LONDON.

THURSDAY, AUGUST 8.

It is now certain that there has been no re-action in Madrid; no triumph of loyalty over sedition; no signal and successful effort made by the King's friends to release him from the jeopardy in which he is placed. The Revolutionists, on the contrary, emboldened by the events of the 7th and 8th ult. and advancing step by step upon the inert position which their antagonists maintain, are endeavouring to strengthen their cause by fresh demands. They call for the "purification of the Palace," and desire "to have the Monarch surrounded by persons who love the Constitution."—*Courier.*

The *Gazette de France* announces that the Marquis of Londonderry was expected to arrive in Paris between the 15th and 20th instant.

The Commissioners under the treaty of Ghent, for determining the boundary line between British America and the territory of the United States, have at length terminated their labours. The Hon. Anthony Barclay and Gen. Porter, the Commissioners, together with the agents and secretaries, met in the village of Oneida, on the 14th of June last, and, after a sitting of four days, amicably concluded the decision of the article submitted to their arbitration. In the course of their undertaking, nearly 3000 islands have been surveyed and adjudicated upon, many of which are of great value and importance. The official report of the Commissioners was published from the Department of State at Washington, on the 3d ult.

Yesterday morning, most of the King's pages and the Royal livery servants, together with thirty of the Yeoman Guard, left town, in Greenwich stage-coaches, for Deptford, to embark on board the James Watt steam packet, which was to sail at two o'clock for Edinburgh.

Sir Benjamin Bloomfield, who, after twenty years' devotion to the service of his Prince, has retired with an income of £14,000 per annum, is appointed Minister to the Court of Stockholm.—*Globe.*

FRIDAY, AUGUST 9.

Stocks this day at One.

3 per Cent. Red. 81¼	Bank Stock 238 ½
3 per Cent. Cons. 80⅞⅞	India Stock ——
Imperial 3 per Cents. 80¾	India Bonds 63 64
3½ per Cent. 92⅞	Ex. Bills (£1000) 7 6 8 pm.
4 per Cents. 99¼	Long Ann. 21 1-16
4 per Cts. (New) 99⅛	Cons for Acct. 80¾

It is finally determined that his Majesty will embark to-morrow morning at Greenwich, for Scotland. His Majesty will arrive at Greenwich between eight and nine, and, as the tide will then serve, it is expected he will be on board the Royal Yacht by a little after ten.

We have received Brussels Papers to the 6th instant. Under the date of Frankfort, July 28, we learn the pleasing fact, that a subscription has been opened at Messrs. Heinlich and Co.'s, Bankers, Geneva, for the relief of the Irish. Nor are the motives which have led to this benevolent act less grateful to our feelings than the act itself. "Switzerland," it is observed, "will doubtless the more readily concur in this measure, as it will thereby at once fulfil the duties of humanity, and pay a tribute of gratitude. The English have at all times been eager to relieve Switzerland in its calamities, and the indigent Swiss, who are in London, daily experience the effects of English beneficence."

The head of a great commercial house in the East and West India line, and a Director of the East India Company, put a period to his existence, by shooting himself, on Wednesday morning, at his house of business, 27, Mark-lane. The party alluded to, we regret to add, is John Inglis, Esq., Chairman of the East India Dock Company, &c. An inquest was held on the body yesterday evening, when the Jury returned a verdict—"*That the deceased shot himself at a time he was in a state of mental derangement.*"

The Waterford Chronicle.

TUESDAY, AUGUST 13.

The London Journals of Wednesday, Thursday, and Friday, leaving no mail due, have arrived. We have extracted such articles as appeared to be of immediate interest, but the length of the proceedings at the Assizes has excluded some others, to which we shall hereafter attend.

The *Globe* of Wednesday mentioned that the DUKE of DEVONSHIRE was daily expected to arrive in London from German Spa, and that he was immediately after to set out for Scotland.—The *Southern Reporter* says that this Grace is expected at Lismore by the end of this month.

PROMOTION.—GEORGE BOATE, Esq. Senior Landing Waiter of this Port, which situation he has filled upwards of twenty-one years, has been appointed Port Surveyor of Waterford, in the room of Major JOSEPH GREENE, superannuated.

At the Kilkenny Assizes, on Friday, *William Nelson*, private in the 52d regiment, was tried for the murder of James Rowe, at Skaugh, near Carrick-on-Suir, on the 7th of June last. It will be recollected, that the deceased was shot when riding home, with another farmer, from Carrick. Verdict—*Guilty of Manslaughter.* The Prisoner was discharged, after going through the form of being burned in the hand.

On Saturday, *Thomas Marks* was tried for the murder of Catherine Hanrahan, at Rochestown, on the 1st of July. He was found *Guilty of Manslaughter*, and sentenced to be imprisoned six months.

THE BUTTER TRADE.

The following Letters on this subject, which reached our Office yesterday, we readily insert in compliance with the wish expressed by our respected Correspondent:

To the Editor of the Waterford Chronicle.

SIR—I request you will give the enclosed insertion in your valuable Paper; it is but justice due to Mr. GALWEY, who came forward so independently to meet the wishes of the Country Gentlemen, when the Merchants of Waterford declined buying Butter, in consequence of the Notice of the Weigh-Master, that the Act of Parliament (respecting the buying of Butter) must in all its bearings be enforced.

I remain, Sir, your obedient Servant,

J. NUGENT HUMBLE.

Clonevoskoran House, August 11, 1822.

"Dungarvan, 9th August, 1822.

"SIR—A difference having arisen between the Merchants and Country Gentlemen as to the Allowance to be given on Butter, and a suspension to purchasing having taken place at Waterford, to prevent its being thought I have declined buying, I think it necessary to give notice, that I am still purchasing as much Butter as I can get at a fair price; and, in order to encourage the Farmer, I have come to the final determination of yielding to what I conceive to be the wishes of the Country Gentlemen, *by not requiring, from Monday next, ANY BEAMAGE WHATEVER*; so that Butter may now be brought to the Crane here, weighed, and, after being checked off there, a Ticket had, *without any deduction at all*; but I must remark, that I will only give a Price in proportion to *not* getting 4lbs. per firkin.

"I sincerely hope the Merchants of Waterford will come to the same determination; but if, in the end of their differences with the Country Gentlemen, it is agreed that they should get any Beamage, you will admit it would be only reasonable the same consideration *precisely* should be allowed for Dungarvan.

"I am, Sir,

"Your very obedient humble servant,

"JOHN M. GALWEY.

"P. S. If, after sending out these Circulars, I am so unfortunate as to differ in any respect with the Country Gentlemen, I am quite ready to meet their Committee with the Act of Parliament, and fairly come into such terms as may be thought reasonable and right. I see by the Act of Parliament the Weigh-Master is not entitled to 5s. per firkin; that shall also be reduced to Three Pence, from Monday next.

"To J. N. Humble, Esq. &c. &c. &c."

LIMERICK, AUGUST 10.—This day, Jeremiah Rorke was executed at the drop of the Jail, for attempting to assassinate Robert H. Jeffers, Esq. a Magistrate of this County.

About the hour of one o'clock on the night of Sunday last, a band of ruffians assaulted the house of Hardingville, the residence of Christopher Harding, Esq. within a mile and a half of Dromcollogher, in this County, and endeavoured, with a sledge and other instruments, to burst in the back-door. The family started up on the first alarm, and were soon prepared for resistance—having so far shattered the door as to obtain a view of the preparations made to oppose them, and finding the defenders more numerous than they expected, they made off; there were no fire-arms in the house, or they probably would have had cause to repent their atrocious design.

It is a melancholy consideration, that, notwithstanding the examples just made, these obstinate and abandoned wretches will still persevere in braving the Laws; and no man in the County can promise to himself that, when he lies down at night, he can sleep in peace and security in his bed.

Numerous notices have been posted within the last few days throughout the entire Barony of Duhallow, County Cork, and surrounding country, signed "Captain Killproctor," forbidding the payment of Tithes, and denouncing vengeance against any persons who disobey his orders.

Sunday night, Robert Hedges Eyre, Esq. apprehended six of the principal leaders of the whiteboys who attacked Lord Bantry, last winter. They only returned to their houses the previous evening.

An order has been received by the High Sheriff of this County, to transmit to Cork Gaol, for trial at the ensuing Assizes, the celebrated Walter Fitzmaurice, alias Captain Rock, against whom some capital informations have been sworn for outrages committed in that County.

[The *Limerick Chronicle*, from which we have extracted the preceding paragraphs, mentions the destruction of 11 sheep, near Cloggin—of a cow, near Newcastle—of a rick of turf, on the mountain of Glenquin—and of a large quantity of turf belonging to a Lieut. Purdon, at Newmarket, Co. Cork.]

LONDON CORN EXCHANGE.

