

Wells' Baron

# The Waterford Chronicle

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## LAW INTELLIGENCE.

### DUBLIN SHERIFFS' COURT—THURSDAY, CRIM. CON.

*Conyers v. Westropp.*  
 In this case the defendant allowed judgment to go by default in an action brought against him by the plaintiff, for criminal conversation with his wife. The inquiry took place before Mr. Kinahan, sheriff's assessor, and the following jury:—  
 Andrew Ellard, Thomas Foster, James Taylor, Roger Magennis, William Singleton, Richard Sawyer, Joseph Baxter, Joseph Cooper, Esqrs., Hugh Morrison, Jason Sherwood, Mr. Jackson, & C. as leading counsel for the plaintiff, addressed the jury, and said he was in this case concerned for Mr. Charles Conyers, a gentleman of consideration and respectability, whose residence was at Castle-town Conyers, in the county Limerick. He was a gentleman of an ancient, respectable family, and who would inherit a very considerable property upon the demise of his father. That gentleman now came before the jury to complain of a very serious injury which had been done to him, and he had brought his action seeking for compensation from a jury of his countrymen, so far as they could give him some pecuniary for the injury done to him, for the debauchery of his wife, which had been committed by the defendant, Edmund O'Dell Westropp. The consequence of the defendant's act was to deprive the plaintiff of that comfort, society, fidelity, and assistance, as the law terms it, which he should have had in his wife; and if it had not been for the misconduct of the defendant, the plaintiff would still be enjoying that comfort and assistance up to the present time, and for many years to come. This couple were not even now far advanced in life; they had every prospect of comfort and happiness, and there was, but for this shocking occurrence, every certainty that they would enjoy it for many years. The marriage between Mr. and Mrs. Conyers took place on the 23d of March, 1818. The lady's name was Hart, of Carras, in the county Limerick; she was a very fine young woman, and brought a fortune to her husband. Mr. Conyers's father, who had a property of £2,000 a year, made at the time of the marriage a handsome settlement on his son—he settled immediately upon him £800 a year—the estates were settled for the use of the father during his life, subject to the £200 a year, and after the death of the father the whole body of the estates were to go to young Mr. Conyers, and the issue of the marriage. A jointure of £800 a year was settled upon the lady. There could be no controversy about the marriage, nor respecting the settlement. He did not expect his (Mr. J.) learned friends, who were opposed to him upon this occasion, would raise any question upon these points, nor upon such matters which were after all indisputable. The marriage having taken place, the issue from it was one child—a daughter—the delicate female, now it was understood to be about fifteen years of age. He (Mr. J.) had told the jury who the plaintiff was—he had no intention who was the defendant—he was not instructed to disparage him—he had often serious injury to the plaintiff, and beyond that it was not necessary to go. The defendant is a member of an exceedingly respectable family in the county of Limerick—he resided in Ballinistern, and was magistrate of the county of Limerick, in which he resided; he had a property of £800 a year. Mr. Westropp lost his wife in 1831. During the lifetime of his wife there was an intimacy between his family and that of Castle-town Conyers—that intimacy continued after the death of his wife. The defendant being a widower, considered that he was quite a free and disposable person, and he tried what would be the result of his advances to the other sex. He was not to be restricted in his approaches by the consideration that a lady was married; but in this instance he availed himself of the intimacy which had previously existed to ingratiate himself with this lady, who was exceedingly young at the time of her marriage, (not more than fifteen years old,) and was at this time in the prime of life, and exceedingly attractive. So far as her beauty could be an apology for the defendant, he was entitled to the full benefit of it. He began to be exceedingly attentive to this young lady; and so incessant and constant did those attentions appear, that Mr. Conyers at last became somewhat suspicious of them. He perceived the attentive addresses of Mr. Westropp to Mrs. Conyers; and he then did what became a husband to do—he forbade the defendant to visit at the house; but he succeeded in having such an understanding between himself and the lady as to be able to visit her without the knowledge of her husband. He (Mr. J.) had told the jury that there was one child the issue of the marriage. She was a delicate creature, and the mother was naturally attached to this, her only child, and watched over her incessantly. Whether she was for the purpose of covering her designs with Westropp, he (Mr. J.) did not know; but she made the illness of her daughter an excuse for sleeping in the same room with her, and she no longer occupied the same bed with Mr. Conyers. No suspicion was excited by this circumstance in Mr. Conyers's mind. She did then for some time sleep in the same room with her daughter; and it is not supposed that a knowledge of this arrangement was passed unobserved, or that Mr. Westropp failed to avail himself of so tempting an opportunity. On the 21st of August, 1832, the defendant having arranged his materials, carried out to effect his plan for seeing this lady. He left his own residence, which was a distance of twelve miles from the house of the plaintiff, and he proceeded to within a certain distance of Castle-town Conyers. He travelled that far with his servant and gig, which he then dismissed. He then approached close to the house; he sealed the garden wall, for he prepared a ladder of ropes, and from the garden he clambered into the apartment of this lady. Whether he was ever there before was known to the plaintiff; but certainly upon this occasion he found his way into the apartment of the lady, where her daughter was sleeping. It so happened that a man named Connors, who was in the employment of Mr. Conyers, saw the defendant approaching the house, he saw him apply the ladder of ropes, and afterwards traced him into

