The WATERFORD Mail.

And GENERAL ADVERTISER for the Counties of WATERFORD, WEXFORD, TIPPERARY, KILKENNY, and CARLOW.

"This is not the Cause of Faction, or of Party, or of any Individual, but the Common Interest of every man in Ireland."

WEDNESDAYS AND SATURDAYS.] WEDNESDAY, MARCH, 30, 1825. [VOL. II.—No. 65.—PRICE 5d.

VERY IMPORTANT CASE.

CLONMEL, MARCH 21.

John Rourke, Plaintiff—Sir Robt. Waller, Bart. and Thos. R. Pepper, Esq. Defendants.

[From our Special Reporter.]

The following Special Jury were selected by ballot:—James Butler, Ambrose Going, Edmund O'Meagher, James Roe, Arthur Riall, John Smithwick, Clement Sadleir, Kingsmill Pennefather, Robert Croker, Charles O'Keefe, and Stephen O'Meagher, Esqrs.

Mr T. B. C. Smith opened the pleadings, and stated, that this was an action for a trespass and false imprisonment, to which the defendants had taken separate defences, and had pleaded the general issue. The damages were laid at £500.

Mr John Richards stated the case for the plaintiff, and detailed the facts in a most luminous and impressive speech, of which the following is an outline:—He stated that on Sunday, the 18th of January, 1824, the plaintiff and several others, whose names should afterwards be mentioned, attended at their place of worship, the chapel of Toomavara, in this county. Toomavara is a small village about seven miles from Nenagh, and is a station for a party of police. After divine service, the plaintiff and his comrades repaired to a public house in the village to refresh themselves and to converse with their friends. He (Mr R.) did not know whether this would be imputed to his client as a crime, but for his part, *he* was not so rigid a moralist, as to view it in so severe a light; perhaps it *would* have been better they had not gone—perhaps it would be better if they sought for their enjoyments in their own houses, and spent what little money they had for indulgence in the bosom of their families; but then it must be recollected that at the period he was speaking of, the Insurrection Act was in force in that part of the county of Tipperary; that necessary but severe law had unavoidably abridged the humbler classes of a great portion of their liberty, and confined them constantly to their houses. But he would not dwell upon the subject; be it or be it not a crime, the plaintiff and his companions had reason too soon to regret it; for, after they had been there a very short time, to their utter astonishment and surprise they found their festivity interrupted by the entrance of the police, and the entire party, fifteen in number, instantly made prisoners. They were wholly at a loss to account for such a proceeding; no cause was assigned, and they were conscious of doing no wrong. They were sitting in an open house, in a public house, accessible to every body, and directly opposite to the Police Barrack. However their conscious innocence sustained them, and though a large party, they quietly and peaceably submitted, as became them, to the authority of the Police. The whole party were accordingly secured and confined in the police barrack until the following day, (the 19th,) when they were brought before William Pepper, one of the defendants a Magistrate of the County; from him they expected protection; but instead of asserting their right to their liberty, he approved of their detention, and authorized its continuance: by his directions they were transmitted to Nenagh, tied and bound together like common felons, and marched under an escort of police, a distance of 7 miles through the most public part of the County. On their arrival at Nenagh, they very naturally employed a professional agent to defend them, in case any charge should be brought against them; fortunately for them the 21st of January was at hand, on which day a Special Sessions was to be held under the Insurrection Act. They were on that day brought up from the Bridewell along with the other prisoners for trial, and their names entered by the clerk of the Peace among the prisoners to be tried; on that occasion it will be proved that the two defendants were sitting on the Bench as Magistrates, and forming part of the Court. Wm. Blacker, a King's Counsel, was the legal officer presiding as head of the Court; a most intelligent and impartial Magistrate, who administered justice with firmness and moderation. Mr Blacker, on reading the informations, said to the other Magistrates, and amongst them the defendants—"Why, really Gentlemen, these informations do not charge any offence against these men at all; but if they do charge an offence, it is certainly not one falling within the provisions of the Insurrection Act, which I have to administer, and therefore I have no jurisdiction; they cannot be tried." After the business of the Insurrection Sessions was over, and all the other prisoners, (save plaintiff and his 14 companions) were disposed of, and after Mr Blacker had retired, Mr Lanigan their agent, applied for their discharge to the two defendants, who had signed their committal. Sir Robert Waller had been induced by Mr Pepper to join in his acts, and so rendered himself liable for the consequences, and it would be for the Jury to decide what those consequences should be. The defendants positively refused to allow the prisoners to be discharged. Bail was then proposed to be given for them; this also was refused, and they were left in custody all that night (the 21st). Early the next morning, however, a communication was made to the goaler by Mr Pepper, that he would attend at the Court-house at 2 o'clock on that day to take bail. But mark the insincerity of this promise to bail—he at the same time privately cautioned the gaoler not to give any copy of the committal to the parties or their agent; but the gaoler had given a copy before he received this caution. The committal is clearly illegal. Here Mr Richards read the committal which stated—"That the prisoners were charged on the oath of George Warren, with being assembled in the town of Toomavara, on Sunday the 18th of January, FOR SEDITIOUS PURPOSES, as said George Warren THINKS and BELIEVES." Thinks and believes! His Lordship will tell you that this warrant is clearly illegal; but to resume—Mr Lanigan, having heard that Mr Pepper was about to bail the men, attended at the appointed hour on the 22d. Bail was offered, but Mr Pepper refused it, unless they would give bail to attend at the next Special Sessions that should be held under the Insurrection Act; but would not take bail to attend to take their trial at the General Quarter Sessions or at the Assizes; the men were remanded to gaol, in consequence of refusing to give bail under the Insurrection Act. At the expiration however of about an hour, the men were again brought up and asked whether would they prefer remaining in gaol for a month or give bail to be tried under the Insurrection Act; at length, however, they were set at large, having given bail in £10 to stand their trial at the ensuing [illegible]. They *did* attend at the Assizes, but no indictment was preferred against them, and they were discharged at the Spring Assizes, of 1824 by proclamation, after having been detained *three* days. Application was made to the Judge who presided in the Crown Court for a copy of the informations, which had been sworn against them; the defendants opposed that application and the Judge refused it, on grounds of public policy.

Mr Richards then said, he was about to lay before the Jury another ground of impeachment against the defendants. He was going to state subsequent facts, in which Mr Pepper took a most active part, and which would go to shew the *quo animo* with which he had acted in the former transaction, and which would show a spirit of malicious and vindictive prosecution.—It did so happen that the plaintiff has since been tried under the Insurrection Act. This Action was commenced early in the month of October last, and, shortly after the action was commenced, it did so happen that plaintiff was arrested under the Insurrection Act—and by whom?—By Wm Pepper, one of the defendants! Constrained no doubt by a strong sense of public duty, and forgetting, perhaps, his situation as a defendant, in this action, he had the *generosity*, the *good-feeling*, and the *good taste*, to go himself in person to the house of the plaintiff, his opponent, and cause a search to be made in a particular part of the thatch of the gable end of his house for military stores! a few bullets were found—'tis said, they who hide can find; but do I accuse Mr Pepper of that? no—but I do accuse him of giving too ready an ear to some malignant designing impostor, who sought to ingratiate himself into his (Mr Pepper's) favour, by making up a case under the Insurrection Act against the plaintiff, which would get him transported—who thought he could serve Mr. Pepper by getting the plaintiff out of the way. Had Mr Pepper reflected he would have said, no, I shall take no part in this business, any thing I do may be attributed to improper motives; I will not cause the administration of Justice to be even suspected—however, he thought proper to act otherwise; he ordered him to be arrested; he was brought before the Court of Special Sessions, at Nenagh, and tried under the Insurrection Act before Mr Blacker, and on this occasion Mr Pepper and Sir Robert Waller both sat as Judges, to try the plaintiff, but fortunately there were others on the Bench, and before the case was half gone through, Mr Blacker declared that it was manifest that the bullets had been placed in the thatch of plaintiff's house by some malignant and designing enemy; and accordingly plaintiff was discharged.—Mr Richards concluded by saying, Gentlemen of the Jury, I have dispassionately stated to you the facts of this case. I have not pressed into my service any *factions* or irritating topics I put it on the broad legal Constitutional grounds, that the liberty of the plaintiff has been invaded—that though charged with no crime he has been persecuted and incarcerated, and I rely upon a Jury, such as I see before me, to protect the oppressed and poor man and to punish the defendants who have invaded the liberty of a fellow-subject without any legal or proper authority.

EVIDENCE.

The notice of intended action by Plaintiff, pursuant to the Statute, was admitted by Defendants' Counsel, as also the service of the writ.