WEDNESDAY, AUG. 7.—The overloaded state of our market with Wheat, and the return of favourable weather for getting in the crops, have together occasioned a complete stagnation in sales, having scarcely a buyer this morning, and the trade generally may be quoted 2s. per quarter lower than on Monday, but only a few picked samples could be obtained at that abatement: the quantity on hand is larger than has been known for a long time. Oats were dull sale, on rather lower terms than on Monday.

FRIDAY, AUGUST 9.—Our market continues in the most stagnant state, the supplies of Wheat being unprecedentedly large, and no demand except for a few prime samples, and even those sold 2s per quarter lower than on Monday; but no offers could be obtained for the second and inferior qualities. Oats are 1s. per quarter cheaper, and very dull sale at that abatement. In Beans, Peas, and Barley, there is no alteration.

WATERFORD MARKETS.

The Suspension of Business at the Butter Crane (mentioned on Saturday. About twelve o'clock (as stated in the latter part of our impression of that day), the following Notice was posted up in the Market-house:—

"The Weighmaster being most anxious to do away with the present Suspension to the Purchase of Butter, submits to all Those frequenting the Waterford market, is determined to weigh with or without the usual allowance of Beamage, as most agreeable to the parties, this being a matter solely between the buyer and seller. The Weighmaster requests those persons objecting to the allowance of four lbs. per firkin will state it to the Purchaser, and also to the Deputy Weighmaster, before the Butter is put into the Scales."

A Meeting of the Merchants engaged in the Trade took place at two o'clock, at which, we understand, it was unanimously resolved to persist in their previous determination—viz. not to purchase any Butter without the customary allowance of four pounds B amage on each firkin. This being previously understood, Business was speedily resumed, and 205 firkins were weighed off, three-fourths of which, however, consisted of Brokers' parcels, and only one-fourth of Farmers' lots. For first qualities of the latter, 78s. per cwt. was the general current rate, tho' some were bought at 77s. Yesterday, 209 casks were weighed, containing nearly the same proportion as on Saturday of Farmers' Butter, which rated from 78s. to 78s. 6d. for firsts; the latter price was paid partly generally, and 3d. over in a few instances.

General Monthly Butter Return for July.

Weighed at the City Crane..... 9562 firkins.
Received at Merchants' Cellars, from their Country Buyers..... 2310

Total received last Month..... 11872 firkins

There was no market of Grain yesterday—of course no change in prices. On Saturday, asking prices remained as quoted in our publication of that morning.

PORT NEWS—PASSAGE, AUG. 12.

ARRIVED,

9th—Eleanor, Oates, put back.—10th, None.

12th—Success, Devereux, Liverpool, rock-salt; Maria, Hanson, Pilcan, timber and deals.

13th—Thomas, Deasey, Whitehaven, coals; Eolus, Thomas, Quebec, timber, deals, potashes, &c.

SAILED.

9th—Albion, Price, Liverpool, wheat and rapeseed; Caroline, Chappell, ditto, wheat, oats, butter, &c.; Peace, Browning, ditto, wheat, flour, and butter; Bee, Follett, London, oats.

10th—Rose, Hurry, Quebec, ballast; Fame, Lowther, Liverpool, wheat, flour, and oats.

11th—Eleanor, Oates, before mentioned; Providence, Power, (from Cardiff,) Cork, coals and put back; Pacific, Ellis, Bristol, flour, oats, wheat, bacon, &c.; Success, Lowther, Liverpool, wheat, flour, oats; Victory, Nicholas, Liverpool, wheat, flour, and rape-seed; Liberty, Evans, ditto, wheat and flour.

12th—Wind W. S. W. past 7 morning.

SHIP NEWS

Arrivals from Waterford.—At Bristol—Jack, Phillips; Rebecca, Rose; Mary, Davis; Expedition, Stacey. At Liverpool—Friends, Merrick.

Arrived from Youghal.—At Bristol, Catherine, Richards.

NOTICE.

THE CHURCHWARDEN of the UNITED PARISHES of TRINITY WITHIN and TRINITY WITHOUT, ST. MICHAEL and ST. OLAVE, requests that no Application will be made to him for COFFINS, as there is no Fund appointed to meet the Expence.

Waterford, August 12, 1822.

NOTICE.

ANY PERSONS found SHOOTING or COURSING on any Part of the ESTATES of Sir LEONARD WORSLEY HOLMES, Bart. in the COUNTY of WATERFORD, not having permission in Writing, will be prosecuted with the utmost rigour of the Law.

Any Permission hitherto granted is hereby recalled.

GEORGE HOLMES JACKSON.

Glenmore, Aug. 8, 1822.

NOTICE is hereby given, that all Persons found SPORTING upon the ESTATES of his Grace the DUKE of DEVONSHIRE, in the COUNTIES of CORK and WATERFORD, who have not obtained Permission, will be proceeded against as the Law directs.

August 10, 1822.

JUST PUBLISHED,

THE SIXTH PART

OF THE

ENCYCLOPÆDIA METROPOLITANA; or UNIVERSAL DICTIONARY OF KNOWLEDGE, on an Original Plan comprising the two-fold advantage of a Philosophical and an Alphabetical Arrangement: with appropriate and entirely new Engravings.

CONDITIONS.

I. This Work will consist of 25 Volumes, 4to. in four principal divisions, herein afterwards explained; the 25th being a Volume of INDEX to the whole Work. Two Parts to make a Volume.

II. Of these divisions, which were to be issued, for distribution in this place, the Philosophical, the Systematic, the Biographical, and the Miscellaneous portions of the Work, the same proportion in point of quantity will be given in every Part as they bear to each other in the whole Work; the Volume of Index being published last.

III. A Part will be published every three months, until the Work is completed. The price of the Parts, in boards, will be One Guinea; the Work will be handsomely printed, and the Purchasers may be assured, not only of the uniformity and punctuality of its appearance, but also of its completion within the prescribed limits, on the entirely new ground of its digested plan.

IV. Each Part will contain not less than forty-eight sheets of Letter-Press, and as many Plates as may be found necessary, for the Work; the average number of Engravings in each Part is computed to be Twelve; and Text Are published as much as possible together. A few Copies will be printed on Superfine Royal Paper, with Proof Impressions of the Plates, price One Pound Sixteen Shillings, in boards.

London—Printed for J. Mawman; F. C. and J. Rivington; Baldwin, Cradock, and Joy; Sherwood, Neely, and Jones; G. and W. B. Whittaker; Ogle, Duncan, and Co.; J. Parker, Oxford; and Deighton and Sons, Cambridge.

In presenting to their Subscribers the Sixth Part of the ENCYCLOPÆDIA METROPOLITANA, the Proprietors, in their respective capacities, feeling the operation of the Public at large to themselves, think it right to take the opportunity of again respectfully calling the attention of the Public to the character and plan of the arduous undertaking, for the future prosecution of which they have ventured to become responsible. The unfortunate circumstance which produced the recent suspension of the Work has been explained in the Prospectus which was published some months ago, at the time when the property of it was transferred into the hands of the present Publishers; and, although they have reason to be grateful and encouraged by the liberality which has been evinced on the part of the former Subscribers in renewing their support, as well as by the large list of additional Subscribers who have contributed their names, yet, as this is the first part which has been prepared under the present management, they cannot send it forth to the world, without setting forth, as far as relating the claims which the ENCYCLOPÆDIA METROPOLITANA will be found, as they hope, to possess upon the patronage of the Public.

With regard to the manner in which the Work has been executed, the Publishers cannot pretend to declare an opinion. That Part which is now presented to the Subscribers will speak for itself in this respect; all that is meant to be effected by the present address is to attract attention to the Plan itself, in the confident hope, that when this is perused and considered, the advantages which it presents will be duly appreciated. The Proprietors of the ENCYCLOPÆDIA METROPOLITANA have no wish to depreciate the labours of those by whom former works of the same kind have been produced. To the improvements and additions, however, which have been made in almost every department of knowledge, during the last twenty years, no work has yet been presented, which, of course, has not required some part of the most important matter (even in all former Encyclopædias), with, of course, the omissions and consequent inadequacies to be supplied. In the present stage of scientific knowledge, for the most part, which have led to the present undertaking. But the Proprietors trust they shall receive a much more extensive support than could, perhaps, be claimed merely on this ground. The ENCYCLOPÆDIA METROPOLITANA has been arranged according to a plan essentially distinct from that of every other similar work in existence; and which, by combining the peculiar advantages belonging to the systematic arrangement of the French *Encyclopedie Methodique*, with the facility of reference attaching to a merely alphabetical arrangement, offers advantages and conveniences of a new kind, which consequently no work of the same description has hitherto been found to afford.

