

NEW SCOTCH HERRINGS.

JUST ARRIVED TO JOHN KIER, 315 BARRIS OF PRIME NEW SCOTCH HERRINGS...

AUCTION OF RIGGING, SAILS, &c.

TO BE SOLD BY AUCTION, AT DUNCANNON FORT, ON TUESDAY, THE 9TH INSTANT...

COUNTY OF KILKENNY.

TO BE SOLD BY AUCTION, ON WEDNESDAY, THE 10TH DAY OF APRIL, INST. AT CASTLE ANNAGHS...

TO BE LET, For Term of Sixty Six Years, OR LESS, IN THE DISTRICT OF...

LONDON ROYAL EXCHANGE ASSURANCE COMPANY.

ESTABLISHED BY ROYAL CHARTER, IN THE ROYAL CITY OF LONDON...

THIS Corporation, established now almost a Century, insures all kinds of Manufactures, Buildings, and...

OWEN CARROLL & CO. HAVE FOR SALE, THIRTY TO FORTY BASKETS...

THE SUM OF £3,000 TO BE LAID OUT, IN THE PURCHASE OF LAND, IN THE COUNTY OF WATERFORD...

IMPORTANT MERCANTILE TRIAL, FOLEY AGAINST FOGARTY. Before the Lord Chief Justice.

At the conclusion of Mr. Penn-father's masterly and perspicacious statement on behalf of the Defendant...

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KILKENNY SIBING ASSIZES.

(From the Moderator of April 2.) COUNTY COURT.

SATURDAY, MARCH 30.—The Right Hon. the Chief Justice opened his Commission in this Court at four o'clock.

His Lordship commenced his address to the Grand Jury, apologizing for the unavoidable delay in opening the Commission. So great was the pressure of business at Clonmel as to retard his arrival here beyond the appointed hour, and still to detain his brother Judge. It will be necessary, said his Lordship, under these circumstances, that I shall open the other Court, and for that reason I do not mean to engage your attention at any considerable length.

The ordinary classes of crime, as they appear on the Calendar, are but few, considering the extent of the population of this County, and the interval that has elapsed since the last Assizes. From what has been commended to me since my arrival, however, I can have no doubt, Gentlemen, said his Lordship, that your County has been visited by the spirit of insurrection. To what cause such a spirit, as prevalent here and elsewhere, is attributable, I shall not at present stop to inquire. We are assembled here for the administration of justice, and I do not now propose to enter on any inquiry unconnected with that important duty. It is enough for me to call your attention as Jurors, as Magistrates, and as Gentlemen, to the present state of things, and to implore your best and earliest exertions to put down the prevailing mischief. It is impossible to read the papers of the day, without seeing such pictures of the goit which has disgraced the Southern part of Ireland, as cannot but shock every human and manly feeling. My experience of what recently passed in the County of Limerick, while officially engaged there, enables me, however, to say, that the Newspapers presented but a faint and feeble picture, indeed, of the atrocities which were committed there. The proscription had actually taken possession of the County—the Gentry were obliged to seek protection against the most atrocious violence, by converting their own houses into garisons—society, no longer secure from the encroachments of outrage, was completely disorganized—the daily repetition of crimes the most revolting, plunder, burnings, murders, the frequent infliction of torture, gave a character of peculiar horror to the crimes of the infuriated proscription—and all, in a word, that is most disgraceful to human nature was to be found in their excesses. Let me assure you, after a vast deal of experience, gentlemen, that criminal violence like this, must be put down in the first instance, or not at all. You must rally round the Constitution and the Laws—you must stand forward energetically in the cause of public tranquillity. Should the mischief be found, after all, too strong for the coercion of ordinary laws, it will then be necessary to resort to those extraordinary measures which the Legislature has properly entrusted to the Representative of Majesty in this Country. These measures, besides the reproach which they cast upon the character of the County to which they are imposed, inflict, also, a heavy burden of expense, and are under all circumstances to be deeply deplored. The distinguished Personage whom I allude to, will, however, be as cautious, and as constitutionally jealous in choosing the time to exercise these extraordinary powers, as will be energetic in the application of them, whenever public exigency requires them to be put in force. Vigilant as he is known to be, of the spirit of the Constitution, he yet will not shrink from the necessity of a vigorous interposition, in the moment of public danger. There are parts of this County in which it may not be necessary to employ the remedy of extraordinary laws, and I entreat you as Magistrates, and as gentlemen interested in the peace and safety of your County, to be circumpect in observing the progress of disturbance, and energetically to put in force the ordinary laws, for its suppression. Had the spirit of insurrection been so met in the south, and had the Gentry unitedly resisted its operation, it would have soon yielded to his salutary control. I think it necessary, gentlemen, to call your attention to one highly important branch of your duty as Magistrates, which demands your vigilant attention. I mean, watching the introduction of strangers, who are usually the busiest agents of mischief, and by whose intrigues the moral poison is circulated from place to place. These emissaries of an infatuated peasantry, pursue their criminal employment in various disguises, and traverse the country in every direction, corrupting the population, and leading them by artful instigation, to every extreme of crime. Treating such persons as the law directs, is a most important act of duty. There is no doubt that the spirit of insubordination has been extensively diffused, by the agency of these seditious disturbers. The Act of the 50th of the late King, invests the Magistrates with an important power in this particular, and authorizes them to examine every stranger, on oath, as to his place of residence and his manner of livelihood, and to ascertain whence and with what object he comes into the particular county, city, or town in which he may be found. On failing to satisfy the Magistrate in these particulars, he may be committed to Jail or the House of Correction, there to be dealt with according to the laws. The Magistrate is also to forward the committal and examination of such stranger to the Castle; and I have known instances where the persons so apprehended, were found to have been criminals who had fled from justice in other quarters of the Country. Another