the window of the lady's apartment. This was quite unequivocal. He had no doubt but that something wrong was intended, and as he became him, he went and apprised his master that the defendant had gone in through a window into Mrs. Conyers's apartment. The jury were already told that Mr. Conyers was dissatisfied with the conduct of his wife, and having heard this now, he thought it incumbent upon him to take measures for securing the intruder. Three or four persons were brought by Mr. Conyers to the room, in the expectation that the defendant would be plainly shown to have been guilty of the crime of adultery. Mr. Conyers went to the door of his wife's chamber, and gave her to understand he was there. The wife, who was inside, asked who was there? He told her that there were robbers in the garden, and that he wanted a candle to go to the garden, and she then handed a candle out to him. She thought by this he had no idea of what was passing in her apartment. Mr. Conyers waited until the other person came up, whom he wanted to secure the defendant. In a second he entered the room with these persons. The door was forced open by them, and they entered the chamber, when they saw the defendant rush out in his shirt from one side of the bed. He was discovered in the act of his guilty intercourse with the unfortunate young woman. He did not content with the offence he had already committed, when an attempt was made to arrest him, he actually used the deadly weapons with which he had armed himself. He snatched at one which burst prime; he presented another, succeeded in securing him, and taking him out of the room. He (Mr. J.) believed that in the course of that operation, he was beaten pretty smartly. He believed that the man who had thus discovered him in their master's room did give him a beating. He did not know whether, upon this fact, a stress would be laid on the other side. He did not know why they should rely on it, unless they went thus far, and said that the defendant was already sufficiently punished by the beating he had got, and that, therefore, there should be but small damages here. He did not think that there was any man upon that jury who would say, that if a husband is attached to his wife, and find a person in the act of adultery, that he is to be much blamed for indicating personal chastisement upon that individual. Rational men could not but make allowance for the excitement of an injured husband's feelings upon such an occasion. It was even admitted under such a state of excited feelings, the law made an allowance for the infirmity of human nature, and even where a life was sacrificed, in such a case regarded at the most but as manslaughter; and those persons, who upon this occasion were employed to secure a malefactor, found in the commission of crime, were quite justified, (particularly if an undue resistance were offered by the use of deadly weapons,) in giving him a good beating. He (Mr. J.) did not think that a good beating would do more than to satisfy the jury's indignation by reason of that castigation. Mr. Westropp withdrew from Castle-town, and went to the house of a brother of his at Ballinistern; there would the jury believe, he had sufficient influence himself, her husband, and her child, to abandon the mansion where she had lived, and repair to the house of her seducer? She went to the house of her brother; she attended him there, and she lived with him afterwards in open adultery. On this occasion, it was unnecessary to tell the jury that they were bound to take into consideration what was the rank and station of the parties. What was the loss the husband had sustained? What it was he was deprived of? What could so near and dear to him as the wife he had chosen, and the mother of his offspring? What should be the retribution to Mr. Conyers, from whom was taken a young and beautiful woman, whom he thought he should have passed his days with as his wife? The jury would consider the loss, the irreparable loss, and the injury to the plaintiff; and that it was inflicted by the guilt of Mr. Westropp, the defendant here. The jury had not only to consider what was the rank and station of the plaintiff, but also what was the rank, circumstances, fortune, and situation of the defendant. It was by taking such matters into their consideration that the jury could alone come to a proper verdict; for that which would, according to a man's merits, be a large verdict in one case would be small, insignificant, mean, and unsafe in another; and that which appeared small in the one case, might be ruinously large in another. Where there was a good property, there should be a large sum given—a sum which would be felt, as a man ought to feel it, who had acted in the manner it was described the defendant had acted here. He (Mr. Jackson) could not (seeing such a jury there, as he did not commonly see upon writs of inquiry, attempt to arouse their feelings, or depict to them what was the wrong done to a husband upon such an occasion. There were amongst these men filling the relations of husbands and fathers, and they had wives and children whom they loved. Such of them as were not married had sisters, and they were all able to estimate what must be the father's feelings, who had thus to appeal to them. This gentleman, who was now before them, must for the rest of his life be a husband, and yet a widower; his home is deserted—he has to take care of a female child, deprived of the protection of a mother—he stands in the relation of a father and a mother to that child; but did the calamity stop there? Is he the only person injured? No. The innocent child—the unoffending female must suffer—a stain and a stigma is cast upon her by reason of the misconduct of her mother. Gossip overers they may—admit it to be as unjust as they pleased—philosophy upon it as much as they liked—still the fact could not but be known to them that the prejudices of the world will be arrayed against the child, and especially the daughter of any woman who has been guilty of her duty, and has been led away by such a seducer as the defendant. It would, he felt, be a waste of time to enlarge upon these topics. He was quite