To the details of the plan in question, the Public are respectfully referred to the Parts already published. The following outline, however, will perhaps be sufficient to convey a general knowledge of the principle upon which it is constructed. The Work, which, it is expected, will be completed in 24 volumes, is arranged under four principal divisions, entitled, severally, 1. Pure Sciences; 2. Mixed and Intermediate Sciences; 3. Biographical, Historical, and Literary, arranged chronologically. 4. Miscellaneous Knowledge. Under this last division, which is to be given alphabetically, is included a Philosophical Dictionary of the English Language, in which the derivation, history, and use of every word in the language, with its various definitions, following each other in the order of time from the earliest dawn of letters in this Country to the present age. The several Parts, into which the above four divisions will be connected by means of a Genera to indexes upon references to which, the exact page and volume of any matter not contained in the Miscellaneous division, but explained elsewhere, will at once be pointed out. Each Part will be separately paged, so that, when completed, the Work may be bound according to any of the divisions, while, during publication, the relative proportion of each will be constantly preserved.

Having thus briefly described the general features of the Work, it only remains to say a few words upon some of the differ points, which may be thought not altogether unimportant to the Proprietors to promise, and that the contracts form a frequent subject of complaint, and last not least, offensive to morals or manners will, it is to be hoped, be permitted to disfigure the pages of the ENCYCLOPÆDIA METROPOLITANA. The interests of society, and in a more particular manner the knowledge of Christianity, are points which will never be lost sight of.

Another topic, to which it may be proper to advert, is that of the names of the Writers by whom the Work is to be conducted. Those who feel any curiosity on the subject, may easily gratify their wishes; it is the interest of the Proprietors to invite inquiry as to this particular, respecting which they will be ready to furnish any information. They have the satisfaction of being able to specify, at present, not only many occasional and accidental collaborateurs, but of *steady and efficient* contributors of the several departments of the Work, which, in point of respectability, may believe, has never been exceeded, and which extends to the present day, and in this Country. It would not be easy to amend in any essential particular.

With respect to the continuance of a Work of this nature, the only pledge which can reasonably be given is that, must be sought for in the character of the Publishers. In the present instance it is unnecessary to dwell upon this circumstance, because the List of Subscribers is, in the enlargement, to preclude any expectation for private emolument of the Proprietors is already secured in the continuance of the Work, and that is a sufficient guarantee for the interest of the Subscribers.

In conclusion, it is only necessary to assure the Public that the Part which they now put forth may be very safely taken as a Specimen of those which are to follow. Indeed, several arrangements have been made, which, it is confidently hoped, will render those which will succeed superior in many respects to this which is now published. There are always difficulties attending new undertakings; but such for State Part may be considered, so far as the present management is concerned—and some of the principal difficulties they have to contend with in this respect, the Public have all been satisfactorily removed; and they believe that, for the future, the Publication will go on steadily and regularly, at the rate of Four Parts per Annum, until the Work is completed.

Orders from the Trade to W. F. WAKEMAN, 42, Lower Sackville-street, Dublin, will have immediate attention.

Sold by James Bell, Stephen Phelan, Richard Fannell, and James R. Binns, Booksellers, Waterford.

INFORMATION.

CASH, to any Amount, advanced, by way of Discount, on Bills of Exchange, upon which the Validity of the Acceptance can be ascertained by References in London or responsible Persons may be accommodated with MERCANTILE and BANKERS' ACCEPTANCES, for which Cash has already been given. READY MONEY may at all times be obtained for all Kind of IRISH PROVISIONS—White and Grey GOOSE and DUCK FEATHERS, in the rough, long, black, HORSE TAIL HAIR—and LINEN of all Kinds, at Time Prices. From Country Stores may be relied on upon all occasions, and moderate Commission charged. BANKERS' ACCEPTANCES PROCURED, *without any Commission.* For further Particulars, and Information of Prices, &c. apply, (if by Letter in advance, by *letter only*, free-paid), with real Name and Address, to Mr. J. ABRAHAM, 25, Tavistock-Square, London.

N. B. 1000 BEACON WRAPPERS to be sold cheap for Cash.

WATERFORD:

Printed and Published by BENJAMIN PERRIN, Chronicle-Office, Quay.

Ramsey's Waterford Chronicle.

No. 12,904. THURSDAY, AUGUST 15, 1822. PRICE FIVE PENCE.

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Any Permission hitherto granted is hereby recalled.

GEORGE HOLMES JACKSON.

Glenmore, Aug 8, 1822

TIMBER AND NORWAY DEALS.

JOHN CARIGAN offers for Sale the Cargo of the *Matilda*, of and from Sandfiord, daunted on the 26th ult. and the Cargo of the *Good Mother*, of and from Frederickstadt, now landing, both 2nds RED and WHITE DEALS, of prime quality, which he will dispose of on liberal terms.

Waterford, Aug. 9, 1822.

DIXON'S ANTIBILIOUS PILLS.

AS a mild and effectual remedy for all those disorders which originate in a morbid action of the Liver and Biliary organs, namely, INDIGESTION, LOSS OF APPETITE, HEAD-ACHE, HEARTBURN, FLATULENCIES, SPASMS, OBSTRUCTIONS, AFFECTIONS OF THE LIVER, &c. &c. these PILLS have met with more general approval than any other medicine whatsoever. They unite every recommendation of mild operation with successful effect; and require no restraint or confinement whatever during their use. In tropical climates, where the consequences of redundant and vitiated bile are so prevalent and alarming, they are an invaluable and efficient protection. They are likewise particularly calculated to correct Disorders arising from excesses of the table, to restore the tone of the stomach, and to remove every complaint occasioned by irregularity of the bowels.

Sold in Boxes, at 3s. 4d., and 6s. 8d.

AGENTS.—Messrs. Butlers, 31, Sackville-street, Dublin; 20, Waterloo-Place, Edinburgh; No. 4, Cheapside, and 220, Regent-street, London; and Messrs. Bernie, Ball, and Phelan, Waterford; Taylor, Wexford; Mullins, Ross; Reynolds, Kilkenny; Hackett, Clonmel; Quin, Dungarvan; Linn, Limerick; Hamilton, Loughrea; Cheesman, Fermoy; Ferguson, Cork; Guerin, Limerick, &c.—of whom may be had every Genuine Patent-Medicine.

THE SPECTRE BARBER!

OR,

SLEEP WALKER.

Two Travellers chanc'd at an inn to alight,
In Bonn one night, like two mirrors so bright,
By WARREN'S fine *Jet*, of unparallel'd hue,
Reflecting minutely each object to view.

The other a *Yeoman*, who never till now
His image had seen in a Boot, and the Jet
The vision came there—what it was—and from whence,
Were questions to solve that distracted each sense.
So *Hodge* went to bed—and, the *Jet* lodger's appetite
To keep from his room, burns a taper all night:

The hell had told one, and the light it burnt blue,
When glided athwart the apartment and drew
The *Yeoman's* bed-curtains, a Spectre—that seem'd
The ghost of a barber—in one hand there gleam'd
A razor and snap-shoe—as if in pursuit
Of custom—the other sustain'd in height Boot!

"The Spirit of the *Jet*!" cried the *Yeoman*, dismay'd,
Its tonsorship skill while the Phantom display'd,
And *Hodge's* shock'd head, of exuberant hair,
And black stubble beard, were shorn barren and bare.

The mystified Barber then pass'd from the room;
And *Hodge*—now attuned to composure's gloom,
Approach'd the bright Boot by the Spectre there left,
Where viewing his pate of its honours bereft,
In wrath sought the *Amateur* guest, unappall'd,
And saw that his head, like his own, was quite bald!

"*How, this?* HAS THE DEVIL BEEN SHAVING HIS MASTER?"

He ask'd—when the Landlord explain'd the mistake;
A WARREN THE ACT HAD PERFORMED IN HIS SLEEP!
Then anger subsided, and mirth was not lacking,
Creative of incident still while they keep
Their zenith, the visions of WARREN'S *Jet Blacking*.

This easy shining and Brilliant BLACKING, IS PREPARED BY

Robert Warren

30, STRAND, LONDON, AND SOLD AT

WATERFORD,
By Bernie, Farrell, White and Co. Bolik, and Terence Clarke, Michael-street.

CLONMEL,
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FERMOY,
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Smithwick & Co. & Downey.

And sold by most Boot-makers, Grocers, Ironmongers, Brush-makers, Perfumers, &c. in every Town in the Kingdom.

LIQUID, in Stone Bottles, 6d. 10d. 1s. 6d. and 1s. 6d. each.

Also, PASTE BLACKING, in Pots, 6d. 12d and 18d. each.

A 5shilling Pot of Paste is equal to Four 1s. Bottles.

☞ *Ask for* WARREN'S *Blacking.*

SECOND REPORT OF THE COMMISSIONERS ON THE PUBLIC REVENUE.

TO THE LORDS COMMISSIONERS OF HIS MAJESTY'S TREASURY.

The Second Report of the Commissioners appointed by the Acts of the 1st and 2d Geo. IV. c. 90, and 3d Geo. IV. c. 37, for inquiring into the Collection and Management of the Public Revenue arising in Ireland, and into certain Departments of the Public Revenue arising in Great Britain.