equally important subject demands the attention of Magistrates. I allude to the introduction of arms, by persons unauthorized to keep them. Within a few days I have learned from my brother Moore, some circumstances that passed in Waterford, relative to this point. It is hardly creditable, I understand, to what extent the proscription of that county are supplied with fire-arms. The possession of these leads directly to the perpetration of every crime. Eight unfortunate persons were left there for execution; and although there were no cases of insurrectionary crime, the officers for which these men have been doomed to suffer, were all committed by the proscription fully armed. This is, indeed, a most alarming state of things, and cannot be suffered to exist. I do not undervalue the rights of the lower orders in society, nor would I in any manner willingly abridge their privileges. The rights which they enjoy should be watched over with as jealous a care, and their interests as insidiously protected, as those of the most exalted classes. But I will not shrink from saying, that the proscription must be allowed to continue armed, and thus provided with the means of injury to society. They can hardly have obtained them for any good purpose, and I am sure they will make a bad use of them. The implements of husbandry should be their only arms. The Act of the 50th of Geo. 3, c. 102, is probably known to a great number of you. This statute gives Magistrates a power for searching for arms, under the sanction of the Lord Lieutenant, who, on suspicion, may authorize a search in any city, town, or county. I have known this power to have been acted on with great effect, in several places, and in a very recent instance, a vigilant and active Magistrate in the County of Kildare, seized several hundred stands of arms in one night, under the provisions of this Act. I could also, particularly direct your attention to another salutary law enacted by the 15th and 16th of the late King, under which Magistrates are empowered, if they have cause to suppose that any person is capable of affording useful information, to send for the party and examine him, and, should they see cause, bind him over, on a recognizance, to prosecute. The section from which I quote, concludes with a most provision. It relates to one unfortunate and but too common prejudice, which may be considered with a mistaken sense of honour and fidelity. I allude to that humor which attends the giving of information. Nor is this dangerous prejudice confined to the humble orders of life. Persons of a higher class generally feel a certain disgust to take a part in crime, not merely in cases here, but where he is a witness or an accidental spectator. This uneasiness, but still natural, feeling, is, however, founded on the most mistaken principles, and it has been carried in many instances, to a most improper length. Men are instantly stigmatized as informers, who come forward, under certain circumstances, to give evidence, and are sure to incur the popular dislike. I have witnessed in more than one instance, the effects of such a prejudice. On one occasion, I have known the interference of the Judge necessary to protect from the fury of a misguided rabble, in the very Court, a female who had prosecuted in vindication of her violated honour! If persons when called upon, to refuse to submit to examination, or will be absent or obdurate, or rickled enough to refuse the information of which they are in possession, the Magistrate may instantly commit them to prison.

On the present occasion, Gentlemen, we are called to administer the existing laws, and I do implore you to have no opportunity untidied, to preserve the public tranquillity where it is still unbroken, and to restore it in those districts which have forfeited that peaceful character. The laws of the Country should be courageously, honestly, and energetically carried into effect, by men who will not shrink from the performance of their public duties—who disdain to connive at audacious crimes—who regard only the public good, unobscured by any filthly spirit of ignominious popularity. I am sure that such is the character of those whom I address; and before the evil goes too far, Gentlemen, you should manfully and untidiedly oppose it.

His Lordship next called the attention of the Jury to that part of their duty which related to the Presentments. I have just received a communication, said his Lordship, which recalls my attention to the present neglected condition of the road leading from Rows to Waterford, and I am enabled, by very disagreeable experience, to confirm this representation. There are parts of the road nearly impassable; and in one place my brother Judge and I left our carriages, for the purpose of more particularly observing the very dangerous state of disrepair to which it has been allowed to run. So far indeed from being surprised at the numerous accidents I learn which have occurred there. I only wonder that so many travellers have escaped. I would beg of you, in the name of those who travel that road with the King's Commission, to give an early attention to this subject. I have not had time to ascertain whether a presentment for the repairs of this neglected road is on the Schedule, nor indeed do I know in what barony it lies. If not have been now presented, and take care to have the necessary repairs accomplished with the least possible delay.

