

EXPOSURE OF THE SPY SYSTEM, AND ENGLISH LIBEL LAW.

How much longer is the libel law to be endured? We shall wait for the present every case originating in political feeling, and briefly show the operation and powers of this pernicious law in two instances; one past—the other only prospective, and therefore open to discussion. The case which is past is that of a newsmaster, tried in the court of Exchequer the other week. Every body knows what a newsmaster is—a retail dealer in newspapers, who buys them every day in hundreds and thousands, to despatch to all parts of the country from which he has orders, and with no more knowledge of their contents than if they were printed in Arabic. Well, this man, so useful in his own sphere, is held by the existing libel law equally responsible for whatever may appear in one, or all, of these papers, as the writers, editors, and proprietors. In the present case, the prosecutor was an attorney, who sued the newsmaster for selling a paper which he alleged contained a libel on his character. The learned judge, in laying down the law, surely intended to deal in a finishing blow. Indeed, there is not one opinion among the law lords as to its impetuosity and inequality. He said, that as the law at present stood, any party whether newsmaster, coffee-house keeper, or any sort of publisher, was bound by law to know whether the publications he put forth to the world contained libels or not; and that, if he did not take care to ascertain this, he was equally liable with the author of the libel. This, of course, includes every tavern-keeper who buys a paper for the use of his bar-room or ordinary; every library where newspapers are seen; and all the poor men and women who make a living by lending out a newspaper in their neighbourhood. Such is the law.—This is the case already tried and settled: the next we have to mention is only possible. It has been threatened—but audacity can scarce go so far—and we cite it merely to show what the existing libel law may enable a reckless man to do so.

The name Richmond, the spy, is as notorious in Scotland as that of Castles or Oliver in England. He was a noted reformer; had been outlawed for not appearing to stand his trial in a case of combination among the weavers in 1813, to obtain a rise of wages, and he was engaged by the agents of the Castlereagh government in Glasgow in 1816-17, to give information of a conspiracy, said to exist among the Reformers. He corresponded with the Scottish crown lawyers in similar capacities, and was in daily intercourse with them throughout the disgraceful state trials; but, after all was over, and when, denounced and exposed as a traitorous spy, he was driven from Glasgow, Lord Sidmouth would not waste the public money as to satisfy what his lordship termed his "inflated demands." To be rid of him, the government repeatedly offered him a settlement at the Cape, with an outfit. By his own showing he must have cost his country probably £2,000, or even more, for detection of a conspiracy which he himself treats as contemptible, and which, it is believed, never would have existed save for the efforts of the spies "got up," he says, after he "peached" to delay reform. Lord Sidmouth undoubtedly considered Richmond a spy, and nothing but an ordinary spy, as which Richmond appears to be very indignant; and, moreover, his lordship believed that he paid him enough for five or six weeks' work, when he finally compounded with him for what Richmond contemptuously calls a few hundred, and which is believed to be £300—no bad pay for a weaver for six weeks' work. But we are not going into the private history of Richmond. We think Lord Sidmouth appreciated his character and value most correctly; and had it not been for exposing his Glasgow correspondents and the crown lawyers in Scotland, we presume much less than a few hundred, would have been deemed sufficient pay by Lord Sidmouth for the services of a man who thinks himself libelled by being called a weaver. But our object is to illustrate the law of libel. We, therefore, refer those who wish to cultivate a farther acquaintance with Mr. Richmond to the "Exposure of the Spy System," or "Tail's Magazine for May and August, 1833." It is enough that, paid in full in 1821, Richmond, in 1824, published a book describing the whole plans and machinations of the Scottish Tory crown lawyers; and having first detected a conspiracy among his friends, the reformers, which, he says, never merited notice, he next proved traitor to his Tory employers, and made disclosures of facts and designs entertained by those state officers, for which, if evidence were found one degree better than that of Richmond, they merited impeachment. But we are not yet come to the point.