In a preliminary Report, we stated to your Lordships that our earliest attention had been directed to the subject pointed out to the Act by which we are constituted, as the primary object of our appointment, "the assimilation of the mode of charging, managing, and collecting the Revenue arising in Ireland, to the mode which is practised in Great Britain."

We at the same time informed your Lordships, that we had been engaged in the prosecution of an inquiry concerning the duties and regulations which affect the commercial intercourse between the two countries, and which afford occupation to so large a portion of the establishement of the Customs in Ireland, that any new arrangement of that department must greatly depend upon the footing on which those duties and regulations may hereafter be established. In pursuing this inquiry, we kept in view that part of our instructions in which the "modification of duties" is specifically mentioned as one of the modes by which the assimilation of the Revenues, or any improvement in the collection of them, may be effected, and upon which we are, therefore, to offer our observations and suggestions, through your Lordships, to his Majesty and to Parliament.

Our proceedings for ascertaining in what manner and by what changes the first mentioned and principal object to which we have adverted may best be attained, have led us to a full consideration, that no new regulations could have the effect of creating a complete and permanent uniformity in the collection of the Revenues of Great Britain and Ireland, unless enforced in their practical execution by one undivided authority. It has, therefore, appeared to us, that the intention of Parliament in this respect could not be otherwise fulfilled than by a very material alteration in the constitution of the Boards under which the several branches of the Revenue are at present administered.

With respect to the intercourse between Great Britain and Ireland, we have been equally convinced, that changes scarcely less extensive and important are in the highest degree desirable; and that a general simplification of the existing regulations, as well as a repeal of many of the duties, are required, not more by a due regard to the economy of the public service, than by a just consideration of the commercial and manufacturing interests of the two countries.

We have now, therefore, to propose those general measures which appear to us to be the best calculated for effecting these important purposes. It is almost unnecessary to observe, that all other improvements in the collection of the Revenue in Ireland, and all reductions in the component parts of the establishments maintained for securing it, must depend greatly upon the degree in which these suggestions, which embrace so large a change in the constitution of the whole, may be adopted.

They will be comprised under the following heads:—

I. The incorporation of the British and Irish Establishments for the collection of the Public Income, in such a manner as to place each description of Revenue throughout the United Kingdom under one practical management, subject to the paramount control of your Lordships.

II. The removal of the obstructions to the commerce between Great Britain and Ireland, arising out of the system of duties and drawbacks to which it is now subjected, by such regulations as may assimilate the commercial intercourse between the two islands to the communications between the several ports of Great Britain, and at the same time afford the means of affecting a considerable reduction in the Revenue Establishments of Ireland.

III. The abolition of such of the duties imposed by the Act of Union on the importation of the produce or manufactures of one country into the other, as apply to articles which either are not manufactured, or only to a trifling extent, in Ireland; and the termination of the remainder at earlier periods than those which are prescribed by the existing law.

Such being the nature and magnitude of the arrangements which we are induced to propose, we trust it will be superfluous to state, that we have not embraced the determination of submitting to his Majesty and to Parliament the measures by which these important changes may be accomplished, without the most mature and anxious consideration of their manifold bearings and extensive consequences. For although it requires but a superficial view of the revenue and commerce of Ireland, in their present state, to perceive that nothing short of very general alterations, both of system and practice, could effect the purpose of assimilating the former to that of Great Britain, and of regulating the latter so as to establish that unrestricted interchange of the products of British and Irish industry, which was justly contemplated as one of the greatest benefits to be derived from the Union; yet a nearer inspection develops also the many objections which will naturally be opposed to such general changes, some of which must come in conflict with existing interests of great weight and importance, whilst others have to encounter the obstacles, never to be disregarded, of deeply-rooted prejudices and national feelings; and all of them are exposed to such difficulties of execution as require that they should not be attempted, except with the greatest caution, and after the most mature deliberation.

It was, therefore, not before we had carefully weighed and examined these obstacles and impediments, and communicated with the official persons whom we deemed the most competent to appreciate both the advantages and the objections attending the measures which suggested themselves to us, that we resolved to submit them to your Lordships. In the progress of our inquiry, each step has, however, tended to diminish our apprehensions of the difficulties opposed to these comprehensive arrangements, whilst our conviction has been strengthened, that they afford the only means of producing a complete and permanent uniformity in the collection of the revenue, and of removing the embarrassments at present occasioned to the commercial interests of Great Britain and Ireland. We now therefore, lay them before your Lordships, with a thorough persuasion, that every attempt to remedy the inconveniences and defects of the existing system, upon a less extensive principle, or to build a new one upon a less substantial foundation, must terminate in disappointment, and produce the usual effect of mere palliatives—that of ultimately increasing both the necessity and the difficulty of a more complete reform at last.

Our present Report will be confined to the first of the above-mentioned general heads, and will exhibit the grounds upon which we recommend the incorporation of the British and Irish Revenue Establishments, and the mode in which we conceive that it may be best effected with respect to the Customs and Excise.

If the Union of Great Britain and Ireland could have been completed at once in all its parts, the same Act by which the Legislatures of the two kingdoms were united would probably have provided, as in the case of Scotland, for a similar union of their respective revenues. But it was not deemed consistent with a due regard to the financial and commercial relations of the two countries to carry that great measure to so full an extent. The state of Ireland rendered an interval of some years necessary before that part of the United Kingdom could be justly required to contribute to the common expenditure at the same rates, or by the same modes of taxation, as Great Britain, and also before the free interchange of all manufactures could be permitted, without detriment to existing interests of great importance on both sides. Under these circumstances, the Treasuries of the two countries, although under the control of the same Government, continued distinct authorities; and the several departments subordinate to them, for the collection of the Revenue, continued to be distinct likewise. But when, by the Act of 1816, the Treasuries had been united, and the Revenues were so consolidated as to constitute only one fund for the common expenditure of the United Kingdom, all necessity for a separate administration of those Revenues in Ireland was removed; and if it should now appear that no object, either of economy or security, can be promoted by the continuance of distinct establishments for that purpose, it would seem, in every other view of the subject, to be most desirable that each branch of the Revenue of the United Kingdom should henceforth be united under one management.

Of the superior advantages of unity of direction and consequent uniformity of practice, when contrasted with the existing diversities both of authority and regulation in the management of these revenues, whether the comparison be made with reference to an efficacious collection, or to the convenience of the various classes of the community by whom they are contributed, there can exist, we apprehend, no reasonable doubt. In the course of our investigation, we have had ample opportunities of being made acquainted with the relations and embarrassments occasioned by the different methods of managing the Revenue in the several parts of the United Kingdom. At the limits of each separate authority, the freedom of commercial intercourse is embarrassed and checked, not only by the repeated and unavoidable intervention of revenue officers, but by diversities in the methods of classing and denominating the various articles subject to duty; by difference in the principles on which that duty is charged and levied; by variations in the construction of the same laws; and, above all, by the different degrees of strictness and impartiality with which the public income is collected in Great Britain and Ireland respectively. Those inequalities and discordances which are the necessary consequences of divided authorities, operate to the discouragement of that commercial enterprise and industry which are among the main springs of national welfare, and constitute the most fertile sources of the public income.

Of these various consequences of a twofold system of Revenue in the same Kingdom, the unequal application of the law is perhaps the most prejudicial to commercial enterprise. In its effects it has all the evils of partial and ill-adjusted taxation, bearing with an unequal pressure upon members of the same community, and that, too, in a degree much more injurious than if directly arising from the law itself; because by its uncertainty, it defies calculation, and counteracts among those engaged in trade all the principles of fair competition.

With respect to the intercourse between Great Britain and Ireland, it has the effect of defeating the purpose for which the countervailing duties were imposed. Those duties being fixed with reference to the nominal and legal rates of taxation upon all articles not taxed alike for consumption in the two countries, were intended to afford the means of producing a complete and permanent uniformity in the collection of the revenue, and of removing the embarrassments at present occasioned to the commercial interests of Great Britain and Ireland. We now therefore, lay them before your Lordships, with a thorough persuasion, that every attempt to remedy the inconveniences and defects of the existing system, upon a less extensive principle, or to build a new one upon a less substantial foundation, must terminate in disappointment, and produce the usual effect of mere palliatives—that of ultimately increasing both the necessity and the difficulty of a more complete reform at last.

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gun towards her. Would be killed if he did not fire at the woman. She was wounded, as he saw next day. Does not know that she charged witness with having wounded her. Burned the house, because her husband had sworn against Campion. Never threatened to kill Ryan. Has been near Dromond; saw no robbery committed there.—Was after robbing in company with the Prisoners. Went to England, but committed no robberies there. Was very frequently "desired" to commit robberies. Never said he would go to America, after he received the money for swearing against these men. Knows Moore, of Rathdowny, Queen's County, but no farther than drinking with him. Ryan's sister never produced a cloak to witness, and said, "that is the hole you made with the shot."