The first witness called was—

Strongman Switzer, examined—Is keeper of Nenagh Bridewell; recollects Rourke the plaintiff having been given into his custody on the 19th January, 1824; produces committal; proves the hand-writing of both the defendants' signature to the committal; plaintiff discharged on the 22d; a Session held on the 21st under the Insurrection Act; plaintiff and his companions brought up for trial under Insurrection Act, with the other prisoners on the 21st; not tried; brought to the Dock before defendants on the 22d, and after half an hour sent back to Bridewell; brought up again in about an hour, and then discharged; fourteen others with him; brought to him by a guard of policemen: some with handcuffs: some tied with ropes. Mr Pepper had communications with witness; Sir Robert Waller and Mr Pepper both looked at the committal; Mr Pepper asked if it would be legal to refuse giving a copy of committal; replied it would *not*; produced the Act of Parliament, and said he *could not* refuse it; prisoners brought to witness at 12 o'clock on the 19th, and were discharged between three and four o'clock on the 22d; two were bailed on that day in the absence of their agent Mr Lanigan, and discharged in open Court; Mr Pepper bailed them; Mr Lanigan told the others that if they took his advice they would not give bail under the Insurrection Act, and asked why they were not tried the day before when ready; plaintiff was on a second occasion in witness's custody, 24th October last, under Insurrection Act; remained in custody till the 1st January. This second committal was signed by Mr Pepper, but *not* by Sir Robert Waller.

Here the defendants' Counsel objected to any act of *one* of the defendants, subsequent to the cause of action, being given in evidence to prove malice, so as to affect both.—The objection was acquiesced in and the evidence withdrawn.

Cross examined—Police always bring prisoners handcuffed; no difference between plaintiff and his companions, and any other prisoners; saw plaintiff when committed the second time in last October; conversed with him; asked plaintiff if he was one of the men who served defendants with latitats; said, if there were latitats served, he knew nothing about it.

Martin Lanigan, examined—Is an Attorney; recollects January 21, 1824; Court was sitting under Insurrection Act; attended Court that day; both the defendants were on the Bench; plaintiff not called on trial; name in the list of prisoners to be tried; waited till all the other business was gone through; applied to Mr Blacker to have plaintiff and fourteen others put on their trial, or else discharged; this was in presence of *both* defendants; Mr Blacker, said it was not a "*Sequitur*" that they should be discharged, if not tried; witness pressed his application; Mr B. said, they could not be tried before him under the Insurrection Act, and added "that having no jurisdiction, he could not try them and therefore, had no right to discharge them, but would leave them in the hands of the Magistrates who had committed them, to do what they liked with them;" witness waited in Court till Mr Blacker had retired, and the Court of Special Sessions broke up; took a copy of the committal; went across the table to Sir Robert Waller; shewed him the copy with his name to it; told him he was ready to give bail for the men; Mr. Pepper not within hearing at the time; was in an inner room; the door was open, but does not think he could hear; Sir Robert called out Mr. Pepper; witness again offered *both* defendants, to give bail, and requested they would take it; but both refused; then asked defendants with what offence the men were charged; Mr Pepper said he would not tell; nor bail them; prisoners not present: on the 22d saw Mr Pepper at Court-house door first; told him he heard he *would* bail the men; said he could not say; not on the Bench at this time; 'twas a Thursday, a Petit Sessions was held on that day; remained a considerable time, in order to give bail: nothing done whilst at Court-house; returned to Hotel; *despaired* of bail being taken; not long at Hotel, till *alarmed* by something he heard; hurried to Court House; saw one of the men in custody; Police were taking him into a room where Mr Pepper was; two of the 15 had been bailed during witness's absence; prevented the man from going into the room to Mr Pepper; Mr Pepper then came out into Court; and took the Magistrates who were in Court into the room; they remained in the room some time, and returned into Court; three of the men were then in the Court; Mr Pepper desired the bridewell-keeper to bring up all the prisoners; all brought up; put in the dock; Mr Pepper commenced addressing them; asked would they give bail to stand their trial under the Insurrection Act, or remain in gaol, till the 24th of February; the day the Insurrection Sessions stood adjourned to; witness then told Mr. Pepper, that he was concerned for the men, and that *he* would reply to any questions put to them; Mr Pepper seemed not to attend to witness or mind him; an argument took place between witness and the Magistrates, as to witness's right to speak; witness persevered, and *was* heard; said he would not allow the men, if they would be advised by him, to give bail under the Insurrection Act; Mr Pepper said if they did not, they must remain in custody a month; witness reminded Mr P. that he had been present the day before, when Mr Blacker distinctly stated, that the men could not be tried under the Insurrection Act, and thought it very absurd he should seek to try them under the Insurrection Act, after Mr Blacker's declaration; Mr Pepper then asked the men individually whether they would consent to be bailed under the Insurrection Act; witness thought it right to leave the men to themselves, giving them witness's opinion, and then leaving it to themselves to determine; the question was put to each separately, most of them said they had been ready the day before to be tried under the Insurrection Act, that as they were told then they could not be tried under the Insurrection Act, it was useless for them to give bail under the Insurrection Act, but were ready to give bail to stand their trial either at the Quarter Sessions or the Assizes; they were then sent back to gaol, and in an hour after brought up again, while Mr ———. was questioning the men, the *two* men who *had* given bail said, Mr. Pepper had *tricked* them; that it was not fair to try *them* under the Insurrection Act, and required to be sent back to gaol with the rest, but they were not indulged; when the men had been sent back to gaol, Mr Pepper and the other Magistrates went into the room, and after some time returned, and said, they had the opinion of the Attorney General; witness thinks it was a Mr. Gason said so; and that opinion was, that they were acting right; witness said they could have no better opinion, and could not be mistaken if acting under it; they also said they had the opinion of Mr Richard Moore; after some time spent in argument and talking of those opinions, witness told them, that notwithstanding, if they persevered in keeping the men in gaol after what occurred the day before, witness would feel it his duty to apply to the Court of King's Bench for a Criminal Information against them; upon this they consulted in their room, and Mr Pepper came into the Court again, and asked witness if he was prepared to give bail for the Assizes; witness said he was, as he had repeatedly offered; the men were then bailed to stand their trial at the next Assizes, and the bail-bonds of the *two* which had been given under the Insurrection Act, were altered for the Spring Assizes 1824; witness attended at the Assizes at Clonmel; the men attended with their witnesses, but were *not* tried; one of their witnesses, was a most important witness; one Heenan, at whose house they had been taken; witness was employed by plaintiff on another occasion in December, 1824; Court of Special Sessions under Insurrection Act;, held Jan. 1, 1824. The defendants sat as Justices on that occasion.

Cross-examined—Was often at sessions before; the Magistrates had seen him there; consulted by the friends of plaintiff; had not known him before; *thirteen* actions now pending; one attorney for all; witness himself in the thirteen; action maintained at witness's own expense, *in part*; got some money from plaintiff's brother for this action; not a penny from the others; expects to be paid in this action; the plaintiffs in the thirteen actions are poor men, not able to pay heavy costs; plaintiff somewhat better; cannot say, if defendants got a verdict, whether plaintiff be able to pay defendants' costs; the second of the thirteen, is the son of a respectable farmer; very few could pay costs to the defendants' money advanced from witness's pocket, except some had from plaintiff's brother; has known of an adjournment at Special Sessions; often, at the instance of the prisoners; has occurred at suit of the Crown; the two men who had been bailed were in Court when witness came back; this plaintiff and others acted under witness's advice in refusing to be bailed under Insurrection Act; in about three months after the men all came to witness to ask him to bring actions for them; witness did every thing in his power to dissuade them; they then went away, as witness supposed, intending to go home; they returned in two hours, and complained much that witness would not do what they wished; witness again remonstrated, and told them that he feared there would be but little safety for them in the country if they brought actions against the defendants; witness's reason for thinking so was, that on that very day he had met Heenan, their principal witness, on his way to Cork, under transportation.

Re-examined—This action not supported by any contribution, or public fund, or the Catholic Association; witness has refused, though offered on many occasions to be concerned, in any civil action to be supported by that fund; is not to look to the funds of any association; thinks the Catholic Association fund, or rent, useful to defend, and at times to prosecute, in criminal cases, but not in civil suits.

John Delany examined—Was at Toomavara on Sunday, 18th January, in a public house, (Heenan's) at mass there in the morning; in the house between three and four o'clock; knows plaintiff was there; witness had a pint of beer; others had beer and some whiskey; not on the ground flour; above stairs, door not locked, no lock; a latch to it, broken; door often opened whilst witness was there; any person could enter; was taken and confined; never saw Sir Robert Waller; knows Mr Pepper; was brought the following morning to Nenagh, five miles off; some handcuffed, some strapped with leather; witness was strapped; public house is on the way from chapel about two hundred yards; knew where some of the party lived; some in the village—some he did not know; plaintiff was taken with witness; plaintiff was tried.