This man, notorious in Scotland, who had first, the reformers say, and will prove, endeavoured to entrap, that he might betray them, and who next, traitor on both sides, exposed his Tory employers, because Lord Sidmouth would not give him as much money as he wanted—this person, for above fifteen years in the mouth of the world, threatens an action for libel on his precious character!—And whom is he to sue? Not the author of the "Exposure of the Spy System," the foundation of what he calls the libel; not the reviewer of that work in "Tail's Magazine" for May last; not Mr. Tail, the proprietor of that magazine, nor any man in Scotland; but Messrs. Stupkin and Marshall, as agents in London of "Tail's Magazine," as they are of hundreds of works, and of many periodicals, for the contents of all of which they are held legally responsible by the existing law of libel! This is law indisputably; but as Baron Bolland laid it down in the case of the newsmaster, any librarian, club-room keeper, or other person in Brighton, Bath, Bristol, or other town in England, who shall lend or sell that number of the magazine in which Richmond is called a spy, is equally liable to be sued by Richmond; because the truth is a libel on his character, and he can select and sue whom he pleases. These are peculiar beauties in the English law of libel. In Scotland this man threatened a prosecution for defamation against the spirited editor of the "Glasgow Chronicle," who denounced him; but that action was prudently dropped. We restrain ourselves from entering into the grounds for such an action. What we wish to illustrate is, the power which the law of libel gives to any man, and to a man like Richmond, to bring

his action in a distant country, far from the persons to whom his character and doings are notorious, as in this case, by poisoning upon the London agents of an Edinburgh work. The operation of this law gives him the power of compelling the publishers, as defenders, to bring up from Scotland; such men as Lord Meadowbank, Mr. Drummond, Admiral Fleming, Mr. Cockburn, the Solicitor-General, the Lord Advocate, Sir William Rae, Mr. Kirkman Finlay, Mr. Reddie, Mr. Hardie, Mr. Prentice, and a host of the old Glasgow reformers, at incalculable expense, to prove, what is notorious as the sun at noon day—that Richmond was a spy, engaged and extravagantly paid. His own book shows how ten years afterwards he betrayed his Tory employers. In Scotland the witnesses are all on the spot. In London there is but Lord Sidmouth and some of the Under Secretaries, who could be bribed in a witness box, to prove that Richmond was held by the government to be, what that overpaid him for being, to get rid of his impetuosity.

Such is the practical operation of the libel law such the power which a man like Richmond possesses over every coffee-house keeper, librarian, or bookseller in England, who ever sold or lent a copy of the magazine in which the "Exposure of the Spy System" is reviewed! That anything so monstrous, such an outrage to all justice and all common sense, can take place, is scarce credible; but it has been threatened, and we have no doubt of Mr. Richmond's good will. Does the law, then, under which such flagrant injustice could be perpetrated, not demand instant revision? It is nothing that the pursuer would be consulted. Where is the defender, in such a case, to look for indemnification for his loss and trouble?

LEITRIM ASSIZES.

CARRICK-ON-SHANNON, 4TH MARCH.—Yesterday, at four o'clock, the commission was opened for the county Leitrim, in this town, and the following grand jury sworn:— Lord Viscount Clements, M.P., foreman; John Godby, William Charles Perry, John James Cullen, Acheson O'Brien, Francis O'Beirne, John Hamilton Peyton, Joseph Johnston, John O'Brien, Westby Percival, Theophilus B. Jones, Duke Crofton, William Russell Sacke, Hubert Waldron, Terence Connolly, Richard M'Namara, Berry Norris, John Lawder, Simon Armstrong, Hugh Walsh, George Beatty West, James Fawcett, and Coote Molloy, Esqrs.

ROSCOMMON ASSIZES.—SATURDAY.

HORRIBLE MURDER.—Eleanor Clarke was indicted for the murder of her step-daughter, Margaret Clarke in the month of September last. The principal witness for the prosecution stated that she was a servant to the prisoner, and that being employed in weeding potatoes at the back of prisoner's house, she saw the prisoner in the act of poisoning the deceased, who was the illegitimate child of the prisoner's husband; born before his marriage; the child died across the potato field, and being at length overtaken by the prisoner, the latter placed both her hands on the neck of the child, and attempted to choke her; she then knocked her against the ground, and having trampled upon her several times, completed the murder by striking her with a stone on the back of the head; the prisoner then looked round, and seeing the witness, backed with her hands as if to deter her from approaching; the prisoner then returned to her house. The witness added, that when it was first discovered that the child had been killed, the prisoner persuaded her to disclaim any knowledge of the transaction, and said that having got the child out of the way, she would soon give another peasant to the grandmother, (meaning her husband's mother,) who was a resident of the family.