Mr. Bennett here, as one of the Counsel for the Prisoners, suggested a legal difficulty with respect to the evidence of the death of Shelly. He submitted that sufficient proof of his actual death had not been adduced, and referred, in illustration of his argument, to the rule laid down in the 2d Hale's Pleas of the Crown, 290, as an essential preliminary to a conviction for murder or manslaughter. The rule is familiar to lawyers, and enjoins, as a fair and necessary precaution, that no person should be convicted of either of these crimes, "till at least the body be found," on account of two circumstances which the learned and enlightened writer mentions, "where persons were executed for the murder of others, who were then alive but missing." Mr. Bennett then argued from this principle, as well as from the general current of decisions flowing from the prudent and important rule alluded to, that the indictment had not been duly supported in the present case, inasmuch as no positive evidence of Shelly's actual death had been given, and as the body found was not proved to have been that of Shelly. The learned Gentleman very ingeniously pressed this alleged defect of evidence, as a capital failure of the charge in the indictment. Here there was an allegation of the murder of a particular individual, and no proof of a presumptive or inferential character could sustain that charge.

His Lordship, however, was clearly of opinion, that the facts proved were quite strong enough to go to the Jury, as evidence of death. It was sworn that four shots were, in the first instance, fired into the body of Shelly—that he was thrown into a bog-hole—that while he lay in the water, a fifth shot was fired at him—and that, on receiving that wound, he turned from the bank, to which he had crept, into the hole, and spoke no more.

In the course of the discussion arising from the point in question, a case of murder tried some time since, before the learned Judge, in Clonmel, was suggested to the Court. The circumstances of that case, which we think it annecessary to detail, were not strictly applicable to the present.—There the Indictment described the deceased as "a man unknown," and although, from an objection similar to that relied on in the present instance, a point was reserved for the decision of the twelve Judges, the conviction stood, and the murderer was executed.

His Lordship, on the best consideration he could now give the point, was, after all, conclusively opposed to the objection urged by Mr. Bennett, and decided that the facts in evidence, completely amounted to such proof of the death of Shelly as should be left to the Jury, and such, to the fullest extent, as required to be rebutted by evidence that the man was now actually living.—In the absence of proof to the latter fact, he deemed it imperative on him to send the evidence to the Jury.

John Kays examined.—Lives at Rathpatrick. Was in his house on Shrove Tuesday, in 1821.—Some persons went to his house that night, and desired him to cover the body in the bog-hole, or he would be there himself the next night. Was in bed when they called; they did not go into his house; but thinks either three or four were outside. Does not know who desired him to get up. They left arms with him, and desired him to keep them safe for them until they called. Got three guns outside of his house the next morning; two long guns and a short one. Hid the arms in a furze-bush near his house. A man came for them next night. Does not know the man who took them away; but believes he heard Campion's voice. Saw John Shelly on the night in question, a little after nightfall, when he demanded a pound note from witness, and got it. Saw the body taken out of the bog-hole, about 5 months after. Can't swear to the body, it was so disfigured and shrivelled up.

By the Court.—Told his master, Mr. Ringwood, he gave Shelly the pound note, and as he had £12 more of his master's, he went and paid him in half an hour after Shelly got the note.

By a Juror.—Did not see the body, but covered up the hole next day, after telling his master. Saw the water muddy, and saw some paper like wadding near it.

John Johnson sworn.—Belongs to the police. Was sentry on the body after it had been taken out of the bog; but was not present when it was taken up. Saw a woman there, who threw herself on the body, and said it was her husband's.

Major Nicholson sworn.—Commanded the Police, in 1821, at Ossory and Galmoy, went there in May in that year. Knows Michael Whelan, the approver. Never had any information or warrant against him, previous to his having surrendered.

Lieutenant Cruise sworn.—Knows Michael Whelan; saw him first at Birke, where he came to give himself up, for the purpose of affording information against a gang of depredators. Saw informations against a man of the name of Michael Whelan, in the office of Major Nicholson, in possession of Captain Kelly; did not see Major Nicholson there. Had been more than a fortnight looking for the man alluded to. Whelan was alone when he came and gave himself up. Is not sure that the informer is the person against whom he had the warrant. He took him before two Magistrates.

Captain Kelly sworn.—Belongs to the Local Police; is Secretary to the Establishment, and makes out all informations, &c. Knows the prosecutor, and recollects when he was first brought to the office. Is positive that no information was in his office against Michael Whelan, previous to his surrender. Has a perfect recollection respecting Whelan. He has the information book in Court, and read it this day. Has the copy of an information sworn on the 23d Nov. 1821, by one Michael Whelan, against William Whelan; also the copy of one sworn against a Michael Whelan in September, for an affray in a public-house, but not for murder. Heard a reward was offered relative to Brophy. The approver gave himself up in December.

DEFENCE.

Bridget Whelan, alias Ryan, sworn.—Is married to a person named Whelan. Her husband's house was attacked not three years ago. At that time a shot was fired at her, which wounded her in the side and head. Knows Michael Whelan—identified him. Often spoke to him since the house was burned; and frequently shewed him her cloak to let him see "how she was screwed," not thinking it was he did it. Shewed him the cloak about two years ago. Did not see who fired at her.

Cross-examined.—Does not know why her house was attacked, nor does not know if her husband gave any information against the persons who houghed Marum's cattle. Her husband is brother to one of the Prisoners. Saw Michael Whelan about four months after she was fired at; and often gave him liquor afterwards. Did not accuse him of having fired at her. Is sure she shewed him her cloak, and she shewed it to several others. Does not recollect every one she shewed it to; but is certain she shewed it to him in particular. Michael Whelan used to go to her house while she sold the liquor.

Michael Whelan, the approver, re-examined.—By the Court.—When the party fired at Shelly, they had two long guns and two short ones; they left three and took home one of the short ones. Heard the woman give her evidence, and heard her say she shewed him the cloak, but swears she never did.

John Mahony, the first witness, reproduced and cross-examined.—Never saw Michael Whelan but once before the last Assizes, when he was a prisoner; had no conversation with him. Did not hear of Rewards being offered relative to Brophy's murder; did not mind such things.—Lived in Rathpatrick before and since Brophy's murder. Lives about two miles from where Brophy was murdered. Heard of it the day after, but never since. Never told anyperson what evidence he could give.

The publication of a Reward for the discovery of Brophy's murderers was proved.

John Delany sworn.—Knows Michael Whelan for the last four or five years, and does not consider him entitled to credit on his oath.

Cross-examined.—Did live in the barony of Galmoy in last May, and knew Whelan first in Ross. Saw him about five years since in Galmoy. Knows Prisoners about five years. Was not present when they were taken. Never said he would do what he could for the Prisoners.

Counsel for the Prisoners having consented to the production of evidence respecting the mode in which Prisoners were taken.

Lieut. Cruise was re-examined.—Recollects when Whelan surrendered. Went in quest of the Prisoners the same night, and took Campion the next morning in his own house, and brought him to Major Nicholson; he was committed.—Apprehended Ryan in his mother's house, the same night, and also brought him to Major Nicholson.