Cross-examined.—Lives in Fethard, three miles from Toomavara or thereabouts; Toomavara not in witness's Parish; a chapel in his own parish; and also a public house; went to Toomavara, because it was there most of witness's customers went; went there to get money; by trade a smith; there were 14 or 15 in the room; some he did not know; knew seven or eight; plaintiff lives in the parish of Toomavara; Michael Gleeson lives near witness, but not in his parish; Murphy lives in parish of Toomavara; Gilmartin in parish of Toomavara; also Jeremiah Meagher; Martin Delany in parish of Grenninstown, (within a mile and a half,) was not at chapel, but came to meet witness about a hurt his horse got; a boy of the Ryan's there of the parish; cannot recollect any more of the party; heard their names mentioned; another boy one *Costelloe*; is sure of the name; did not hear the names of the others; might hear them, but did not mind them; a boy of the Bricklays, a boy of the Tierneys, a boy of the Mullowneys, a person of the name of *Costigan*, in the company for some time; Joseph Costigan; no lock to the door; a ketch and latch, ketch and handle; the latch broken; not used with the hand to raise the latch; no one fastened it; it required when the door was slapped that some one inside should open it; saw the police when they were coming in; was half an hour in the room before police came in; the door was opened the instant they rapped; don't know who opened it; the room next to it was a *bed*-room; there was another room, a large room leading into it, between it and the lobby; up stairs; no way of sitting down in large room; a very narrow way in the small room; some sat on the bed, some on stools, taking their drink; was not at Money Gall the Sunday before; employed Mr Lanigan to defend him when taken up, and supposes Mr Lanigan has *stuck* to the law of himself since for him; Mr Lanigan did not advise him or dissuade him from the action; witness left the business to himself; a long time ago; could not think of it; did not ask him to bring actions for him.

Re-examined—Is shewn a paper, and says his name is signed to it; a power of attorney appointing Mr Lanigan to act for him; is also signed by the others; went with the rest to Mr Lanigan to Templemore; the way from his own residence to the chapel of his parish is rather inconvenient; had to pass the water; Heenan the publican was in and out of the room occasionally.

By one of the Jury—Heenan was not arrested with witness.

By the Court—Was kept all night in guard room at Toomavara by the police; it was day, strong day light when arrested.

By a Juror—Costelloe lives in parish of Moynaghan; all in the room were sitting round a table.

By Court—Moynaghan and Toomavara are not united parishes; have different Priests, and are six miles asunder.

The case for the plaintiff having closed—

Mr DOHERTY stated the case for the defendants and said—that having been so much in the habit of addressing Juries from the other side of the Court, in Magistrates' cases, he feared he should seem out of his proper place; but he could not but feel happy that, in the present instance, and after having heard the plaintiff's case, he had the good fortune to be concerned for two respectable Magistrates, and that there was so little that could be urged against them. He said, he considered the present case of much importance, not only as it regarded the character and property of the defendants, but also, as vitally affecting the Magistracy of the country; as a subject of great public importance, which interested as well the highest as the lowest orders of the people; for the interests of both are so interwoven that it is impossible to violate the security of the one without, at the same time, affecting the happiness of the other; for it is the beauty and the blessing of the Constitution we live under, that there is an harmonious arrangement between the parts, united, as they indissolubly are, that you cannot do violence to any member but it will run, with an electric shock, thro' the whole body. It is of importance to the people to have an efficient Magistracy; and it is impossible the magistracy can be efficient unless they are protected in the honest and conscientious discharge of their duty. It is certainly difficult to oppose the case of the plaintiff in consequence of the manner in which it has been conducted; my learned friend Mr Richards has shewn great moderation in his statement, and great talent, and with the most honourable feelings he has disdained to use those irritating topics, which a less judicious advocate might have been tempted to introduce; his lawyer-like and manly tone omens well for the peace of the country. In this case a verdict for the Magistrates may be confidently anticipated, and is greatly to be desired; it will turn the tide which too long has flown against them, for law has its fashion as well as other matters; and for some time there has been no case of either real or imaginary grievance that has not been brought forward against the Magistrates; in Wexford and in Waterford, and in this county—Carroll and Falkiner and Lawrence and Dempster, and the rest of them—and now we have arrived at the summit; there are now pending against these defendants for the same transaction, 13 actions! a great undertaking—but the Attorney's "great Revenge hath stomach for them all." It is time that the Magistrates should feel that there is safety for them when they are acting conscientiously in the discharge of their public duty. The Jury will be guided by solid sense, and sound discretion—they have an important duty to perform, and they will not be influenced by the insinuations of late thrown out against the administration of Justice to lend themselves to decide for a poor man, solely because he *is* poor, be he wrong or right—the Jury will not be swayed by such topics, and they will recollect, how difficult it is for the purest and most conscientious Magistrate to escape the toils which have been so dexterously set for him.—The action of trespass and false imprisonment any man may subject himself to, either from inadvertance, ignorance or error, and it is not easy in every case to prove a strictly legal justification, but the Jury will examine whether the motives and intentions of the defendants have been honest and conscientious—it has indeed been half hinted, half insinuated by my learned friend, that the defendants were influenced in this transaction by malicious motives—malice existing in the hearts of two such men against fifteen individuals of their rank in life! that the defendants conspired to harrass these men, arrested and imprisoned them; that so bent were they on effecting their purpose, that in vain Mr Blacker warned them of what they were doing, that nothing could restrain them from being revenged on John Rourke! But has my learned Friend stated any cause of quarrel, with Rourke, or with Delany, or with any one of the fifteen? what cause of dislike could exist? Mr Richards has not suggested any, and the Jury may be convinced that there existed none. I wish Mr Richards had preserved a proper keeping and equal good taste throughout his speech. I wish he had spared his sneer about the prayer book—he may be perfectly assured that no one will find fault with the plaintiff for having been at his place of worship, or for having a prayer book—it is indifferent to the defendants and to their Counsel to what place of worship the plaintiff and his companions thought proper to resort, be it Church, Mass, or Meeting, provided they went to pray, so Mr Richards need not have said that they pleaded Guilty, poor innocent people! of having gone to Mass on the 18th January, 1824. But how were they engaged the rest of the day? drinking in a public house—for his part he was not very strict, and he would admit that a poor man may legitimately go to a public house, and not be considered on that account a worse subject or a worse fellow. There is no wish in any quarter to interfere with the lawful pursuits of the peasantry or their innocent recreations,

"When toil relaxing lends its hour to play,"

I admire (said Mr D.) and love the peasantry of this country, and there is no sacrifice I would not willingly make to insure their happiness, and if I possessed any popularity or influence with them, I would go amongst them and warn them against the mischief, into which others would seduce them—I would tell them that it is not by bringing actions against the Magistrates or by illegal combinations they can improve their condition, but by sober and industrious habits, by peaceable and orderly conduct, and by conciliating the good will of their landlords, and of the gentry, their natural protectors. It has unfortunately been the fate of this country,