content to leave it to the jury to say, considering the rank and fortune of the parties, what sum it was, not that Mr. Conyers could receive, but what Mr. Westropp ought to pay, for the mischief he had done, and the misery he had caused. They would consider that gentleman's circumstances, and that he was very much deceived if they gave any £500, and which ought not to be one shilling less, in the verdict they pronounced.  
 Patrick Connors—I know the plaintiff in this action; I know him for some time, about thirteen or fourteen years; Mr. Conyers is a man of fortune; I heard he was in a dragoon regiment; Mr. Westropp, the defendant, is a magistrate; he has a large fortune; he lives at Ballinistern, thirteen miles from Castle-town Conyers; in 1832 Mr. Westropp plaintiff and defendant became acquainted; they knew one another for three years; I saw Mr. Westropp after going to Conyers; I remember meeting Mr. Westropp at a meeting at Ballinistern, that is a mile from Conyers; he was in a tax-cab servant with him; I saw him get out of his gig, and the gig and servant went back; I saw him go towards Castle-town Conyers; I saw him go back way into the garden; I saw him go in the house he was going to; I know it was dark when he was going to; I called two or three boys, and we consulted, and we then went and watched upon Mr. Conyers; Mr. Conyers brought me to his room where his wife slept; he and I went together; he rapped at the door and called for a candle; she refused him at first; he said the garden was robbed, and she then gave him the candle; it was not lighted; after that Conyers burst open the door, and we had then a light; Westropp getting out of bed, and the, too, was going out of bed; he was trying to pull on his black trousers; he snatched one pistol, and he did not give him time to do much with the other pistol; he was beaten rather severely; Mrs. Conyers told us not to beat Mr. Westropp; I never saw her since; but I know she does not live with Mr. Conyers; I have seen Mr. Westropp since; I believe he is in court to-day; Mr. Conyers's daughter is about fifteen years of age; Mr. Westropp is a widower; he has eight or nine children living.  
 Mr. Jackson—He ought to be satisfied with that allowance. (Laughter.)  
 Examination continued—Mrs. Conyers is a young woman; she's granddaughter of Sir Richard Hart, and daughter of Captain Hart; Mr. Westropp was brought off the day after on a cart; Mr. Conyers attended him, and put him on a bed; Mr. and Mrs. Conyers lived happily together.  
 Cross-examined—I am a servant to Mr. Conyers; I live in the house since the mistress went away; Mr. Conyers is on good terms with his servants; he is on good terms with every class; I don't know whether he is better with the servants than with his own class; Mr. Westropp, when we went in, had a case of pistols; I made him snatched a pistol, I thought I should be justified in myself to arrest him, and I gave him a blow on the head with a pitchfork, I did not fall him, but I made another, and then all laid on him; he was dragged down stairs, and hung out to the garden; not a word passed between Conyers and Westropp before I laid on him with a pitchfork; Conyers held a rattle at the door, while we were beating Westropp; all Conyers did was to order the pistols to be taken from him; the young girl was not in the room at the time; she lived at Coorah; until he suspected how she was going on, Conyers lived very comfortably with his wife.  
 James Russell—I know the plaintiff and his wife—the latter very slightly; I was a subscribing witness to their marriage settlement; Mr. Conyers is a country gentleman, entitled to a large fortune; Mr. O'Dell Westropp is a gentleman of and is a man of respectable family.  
 The contents of the marriage settlement were then read by Mr. Hickson. He stated the entire property would come to the young lady whose name was mentioned.  
 Benjamin Maddock—I am clerk of the parish in which Mrs. Conyers did reside; I was present at her marriage with the plaintiff.  
 Mr. Delmage—I am agent to Mr. Conyers; Mrs. Conyers, the wife of the plaintiff, was a lady of very great personal attraction; Mr. Westropp is a magistrate of the county, and he has the Ballinistern estate, and has, I am told, £800 a year.  
 Cross-examined—He has a large family; Mrs. Conyers I thought a refined lady; Mr. Conyers ought not to moments be so very reserved as at towards the conduct of the lady and gentleman etc. Here you not know by reputation that he is a person habitually attached to drinking? I have not seen him so.  
 Case closed for the plaintiff.  
 Mr. Waller, in the absence of Sergeant O'Loghlin, addressed the jury for the defendant. He commenced by regretting for the sake of his client, the absence of his learned friend, and he regretted that they were now obliged to examine witnesses at such a distance from the place where the transaction occurred. He then, he considered, was now in most disadvantageous circumstances, but especially from the weakness of the advocate to whom his case was then confided. The facts of the case were very nearly those which had been detailed by Mr. Jackson; and he (Mr. Waller) had only to add to them some few observations. The *res gestæ* in this case was admitted by the defendant, and so it had been upon the pleading, and he never wished to contest it. The defendant had no desire to aggravate the injury he had inflicted upon the plaintiff by any serious and illigating line of defence. He was sensible of his error—he was convinced of his crime—which was as great, he admitted, as one individual in society could have committed against another. This respect was shown for the feelings of Mr. Conyers, such as they were, for he would not admit that Mr. Conyers had any sensitive feelings; but the feelings of any man still respectful who had the slightest spirit or sensibility to his composition. All that was sought by the defendant, in coming before them that day, was to defend not himself, but his children—that