His Lordship prefaced a minute recapitulation of the evidence by a luminous and impressive exposition of the circumstances under which the prosecution was sustained. The charge was brought home solely by the uncorroborated evidence of an approver, at least as far as related to the actual identity of the Prisoners. The law undoubtedly directs, that, be the accuser ever so base, his evidence was to a certain degree admissible. The Court was bound to receive, and permit the Jury to apply it. But the Jury are at liberty to exercise their own discretion in the reception of that evidence, and in appreciating its character. I shall discharge my part of our common duty, Gentlemen, said his Lordship, and it is for you scrupulously and solemnly to determine, whether, under all its circumstances, the charge has been fully borne out. In a case so important in its nature and so awful in its consequences as the present, I shall not trust to my memory, but shall read to you the notes I have taken of the evidence. The proof on which you would be justified in finding a verdict of guilty should be such as leaves no doubt upon the mind. The strongest suspicion is insufficient to support such a verdict; and a perfect moral conviction of the guilt of the accused, and an equally powerful impression that you cannot be mistaken, can alone bear out the condemnation of the Prisoners. Mere doubts of their innocence cannot fairly warrant a conviction. The nature of a verdict of acquittal is not, in every case, that the accused is innocent; but the law, common sense, justice and humanity require, that the mistake which consigns an innocent man to punishment should not be pardoned. Approvers, Gentlemen, come under two characters, each of which impeaches their credit in a Court of Justice. In the first place, in the admitted participation in the guilt; and where an accomplice is unsupported in his evidence, it would be unpardonable in twelve men to pledge their oaths to find a verdict of conviction, in the second view of an approver's character, there is also abundant reason to act with cautious deliberation as regards his evidence. He frequently comes forward under the influence of a base and selfish motive, either to procure impunity for his crime, or to obtain a reward for betraying his confederates. A corrupt and selfish spirit operating on such a character—so depraved of moral sense—so lost to every principle of humanity and religion—renders it unsafe, in all instances, to rely upon his unconfirmed evidence.—These are two points for mature consideration, which a Judge is bound to lay before a Jury in all such cases as the present, and to warn them of in the most distinct and pressing terms. No man, however, you should consider, is utterly incapable of truth, and you are to try whether evidence not liable to impeachment corroborates the proof of the informer. Try the case by that test, and on reading your notes apply it scrupulously. Corroboration, gentlemen, is two-fold. Firstly, that which shews the person giving evidence has not fabricated his statement in all its parts—that his narrative is not a complete fiction from beginning to end. In the present case there certainly has been a great deal of that corroboration. Many circumstances combine to shew the perpetration of the crime; but is the approver at all supported in the second and essential branch of corroborative testimony? Is he supported as to the identity of either or both of the Prisoners? It may be quite true, gentlemen, that the commission of the murder has been proved, and yet that the informer has sworn a fabrication as to the actual perpetrators. The slightest imaginable proof as to the identity of one of the Prisoners has, indeed, been offered, where the witness Kays swears that he believes he heard the voice of Campion outside the house; but this single point of evidence, weak and wholly unsatisfactory as it is, constitutes the only approach to a confirmation of identity. His Lordship then proceeded to state the evidence in detail, commenting on every operative circumstance with his usual felicity of explanation; and concluded a most emphatic charge by again directing the deliberate consideration of the Jury to the character and credit of the approver. If his testimony was, in their judgment, so corroborated as to remove all conscientious doubts of his veracity, they should find the Prisoners guilty; but if, on the other hand, any such doubts existed, they were equally bound to acquit them.

The Jury retired, and, after a consultation of about twenty minutes, returned a verdict of Acquittal.

The Prisoners were then put back, being still detained under the charge of murdering John Brophy, a Tithe Valuator, at Birke, in the Barony of Galmoy, on Sunday, the 10th of Dec., 1820. The approver, Whelan, is the principal evidence, we presume, on this latter charge.

The trial of these men occupied the Court from eleven to half past four o'clock, at which hour an adjournment took place to nine o'clock yesterday morning.

The Hon. Judge Moore arrived here from Clonmel about eleven o'clock yesterday morning. His Lordship soon after proceeded to the City Court, and commenced business.

CLONMEL ASSIZES.

CROWN COURT.

MONDAY, AUG. 5.—John Horan stood indicted under Lord Ellenborough's Act, for stabbing John Rea, with intent to kill or maim.

It appeared from the evidence, that the Prisoner had been seized on at night by Rea and others of the Nenagh Yeomanry, without any legal authority, and that in endeavouring to extricate himself from their grasp, a scuffle ensued, in which he wrenched a bayonet from one of them, with which he stabbed the prosecuter.

When the Issue was handed to the Jury, the Prisoner cried out "Oh! my Lord and Gentlemen, they shot my poor father the same night, and now they want to hang me." The Jury instantly brought in a verdict of *Not Guilty*.

His Lordship said that the state of Nenagh was shocking, from the collision of these parties, which was a disgrace to the county; that this same Corps of Yeomanry had been before him last Assizes; that they had wounded a man, whose arm had been amputated by the Officer of their own Corps, that same Dr. Dempster who had been examined.

WEDNESDAY, AUGUST 7.—Just as business was about to be proceeded on this morning, Mr. Justice Moore announced the receipt of a letter, in a legible hand, and evidently written by a person of some experience—it was as follows:

"Mr. Moore.—If you do not set aside all the applications that are making to get off Neary, the Constable, it would be only a *hoaking* to send a Judge on the Circuit. Signed by 30 Freeholders of Carrick-on-Suir."

His Lordship, in very pointed terms, reprobated the manner in which he was, as Judge of the land, addressed in this letter, and expressed his intention of not deigning to take the least further notice of it. One of the Jurymen (a resident of Clonmel) was absent o'clock yesterday morning. His Lordship soon after proceeded to the City Court, and commenced business.

MURDER OF MICHAEL CLANCHY.

John Gratland, a private of the 79th Highlanders, was put to the bar, for the wilful and deliberate murder of Michael Clanchy, at Shronebill, near Tipperary, on the 1st July last.

John Mitchell swore that he saw the deceased at Shronebill on the 1st July about 6 or 7 in the evening; the witness was on his way to Clonmel with butter that day from the County Limerick, in company with another man; the deceased and a man named Roach, (a schoolmaster,) came up with witness on the road; on gaining the height at Shronebill, the witness perceived two soldiers coming against him on the road, one in advance of the other; on their coming near the witness, one of them rushed opposite to him; he took no notice of him, but drove off his horse a little distance; he then looked around, and saw Roach, with his hand to his side, moving towards the ditch; the witness looked a little closer, and saw the deceased and the soldier in the middle of the road, the former with his hand up—immediately after he saw the soldier raise his musket and fire at the deceased; he did not instantly fall, but walked towards a house, which makes witness suppose that the musket contained only powder; he had no knowledge of the deceased, further than his having come up with him on the road on the day on which he came by his death, nor would he know the soldier who fired if he had not seen him occasionally going from the gaol to the Courthouse during the Assizes.

The Counsel for the prisoner did not consider it necessary to cross-examine this witness.

Andrew Roach (the schoolmaster) swore that he was travelling with the deceased from Lattin towards Tipperary on the 1st July last; they had neither fire-arms, sticks, or stones; before sunset in the evening they met two soldiers coming against them, one of whom came towards witness, and gave him a punch of his gun in the side; the soldier then approached towards the deceased, and desired the rascal to keep out of the way, after which he fired; the witness could not tell what happened before between the soldier and the deceased, nor could he say if the prisoner at the bar was the person who fired.

The Prisoner's Counsel declined cross-examining this witness.

To the Court—While leaning against the ditch, with his back to the road, the witness heard the noise of feet stirring, and on looking around he saw the shot fired; there was no person near him at the time but the soldier and the deceased—the deceased was wounded in the left breast, hand, and nose.

Wm. Forbes, a private in the 79th, swore that he was travelling with the Prisoner on the road at Shronehill on the 1st July in the evening; the Prisoner was 20 or 30 yards in advance of him; on the witness coming up to Prisoner, he told him, to stand off, as the deceased was going to take his arms; the deceased then collared witness, on which he asked him what he did it for? he answered that he was himself an old soldier, and the witness said if he was, he ought to know better than to act in that manner; the deceased then advanced to the side of the road where the Prisoner was; he (Prisoner) told him to keep off, or he would shoot him; deceased advanced again to Prisoner, in "double quick time," with his fist clenched; the Prisoner then levelled his piece and fired; the witness's musket was not loaded, but he fixed his bayonet; the Prisoner loaded a second time; he saw no arms with the deceased; he died the next morning.

Cross-examined by Mr. Hamilton.—The witness and the Prisoner were on their return from Tipperary to Emly, where a party of the 79th is stationed; it is on the bounds of the County Limerick; the barony (Clanwilliam) is proclaimed; they were going in the regular course of their duty; while his comrade was in advance of him, he could not see what happened, as a car, in which were some people, intercepted his view; just before the witness came up, he saw an altercation between the deceased, Roach and the Prisoner, but could not say how it originated; he came up to the help of the Prisoner, on which he cried, "*Forbes take care of your arms—that man (meaning the deceased) was going to take mine.*"

To the Court.—The Prisoner retreated a little, and the deceased advanced towards him.

Cross-examination resumed.—The Prisoner cautioned the deceased a second time not to advance; the witness heard the Prisoner say to the deceased, "*you may as well take my life as my arms,*" if a soldier should be deprived of his arms, and not able to account satisfactorily to his Commanding Officer, the punishment by martial law is very severe.

To the Court—They had particular orders to take care of their arms, as the country was much disturbed.

His Lordship here alluded to the trial of several persons in Limerick who had deprived a party of the 42d Regiment of their arms, as well as an Officer of the 79th, and his Lordship suggested at that time to the Commanding Officer of the District, to have particular directions given to soldiers to take care of their arms.

To Counsel for the Prosecution.—The witness told the Prisoner not to fire, but to frighten deceased away; the witness did not present his piece at all.

To the Judge.—The deceased and Roach appeared to be intoxicated.

Wm. Sullivan swore that he was at Shronehill on the 1st July on his way to Tipperary with butter; the deceased and Roach came up to him on the road; the latter entered into conversation with Mitchell, but the deceased was quite silent; none of them had any fire-arms; on gaining the hill of Lattin two soldiers appeared in view, one of whom on coming up, crossed the road, and presented his arms; the witness did not take notice of the person who so presented, and if he had fired at him afterwards, would not be able to identify him as the person who fired the shot; the deceased seemed to be pointed towards Mitchell, on which he and the witness advanced; the Prisoner then gave a punch of his gun to Roach; the witness called out to Mitchell to come on, or the soldiers would kill them; shortly after he turned round, saw the deceased's hand up, and the soldier fired.