The witness, upon her cross-examination by Mr. Blakeley, admitted that she had at the inquest denied any knowledge of the murder, but persevered in saying that she did not make such denial on oath; she also admitted that she did not make the disclosure to any person until she had reason to fear that she should herself be charged with the murder.

Mr. Justice Burton addressed the jury at great length, and was several times deeply affected. He said there could be no doubt the child had been put to death, and pointed out the difficulties of this singular inquiry.

The jury, after some deliberation, acquitted the prisoner.

The office of Transport Agent at the Cora has been abolished, and the duties thereof transferred to W. Alves, Esq. victualling agent at Hanabowline. This arrangement is made with the view of retrenchment.—Lieut. Lewis, R. N., who filled the office for a number of years with credit to himself and advantage to the public, retires on an adequate allowance.—Cork Herald.

A BOY IN A FRANCE.—In the village of Sheep-bridge, near Huddersfield, a boy, about 14 years of age, has been in a trance for the last sixteen weeks, without any sustenance whatever.—A neighbour, seeing his mouth partially opened, placed in it a peppermint drop, which remains undissolved.—Halifax Express.

SUICIDE OF A PRISONER.—Last night (Monday) one of the prisoners in the city jail, named Russell, hung himself. This unfortunate man was arraigned yesterday for murder, and was to be tried to-day. So resigned to his fate did he appear, that while in the dock, he was reading his prayer book. He contrived to fasten his blanket, which he tore into large shreds to the bars of the window. Russell was a pawnbroker, and charged with the murder of Macmahon, of Tradaroe, over nine years since, at the height of Thomondgate.—Limerick Star.

Major Hare, who was attached to the embassy of Lord William Russell at Lisbon, and who has been once or twice employed to negotiate an amicable settlement between the rival Princes of Portugal, is become the heir (by the will of Sir Thomas Clarges, who died last week at Brighton) to landed property worth £10,000 a year. The Major was a distant relation of Sir Thomas by the maternal side, and had, we believe, no reason to anticipate such a bequest.

BLANDIA.—At Newcastle, a verdict of £5 was given against a person named Tiffin, for charging a companion of his, who was drinking in a public house, with making out a livelihood by Barking young boys.

Imperial Parliament.

HOUSE OF COMMONS.—TUESDAY.

(Continued from Saturday's Chronicle.)

BRIBERY AT ELECTIONS. Mr. HARDY rose to make his promised motion, the object of which was to promote the purity of election, and reduce the expenses at present attendant upon electioneering contests. He should propose that all entertainment given to voters, either previously to the issuing of the writ or after, should be considered as given with a view to the election, unless the contrary be proved. Another matter worthy of consideration was the payment of voters for travelling and loss of time. There were many enactments upon this subject, but all proved ineffectual. Great improvement had been introduced by the reform bill upon this point, in consequence of the provision respecting non-resident voters and the appointment of different polling places. He hoped the house would see the necessity of such legislation as would render it imperative on all men to vote freely and indifferently, uninfluenced by any paltry considerations, to exercise their rights, as intended by the reform bill, and by the liberty of the constitution. The next position to which he should advert was the oath to be taken by candidates. It seemed to him quite useless to administer an oath to the voters unless an oath against bribery was administered to candidates also. This would be to sap the very foundation of corruption, and would do more than perhaps any thing else that could be devised to secure the purity of election. He proposed, after the bill should be on the table, to have it referred to a committee. The hon. member concluded by moving for leave to bring in his bill.

Lord J. RUSSELL did not rise to oppose the motion. It appeared to him one part of the object proposed by the hon. member was in part at least provided for by a resolution the house came to on his motion, last session, respecting the payment of money by candidates or their agents after the lapse of twenty-eight days from the return. He was glad to hear that no instance of corruption in this way had since occurred.

Mr. O'CONNELL thought it desirable to substitute for the oath now taken at the table, one oath disclaiming on the part of members all bribery, whether prospective or retrospective.

Mr. W. WYNN had no doubt the house would entertain the proposed bill, as its object was very desirable.

Mr. HUME could not help suggesting that the vote by ballot was the best mode of checking any bad system in the election of members.