justice might not be carried too far, nor a punishment inflicted greater than the offence warranted—that the jury, in whose hands the verdict was placed, might not, by excessive damages, sink into ruin a number of innocent, helpless young persons. He (Mr. Waller) was instructed that the property of the defendant had, in fact, a very small property—there being a bill in Chancery for setting aside the defendant; it was free, too, of all settlement, and was totally exposed to their verdict—so that they would, by excessive damages, deprive of sustenance nine children, the eldest of whom was hardly one year of age. Much had been said about the respectability of the defendant, and his being a justice of the peace. The gentlemen of the jury should not let such observations weigh with them—for it very often happened that men of very great respectability had very small means, and that they were families of which might be a justice of the peace, encumbered in point of property, and with very little to support his dignity. The defendant in this case was younger brother, and derived nothing from his father. In addition to these considerations, it was right on behalf of his client to state circumstances which, it was hoped, would weigh with an intelligent jury, and who would regard them as matters that might induce them to mitigate the damages. In the first place, it was intimated that the defendant had, while he was a married man, been intimate in the house of the plaintiff. In the next place, it was stated that there was a breach of confidence and private friendship between the parties. He (Mr. W.) was proud to say he was not the advocate of any such man; the case was bad enough, but it was not so bad as that. The defendant never was the friend of Mr. Conyers—he never was acquainted with him—he never was at his house on terms of intimacy—he never was at his house during the life time of his wife. It was not until his wife died that he became acquainted with Mrs. Conyers. There was no visiting between the two families—the only visits were like the witness, Pat Connors, that unless they were like the witness, Pat Connors, who would go such distances on the same day.—The fact of the case was, there was an old servant—the might be called a friend of the Conyers family, who was taken into the service of Mr. Westropp. She was the confidential friend of Mrs. Conyers, and was in the habit of communicating with her; and it was by this means an acquaintance was formed with that lady, which was the means of bringing all the parties there that day. Under these circumstances, then, their attention was claimed—it was intimated, if by their verdict, they gave heavy damages, they could not then soothe the feelings of Mr. Conyers—if he were a man of fine feelings, it was impossible for any damages to soothe his mind; but if the damages they gave were large they would, so far from doing justice between the parties, reduce a large and happy family to the greatest penury. He (Mr. W.) being personally acquainted with the defendant, could say, that he regretted what had occurred more than any man in the community could do—much more than Mr. Conyers did. If it were possible for sorrow and contrition to amend his fault, or repair the injury, no man felt more than he (the defendant) did; and all he asked now from the jury was, not to impose damages to ruin his family. He was ready himself to live upon any penance, no matter how small it might be; but let not the vengeance of the law fall upon his innocent babes—his crime could be no atonement for their misery. It was in this view alone that he submitted the case to them, and pointed to them how they should measure the damages—it was that they might not let one particle of their verdict fall upon the children. The plaintiff was entitled to his pound of flesh; but not to one drop of the children's blood. He pleaded there not for the guilty but for the innocent—punish the one; but do not bid, up with it the sufferings of the other. Mr. Jackson had adverted to the hearing of the defendant, and it was justified by that learned gentleman. With all deference for him upon that point, he thought that in the rage and fury, the horror and excitement of the moment, it was a pardonable species of homicide in him to slay with his own hand the adulterer; but that was not the case here—it was not the act of the man himself—he did not strike a blow; but he had his hand of hired assassins to execute the vengeance he had not the manliness to take himself. He who did this could not have the feelings of a man. Here, said the plaintiff, I will restrain myself. I did the adulterer in my very chamber, and yet I will stand by calmly; I will not take vengeance myself, but I will see others take it, and I will hold the candle. In small things they could see as perfect traits of a man's character as if the volume of his whole life was unravelled before them. Here they found the plaintiff acting as he was described in his brief: a man fond of low company—disregarding the ties of domestic duty—married to an amiable, a highly accomplished, and a polished female, and abandoning her for such companions as the wretch Connors—the companion, the pimp, who proved the case, for not another witness of the transactions of that awful night did the plaintiff venture to bring forward. If he (Mr. W.) could detail them—but he could not, as he would not be able to substantiate them in evidence, the plaintiff not producing the different witnesses—but, until he was stopped by the other side, he would tell them what were the transactions of that night—one that, for its tell tale, should be blotted out of the year. What were his crimes? Adultery, murder, treachery, falsehood, assassination—every deed that would stain the nature. The man has told you that Mr. Westropp had pistols, and that Mr. Conyers was standing at the door. Will you believe what Connors says—that a man, strong, one of the prime of his strength, would be rushed upon as Connors says he did, with a pitchfork, and disarmed? It is a fable for the fair green of Ballinistern; no man in his senses would credit it. I will tell you how it