Mr. Hatchell cross-examined this witness, but nothing very material was elicited from him.

Mrs. Margaret Toole swore that she was on a car at Shronebill on the 1st of July; she was at some distance on the road from the scene of this fatal transaction, and was not taking particular notice of what was going on; she, however, saw the soldier stand out and let off the shot.

Surgeon Rae, of Tipperary, swore that he attended the deceased shortly after he was wounded; the deceased had been perforated, and a ball entered his left lung under the collar-bone, and came out at the right breast; there was an effusion of blood in the cavity of the breast; is certain he died of the wounds he received on that occasion.

Cross-examined by Mr. Hatchell.—He saw Roach at the time, and he appeared to be intoxicated.

Mr. Rae produced a large lump of lead which he extracted from the face of the deceased.

Forbes, the soldier proved it was the *stopper* of the Prisoner's musket; he had not his bayonet fixed, but the witness saw him endeavouring to extricate it from the scabbard.

Capt. Young, of the 79th, gave the Prisoner a very good character—he knew him for five years, and his general character in the Regiment was that of a very proper man.

The Learned Judge then proceeded to charge the Jury, in the course of which he made pointed allusion to the manner in which a party of the 42d had been deprived of their arms in the County of Limerick by persons who were not armed—the fact was, a single man sprung from behind a ditch on one of the soldiers in advance, and succeeded, before assistance could be had, in getting off with the gun. This his Lordship mentioned in order to shew that, because the deceased was not armed, it did not follow that he did not attempt to disarm the Prisoner—but it was for the Jury to judge.—Besides, the fatal occurrence took place in a proclaimed district, and from what had recently occurred, the military were particularly cautioned to take care of their arms—the question was, whether the shot which killed the deceased man was fired without provocation or otherwise; to enable them to form an opinion on that subject, the Jury had the evidence of the soldier, who proved that the deceased collared him, and advanced a second time on the Prisoner. Now, self-defence required that a shot should be fired only in case the person was pressed to extremities—but it was clear that the defence could not be sustained on that ground. It was not denied that the soldier loaded his piece on the road, on setting out on his journey, certainly, from apprehension, and it was quite evident that the deceased was not armed. His Lordship took a considerable time in summing up the evidence, the material parts of which he dwelt upon with much force, and left the whole case in the hands of the Jury, who would, he was sure, discharge their duty conscientiously, and as became honest men.

The Jury retired for some time, and brought in a Verdict—*Not Guilty* of murder—but *Guilty* of manslaughter.

John Horan (who was tried on Monday for another offence) was indicted under the Whiteboy Act, for assulting John Hogan, and obliging him, by threats and menaces, to deliver him a pistol; and also, under a statute of George II. for demanding fire arms from said Hogan by force and violence.

This was evidently a malicious prosecution, originating in the rancourous spirit of party animosity in Nenagh and its neighbourhood. It appeared on the trial, that the pistol in question was merely *lent* by Hogan to the Prisoner, pursuant to a previous promise, and that it was not obtained by force or threats.

The most interesting feature in this trial was a scandalous attempt made to deprive the Prisoner of the testimony of a man named Mara, who was present when he borrowed the pistol, by including him in the indictment. This circumstance did not come out publicly until he was produced as a witness for the Prisoner, when his competency was objected to by the Prosecutor's Counsel.—The Judge expressed his astonishment at Mara not being on his trial. On inquiry, it appeared that though the transaction occurred so long ago as Ash-Wednesday last, no informations were sworn against the Prisoner until the third day of the Assizes—that in these informations Mara's name was not mentioned—and that the charge against Mara was subsequently sent up to the Grand Jury, by secret and surreptitious contrivance, the Prosecutor having been sworn out of Court by a Doctor Dempster, a Scotch Surgeon, Physician, Magistrate, and Lieutenant in the Nenagh Yeomanry, who lately obtained the Commission of the Peace.

The Learned Judge observed that this was a most disgraceful business; that Mr. Dempster had applied for leave to take an information, which, from the courtesy between the Bench and Magistrates, he gave: then reprobated in indignant terms the administering the oath in this underhand way, and imposing a witness on the Grand Jury—His Lordship said "I see how it is—but while I sit here to administer Justice, I will hold the scales even between all his Majesty's subjects." He then quashed the Indictment against Mara, there being no informations—Hogan not being sworn in open Court according to law, and directed Mara to be examined.

The Prisoner was ultimately acquitted without hesitation.

The same John Horan was given in charge for snapping a pistol at Phillip Ryan with intent to kill, and also with intent to maim. This Prosecution was abandoned by the Crown Solicitor.

Horan was afterwards claimed and detained as a deserter.

John Luby was charged with having attempted to fire at Richard Hughes, near Templemore.—The Prosecutor was equally culpable as the Prisoner, who was acquitted.

James English and Peter Cagney were indicted for the murder of Maurice Shea, on the 9th Feb. at Tipperary. The deceased came by his death in a scuffle, and after much swearing on both sides they were acquitted. The particulars of this trial was not sufficiently interesting to demand insertion—English was detained on another charge—Cagney discharged.

MURDER OF WM. AIREY.

(A CRUEL CASE.)

David Hennessey was put to the bar, charged with the wilful murder of William Airey, in the neighbourhood of Caher, on the 13th of May.

Richard Lonergan swore that on the 13th of May the deceased and himself, while returning from a garden to which dung had been crossing, were met by the Prisoner, who came up to them, and seemed to have just left Tim. Lonergan's forge; he desired the deceased to give him satisfaction for some misunderstanding which, as the witness afterwards understood, took place a few days before between the parties; the deceased was apologising, and said he did not know who he struck at the time; the Prisoner insisted that he *should* have satisfaction, and at last the deceased desired him to do his best—this was all that passed between them; the witness observed the Prisoner to stand back a little, and (without stooping) to make an offer at the deceased, who fell immediately; he (witness) took hold of the Prisoner, and accused him of having murdered the man, on which he stooped and took up a stone; some of those on the road interfered, and he dropt it; the deceased walked home, supported occasionally by witness; he died the Saturday following.

Cross-examined by Mr. O'Dwyer.—The deceased had a pitchfork, which he had borrowed to spread manure, but to witness's knowledge he made no offer of it at the Prisoner; the deceased certainly received a blow, but witness did not know with what.

Mr. John Sheehy confirmed Lonergan's testimony.

Francis Dwyer, sub-constable, swore that he apprehended the Prisoner immediately after the murder; without having used either threats or menaces, he asked him the reason why he struck the man? the Prisoner said that the deceased struck him on the Friday previous, and alleged as an excuse for striking him with a stone, his having a pitchfork in his hand; he acknowledged that it was with a round stone he made the blow; he freely confessed the deed.

Dr. Everard and Surgeon Ferns proved that the deceased came by his death from the blow he received from the Prisoner; on the head being opened a portion of extravasated blood was found on the side of it; Dr. Ferns attended him from Monday (the day on which he was struck) till the Saturday following, when he died.

For the defence, Timothy Lonergan swore that he saw the deceased and the Prisoner in an altercation on the road, a short distance from the forge; the witness, who was in the forge, on hearing the argument, looked out and saw the deceased with a pitchfork in hand, *resting* it on the Prisoner's *belly*; he made a stab at the Prisoner, and soon after fell.

Cross-examined by Mr. M'Dougall.—He saw neither stick or stone with the Prisoner; he was quite positive that the deceased *rested* the pitchfork on the Prisoner's *belly*; he afterwards made an attempt to stab him, and the Prisoner then struck him; in a fortnight's time he told the Prisoner's father of what had happened; the first witness he did not see there at all; he never enquired what the deceased was struck with.

To the Court.—The witness was not on the spot when the argument began; he saw no blows between the parties; the Prisoner said he wished to have *revenge* for what the deceased had done the Friday before to him; the Prisoner did not mention that he struck the deceased in his own defence.

As Mr. M'Dougall did not understand what the witness meant by *resting* the pitchfork on the Prisoner's *belly*, he desired him shew how it had been so *resting*, with the Crier's rod, on which he pointed it simply towards Mr. M'Dougall.

