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IMPERIAL PARLIAMENT.

HOUSE OF LORDS.—FRIDAY, JUNE 27.

BRANCH OF PRIVILEGE.

The LORD CHANCELLOR said he was all set to take a step, which he had done in the year 1820, being a member of either house of parliament, he had thought of adopting. He went now to bring before their lordships a branch of the privileges of that house, which he committed to himself, he asserted their lordships, nothing but an absolute, and he must say an overruling necessity could induce him to condescend to notice; for where the greatest, the most audacious falsehood, had been resorted to, he thought he might venture to say that it would be perfectly safe for him to have treated it as it deserved, with contempt. But when their lordships had seen what he was about to lay before the house, they would perceive that no choice was left to him on the present occasion. He understood that, in the name of the house, there had been going on for the last six or eight months a series of similar systematic attacks against him—attacks directed to one object—namely, to impeach him in the court of chancery—his whole judicial conduct in that house, and when the authors of those calumnious statements were convicted of falsehood—when it was shown that the business of chancery was not in arrears, but on the contrary, that business was at no less an ebb than he was able to close the court, except with reference to two special cases, until the month of October next (an event which had not happened before)—when likewise it was discovered that all the charges against him uttered in this house were just as ill-founded—when those who pursued this system of misrepresentation found that all these manifold falsehoods were untrue, they invented another ground of attack—somehow more severely bearing on his character as a judge and a member of their lordships' house. (Hear, hear.) A case was tried in that house, when the learned judge was present, and, without calling on the other side for an answer, an immediate and unanimous decision was given against the appealing party, who had rested his claim on the construction of a point of law. He (the Lord Chancellor) moved for the judgment of the house, and on the occasion he gave a very strong opinion, an opinion which he then thought right, and to which, on further and more mature consideration, he most firmly adhered. He thought at the time, and he still thought, that a more groundless, a more ill-supported writ of error never was brought before that house; and, under such circumstances, he felt that the lordships, in justice to the other party, were called on to dismiss the application with costs, which costs not exceeding £350. No other thing was said, and no other thing was done in the case, except what was customary. The entry was regularly made, nothing was altered, nothing was suppressed in this case. Having then opened the business, he should now read to their lordships the article which induced him to take this step, and their lordships would see that it contained a grave accusation against him as a judge, giving judgment in, and presiding over, their lordships' judicial proceedings; it was that he had given, had garbled their lordships' proceedings, and falsified the entries on the proceedings. The part of the article to which he referred was thus introduced:—“These circumstances are already, perhaps, known to, and remembered by, our readers; but what follows will surprise them, however familiar they may be with Lord Brougham's eccentricities. The *Morning Herald*, which contains the fullest report of Lord Brougham's speech in moving the judgment of the House of Lords upon the case, states that Lord Brougham concluded in these words:—‘I move, my lords, that the judgment of the court below be affirmed with costs not exceeding £350.’ and the *Morning Herald* proceeds to tell us that the judgment was so affirmed—accordingly. The *Morning Herald* is not alone—the *Spectator*, the *Standard*, and other writers, all concur in asserting that Lord Brougham moved that the judgment be affirmed accordingly. Now how do we find the motion of Lord Brougham and the acquiescence of the house recorded in the journals of the House of Lords?—‘That, Sir Solarte v. Palmer, further considered, and judgment thereon POSTPONED sine die. It is intimated that the lord chief justice bled to the lord chancellor much too plain for doubt, appeared to the lord chief justice much too dark for certainty? It is true that a friendly functionary bled to Lord Brougham that he had formerly been counsel in the cause on which he was now judge, and that he had strongly advised the course in the one capacity, which he coarsely commended in the other? It is not true. The hint is given in the question that I have been counsel in the case at a former period, but it is not true that I was counsel in it at that stage of it when such advice could be given. The next question is, ‘Is it true, that upon the one hint, or the other hint, or both hints, Lord Brougham prohibited the insertion upon the journals of the house of the motion which had been made by himself, and the name which had been given to it by their lordships?’ My lords, it is utterly untrue—scandalously false—wickedly libellous and slanderous—no any body who knows anything of the manner in which entries of judgments are made upon your lordships' journals. But, my lords, see my lords, how dangerous is a little learning. (A laugh.) If this man, whoever he may be, had any more than a slight and very imperfect knowledge of the practice of this house as to entries of judgments, he would not have got the unfortunate publisher of this paper (the *Morning Post*) into the situation in which he is now placed. My lords, on looking to the journals, it will be found, that when judgment is given, an order is made for a certain sum as costs; that is, that the costs are not to exceed that sum; but they may be much under that sum, and therefore it is the business of an officer of the house to ascertain what the costs are, and then the judgment is entered with the exact amount of the costs, as ascertained by that officer. This is an improvement upon a former practice of your lordships' house, for according to that practice the judgment was entered with a certain sum for costs, which sum might fall short of, or be over, the exact amount. The judgment is considered as postponed until that amount is ascertained (cries of hear, hear), though it must, as a matter of course, be pronounced before the inquiry can be made as to the costs. My lords, the gentlemen whose business it is to make those entries, made the one in this case in the usual way. They never received any intimation from me of any kind as to the way in which it should be done. (Hear, hear.) In fact, my lords, I had no intimation of any kind to give. There has been here no deviation whatever from the ordinary practice. You now, my lords, see the plan adopted by those mal-adroit adepts in slander, those blundering libellers, who with all the malignity of the most venomous reptiles, want that common instinct of other animals which nature has endowed with similar poisonous qualities, of keeping themselves as far as possible from danger. In striving to wound in this instance they have succeeded in turning their malignity upon themselves; and all the disposition to injure, but with only a half-knowledge of the way in which they should go about it, they prime their agents with their information, get some journeyman who puts it into writing for them, and in this way send forth the most gross and slanderous libels. For the reasons I have already stated, I have felt it necessary to bring the case before your lordships, but not from any personal feeling of my own. It has been my practice in giving judgments in cases of appeal to state my reasons, whether those judgments were for affirming or reversing the decisions of the courts below. The practice heretofore was generally, I believe, for the Lord Chancellor or the lord sitting as speaker to state his reasons only when the decision of the courts below was reversed. I thought it would be more convenient to the parties themselves, to the counsel employed, and to the courts below, that whichever way the decision of your lordships' house was, the reasons for it should be assigned. But it is said that I pronounced a decision as judge very different from the advice which I had given as counsel. My lords, that is not the fact. Yet, even if it were so, I hold, and it is universally held by the bar, that a judge is in no degree bound by the opinion he may have given as counsel—(hear, hear)—and if I had given an advice as counsel, I should not feel that I was at all bound by that advice, if upon a full and more mature consideration of it as judge, I had reason to take a different view of it. The case came afterwards to be argued in the exchequer chamber, and the judges gave a clear and unhesitating opinion upon it, without one dissenting voice, thus deciding that the letter sent by the endorser to the endorsee was not a due notice of the dishonour of the bill. But, my lords, it is further said that I advised the appeal to this house, against which I subsequently decided.—Now, I will show to your lordships, in a very few words, that this statement is untrue, and could not be true by possibility. The case was argued in the exchequer chamber on the 7th of May, 1831, the appeal to this house against that decision, which affirmed the judgment of the court below, could not by possibility be made to this house until after that decision. Now, your lordships will recollect that at that time I had been seven months a peer, the speaker of this house, and chancellor, when I could not by any possibility have given any advice as counsel. The noble and learned lord here entered into some of the arguments which he had used in his judgment in the case of ‘Solarte v. Palmer,’ and contended that the appellants had failed to show any good ground in support of his case. In bringing this case before your lordships' notice, I felt that I should not have treated you well if I had not stated these circumstances fully. It is unnecessary for me to repeat that I heard nothing from my noble and learned friend the lord chief justice against the view which I took of it—that I got no hint from a ‘friendly functionary’ to induce me to amend my judgment. I had no interest either way. If there were any bias on my mind, it might be supposed to be rather in favour of Mr Solarte, who was my former client, and whose counsel I was at the commencement of the case, and whose