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He (Mr R.) did not know whether this would be imputed to his client as a crime, but for his part, *he* was not so rigid a moralist, as to view it in so severe a light; perhaps it *would* have been better they had not gone—perhaps it would be better if they sought for their enjoyments in their own houses, and spent what little money they had for indulgence in the bosom of their families; but then it must be recollected that at the period he was speaking of, the Insurrection Act was in force in that part of the county of Tipperary; that necessary but severe law had unavoidably abridged the humbler classes of a great portion of their liberty, and confined them constantly to their houses. But he would not dwell upon the subject; be it or be it not a crime, the plaintiff and his companions had reason too soon to regret it; for, after they had been there a very short time, to their utter astonishment and surprise they found their festivity interrupted by the entrance of the police, and the entire party, fifteen in number, instantly made prisoners. They were wholly at a loss to account for such a proceeding; no cause was assigned, and they were conscious of doing no wrong. They were sitting in an open house, in a public house, accessible to every body, and directly opposite to the Police Barrack. However their conscious innocence sustained them, and though a large party, they quietly and peaceably submitted, as became them, to the authority of the Police. The whole party were accordingly secured and confined in the police barrack until the following day, (the 19th,) when they were brought before William Pepper, one of the defendants a Magistrate of the County; from him they expected protection; but instead of asserting their right to their liberty, he approved of their detention, and authorized its continuance: by his directions they were transmitted to Nenagh, tied and bound together like common felons, and marched under an escort of police, a distance of 7 miles through the most public part of the County. On their arrival at Nenagh, they very naturally employed a professional agent to defend them, in case any charge should be brought against them; fortunately for them the 21st of January was at hand, on which day a Special Sessions was to be held under the Insurrection Act. They were on that day brought up from the Bridewell along with the other prisoners for trial, and their names entered by the clerk of the Peace among the prisoners to be tried; on that occasion it will be proved that the two defendants were sitting on the Bench as Magistrates, and forming part of the Court. Wm. Blacker, a King's Counsel, was the legal officer presiding as head of the Court; a most intelligent and impartial Magistrate, who administered justice with firmness and moderation. Mr Blacker, on reading the informations, said to the other Magistrates, and amongst them the defendants—"Why, really Gentlemen, these informations do not charge any offence against these men at all; but if they do charge an offence, it is certainly not one falling within the provisions of the Insurrection Act, which I have to administer, and therefore I have no jurisdiction; they cannot be tried." After the business of the Insurrection Sessions was over, and all the other prisoners, (save plaintiff and his 14 companions) were disposed of, and after Mr Blacker had retired, Mr Lanigan their agent, applied for their discharge to the two defendants, who had signed their committal. Sir Robert Waller had been induced by Mr Pepper to join in his acts, and so rendered himself liable for the consequences, and it would be for the Jury to decide what those consequences should be. The defendants positively refused to allow the prisoners to be discharged. Bail was then proposed to be given for them; this also was refused, and they were left in custody all that night (the 21st). Early the next morning, however, a communication was made to the goaler by Mr Pepper, that he would attend at the Court-house at 2 o'clock on that day to take bail. But mark the insincerity of this promise to bail—he at the same time privately cautioned the gaoler not to give any copy of the committal to the parties or their agent; but the gaoler had given a copy before he received this caution. The committal is clearly illegal. Here Mr Richards read the committal which stated—"That the prisoners were charged on the oath of George Warren, with being assembled in the town of Toomavara, on Sunday the 18th of January, FOR SEDITIOUS PURPOSES, as said George Warren THINKS and BELIEVES." Thinks and believes! His Lordship will tell you that this warrant is clearly illegal; but to resume—Mr Lanigan, having heard that Mr Pepper was about to bail the men, attended at the appointed hour on the 22d. Bail was offered, but Mr Pepper refused it, unless they would give bail to attend at the next Special Sessions that should be held under the Insurrection Act; but would not take bail to attend to take their trial at the General Quarter Sessions or at the Assizes; the men were remanded to gaol, in consequence of refusing to give bail under the Insurrection Act. At the expiration however of about an hour, the men were again brought up and asked whether would they prefer remaining in gaol for a month or give bail to be tried under the Insurrection Act; at length, however, they were set at large, having given bail in £10 to stand their trial at the ensuing [illegible]. They *did* attend at the Assizes, but no indictment was preferred against them, and they were discharged at the Spring Assizes, of 1824 by proclamation, after having been detained *three* days. Application was made to the Judge who presided in the Crown Court for a copy of the informations, which had been sworn against them; the defendants opposed that application and the Judge refused it, on grounds of public policy.

Mr Richards then said, he was about to lay before the Jury another ground of impeachment against the defendants. He was going to state subsequent facts, in which Mr Pepper took a most active part, and which would go to shew the *quo animo* with which he had acted in the former transaction, and which would show a spirit of malicious and vindictive prosecution.—It did so happen that the plaintiff has since been tried under the Insurrection Act. This Action was commenced early in the month of October last, and, shortly after the action was commenced, it did so happen that plaintiff was arrested under the Insurrection Act—and by whom?—By Wm Pepper, one of the defendants! Constrained no doubt by a strong sense of public duty, and forgetting, perhaps, his situation as a defendant, in this action, he had the *generosity*, the *good-feeling*, and the *good taste*, to go himself in person to the house of the plaintiff, his opponent, and cause a search to be made in a particular part of the thatch of the gable end of his house for military stores! a few bullets were found—'tis said, they who hide can find; but do I accuse Mr Pepper of that? no—but I do accuse him of giving too ready an ear to some malignant designing impostor, who sought to ingratiate himself into his (Mr Pepper's) favour, by making up a case under the Insurrection Act against the plaintiff, which would get him transported—who thought he could serve Mr. Pepper by getting the plaintiff out of the way. Had Mr Pepper reflected he would have said, no, I shall take no part in this business, any thing I do may be attributed to improper motives; I will not cause the administration of Justice to be even suspected—however, he thought proper to act otherwise; he ordered him to be arrested; he was brought before the Court of Special Sessions, at Nenagh, and tried under the Insurrection Act before Mr Blacker, and on this occasion Mr Pepper and Sir Robert Waller both sat as Judges, to try the plaintiff, but fortunately there were others on the Bench, and before the case was half gone through, Mr Blacker declared that it was manifest that the bullets had been placed in the thatch of plaintiff's house by some malignant and designing enemy; and accordingly plaintiff was discharged.—Mr Richards concluded by saying, Gentlemen of the Jury, I have dispassionately stated to you the facts of this case. I have not pressed into my service any *factious* or irritating topics I put it on the broad legal Constitutional grounds, that the liberty of the plaintiff has been invaded—that though charged with no crime he has been persecuted and incarcerated, and I rely upon a Jury, such as I see before me, to protect the oppressed and poor man and to punish the defendants who have invaded the liberty of a fellow-subject without any legal or proper authority.

EVIDENCE.

The notice of intended action by Plaintiff, pursuant to the Statute, was admitted by Defendants' Counsel, as also the service of the writ.

The first witness called was—

Strongman Switzer, examined—Is keeper of Nenagh Bridewell; recollects Rourke the plaintiff having been given into his custody on the 19th January, 1824; produces committal; proves the hand-writing of both the defendants' signature to the committal; plaintiff discharged on the 22d; a Session held on the 21st under the Insurrection Act; plaintiff and his companions brought up for trial under Insurrection Act, with the other prisoners on the 21st; not tried; brought to the Dock before defendants on the 22d, and after half an hour sent back to Bridewell; brought up again in about an hour, and then discharged; fourteen others with him; brought to him by a guard of policemen: some with handcuffs: some tied with ropes. Mr Pepper had communications with witness; Sir Robert Waller and Mr Pepper both looked at the committal; Mr Pepper asked if it would be legal to refuse giving a copy of committal; replied it would *not*; produced the Act of Parliament, and said he *could not* refuse it; prisoners brought to witness at 12 o'clock on the 19th, and were discharged between three and four o'clock on the 22d; two were bailed on that day in the absence of their agent Mr Lanigan, and discharged in open Court; Mr Pepper bailed them; Mr Lanigan told the others that if they took his advice they would not give bail under the Insurrection Act, and asked why they were not tried the day before when ready; plaintiff was on a second occasion in witness's custody, 24th October last, under Insurrection Act; remained in custody till the 1st January. This second committal was signed by Mr Pepper, but *not* by Sir Robert Waller.

Here the defendants' Counsel objected to any act of *one* of the defendants, subsequent to the cause of action, being given in evidence to prove malice, so as to affect both.—The objection was acquiesced in and the evidence withdrawn.

Cross examined—Police always bring prisoners handcuffed; no difference between plaintiff and his companions, and any other prisoners; saw plaintiff when committed the second time in last October; conversed with him; asked plaintiff if he was one of the men who served defendants with latitats; said, if there were latitats served, he knew nothing about it.