occurred. "I see," said Conyers, to Mr. Westropp, "you are here. I only want witnesses, to have a divorce from that wretched and abandoned woman there." He was bringing in his witness, when, seeing that the other was armed, he said, "I will suffer you to depart from the house peaceably. I have no intention of injuring you." The other said, "I am willing to give you the satisfaction which one gentleman could give to another. I confess that I have injured you, and I am ready to stand a shot from you." "Give me up the pistols," said Conyers, "and I pledge you my honour on harm shall be done to you." As soon as the pistols were given up, it was then that Connors's blood began to rise in him. The name is very like that of Conyers, and it is thought there is a relationship. He (Mr. W.) would show, by incontestable evidence, that nothing was left unaccomplished to effect the death of Mr. Westropp—his aim was fixed—his shot was penetrated with the mark of a pitchfork. The assassin who did this was mentioned in the bloody work by the witness who had stood calmly and placidly; who gave out a single blow himself, whose only part was this—a gentleman, breaking his honour, and unlike a gentleman, breaking it. Having treated Mr. Westropp in this manner, he was flying, apparently dead, and wailing man, the guilty partner in his offence, but not lost under his head—it was seen by one of the wretches, and the plaintiff desired it to be dragged from by ladders. This woman, notwithstanding her sin, had a feeling of humanity, and though unfortunate, never existed—the unfortunate woman, seeing that they were about to murder the unhappy gentleman who was stretched, she almost shrieked, having only her chemise upon her, she threw herself across his body, and in that position the fellow with the red head who was on the table here was about to transferee both with a pitchfork, when he was caught by another, and the pitchfork went through the man's hand! She said that their intent was murder, and she declared she would not stir that night from him. She was right in point of law—for that would have been murder in those wretches, though justifiable homicide in Conyers, who had not the heart to do it himself. Yes!—the perseverance of that woman, they would have committed murder on behalf of a man who had not the courage to take vengeance for himself—(Mr. W.) feared he had transgressed upon the jury's patience; but he gave to them the details of the case as he found them in his mind. If the witnesses had been brought forward, who had been present at the transaction, as he anticipated they would, these facts would be shown; though there might be some difficulty in reconciling their testimony, and these witnesses, he submitted, ought to be there, as Mr. Conyers had a property sufficient to bear the expense.  
 The witness then called by Mr. Waller for the defendant was—  
 Mr. Thomas Odell—I am the eldest brother of the defendant; he has had whatever property he had from his father; it was a very small one, and he has disposed of it; he has five children; my brother went into the army in 1814; his wife lived always out of this country; it was on the death of Major Westropp that my brother came to reside in the county Limerick; my brother's wife and Mrs. Conyers were not intimate; a Mrs. Mahon lived with our family for fifty years, and she then went to live with the Conyers, and it was going to their house to get her back that his intimacy with Mrs. Conyers commenced; Conyers and Westropp are relations; it is not a very close relationship; the Ballinistern property was at one time a large one, £23,000 a year; now its rental is but £240 or £247 a year; in the demesne which he has in his hands there are 110 or 125 acres; that property is exceedingly encumbered; I have seen Mr. Conyers very frequently; Mr. Conyers is a friend of mine, and all I would wish to say of him is that he is not a domestic man.  
 Cross-examined—My brother is a magistrate in the county Limerick; he is a very active magistrate; I cannot say that he ever acted at road sessions.  
 Re-examined—I attended my brother for nine weeks; his head was fractured, and there were two bayonet wounds in his body; his life was in imminent danger, so much so that his life was dispensed of for a considerable time.  
 Mr. Woulfe, K.C., replied for the plaintiff. This action, he said, was brought to recover the sum of £5,000 which was laid as damages in the declaration. That sum, he was sure, there was not a juror in that box who would say, upon the case that was proved, that Mr. Conyers was not entitled to every shilling of it, and who would not also declare that Mr. Westropp was only to be excused from paying that sum by his utter incapacity to do so. Topics had been put forward in this case by way of mitigation; and the jury were told not to visit the children with the guilt of the parent. He was not a youth, led away by any sudden gust of passion; he was a man with a family; and a pretty example he set to his children; a pretty example he set to his daughter; a fine example he set to his sons! Could there be anything more outrageous than a gentleman of his experience—a gentleman who had visited every part of the world—a gentleman with a family of nine children, going like an assassin, at the dead hour of the night, travelling a distance of fourteen miles from his home, and proceeding to the peaceful home of another, with the double purpose of a felon, and an adulterer, and with such purposes intruding himself into the very sanctuary of the plaintiff's bed? Was he to be commended? Why, they talked of the poor wretch who broke into their houses for the purpose of robbery—they talked of executing such a wretch, and treating him with lenity when they transported him! And yet, such a man was arrayed at the criminal bar, would they say of him if he had had the feelings of the jury, bring in a verdict, and you, my lord, the judge, do not you pronounce sentence, for I have a wife, I have children, who will suffer if you punish me! The criminal must suffer, and such is the course of