counsel I had been in several other instances.—My lords, I must say that there would be an end of the due administration of justice—there would be an end of the dignity of this house, and the utility of your lordships' jurisdiction as a court of appeal in the last resort if for a moment any personal feeling should be allowed to cross the path—the ought-to-be shades less path—the pure, bright, unshaded path—which our ancestors have ever taken in the administration of justice. That time my lords, I trust, will never arrive. God forbid it ever should, for if it should, there would be an end, not merely to the judicial character of this house, and with it its existence as a branch of the legislature; but, my lords, let me add, that if when those things I have stated are proved, there should appear from any sinister motive any disposition in any quarter to uphold the authors of such attacks as these, or to afford them shelter or give them any encouragement, or to speak for them, I fear we shall have then arrived at the verge, if not actually got within, the precipice of which I have just now essayed to give your lordships a prospect, though, I trust, a very distant one. (Hear, hear.) My lords, I felt that I should not be doing justice to your lordships' house, and to the station which I have the honour to hold in it, if I did not bring this case before you; for my own part, I repeat that I have no other feeling than pity for the poor wretch who has thus been urged to his own undoing. I am almost inclined to think it is making too much of it to notice it at all; I did so for the reasons I have stated; but, God knows, I myself have no personal feeling in the matter; I shall therefore leave it in your lordships' hands.—I shall not make any motion on the subject.—(Cries of ‘Move, move.’)

EARL GREY said, that after what had been stated by his noble and learned friend, he did not think they would be doing their duty if they did not bring the publisher of this libel to the bar of the house; but first of all it was necessary that he should move for the paragraph which his noble and learned friend had read was a gross violation of the privileges of that house. That, he presumed, was a motion which not one of their lordships would dispute.

THE MARQUIS OF LONDONDERRY congratulated the noble and learned lord on the weakness, and the noble earl opposite, on having at last made the discovery that the press of this country was capable of making attacks on the character of that house, and that the attempts which were making to vilify the house of peers must be taken notice of.