Martin Lanigan, examined—Is an Attorney; recollects January 21, 1824; Court was sitting under Insurrection Act; attended Court that day; both the defendants were on the Bench; plaintiff not called on trial; name in the list of prisoners to be tried; waited till all the other business was gone through; applied to Mr Blacker to have plaintiff and fourteen others put on their trial, or else discharged; this was in presence of *both* defendants; Mr Blacker, said it was not a "*Sequitur*" that they should be discharged, if not tried; witness pressed his application; Mr B. said, they could not be tried before him under the Insurrection Act, and added "that having no jurisdiction, he could not try them and therefore, had no right to discharge them, but would leave them in the hands of the Magistrates who had committed them, to do what they liked with them;" witness waited in Court till Mr Blacker had retired, and the Court of Special Sessions broke up; took a copy of the committal; went across the table to Sir Robert Waller; shewed him the copy with his name to it; told him he was ready to give bail for the men; Mr. Pepper not within hearing at the time; was in an inner room; the door was open, but does not think he could hear; Sir Robert called out Mr. Pepper; witness again offered *both* defendants, to give bail, and requested they would take it; but both refused; then asked defendants with what offence the men were charged; Mr Pepper said he would not tell; nor bail them; prisoners not present: on the 22d saw Mr Pepper at Court-house door first; told him he heard he *would* bail the men; said he could not say; not on the Bench at this time; 'twas a Thursday, a Petit Sessions was held on that day; remained a considerable time, in order to give bail; nothing done whilst at Court-house; returned to Hotel; *despaired* of bail being taken; not long at Hotel, till *alarmed* by something he heard; hurried to Court House; saw one of the men in custody; Police were taking him into a room where Mr Pepper was; two of the 15 had been bailed during witness's absence; prevented the man from going into the room to Mr Pepper; Mr Pepper then came out into Court; and took the Magistrates who were in Court into the room; they remained in the room some time, and returned into Court; three of the men were then in the Court; Mr Pepper desired the bridewell-keeper to bring up all the prisoners; all brought up; put in the dock; Mr Pepper commenced addressing them; asked would they give bail to stand their trial under the Insurrection Act, or remain in gaol, till the 24th of February; the day the Insurrection Sessions stood adjourned to; witness then told Mr. Pepper, that he was concerned for the men, and that *he* would reply to any questions put to them; Mr Pepper seemed not to attend to witness or mind him; an argument took place between witness and the Magistrates, as to witness's right to speak; witness persevered, and *was* heard; said he would not allow the men, if they would be advised by him, to give bail under the Insurrection Act; Mr Pepper said if they did not, they must remain in custody a month; witness reminded Mr P. that he had been present the day before, when Mr Blacker distinctly stated, that the men could not be tried under the Insurrection Act, and thought it very absurd he should seek to try them under the Insurrection Act, after Mr Blacker's declaration; Mr Pepper then asked the men individually whether they would consent to be bailed under the Insurrection Act; witness thought it right to leave the men to themselves, giving them witness's opinion, and then leaving it to themselves to determine; the question was put to each separately, most of them said they had been ready the day before to be tried under the Insurrection Act, that as they were told then they could not be tried under the Insurrection Act, it was useless for them to give bail under the Insurrection Act, but were ready to give bail to stand their trial either at the Quarter Sessions or the Assizes; they were then sent back to gaol, and in an hour after brought up again, while Mr ———. was questioning the men, the *two* men who *had* given bail said, Mr. Pepper had *tricked* them; that it was not fair to try *them* under the Insurrection Act, and required to be sent back to gaol with the rest, but they were not indulged; when the men had been sent back to gaol, Mr Pepper and the other Magistrates went into the room, and after some time returned, and said, they had the opinion of the Attorney General; witness thinks it was a Mr. Gason said so; and that opinion was, that they were acting right; witness said they could have no better opinion, and could not be mistaken if acting under it; they also said they had the opinion of Mr Richard Moore; after some time spent in argument and talking of those opinions, witness told them, that notwithstanding, if they persevered in keeping the men in gaol after what occurred the day before, witness would feel it his duty to apply to the Court of King's Bench for a Criminal Information against them; upon this they consulted in their room, and Mr Pepper came into the Court again, and asked witness if he was prepared to give bail for the Assizes; witness said he was, as he had repeatedly offered; the men were then bailed to stand their trial at the next Assizes, and the bail-bonds of the *two* which had been given under the Insurrection Act, were altered for the Spring Assizes 1824; witness attended at the Assizes at Clonmel; the men attended with their witnesses, but were *not* tried; one of their witnesses, was a most important witness; one Heenan, at whose house they had been taken; witness was employed by plaintiff on another occasion in December, 1824; Court of Special Sessions under Insurrection Act;, held Jan. 1, 1824. The defendants sat as Justices on that occasion.

Cross-examined—Was often at sessions before; the Magistrates had seen him there; consulted by the friends of plaintiff; had not known him before; *thirteen* actions now pending; one attorney for all; witness himself in the thirteen; action maintained at witness's own expense, *in part*; got some money from plaintiff's brother for this action; not a penny from the others; expects to be paid in this action; the plaintiffs in the thirteen actions are poor men, not able to pay heavy costs; plaintiff somewhat better; cannot say, if defendants got a verdict, whether plaintiff be able to pay defendants' costs; the second of the thirteen, is the son of a respectable farmer; very few could pay costs to the defendants' money advanced from witness's pocket, except some had from plaintiff's brother; has known of an adjournment at Special Sessions; often, at the instance of the prisoners; has occurred at suit of the Crown; the two men who had been bailed were in Court when witness came back; this plaintiff and others acted under witness's advice in refusing to be bailed under Insurrection Act; in about three months after the men all came to witness to ask him to bring actions for them; witness did every thing in his power to dissuade them; they then went away, as witness supposed, intending to go home; they returned in two hours, and complained much that witness would not do what they wished; witness again remonstrated, and told them that he feared there would be but little safety for them in the country if they brought actions against the defendants; witness's reason for thinking so was, that on that very day he had met Heenan, their principal witness, on his way to Cork, under transportation.

Re-examined—This action not supported by any contribution, or public fund, or the Catholic Association; witness has refused, though offered on many occasions to be concerned, in any civil action to be supported by that fund; is not to look to the funds of any association; thinks the Catholic Association fund, or rent, useful to defend, and at times to prosecute, in criminal cases, but not in civil suits.

John Delany examined—Was at Toomavara on Sunday, 18th January, in a public house, (Heenan's) at mass there in the morning; in the house between three and four o'clock; knows plaintiff was there; witness had a pint of beer; others had beer and some whiskey; not on the ground flour; above stairs; door not locked; no lock; a latch to it, broken; door often opened whilst witness was there; any person could enter; was taken and confined; never saw Sir Robert Waller; knows Mr Pepper; was brought the following morning to Nenagh, five miles off; some handcuffed, some strapped with leather; witness was strapped; public house is on the way from chapel about two hundred yards; knew where some of the party lived; some in the village—some he did not know; plaintiff was taken with witness; plaintiff was tried.

Cross-examined.—Lives in Fethard, three miles from Toomavara or thereabouts; Toomavara not in witness's Parish; a chapel in his own parish; and also a public house; went to Toomavara, because it was there most of witness's customers went; went there to get money; by trade a smith; there were 14 or 15 in the room; some he did not know; knew seven or eight; plaintiff lives in the parish of Toomavara; Michael Gleeson lives near witness, but not in his parish; Murphy lives in parish of Toomavara; Gilmartin in parish of Toomavara; also Jeremiah Meagher; Martin Delany in parish of Grenninstown, (within a mile and a half,) was not at chapel, but came to meet witness about a hurt his horse got; a boy of the Ryan's there of the parish; cannot recollect any more of the party; heard their names mentioned; another boy one *Costelloe*; is sure of the name; did not hear the names of the others; might hear them, but did not mind them; a boy of the Bricklays, a boy of the Tierneys, a boy of the Mullowneys, a person of the name of *Costigan*, in the company for some time; Joseph Costigan; no lock to the door; a ketch and latch, ketch and handle; the latch broken; not used with the hand to raise the latch; no one fastened it; it required when the door was slapped that some one inside should open it; saw the police when they were coming in; was half an hour in the room before police came in; the door was opened the instant they rapped; don't know who opened it; the room next to it was a *bed*-room; there was another room, a large room leading into it, between it and the lobby; up stairs; no way of sitting down in large room; a very narrow way in the small room; some sat on the bed, some on stools, taking their drink; was not at Money Gall the Sunday before; employed Mr Lanigan to defend him when taken up, and supposes Mr Lanigan has *stuck* to the law of himself since for him; Mr Lanigan did not advise him or dissuade him from the action; witness left the business to himself; a long time ago; could not think of it; did not ask him to bring actions for him.

Re-examined—Is shewn a paper, and says his name is signed to it; a power of attorney appointing Mr Lanigan to act for him; is also signed by the others; went with the rest to Mr Lanigan to Templemore; the way from his own residence to the chapel of his parish is rather inconvenient; had to pass the water; Heenan the publican was in and out of the room occasionally.

By one of the Jury—Heenan was not arrested with witness.

By the Court—Was kept all night in guard room at Toomavara by the police; it was day, strong day light when arrested.

By a Juror—Costelloe lives in parish of Moynaghan; all in the room were sitting round a table.

By Court—Moynaghan and Toomavara are not united parishes; have different Priests, and are six miles asunder.