Mr. HARDY shortly replied, and the motion being agreed to, the bill was ordered to be introduced.

Mr. MURRAY obtained leave to bring in a bill to repeal the foreign enlistment act.

IMPRESSMENT OF SLAVES.

Mr. BUCKINGHAM brought forward his motion for a select committee to inquire into the practicability of devising some plan as a substitute for forcible impressment. The hon. member compared the practice of impressment to that of slavery, and compared the condition of the captured seamen with that of the captured African, who was torn from his family, compelled to work, subjected to the lash, and deprived of his liberty. But he said that even its legality might be more than doubted, and he could refer to very high authorities against it. Lord Camden had challenged the whole profession of the law to establish the legality of impressment. Lord Mansfield said that it had only usage to defend it. In addition to these authorities, cases had been tried in courts of law where individuals had resisted impressment, and in the conflict had shot and killed some of the press-gang, and yet were acquitted, on the ground that impressment was illegal. Judge Foster took the opportunity of developing his opinion upon the subject; and this was the highest—not the only—authority in favour of the legality of impressment. The first Lord of the Admiralty had observed that Judge Foster's charge, on this subject, had never been answered. He was rather surprised that the right honourable gentleman had never heard of a work of Franklin's, in which he took that charge to pieces line by line and word by word, and which, in fact, was one of the most triumphant documents that had ever come from the press. He also found that Lord Chatham expressed himself in the strongest terms against the practice. Again, Lord Coke said that the King had no right to send a man to Ireland against his will. Then he (Mr. Buckingham) had a stronger right to say that the King had no right to send a man to serve abroad against his will. A good deal was said of the King's prerogative; but if the King's prerogative could at any time have extended to this practice, that prerogative had been surrendered. In the reign of King Charles I. two acts were passed to legalize impressment, expressly because the King's prerogative was doubted. After some further arguments to show the inefficiency of the practice, he concluded by moving for the committee.

Mr. G. F. YOUNG seconded the motion.

Sir J. GRAHAM maintained that the prerogative of the King was on that point unquestionable, and that if any remedy were required to amend the system, the course would be for the advisers of the crown to introduce a specific measure, instead of leaving the matter to a committee to search for indefinite remedies. He called upon the house to continue to the government the possession of the power, while they were making the experiment of a substituted system; for if it should once be denounced by a vote of that house, it certainly could never again be carried into execution. The measure which it was his duty to bring under their consideration had been the result of his close and arduous attention to the subject for the last six months; and with the benefit of all the information he could command, from his official situation, by communicating with so many men whose opinions must be of the highest value, he must say that he felt himself in a condition now to give notice of such a measure as was entitled to the consideration and confidence of the house.—Perhaps this was not the time for entering into the details of the measure he intended to propose, but he would state shortly what the proposition was. In the first place it would afford facilities for

parishes (with regard to the merchant service they possessed them now, to bind out the children of persons receiving parochial relief equally to the merchant service as to the King's. (Hear, hear.)

The second provision would be for the making out of lists of all seafaring men to form a register, to be subject to a ballot, by which the persons called upon to serve in the King's service should be determined. The third provision would be directed to the encouragement of seamen to enter the merchant service by securing to them regularity in receiving their wages; and, on the other hand, to afford masters and owners protection against desertion and insubordination in their men. He should not then trespass further upon the house; he had addressed it under considerable indisposition and much pain. The right hon. baronet then moved, by way of amendment, for leave to bring in a bill for consolidating and amending the laws relating to the merchant service in the navy, and for obtaining and keeping up a complete register of all persons serving in the merchant navy in the united kingdom.

Sir E. CODRINGTON, amongst others, spoke in favour of the motion.

Mr. BUCKINGHAM having replied, the house divided—

For the original motion..... 130
For the amendment..... 218
Majority..... 88

CANADIAN TIMBER.

Mr. HUTT brought forward his motion relative to Canadian timber. He thought the present was the proper time to make a material alteration in the duties imposed on timber brought from the Canadas, without waiting for Russia, Prussia, and other northern powers to lay further restrictions on our commerce.

The CHANCELLOR of the EXCHEQUER said it was not the intention of government to do any thing in the present session which could affect the trade.

Mr. HUTT withdrew his motion.