After the Judge charged the Jury, a verdict of *Manslaughter* was returned, immediately on which

His Lordship said, that he wished it to be made known to the public generally, but to the people of this County in particular, that a law had been enacted very lately, empowering the Judge of Assize to transport beyond the seas all those convicted of the crime of manslaughter. Heretofore, from various motives, mercifully intended no doubt, this crime was not viewed in so serious a light as at present, but circumstances so altered as to render it necessary now to check those riots and affrays between contending factions throughout the country, which so often ended in the shedding of torrents of human blood. His Lordship instanced the fate of (the believed) *twenty* human beings whose lives were sacrificed some time ago at a fair at Golden. For the future, every person engaged in a riot at a fair or market, when death followed (if he be convicted) shall certainly suffer the full punishment of the law, and much good, his Lordship trusted, would result to the public tranquillity from the introduction of this measure. He thought the case which the Court and Jury had just investigated approached very nearly to deliberate murder, even if Lonergan's evidence was credited.

John Kennedy was indicted for the murder of Edmond Bourke so far back as the year 1815, near Newport—within the last few years, one or two persons have been convicted of manslaughter for being accessary to this murder.

The substance of the evidence was, that in the month of March, 1815, in the evening, a report had reached a dancing-house, where the Prisoner, in his capacity of *dancing-master*, was instructing several of his pupils, that the deceased and his family were approaching the house for the purpose of attacking them, when those in it, (the Prisoner among the number) sallied out, and meeting the deceased, his father, and two brothers on the road (it was proved not with the intention imputed to them) they fell on them, and killed the deceased with sticks and stones. The Prisoner, for the last seven years, kept out of the neighbourhood, but was at last taken at Ballinasloe by the Rev. Mr. French. He was convicted of Manslaughter.

Richard Walsh, Edmond Fitzpatrick, and John Morrissey, were tried for the murder of Margaret Carrigan, with a blow of a shovel, near Cahir.

The evidence of the prosecutor (the deceased's sister) was positive as to the Prisoners being the murderers, but Mr. Barry, the Coroner, who held the Inquest, proved that she swore at it that she did not know who committed the crime.

Doctor B. also proved that the deceased had no marks of external violence, whereby to lead him to suppose that the deceased came by her death in the manner laid in the indictment.

The Judge suffered the evidence to go to the Jury without summing up, not deeming it necessary. The Prisoners were acquitted.

Thomas and Michael Ryan were given in charge to the Jury for the murder of Daniel Ryan, on the 22d June, 1821, at Newport. This was another squabble between two factions, the evidence relative to which would be quite uninteresting.—There were many hard knocks at both sides, in the course of which the deceased got a blow, which deprived him of life instantly. After a few words from the Judge, the Prisoners were acquitted.

At 8 o'clock the Court adjourned to the following morning.

THURSDAY, AUGUST 8.—John Casey was tried for being of a party who burned the house of Mr. Wm. Doyle last winter.

The prosecutor, Martin Quin, told a very unlikely story of the manner the Prisoner and *himself* were forced by a party, (who were strangers to them) to be privy to the burning. Casey was acquitted and discharged, and Quin was obliged to take up his place in the dock, having had a detainer laid on him by Captain Wilson, charged with a breach of the Insurrection Act.

Catherine Curtin was tried for the murder of her infant child by strangulation, on the 16th May, near Kilfeenane. Insufficient proof; Prisoner acquitted.

Wm. Sweeney, for the murder of Mary Gorman, on the 11th Feb. last—no prosecution—acquitted.

In the course of the day the Prisoners who had been convicted during the Assizes were brought up to receive their respective sentences. On William Neary, Sub Constable of Carrick-on-Suir, being put to the bar, he requested permission to say a few words to his Lordship, which being granted, he protested before God and the world, that he never cut the pocket from the woman Meehigan's side, as she represented, nor from any other person during a period of thirteen years that he held the situation of Constable for the Counties of Tipperary and Waterford. It was his opinion that the woman was invited to the prosecution by some of the lower orders in Carrick-on-Suir, whose illegal proceedings he contributed to defeat.

His Lordship said he was convinced, from what he had heard, that a party unfriendly to the Prisoner existed in Carrick, and he was borne out in the supposition from the fact, that a communication had been directed to him relative to the Prisoner, but it had an opposite effect from that contemplated—it had the effect of mitigating, rather than increasing the sentence. His Lordship said that Neary was the instrument of a magistrate, who, if what he (Neary) said was true, was a more disgraceful character than himself—was an unfit person to hold the Commission of the Peace, and more blame was due to him than to the Prisoner. From the knowledge which his Lordship had been able to form of the Prisoner, he attributed much of what took place to his intemperance—he knew him to be a man of hasty feelings. It was quite clear that the prosecutrix was a person of extremely bad reputation—of that there seemed to be no doubt—still there were certain corroborations of her testimony, which impressed his Lordship with a belief that the Prisoner had misconducted himself—it was difficult to know what he took precisely from the woman—at all events, it was evident that £1 had be and that he was seen by several perso. the woman in a manner which no officer of t should do. Taking all the circumstances of the case into account, and keeping in view the bad character of the prosecutrix, his Lordship sentenced the Prisoner to six months' confinement, and to enter into sureties to keep the peace for seven years.

John Kennedy, John Gratland, and David Hennessey, who had been convicted of Manslaughter, were called up to the bar. His Lordship first addressed Kennedy, and, after perspicuously detailing the evidence which had been adduced against him, told him that he was equally guilty as the person who actually committed the murder. His Lordship then read an abstract of the Act of the Session of Parliament just closed, which made it a transportable charge to be guilty of Manslaughter, and offered some observations on the benefits which would follow its operation, in this County in particular, where, for a long time, it had been the custom of factions to decide their disputes at fairs and market places, which but too frequently terminated in the murder of some of the parties—when his Lordship said this County, he meant no disrespect—on the contrary, he knew of no place that could boast of a more noble or respectable County than the County of Tipperary. After some further general remarks, his Lordship sentenced Kennedy to six months' imprisonment, as his case was not of a very aggravated nature.

He then addressed himself to John Gratland, the soldier, who had been convicted of the same offence as Kennedy, that of having slain a fellow-creature. He had had a great public trial, and if the Jury had been of opinion that he, in a wanton and deliberate manner, committed the murder, the Prisoner, before this would have expiated his life on the gallows—but his case had been viewed in the most favourable manner; they took into account that the place was disturbed—that he was amongst strangers—that as Officer of his own Regiment, and a party of the 42d, had been disarmed some time ago in the County Limerick, and that some attempt had been made on his own person. His Lordship paid high compliments to the Prisoner's comrade (Forbes), for the satisfactory manner in which he gave his evidence—in fact he it was that convicted the Prisoner, for if it had not been for him, the Court should discharge him, no other person being able to identify the Prisoner. He addressed this as a strong proof of the great moral improvement which had been happily effected in the minds of the inhabitants of the country from which the Prisoner and his comrade came (Scotland), by means of the systematic and strict attention paid to the education of the people of that country. Taking every thing into account, not omitting the good character given the Prisoner by his Officer, he must expect to be deprived of the honour of returning to his Corps for nine months, during which time he is to be confined in the gaol of Clonmel.

To David Hennessey, for the murder of Wm. Airey, his Lordship spoke in the most feeling manner. His case, he said, differed from the two others; it had not the excuses that the two others had; it was not committed under colour of defending his arms, nor of rashness or precipitancy, and if the Jury had not acted in a merciful manner, he would, no doubt, have been sentenced to death. His Lordship said that the crime appeared to be deliberate and wilful murder, and the Jury would have been justified in bringing in a verdict to that effect. The Prisoner attacked his victim with the determination of murdering him. His Lordship said, he should, for the first time, put the new Act of Parliament in force, and he therefore adjudged the Prisoner to be transported for 14 years.

The following Prisoners were called up to the bar to receive sentence for capital charges, not, however, of a heinous nature:—William Murphy, James Brittan, Pat. Minehan, Edmond Moloney, David Mullowney, Michael Abera, and Stephen Bresnahan.

His Lordship addressed them generally on the crimes of which they had been convicted, and on the system of intimidation which was so prevalent throughout the country—he alluded particularly to the case of Brittan, who was the victim of those cowardly ruffians who dare not shew themselves. Those miscreants should be put down—no person with the light of reason could be mistaken in their views, and it behoved every one to assist in destroying a confederacy which had been formed for the worst of purposes. Though his Lordship could not perceive that the Prisoners were of the class of persons which had been guilty of atrocious offences, still they acted in a way to forfeit their lives—all of them, however, had been recommended to mercy, and he should take care to forward that recommendation to the proper quarter. In the mean time it was his duty to pass sentence of death on them, which his Lordship did in a manner the most impressive, and named the 4th Sept. next for their execution. It is, however, to be presumed, that no execution will follow the Gaol Delivery this summer.

On Thursday Evening, at a late hour, the trial and conviction of the Five Men of the names of *Haly, O'Leary, Foulee*, and *Sullivan*, took place at Tralee for the Murder of Mr. Beresford, who, it will be remembered, was barbarously murdered between Killarney and Millstreet, while conveying the Mails last January. They were ordered for execution at 12 o'clock on Saturday last. Others have put off their trials, and more are yet to be tried for the same offence.