamentary Reform.

The Learned Gentleman denounced that person as a violator of private confidence, and obtained an injunction to prevent the publication of the essay. Yet there was nothing in that essay reflecting upon a Lady, like the letter which formed the basis of this action. He reprobated the publication of that letter, because it contained reflections, which were never meant for the public eye, and for that reprobation the Learned Counsel had called him a savage.

Mr. Scarlett.—Yes, I did call him a savage.

Mr. Cobbett resumed, and adverted to the complaint of Mr. Brougham, as to the publication of the letters which passed at St. Omer's, which that Learned Gentleman said were garbled, while, upon inquiry, it was admitted that there was no garbling, but that the whole was genuine.

Mr. Brougham said, that he felt himself called upon to say, he never complained of any garbled publication which was not really so.

Mr. Scarlett declared, that he should have interrupted Mr. Cobbett himself, if he did not know Mr. Brougham was present and competent to contradict any erroneous statement respecting his conduct.

The Judge observed, that persons who were not parties in the cause ought not to be introduced upon.

Mr. Brougham said, that he should not have interrupted if he were not aware that he had contradicted a falsehood, with respect to his conduct; it might be stated in next Saturday's publication, that, being present in Court when the statement was made, his declining to contradict it was to be regarded as an evidence that it could not be contradicted.

Mr. Cobbett resumed, and stated the evidence which he meant to adduce, leaving it to the Learned Counsel for the Plaintiff, from whom he neither expected nor desired any mercy, to reply in such terms as he thought proper. The object of this evidence was, he said, to show, that his son was the person responsible for the publications in the Register.

Mr. Clement, proprietor of the Observer, deposed, that he accepted some bills for Mr. Cobbett, previous to his departure for America, in anticipation of the produce of his Register, of which he (Mr. Clement) was to be the publisher. He considered Mr. Cobbett himself responsible to him for the acceptances, as the son was under the signature.

The Clerk of the Stamp Office produced the affidavits in which W. Cobbett, Jun. was, since 1810, registered as the printer, publisher and proprietor of Cobbett's Weekly Register.

Wm. and John Cobbett, the sons of the Defendant, deposed that several alterations were made by themselves in the manuscript of the Register particularly complained of in this article, as they had inserted the name of Wright, which never appeared in that manuscript. They did so, because they understood that Wright had been exposing the private letters of their father, and slandering his character. Therefore they were anxious that the character of Wright should be thoroughly understood.

Mr. Scarlett, in his reply, dwelt upon the unnatural and distasteful conduct of the Defendant, in putting forth his infant son to meet all the consequences of his own libelling, whether such libelling should lead to civil actions, the penalties of which they could not afford to pay, or to criminal punishment, which they must be condemned to endure. But he begged the Jury to bear in mind, that the imputing or dictating a libel rendered the author liable; whoever the publisher happened to be.

The Lord Chief Justice, in summing up, held that Mr. Cobbett, either as the bona fide proprietor, or as the editor, of the Political Register, should be liable for its contents. With respect to the alterations he had authority to make; if a principal authorised an agent to make reasonable alterations, then, for the effect of such reasonable alterations he was still responsible. It was for the Jury to decide whether the evidence had brought home to the Defendant the libel in question. If they were of that opinion, the line of Defence adopted by Mr. Cobbett, if not permitted to weigh in aggravation of damages, would certainly be a very sufficient bar to any plea in mitigation. His Lordship concluded, with the expression of a hope, that in deciding the latter question, the Jury would look only to the merits of the case immediately before them, and be guided, as all Jurors ought to be, by temperance, and not by prejudice.

The Jury retired at about a quarter to nine, and after an absence of nearly one hour and three quarters, returned with a verdict for the Plaintiff. Damages, £1000; costs, 40s.

The trial occupied the Court from half-past nine in the morning till a quarter past ten at night.

LONDON.

THURSDAY, DECEMBER 14.

The Paris Journals of Sunday and Monday last have arrived this morning. The proceedings of the Troppau Congress are still kept inviolably secret.

PARIS, Dec. 11.—The Prince Comite, Emory Extraordinary from the Government of Naples to the British Court, who has made a few days' stay in Paris, set off yesterday for London.

BRUSSELS, Dec. 4.—A letter from Vienna announces, that Lord Stewart is about to set off from that capital for London.

COPY OF A LETTER FROM HER MAJESTY THE QUEEN TO HIS MAJESTY THE KING, WRITTEN IN HER OWN HAND WRITING.

The Queen has heard, with pain, that a female, condemned to suffer death on Tuesday, for the offence of passing forged Bank Notes, is recommended to refrain from presenting to recommend this unfortunate person to the mercy of the King. Her Majesty does not enter into any judicial discussion; but, from the particular nature of this offence, and the very peculiar nature of the law respecting it, she is encouraged to hope that the earnest appeal which her feelings have prompted may not have been made in vain.

BRANDENBURGH HOUSE, Dec. 3.

The application was not attended to.

FRIDAY, DECEMBER 15.

Stocks this day at One.

Bank Stock 92 1/2  
3 per Cent. Cons. 87 1/2  
3 per Cent. Cons. 87 1/2  
3 per Cent. Cons. 87 1/2  
4 per Cent. Cons. 87 1/2  
5 per Cent. Cons. 87 1/2

India Stock 26 pm.  
E. Ind. 26 1/2  
Long Ann. 17 1/2-18  
Omanium —  
Cons. for Av. 70 1/2

The extraordinary scene at Troppau has given rise to the curiosity of the Public to learn all the particulars of the fracas. It is reported, that the first representations made by the Austrian Court to the British Government, for co-operation and pecuniary assistance in suppressing the revolutionary movement in Naples, the answer was so far favourable, that they could not rely on our pecuniary aid, they might rely on our countenance in their exertions to maintain the existing order of things, and to bring back the Neapolitans to their former obedience. But when the first representations made by the Austrian Court to the British Government, for co-operation and pecuniary assistance in suppressing the revolutionary movement in Naples, the answer was so far favourable, that they could not rely on our pecuniary aid, they might rely on our countenance in their exertions to maintain the existing order of things, and to bring back the Neapolitans to their former obedience. 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