MR. COHEN, of the BRIGHTON GUARDIAN. Mr. WIGNEY rose to call the attention of the house to the case of Mr. Cohen, who had already been confined six months in Chelmsford goal, on a conviction for a libel on the magistrates of Sussex. He said the judge on the trial had acquitted Mr. Cohen of the heaviest part of the charge, namely, that of intention of inciting to acts of violence. It was also proved on the trial that the admission of the paragraph had occurred from inadvertency.—He was sure the ends of the law had been already accomplished and the prosecutor ought to be satisfied. He concluded with moving that an humble address be presented to his Majesty, for a remission of the remainder of Mr. Cohen's sentence.

Mr. F. O'CONNOR seconded the motion. Mr. KEMP supported the motion. Lord HOWICK opposed the motion, because he could not conceive a more aggravated case of libel. There had been nothing urged in palliation, even in the application now made.

Mr. BULLER said the case of Mr. Cohen appeared to be one of great hardship.

The house divided—
Ayes..... 21
Noes..... 56

Majority against the motion..... 37

PROSECUTION OF THE KING.

Mr. O'DWYER moved for a return in detail of the costs in the prosecution of the King against Barrett. He wished much to know who had the greatest share of this most profligate prosecution. Some persons might say that it was Lord Camden, in his humble member of the profession, to move for such a return; but in reply, he would observe, that he had paramount obligations, as an independent member of parliament, to discharge, and that his first duty was to protect the public purse. (Hear.) He frankly owned he thought it would be an act of most judicious economy to stop the supplies to the crown prosecutors in Ireland. It costs in England no more than three hundred and eighty pounds to convict a man who made an attempt on the life of the King, whilst in Ireland a prosecution for an insignificant libel cost seven hundred pounds. (Hear.) It was not to be wondered at the house was called upon to vote fifty thousand a year to be expended on rapacious prosecutors in Ireland.

Mr. LITTLETON would move an amendment that the account should be given, excluding the names of counsel, and the proportion each counsel received, but giving the aggregate sum paid to counsel, and the different stages in which the costs were incurred. He would thus show that the cost arose from the delay caused by the traverser. He hoped that his honourable friend would not press his motion in the invidious shape in which he moved it.

Sir J. GRAHAM concurred in the objection.—He hoped the motion would not be pressed. Mr. O'DWYER was sure if he asked the right honourable baronet for a return of the salaries in any office of his department, he would not hesitate in granting it. He (Mr. O'Dwyer) had already procured similar returns relating to revenue prosecutions in Ireland; and he was at a loss to know why any objection should be made to the fullest account in this matter. If the fees were earned, there was no shame in receiving them; if they were not earned, the sooner the system of paying money unnecessarily was put an end to the better. He was not anxious to take the house by surprise in this matter. He would defer his motion to another time.

Motion deferred. The house adjourned at half-past two.

HOUSE OF COMMONS.—WEDNESDAY.

CARRICKFERGUS DISFRANCHISEMENT BILL.

Mr. O'CONNELL then said that he rose to move the second reading of the Carrickfergus disfranchisement bill, and he was happy to inform the house that as those gentlemen who objected to some of its details did not object to its principle, and would not oppose the second reading of the bill, it would not be necessary for him to detain them by any length of time. He only begged to remark that he had not volunteered the task he now had to perform; indeed he should have much preferred its duty fallen into other hands, but it was a duty thrown upon him as chairman of the committee which had declared the election of