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**The Waterford Chronicle**

SATURDAY, MAY 17, 1834.

**UNITED STATES—MOST IMPORTANT.**

(FROM A SECOND EDITION OF THE LIVERPOOL STANDARD.)

We are this morning put in possession of a copy of the *Washington Globe*, of the 18th April, received by the packet ship *Phœnix*, and containing one of the most important state papers which has ever issued from the American government. It is the protest of the President of the United States against the proceedings and resolution of the Senate upon the all-engrossing question of the revenue connected with the President's measures relative to the Bank of the United States.

The protest of the President was delivered to the Senate, by his private secretary on the 17th of April. It was read, Mr. Foote moved that it be not received. Upon this motion a debate took place, which terminated in the usual hour, when the Senate adjourned. The protest is well known to us on the receipt of the *Washington Globe* from that quarter.

**PROTEST.**

TO THE SENATE OF THE UNITED STATES: I have the honor to inform you that a resolution was passed by the Senate on the 15th of April, 1834, which, in my opinion, is a violation of the Constitution of the United States, and which, in my opinion, is a violation of the Constitution of the United States, and which, in my opinion, is a violation of the Constitution of the United States.

Resolved, That the President, in the late executive proceedings in relation to public revenue, has assumed to exercise authority and power not conferred by the Constitution and laws, in derogation of both.

Having had the honor, through the voluntary suffrages of the American people, to fill the office of President of the United States, during the period which is now presumed to have been referred to in this resolution, I am sufficiently convinced that the measure is unjust, and that it is a violation of the Constitution of the United States.

I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States; and will to the best of my ability, protect and defend the Constitution of the United States.

The duty of defending, so far as in him lies, the integrity of the constitution, would have resulted from the very nature of the office, and by thus expressing in the official oath of affirmation, which, in this respect, differs from that of every other functionary, the founders of our Republic have attested their sense of its importance, and have given to it a peculiar solemnity and force.

Resolved, That the performance of this duty by the President, is a duty which is imposed upon him by the Constitution of the United States, and which, in my opinion, is a violation of the Constitution of the United States.