The Court was then adjourned to 10 o'clock on Monday.

His Lordship delivered his charge with an energy of manner which sensibly impressed his auditors, and with a felicity of expression which from

our inconvenient situation in the Court, we have not always succeeded in transferring to our report. An Address so strongly marked by constitutional principles, and in which the spirit of humanity is so very predominant, that the noble style and exalted sense of duty which evidently dictated his Lordship's admonitions, perfectly claims the attention of every class of people, and will be read, we trust, with universal benefit.

CITY COURT—SAME DAY. The Chief Justice opened the Commission here in the unavoidable absence of Mr Justice Moore, who, as we have stated, will not arrive in town till Tuesday evening, or Wednesday morning.

His Lordship very briefly addressed the Jury, and apologized for the absence of Mr Justice Moore. The number of offences on the Calendar was not disproportionate to the amount of the population, and therefore called for no particular admonition. The Court would be opened on Monday, for the purpose of swearing and sending on the witnesses to the Jury, and business would thus proceed without interruption. His Lordship should, of course, transact business in the other Court, and would be happy as far as possible to accommodate the Jury in every respect. He hoped that his brother Judge could reach town on Tuesday evening, and that the Jury would have the presentments ready for him by the ensuing morning.

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LATE MEETING OF MAGISTRATES. (From the Moderator.) We have read with very considerable surprise, some observations of four respectable contemporaries, The Waterford Chronicle, relative to the proceedings of the Extraordinary Session of the Peace, held in the County Court-house on Thursday last.

The Chronicle asks—rather strangely, we think—Why should Magistrates hold private assemblies? The character and obligations of official duty must be indeed but little understood, where such a question needs an elaborate reply. Can it really be necessary to instance cases, in which the legitimate exercise of Magistrate's powers may be at the same time frustrated by officious interference, and the most important purposes of judicial inquiry rendered fruitless by an indiscriminate admission of persons, who, from a mistaken sense of patriotic duty, or from motives much less honourable to public spirit, may assume the right of assisting in the deliberations of a Magistrate's Court? It is of the last importance to the public order and tranquillity, that the Commission of the Peace should be entrusted to responsible individuals, whose rank and station are supposed to place them above the spirit of contemptible popularity; and it is well provided that these men should have access to sources of information from which the public generally are excluded. To what beneficial end would the legislature have delegated these official privileges, and for what good object did the Magistrate be supposed to exercise them, if denied the opportunity of a private investigation, they were to then open their consultations to admit the populace to a free participation in some of the most important of their deliberative rights—and to reject those peculiar advantages of official investigation, which are only available for public service, while they are protected against the power of popular innovation? "We are surprised," adds the Chronicle, "at this conduct on the part of the County of Kilkenny Magistrates, Gentlemen who have ever appeared upright to concealment, and actuated by the best principles of patriotism." They are, indeed, in every way superior to concealment, but they will still preserve their public rights from all presumptuous encroachments; they act in every case, on "principles of patriotism," but they are not to be driven from an honourable firmness of purpose by clamorous and unfair reproach. Our friend the Chronicle says—"In so far as we have been able to judge, the infractions of the Peace which have taken place, are not sufficient to warrant the contemplated measure." (The Insurrection Act.)

What sources of intelligence are open to our contemporary, in the present instance, we, of course, know not. But we do know, that twenty-nine out of thirty Magistrates—gentlemen, unquestionably influenced by the highest sense of honour and of duty—gentlemen of independent principles and incorruptible integrity—have decided, after repeated Meetings, and possessing all the requisite advantages of local and official information, that certain districts of this county are in a state of such disturbance, as to require the application of extraordinary laws. We happen to know, also, that the measure in question comes unequivocally recommended by the opinions of a distinct Meeting of Magistrates, held even in one of the baronies of our county, which reaches a considerable way in the direction of Waterford. We allude to the Pilltown Meeting convened on Wednesday last.

Our present limits will not allow us to continue this subject. More, much more, remains to be said, and at a more favourable opportunity we certainly shall not shrink from the discussion.

COUNTY OF KERRY. In Kerry three men have been found guilty, and are now executed, for the murder of Major Collins. Two of them—the Coppingers—it will be recollected were apprehended in Cork by Capt. White, soon after the sanguinary transaction took place. Of the conduct of these men at a conviction one of the Kerry Editors speaks as follows:—

Nothing had a more impressive effect on the minds of every reflecting being, than the contrast exhibited between the conduct of the unfortunate Jeremiah Gallivan, and the Coppingers, persons of humanity is no less predominant than that noble style and exalted sense of duty which evidently dictated his Lordship's admonitions, perfectly claims the attention of every class of people, and will be read, we trust, with universal benefit.

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