Mr. Dobbs to be void on account of bribery. He (Mr. O'Connell) had no personal feeling whatever in respect of this bill. His bill was one to disfranchise Carrickfergus, without substituting any place to which to transfer the franchise. Although, however, he had not recommended in that bill any particular place to which to transfer the franchise, yet he thought that to take away one from the small number of Ireland's representatives would be unjust, and he therefore considered that to transfer the franchise would be necessary. He was decidedly of opinion that this would be better done in another bill; but whatever mode might be fixed upon, he thought that the place to which the franchise was to be given should be in the same county of Ulster. He had heard that hon. friend, the member for Donegal, was about to make a proposal on this subject, and he (Mr. O'Connell) should feel bound on that occasion to support the principle he had here laid down. But to return to the matter of the disfranchisement of Carrickfergus.—There could be no doubt, he believed, of the necessity of such disfranchisement. Upon the late election committee it was made apparent that bribery was deep-rooted in that place. Two noble families had contended for the mastery of the borough—they ultimately succeeded, and in all cases they succeeded by the expense of a large sum of money. (Hear, hear.) At the time of the election in question to which the exertions of that committee referred, the country was agitated by the great questions of whether or not the representation of the people should be reformed.—(Hear, hear.) But at Carrickfergus no such agitation prevailed; there certainly was no such question as to who was reformer and who was not reformer. Then, again, at the time when the country was unfortunately agitated by religious animosity, there was no such animosity existed. He acquiesced them alike from bad politics as from religious animosity. There was a question entirely of pounds, shillings, and pence; and whoever paid the most money was sure of being returned.—That bribery had existed was clear. One of the noble families alluded to had gone to the expense of creating fifty-three houses attached to some potatoe grounds, with £4 or £5 per acre, just at the last election only three of these "free" burgesses voted for the family which had called them into existence. (Cries of "hear, hear.") There must, therefore, have been some pecuniary reason, on the other hand, for their not voting for those whose potatoes they denigrated. (Laughter.) He found one man who was dishonest enough to take a bribe, but when he was called upon to take the oath, conscience interposed, and he refused to commit the perjury. But, he asked, what was to be thought of the tempter? Who was he? To what class of men did he belong? He certainly did not belong to the same class to which the person who received the bribe was attached. (Hear, hear.) No, he was raised far above him in station and education. Oh! it was not in assemblies of that description that master of that kind could be enlarged on, and yet it was a subject in which they were all deeply interested as Christians and as men, as members of society anxious to promote morality in their community. He did therefore hope that the house would interfere and take away the power from the tempter, and thus save their unfortunate victims from being made the dupes of their immorality and corruption. (Loud cries of "hear, hear.") There was another case which came before the committee, the result of which would be sufficient to fill the house with astonishment. A person moving in high rank, a magistrate of the county Antrim, possessed of great wealth, and a committee was into the bargain, denied before them that there had been bribery or corruption, or even that there was such a thing as a committee at that election, although it turned out that he was himself a member of it, and a letter was produced and read from this very Mr. Harly (the magistrate to whom he, Mr. O'Connell, referred) addressed to one of the electors, whom he directed to apply to the agent, Mr. David Legg, from whom the said elector received a bribe of six pounds. This letter was dated from the committee-room; and it was also proved that Mr. Harly, accompanied by Mr. David Legg, called upon this elector to remind him of his former promise. He regretted very much to be obliged to introduce the name of another gentleman whose rank and profession ought to have placed him above the reach of such an imputation. But the Rev. Mr. Chain, a clergyman of the established church, admitted that he gave a sum of money which he was aware would be distributed in bribery; and yet he did not appear to feel the consequence of so flagrant an act. (Hear, hear.) The corporation of Carrickfergus came before the house after the first committee, of which he was the chairman, had made its report, and prayed for a re-examination, stating that the evidence had been taken only as between Mr. Dobbs and Sir Arthur Chichester. (Hear, hear.) The house acceded to their prayer, and appointed a second committee, of which an hon. and gallant friend behind him was chosen chairman. The corporation produced evidence before the committee, which, however, reported as its decided opinion that the borough was a fit case for total disfranchisement. The chairman had brought up the report, and he believed his opinion remained unaltered. The corporation, he was ready to prove, had subscribed £430 for the purpose of disfranchising its own freemen, and Mr. David Legg, who had actually bribed five voters himself, was the agent of the corporation attending at the house to oppose the bill or modify its provisions. Mr. David Legg had only bribed five voters, whilst John Legg had been elected under-sheriff for the county and town of Carrickfergus, and he (Mr. O'Connell) had no doubt that if Mr. Legg succeeded in keeping the elective franchise in the town, they would have the honour of seeing him walk into the house as the duly elected representative for the town. It was incumbent on the house to hold the firmest stand possible upon the members of the corporation of the town of Carrickfergus, and the only effectual way to do this was by disfranchising the borough. (Hear, hear.) He begged leave to move the second reading of the Carrickfergus disfranchising bill.

Mr. TENNENT begged leave to support the second reading of the bill. He quite agreed with