The case for the plaintiff having closed—

Mr DOHERTY stated the case for the defendants and said—that having been so much in the habit of addressing Juries from the other side of the Court, in Magistrates' cases, he feared he should seem out of his proper place; but he could not but feel happy that, in the present instance, and after having heard the plaintiff's case, he had the good fortune to be concerned for two respectable Magistrates, and that there was so little that could be urged against them. He said, he considered the present case of much importance, not only as it regarded the character and property of the defendants, but also, as vitally affecting the Magistracy of the country; as a subject of great public importance, which interested as well the highest as the lowest orders of the people; for the interests of both are so interwoven that it is impossible to violate the security of the one without, at the same time, affecting the happiness of the other; for it is the beauty and the blessing of the Constitution we live under, that there is an harmonious arrangement between the parts, united, as they indissolubly are, that you cannot do violence to any member but it will run, with an electric shock, thro' the whole body. It is of importance to the people to have an efficient Magistracy; and it is impossible the magistracy can be efficient unless they are protected in the honest and conscientious discharge of their duty. It is certainly difficult to oppose the case of the plaintiff in consequence of the manner in which it has been conducted; my learned friend Mr Richards has shewn great moderation in his statement, and great talent, and with the most honourable feelings he has disdained to use those irritating topics, which a less judicious advocate might have been tempted to introduce; his lawyer-like and manly tone omens well for the peace of the country. In this case a verdict for the Magistrates may be confidently anticipated, and is greatly to be desired; it will turn the tide which too long has flown against them, for law has its fashion as well as other matters; and for some time there has been no case of either real or imaginary grievance that has not been brought forward against the Magistrates; in Wexford and in Waterford, and in this county—Carroll and Falkiner and Lawrence and Dempster, and the rest of them—and now we have arrived at the summit: there are now pending against these defendants for the same transaction, 13 actions! a great undertaking—but the Attorney's "great Revenge hath stomach for them all." It is time that the Magistrates should feel that there is safety for them when they are acting conscientiously in the discharge of their public duty. The Jury will be guided by solid sense, and sound discretion—they have an important duty to perform, and they will not be influenced by the insinuations of late thrown out against the administration of Justice to lend themselves to decide for a poor man, solely because he *is* poor, be he wrong or right—the Jury will not be swayed by such topics, and they will recollect, how difficult it is for the purest and most conscientious Magistrate to escape the toils which have been so dexterously set for him.—The action of trespass and false imprisonment any man may subject himself to, either from inadvertance, ignorance or error, and it is not easy in every case to prove a strictly legal justification, but the Jury will examine whether the motives and intentions of the defendants have been honest and conscientious—it has indeed been half hinted, half insinuated by my learned friend, that the defendants were influenced in this transaction by malicious motives—malice existing in the hearts of two such men against fifteen individuals of their rank in life! that the defendants conspired to harrass these men, arrested and imprisoned them; that so bent were they on effecting their purpose, that in vain Mr Blacker warned them of what they were doing, that nothing could restrain them from being revenged on John Rourke! But has my learned Friend stated any cause of quarrel, with Rourke, or with Delany, or with any one of the fifteen? what cause of dislike could exist? Mr Richards has not suggested any, and the Jury may be convinced that there existed none. I wish Mr Richards had preserved a proper keeping and equal good taste throughout his speech. I wish he had spared his sneer about the prayer book—he may be perfectly assured that no one will find fault with the plaintiff for having been at his place of worship, or for having a prayer book—it is indifferent to the defendants and to their Counsel to what place of worship the plaintiff and his companions thought proper to resort, be it Church, Mass, or Meeting, provided they went to pray, so Mr Richards need not have said that they pleaded Guilty, poor innocent people! of having gone to Mass on the 18th January, 1824. But how were they engaged the rest of the day? drinking in a public house—for his part he was not very strict, and he would admit that a poor man may legitimately go to a public house, and not be considered on that account a worse subject or a worse fellow. There is no wish in any quarter to interfere with the lawful pursuits of the peasantry or their innocent recreations,

"When toil relaxing lends its hour to play,"

I admire (said Mr D.) and love the peasantry of this country, and there is no sacrifice I would not willingly make to insure their happiness, and if I possessed any popularity or influence with them, I would go amongst them and warn them against the mischief, into which others would seduce them—I would tell them that it is not by bringing actions against the Magistrates or by illegal combinations they can improve their condition, but by sober and industrious habits, by peaceable and orderly conduct, and by conciliating the good will of their landlords, and of the gentry, their natural protectors. It has unfortunately been the fate of this country,

never to enjoy tranquillity, never to be free from midnight associations, and illegal combinations: 'tis these that have filled the docks and crowded the gallows, year after year. The peasantry have an invincible, an unaccountable partiality to secret associations, which have some hidden charms for them. They are always aiming at some wild undefined object—ever wrestling against some imaginary evil, seeking some unknown good, and yet experience might have taught them that such associations have never led to good; but if they happen to be cemented by some secret oath, the peasantry can never resist them, and if such illegal oath be but of mysterious import, there is in their very mystery a spell of witchcraft irresistible. There is, in short, some strange infatuation amongst the people that makes them ever ready to join in these illegal compacts. It has been the object of the Legislature from time to time to counteract this evil, and for this purpose several Acts have been passed; amongst others the 30th George III. chap. 102, which provided against administering unlawful oaths, but these enactments could never check the evil—His Lordship on the bench will prove from his experience as a Judge, the baneful consequences which have flowed from these illegal associations: ask the Country Gentleman what deteriorates the value of his land—ask the merchant what has prevented the introduction of capital into the country: what has made the name of Ireland to be stigmatized as it is by the perpetration of such acts of horror and atrocity? Does not all spring from secret oaths and illegal combinations? Would that the people could be convinced of their folly. Would that they would listen to the voice of the friends who would warn them, for notwithstanding the acts of violence they are seduced into, they are worthy of a better fate—they are a kind, warm-hearted, noble, generous, and valiant people, and even in the bloody details of the other (the Criminal) Court, there are to be found at times, instances of heroic and noble conduct. What has perverted these good qualities? was it not those mischievous associations? Such language might make him unpopular, but he would court unpopularity if he could thereby preserve them from those who would mislead them. He would tell them to preserve peace and good order, and to rely upon the sure protection of the laws—that whenever the poor man was oppressed he would through the medium of the law obtain ample compensation—witness yesterday, when a Jury indignant at an act of what they considered oppression, gave the poor man £500 damages. He did not know who the Jury were or what might be their sentiments, but he would never cease, whenever it was uttered, to repel the audacious slander which would represent the Magistrates as universally corrupt, and the Juries as universally prejudiced. The Jury would consider their verdict dispassionately and impartially, and they would not find against the defendants unless they were convinced that they had acted from malicious or vindictive motives; for if they were capable of being influenced by private motives, *he* admitted they should be made to suffer;—but if on the contrary, they had only sought to do their duty, reckless of the tide of unpopularity which had set in against the Magistracy, should they not be protected?