THE DUKE OF WELLINGTON entirely concurred in the opinion that the publication which had been brought under the notice of the house was libellous, and approved of the motion which had been made by the noble earl opposite. But, notwithstanding the paucity which had been pronounced by the noble and learned lord on the weakness of that house, he must say that he had himself been misled by the entry which had been made in the votes.—That judgment was postponed.—Whether this ought to be considered as any extension of the offence which the party guilty of this gross breach of privilege had committed was another question, but he thought it fair to state the circumstances to their lordships.

THE MOTION WAS THEN PUT AND AGREED TO.

EARL GREY then moved that Thomas Payne, whose name appeared on the paper, as the printer, do attend at the bar of the house on Monday next.

THE EARL OF MALMESBURY suggested that the printer should attend to-morrow as it was understood that the house would sit.

IT WAS THEN MOVED AND AGREED TO THAT THOMAS PAYNE SHOULD ATTEND TO-MORROW, AT HALF-PAST THREE O'CLOCK.

ON THE MOTION OF THE MARQUIS OF CLANRICARDE, THE SECURITIES (IRELAND) BILL WAS READ A SECOND TIME.

THE MARQUIS OF CLANRICARDE then rose to move that this bill be committed. He was unwilling to complain of the inefficiency of the present law relative to places of theatrical amusement.

THE BISHOP OF LONDON said that though he had voted against the bill of last year, he did not intend to give to the present measure any active opposition.

LORD SEGRAVE, in alluding to the changes which the public taste had undergone, and the decline of the drama, observed that at the present moment there was but one writer possessing real dramatic power—he alluded to Mr. Sheridan Knowles; and even if there were other living dramatists, actors could not be found to give effect to their productions. He should therefore move that it be committed that day six months.

THE GALLERY WAS THEN CLEARED FOR A DIVISION, WHEN THERE APPEARED—

FOR THE AMENDMENT, 23
AGAINST IT, 8
MAJORITY FOR THE AMENDMENT, 15

THE BILL WAS ACCORDINGLY LOST.

THE HOUSE THEN ADJOURNED TILL TO-MORROW.

HOUSE OF COMMONS.—FRIDAY, JUNE 27.

THE SPEAKER took the chair at the usual hour. Petitions were presented by Mr. Blackburn, from Huddersfield, in favour of the restoration of Captain Acheson, dismissed the service, praying to be exempt from attendance on Roman Catholic ceremonies; by Sir H. Parnell, from Dundee, and Forfar, in favour of a separation of the Scottish church from the state, and a restoration of the act of 1712.

REPEAL OF THE UNION.

MR. F. O'CONNOR presented a petition from Mr. J. Lawless, of the city of Dublin, on the subject of the repeal of the Union. The hon. member said that, although the question had gone out of fashion in that house, yet, as the petition was so well drawn up, and as it emanated from an individual who knew as well as any others in the empire the resources and capabilities and feelings of Ireland on the subject, he should trouble the house with reading it for them. The hon. member then read the petition, which is as follows:—

That in common with the great majority of his countrymen, he has read with the deepest sentiments of sympathy the determination of your honourable house not to renew the effects of the legislative Union between England and Ireland on the trade and manufacture, the comforts and happiness of the people of

That the circumstance of not seeing more than one Englishman disposed to perform an act of common justice, namely, to ascertain by rigid and impartial examination into the truth or falsehood of Ireland, as made by the friends and opponents of repeal, has most naturally impressed the mind of Ireland with the conviction that from a tribunal who could thus reject her most reasonable and respectful prayer, no justice can be expected; that she must look to herself and her energies for emancipation from that state which leaves her at the mercy of a power which is eternally professing kindness, and in the same moment inflicting laws which tend to perpetuate all the rancorous and malignant feelings which she has long and cruelly and unavailingly endured. This is the effect on the mind of Ireland of the late determination of your honourable house; and to prevent that feeling taking deeper root, and to restore the House of Commons to the confidence of the Irish people, your petitioner respectfully hopes that the doers of your honourable house will ere long direct against the provisions of Ireland for the restoration of that principle which she still consecutively and firmly holds, and alone calculated to give peace and happiness to her people, so securely to property and life, and the perpetuity to the energies for emancipation from that state which leaves her at the mercy of a power which is eternally professing kindness, and in the same moment inflicting laws which tend to perpetuate all the rancorous and malignant feelings which she has long and cruelly and unavailingly endured.

Your honourable house must be aware that Ireland has not taken up the question of repeal for the last three years as a mere temporary expedient, or as a means to an end; but impressed with the conviction that the restoration of the rights of Ireland, and the consequent residence and enjoyment of her nobility and gentry, can alone raise the trade and manufactures of that country from the depression under which they now suffer, she has perseveringly and firmly held, and alone calculated to give peace and happiness to her people, so securely to property and life, and the perpetuity to the energies for emancipation from that state which leaves her at the mercy of a power which is eternally professing kindness, and in the same moment inflicting laws which tend to perpetuate all the rancorous and malignant feelings which she has long and cruelly and unavailingly endured.