The President, in the late executive proceedings, has assumed to exercise authority and power not conferred by the Constitution and laws, in derogation of both.

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**THE "STRIKES" IN LONDON.**

We are happy to find that these foolish demonstrations which gave so just and general a ground of apprehension are nearly at an end. The force has been kept up sufficiently long to show that no party can hope to be the gainers, and that in nine times out of ten, the blow rebounds innocuous from the masters, only to fall with treble violence on the heads of the operatives. The London tailors eager to vindicate the dignity of their order, and not willing to be left behind in the race of combination, are the last upon the list of strikers; and yet even the "fraternal of humanity" are beginning to perceive their error, and to retract their injudicious steps. It is well for themselves that they do so, for their services, necessary as they may seem to be in fashioning "the human form divine" were being to be dispensed with, and the gentler sex had already commenced to usurp their place of power on the lap board.

We find by a London paper, that a crowd of persons were collected the other day about a shop window to witness the extraordinary phenomenon of a gentleman's coat put together and totally completed by female hands, and that the curious in these matters were particularly struck by the elegant execution of the collar, which is considered to be the most difficult portion of the tailor's craft. In addition to this disheartening circumstance the fond appropriation to the support of tradesmen during their heroic secession, is exhausted, and instead of ten and a stripe a week, which they were originally promised, they are now put off with a pittance which scarcely suffices to keep soul and body together. Even this must soon cease, and perhaps it is in anticipation that they have prudently resolved to return to their work. They have received, however, a wholesome lesson; they see that their labour can be done without, and that the union of the masters is more than a match for the combination of the journeymen: such is the result of every project, built upon a similar basis.

"April 15, 1834." "ANDREW JACKSON."

In discussing the result of this important document, we come back to the conclusion that the American affairs is fast approaching; and we wait, with no small degree of curiosity, the result of the discussion which is going forward in the senate when these accounts left.

**FRANCE.**

(FROM THE COURIER OF WEDNESDAY.)

The Paris Papers of Sunday contain nothing more interesting than the trial of the *Messager* and of M. Gervais for defamation. The action was brought by the Prefect of Police, M. Gispard, on account of some observations inserted in the *Messager*, of which M. Gervais was the author. The parties suffered judgment to go by default, and M. Gervais was sentenced to six months imprisonment, and the editor of the paper to three.

We learn from an article in the *Messager*, that M. Gervais, who was to defend that journal, was unable to attend on account of weakness, and that he is affected with a disease of the chest, which incapacitates him from great exertion. The French Chamber has lately been chiefly occupied with the Budget, nine millions and 8,531 francs, or about £40,300,000 sterling. This sum was voted by 211 to 70. The French will not have any more to receive, we are afraid, in the chrysees of the Revolutionary Government. From these journals bring no later news than we had before received, but they contain no confirmation of the report that disturbance had taken place in Madrid.

**THE PENSIONING OF THE CLERGY.**

After a close consideration on the subject we have no hesitation in again declaring ourselves opposed to the pensioning of the clergy. At present there is little probability that the question will be seriously mooted, much less carried into execution; the first appearance of such a design would be the signal for dissenting meetings and petitions from the great body of the clergy. The Irish Bishops have expressed no public opinion on the subject, but we have reason to think that the majority of them are opposed to the innovation, and that they will be guided by the concurrent feelings of those whom they are sent to guide. It would, we grant, be a mighty source of gratification to the ministerial side to see those men who have been hitherto dependant on the spontaneous offerings of the people, now looking to the opposite direction for favor and support—to behold the strongest link severed in the chain which unites the pastor to his flock, and to have the opportunity as well as power of rendering the former totally unconnected with the good or ill opinions of the latter. But this is a consequence which all who are conversant with the state of things in Ireland will be careful to prevent. Hitherto the Catholic poor of this country have been ministered to in sickness and want, and suffering, their desire of vengeance has been moderated in the hour of examination, and their undoubting confidence in their temporal as well as spiritual adviser has sprung from the knowledge that their own good could be the only object or the only interest he had in view.

But if they knew that the government was his treasury, and the ministry his headquarters, would this be the case? We venture to say that it would not; the fear is that the peasantry might gradually begin to look on their clergy with the same eyes that they have generally regarded all pensioners on the legislature, and we are bound to say that with their influence would be lost one of the strongest holds which we have in the good order and security of the state.