The upright and independent Magistrate who sought only the public good, unfortunately was too often unrequited, whilst the mean Magistrate, who shrunk from the discharge of his duty, was too often flattered and caressed; but such a man, by his neglect of duty, and by a mean compliance with the wishes of a faction, disgraces and dishonours the station he should uphold; far prouder the man, who fearlessly does his duty, who says "*fiat justitia ruat. cœlum,*" who perseveres in the path of duty and of honour, regardless of actions and indifferent to popularity or obloquy, fearless of the attacks which may be made to awe him from the career of his duty—the man who looks only to the laws, and administered them indifferently to both rich and poor, according to the dictates of an honest understanding. We come now to facts; the 50th George 3d c. 102, imposed a penalty on persons guilty of administering seditious oaths, and made them liable to the punishment of transportation; but it has unfortunately happened, that oaths were found binding, which in truth had no meaning; *cabalistic* words of no import, if sworn to, were found to bind men together and made an engagement, under which they were ready to go all lengths; no matter what jargon or what words were used, so they served as a bond of union; the Legislature had therefore rendered it illegal to administer any oath, no matter what, and rendered liable to punishment, all those who were aiding and assisting. There were also other acts on the same subject—some Magistrates read the Acts—some do not—some understand the meaning of the acts—others are not quite so sharp-sighted, and when called upon to apply them for the preservation of the public peace, they try to know as much about the matter as they can. The defendants did read the acts; they found no lack of Acts of Parliament, in these times of prolific legislation, they found the 4th Geo. IV., enforcing and enlarging the 50th Geo. III. This Act goes to put down illegal associations, and all illegal oaths or engagements. There is also the 3d Geo. IV., commonly called the Insurrection Act, the policy and purpose of which is, to apply a speedy remedy to a pressing evil. The ninth section prohibits and punishes the administering of unlawful oaths. I know not whether the Jury understand exactly each of those Acts; unfortunately Acts of Parliament were often rather puzzling to country gentlemen—I will even admit not unfrequently to lawyers—if once it should be thought the office of a Magistrate was a dangerous post, it would be a doctrine most injurious to the public weal. The Magistrates are a most useful and important body. The Commission of the Peace is, and ever should be considered a most honourable trust; nothing can be more beneficial than the services of an independent, unpaid Magistracy, and depend upon it, that the day, when a contrary opinion shall begin to prevail, will be fatal to the best interests of the country; so long as there are honourable men to be found ready to serve their country without fee or reward, so long will the spirit of freedom be preserved; but if from selfish motives, or yielding to intimidation, the gentlemen of the country surrender this important trust, and relinquish it entirely to stipendiary officers, then is there made a change in the spirit of the Constitution. I am anxious to stem the current that has set in against the Magistrates. Gentlemen of the Jury, if any of you are Magistrates, and that you yield to the out-cry—you had better at once, send in your resignations, and abandon every thing to a faction—if nothing can preserve or protect the Magistrate, who influenced by no earthly motive of a private consideration, acts solely from a conscientious discharge of his public duty—then you are right in sending in your resignation. If purity of motive is no protection from vindictive damages, who would be a Magistrate? If the defendants acted from private motives, punish them; but if, in their conduct, no malice can be discovered, there is no man against whom a similar action might not be brought. So help me God! (said Mr D.) I would rather depart from Court as Sir Robert Waller and Mr Pepper, who fearlessly discharged their duty, even though visited with the greatest vengeance which a mistaken verdict of a Jury could inflict on them, rather than be one of those mean Magistrates who cowardly shrink from their duty to attain a contemptible popularity and dear-bought security. Gentlemen, I am not going to disguise any thing from you; I shall keep back nothing; I shall tell you all about the transaction that Mr Pepper and Sir R. Waller know; and when you hear it, ask yourselves how you would have acted under such circumstances. Sir Robert Waller lives seven miles from Toomavara; Mr Pepper somewhat more contiguous. Their presence in Court prevents me telling you who they are, and forbids me bestowing on them that praise which they are so justly entitled to; fortunately they are so well known that they need no panegyric from me. Mr Pepper is a gentleman who most laudably feels an anxious desire to preserve the public peace. In the week between the 11th and 18th of January, 1824, one John Gulmartin came to Mr Pepper and gave him information most important to the public peace, in his Magisterial capacity—that a party had met at Moneygall, a small town some miles distant, for the purpose of swearing in some people; that illegal oaths had been administered, and that the meeting had been adjourned to Toomavara, on the next Sunday. If any of the Jury got such information, would he sleep on it? Perhaps if he had been here last Assizes, and heard the verdicts against Magistrates, he might not be very willing to act; he might feel a sudden fit of the gout come on him; not so, however, Mr Pepper: he sent for Mullins, the Serjeant of Police, and disclosed to him the information he received. Mr Pepper knew nothing of the men; he never had come in contact with one of them. They were not his tenants; all he knew and cared was, that they were about to do an illegal act. And what was the duty of the Constable? Was it not to watch the persons so assembled? and accordingly they were most narrowly watched—Mullins indeed was obliged to go away; however Warren, a constable, was appointed to be on the watch; Gilmartin fixed to be there, and to give a signal to Warren; Warren accordingly took his station, and the party arrived at Heenan's house—and it is rather a curious circumstance that, though there was room enough below stairs, they were not assembled, as Mr Richards stated, on the ground floor, but in an upper room, and that room a bed chamber, the latch of which was conveniently broken, so that it could not be opened from the outside; Warren, the policeman, receives the signal from Gilmartin. We have often heard of plots, but this, perhaps, was not one; fourteen men in a very small bed room; very snug for their purpose; can you conceive a better place for a conspiracy? they refuse to open the door—the police threaten to break it open—Heenan, the landlord, comes up and insisted on the door being opened. When they got in they found all in great confusion, and much shuffling about. At length two separate pieces of paper were found—I, said Mr D. never took a Ribbonman's oath, but these papers contain something very suspicious.—

[Here Mr Doherty read the papers, from which the following is an extract:—

A true and visible mark of knowing a good fellow, and all those who belong to the community as was predicted to have happened in the year Twenty-five, by Columbkill.

Q. Where did the first cock crow?
A. On the banks of the river Jordan.
Q. What did he crow to?
A. To the baptism of our Saviour.
Q. Did he say any thing else?
A. Yes,

I am that Chanticleer that blew both loud and shrill,
To awake the Sons of union, and to ascend the verdant hill,
I rouse ye from your slumbers, and from a bed of down,
To fight the way for liberty and cut the Orange down.

Q. What is your true guards?
A. Faith, hope, and charity.
Q. What is your grand signs?
A. Christ, the Cross, and Catholicity.
Q. What do you think of the sun?
A. That blooming rose will shine bright once more, as it did in the year fifteen hundred, when there was no distinction between religions.
Q. Where are you going?
A. To destroy vermin.
Q. What vermin?
A. The curse of the earth, or the adherents of Luther and Calvin.
Q. How far are you going?
A. To the sea coast.
Q. What to do?
A. To aid the boys from Arbaur, and cut down Heresy from shore to shore.
Q. How far did you come?
A. I am lately come from France.
Q. What to do?
A. To let my confederates know in Ireland, that we are ready to make good our word in 1821, 2, 3, 4, 5.
Q. What do you carry in your hand?
A. A rod of correction.
Q What does it shew?
A. Terror and destruction.
Q. Where do you carry your secrets?
A. In a box close under my left breast, locked up with a golden key: the key is lost, and cannot be found by any but a true Roman Catholic who is knee-deep in heretics' blood, to free his brother; otherwise between skin and burgundy.

You Heroes of this nation, I mean the true Milesian, unto my exhortation, I pray you will attend; Being void of consolation, ever since the Reformation, but now the Lord is pleased all our Heresy to end. Here is a health to you Lord Lucan, that never fought with Luther, but your hands in blood imbrued for the Catholic renown; But those that deviated from the laws that Christ dictated, abandoned their Creator, to be in favour with the Crown. King Henry eloped and he opposed the Pope, those Reformers were rewarded throughout the British land; This damned association by Satan was completed, and he promised for some ages that they would have the upper-hand. I wonder God endured, such avaritious friends, but he will defeat them when he thinks it his own time; Like dogs they eat on Friday, the day our Saviour died, for which they will pay, the accounting day, &c. &c.]

These papers are of no very equivocal character, but men of taste and feeling must be disgusted at such trash—no man of education could be influenced by them, but unfortunately there are men, not high enough, or sufficiently educated, to be exempt from the influence of such ridiculous nonsense. The information Mr Pepper had received was thus confirmed by the finding of these papers. On the next day the constable brought up the men before Mr Pepper. If such has been the audacity of Delany to day, what would have been said had the men been let go. Mr Pepper, however, having examined the men, and having read the papers, gave a warrant for their committal. The constable having first sworn informations, what was Mr Pepper to do under these circumstances; he knew the Acts of Parliament, and he had the evidence of Gilmartin, who spoke as to the purpose for which they met, and he had the papers found on them, and the circumstances of the place and manner of their meeting—was not this strong evidence? Mr Pepper only did his duty, and he has that to console him, be the result what it may. Not so, however, poor Sir Robert; he only wrote his name on the warrant on the faith of Mr Pepper, like an endorsement on a bill to make it better security, and to give those men an action against two, instead of one Magistrate only. The warrant was directed to Switzer, and they were brought for trial before Mr Blacker. Now, if the two defendants had entered into a conspiracy against these fifteen persons, Mr Blacker blew them up.—It was a strange mode of persecution, to bring them before Mr Blacker within two days of their arrest, when if they had reserved them for the Assizes, they must have endured a long confinement; but what said the defendants? This charge cannot be too speedily investigated. There is a clause, said they, in the Insurrection Act, which meets this case, the Court will sit soon—let them be returned for trial—let there be no delay—nothing like oppression. They were, however, sent away without being tried; but in sending them to the Sessions for trial, the motive of the defendants was honourable. Gilmartin it is true *was* in the town; but what is to be said, if he would not come forward—is there no such thing as terrifying a witness? if justice be *not* free in this Country, 'tis from the terror exercised over the lower orders to prevent them giving evidence—Gilmartin absolutely refused to come forward; nothing then remained but the informations of Warren the policeman. Mr Blacker was right in saying, that as things *then* stood, and without the aid of Gilmartin they could not be tried under the Insurrection Act. Mr Pepper was puzzled between the Acts; he knew he could bring them to trial at the Assizes, but he hoped before the next Sessions under the Insurrection Act was held, that Gilmartin would come forward. And thus it was that such marching and counter-marching took place which Mr Lanigan took an hour to describe. The fact is, the men were told they could not be then tried—they were asked to give bail to attend at the next Special Sessions; an innocent man would say at once, "Let me out, and I will come forward at *any* time, or before *any* tribunal to prove my innocence." The grounds of Mr Lanigan's complaint was their being required to be tried at the Special Sessions; but, now, on *this* trial they shall have the pleasing satisfaction of being tried and proved guilty, though they cannot be convicted or punished. It is like the case of a very notorious character tried some years ago at Trim, for robbing the Mail—though guilty, he had the good fortune to be acquitted; but not satisfied with that, he indicted his prosecutor for perjury, and on this second trial, his guilt was established beyond doubt, and the man acquitted; so we are now forced to establish the plaintiff's guilt. Nothing could be more pure than the conduct of

(*For continuation see Supplement.*)

PARLIAMENTARY SUMMARY.