**EMIGRATION.**

Yesterday morning, the *Commodore*, Captain Howland, cleared out and dropped down to Passage, whence she will sail this day for St. John's, Newfoundland. She had twelve passengers on board. The emigration season is now completely drawn to a close in this port; and we find by the official returns that no less than 16,753 individuals sailed from Waterford for various parts of North America. Besides this number we have been informed that at least 500 passed through this city on their way to Liverpool, to take shipping there for the United States.

**SEPARATION OF CHURCH AND STATE.**

On Monday last one of the most numerous meetings that has taken place for a long time in London, was held at the London Tavern for the purpose of considering the propriety of petitioning parliament for a separation of the church and state. Mr. House, M.P. presided. The speakers were the Rev. Mr. Fox, (a Dissenting clergyman), Mr. Buckingham, M.P., Dr. Bennett, (a Protestant clergyman), Mr. Van Lint, of Nottingham, Mr. Wirt, Mr. Gibson, the Rev. Mr. Storey, (a Protestant clergyman), Mr. O'Connell, M.P., Mr. Coghlan, &c. &c. A series of resolutions was passed, declaratory of the injury inflicted on the church by its pernicious connection with the state.

**CORPORATION APPOINTMENTS.**

On Thursday a meeting of the members of the Corporation was held in the Council Chamber at the Town Hall, when the following appointments were made:—Edward Hobson, Esq. to be Alderman, in room of Alderman Harry Alcock, removed. Edward Roberts, Esq. to be Common Councilman, in room of Cornelius H. Bolton, Esq. removed. Alderman Evelyn, to be Charter Justice of the city of Waterford.

**CLOSE OF THE DUNGARVAN ELECTION.**

Dungarvan, Friday. Although this important election has completely terminated, the booths were absurdly kept open up to the last moment, although it was manifest even to the unpopular candidate, that he could not, by possibility succeed in even polling down the majority. The poll, at its final close, stood thus:—

Jacob ..... 293  
Barrow ..... 263

Majority ..... 21

But this is by no means to be taken as the *forte* of the repealers in Dungarvan. The object of Mr. Jacob's committee, after the second day, was, to close the booths, their majority being certain, and the continuance of the polling being attended with considerable necessary expense. There were, however, about seven electors in town, and twenty at sea, who could, if requisite, be brought up to sustain the popular candidate. Besides about six of those who before voted for Mr. J. died in the interval. So that, were all those who would have voted for him had it been required, he would have polled upwards of 50. This, in a large majority, is a sufficient refutation of the charge of bribery at the preceding contest. It is not even true—one has had the hardihood to insinuate that a single *bracket* elector voted for Mr. Jacob this time, while, as I already stated, he was living within the reach of his committee to place him in a larger majority than he before was returned by. When the state of the poll was announced yesterday evening, the joy of the honest people was unbounded. The barrels blazed in the evening all through the town, and the utmost hilarity and good humour prevailed up to a very late hour. Mr. Jacob's friends did not deem it advisable to distribute even a pair of small beer, "treating" was one of the charges against Mr. Jacob at the former contest, his friends were determined not to give any handle to the enemies of the country during the present glorious struggle.

This morning at 10 o'clock the Seneschal declared Mr. Jacob to be duly elected to represent the borough of Dungarvan; and never did a declaration receive more warm-hearted and enthusiastic reception. The honorable member rose amid rapturous and long continued cheering to return thanks for the high honour which, unbought, the independent electors had a second time conferred upon him. Despite of bribery and all manner of contemptible and treacherous opposition, he was, he said, again their freely chosen representative, and, unlike others, they should never be betrayed or deceived by him. (Loud cheering.) After alluding rapidly to the recent contest, Mr. Jacob and his friends, followed by the dense multitude that were gathered in the hall, retired to his Committee rooms, from the balcony, erected at one of the windows of which, the crowd was eloquently addressed by Mr. F. O'Connell, M.P. Mr. Carberry also spoke, and in the course of his address showed that the electors were not so much obliged to the Duke of Devonshire. For thirty years, during which twenty contests occurred, his Grace had the power through those electors who occupied the tenements built by him at an expense of £20 each, to influence the county Waterford election, and actually to send any nominee of his into Parliament for the borough. This was a full repayment of any obligation under which it might be supposed they lay to his Grace. It was said that the Duke would oppress those electors who voted for Mr. Jacob. This was a gross libel upon the Noble Duke's character. He (Mr. C.) had already shown that it was impossible the Duke could be at all interested in the struggle between the popular candidate and the friend of Mr. John Matthew Galwey. But even were otherwise, he (Mr. C.) defied the Duke to put his engines of oppression now in play. 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