In the HOUSE of COMMONS on THURSDAY—

The Equitable Loan Bank Bill was read a third time, and passed.

Mr *R. B. Cooper* presented a Petition from the Rural Dean and nineteen other clergymen of the Diocese of Gloucester against yielding to the demands of the Roman Catholics.

Mr Cooper took the opportunity to vindicate the right of the Clergy to petition Parliament as more urgent than that of any other body, on account of their exclusion from that House.

Mr *Hume* criticised the title of the petition as not truly describing the petitioners, and gave an unfavourable account of the way in which it was got up.

Mr *Cooper* set the Honourable Member for Aberdeen right upon the matter of the title, which upon examination turned out to be strictly accurate; and Mr Peel taunted him with an allusion to the manner in which whig and radical petitions had been prepared and signatures obtained to them. A petition was also presented from Chippenham against the demands of the Roman Catholics.

[A digest of what took place on the introduction of the *Emancipation Bill*, will be found in our fourth page.]

Mr *Huskisson* (for Mr Croker) moved for leave to bring in a Bill authorising the payment of monthly sums of money in commutation for ardent spirits, allowed to sailors in ships of war; and also to permit the payment of sailors on foreign stations, though an authorised Commissioner should not be at hand.

Mr *Hume* professed to feel surprised, that no steps were in contemplation to raise the wages of sailors in his Majesty's service, when merchant sailors were receiving three and four guineas a month.

Sir *G. Cockburn* questioned the policy of paying sailors on foreign stations; he thought that the effect of the proposed arrangement would be to deprive the families of seamen of any share of their wages.

Mr *Peel* moved for leave to bring in two Bills for the amendment of the Criminal Code.

The first, he said, related to the offence of charging persons with the commission of, or the attempt to commit, certain odious crimes, and would go to put both kinds of threats upon the same footing—the threat to charge an attempt not being punishable by the existing law.

The other Bill, the Right Hon. Gentleman explained, was intended to render pardons under the sign manual, countersigned by the Secretary of State, of equal efficacy with pardons under the Great Seal; and also to take away all distinctions between *actual* clergymen and other persons pleading to clergyable felonies.

A short conversation followed, in which several members engaged, and leave was given, and the Bills read a first time.

Mr *Hume* then called the attention of the House to the late mutiny at Barrackpore, which he described as of a very alarming character. The Hon. Gentleman strongly censured the government of Lord Amherst, and asserted that it was universally unpopular in India.

Mr *Wynne* defended Lord Amherst's government, and ascribed his unpopularity to a failure in etiquette, so inconsiderable as the allowing to the Commodore's lady precedence above the ladies of the senior merchants

Mr *Robertson* condemned the Burmese war as unprovoked, and as likely to involve us in a quarrel with the Chinese, to whom the Burman Empire is tributary.

A debate of great length followed, and in the end Mr Hume's motion (for papers) was rejected by 58 to 15.

Colonel Bagwell presented a petition from the Merchants and Traders of Clonmel, for the repeal of the duty on Coals. Ordered to be printed.

Mr *S. Rice* presented a petition from the Inhabitants of the City and Liberties of Limerick, in favour of Joint Stock Banking Companies.—Ordered to be printed.

Sir *A. Chichester* presented a Petition from certain Protestant Inhabitants of Belfast, against further concessions to the R. Catholics.—Ordered to be printed.

Mr *F. Lewes* presented a Petition from the Spinners and others concerned in the Cotton Trade, in the town of Belfast, for a Repeal of the Duties on Coals.—Ordered to be printed.

The House then went into a Committee upon the Game Laws' Amendment Bill. Several clauses were discussed and agreed to.

In the House of LORDS on Friday—

Upon the presentation, by the Earl of *Lauderdale*, of a petition against the Equitable Loan Bank bill, the Earl of Liverpool took occasion to declare generally with respect to all the new Joint Stock Companies, that under no concurrence of circumstances would he ever propose any measure to relieve the embarrassments of any of these companies, no matter how severe might be the distress into which they might happen to fall; and further, that if any such measure of relief, as had sometimes been extended to merchants and bankers, should be proposed for any of the new companies, it should meet his decided opposition.

The *Lord Chancellor* explained the delay that occurred in bringing forward his promised measure for the regulation of Joint Stock Companies by a reference to certain causes now in progress in the Court of Chancery, which, while they remained under discussion, must restrain him from any interference with the law, which he was called upon to administer. His Lordship, however, added an opinion, that almost enough was disclosed in the progress of these causes in court to supersede the necessity for a new law, by exposing the dangers incurred by embarking in the fashionable speculations.

The Bishop of *Bath and Wells* presented a petition against submitting to the demands of the Roman Catholics, from the Archdeacon and Clergy of Taunton.

The Earl of *Darnley*, professing himself the friend of the Church of England, rebuked in harsh terms the presentation of such petitions, and eulogized the superior humility, diligence, and piety, of the Popish Priests of Ireland.

The Bishop of *Bath and Wells* defended the clergy of the Established church.

Lord *King*, according to his lordship's custom, censured the petitions of the clergy, and tried to degrade them by a very nasty simile, the point of which he did not condescend to explain.

Lord *Calthorpe* lamented the presentation of such petitions, and recapitulated briefly all the arguments in favour of Catholic Emancipation; the sum of which is that the Roman Catholic religion is no longer the Roman Catholic religion.

The Bishop of *Gloucester* presented petitions to the same effect as the last, from the Rural Dean and Clergy of the Rural Deanery of Gloucester; and from the Rural Dean and Clergy of the Rural Deanery of Frampton.

The Bishop of *Chester* presented a petition from the Rural Deanery of the Diocese of Gloucester, praying their Lordships would grant no further concessions to the Roman Catholics. He begged to remark, while presenting this petition, on the undue advantage which some Noble Lords had taken of detached passages in the petitions from the Clergy, to impute to the petitioners what had never been intended to be conveyed by them. This usage was not less pardonable when the remarks which accompanied it happened to be couched in language that had been borrowed from the dog kennels. One Noble Lord opposite had declared that he did not object to receive petitions from the Clergy of the Church of England; and he (the Bishop of Chester) must, in courtesy, be obliged to him for this concession. He thanked the Noble Lord for this; but then, on the other hand, there was another way of attacking the petitioners, the mischief was to be effected in another shape—by picking holes in the substance of a petition, or commenting on particular words—a practice, he believed, though very young in Parliament, quite unknown to their Lordships in better times. If the petitioners, whose prayer it was his duty to present to their Lordships, had been brought up in the faith they professed, why was some warmth to be blamed in asserting it? Even some acrimony might perhaps be excused. Before he came into the House he had taken much trouble in settling his opinion on the question soon likely to come before their Lordships; but he found, what indeed was notorious, that in Ireland the most intolerant doctrines were promulgated in language as intolerant which he trusted he should be able to prove at the proper time—Adverting to the Bishop of London's charge, an expression from which had lately been borrowed by a Right Rev. Prelate, and which a Noble Lord opposite had turned to his present use, he would just mention to their Lordships what he conceived to be the true meaning of the passage. Could any of their Lordships suppose for a moment, that so eminent an ornament of the Established Church, distinguished for his learning and his liberality, could intend by a prostration of the will and understanding to advocate the superstitions of the Romish Church? No. The inference was obvious—it was the prostration of the will to the precepts of the gospel, and of the understanding to the mysteries of the Gospel. It was impossible for him to know where some Noble Lords had learned their political tactics, but the conduct they pursued was most unfair, and quite unbecoming the character of a generous adversary. He would, however, do the Noble Lords the justice to suppose that they knew enough of Ecclesiastical history not to be ignorant that in these attempts against the Church they were imitating the example not only of the antagonists of the Church of England, but of the enemies of all Religion. If this conduct were to be pursued from time to time, and under such circumstances, he must call upon their Lordships to protect the Established Church, not from argument, which her supporters were always ready to meet, but from such unfriendly missiles as were directed from the opposite side. It was both the interest and duty of Noble Lords to consult the evidence of History, for they might presently find, as their ancestors had done, that there existed no sincerer friends either to Civil or Religious Liberty than the chief Members of that Sacred profession to which he had the honor to belong. It was, therefore, the duty of their Lordships to treat its Members with respect, and at all events to protect them from contumely.

The debate was protracted by Lords King and Holland; an assertion by the latter that the majority of the Clergy were non residents, drew from the Bishop of Bath and Wells the contradictory and most gratifying statement, that in his lordship's diocese, containing nearly 700 parishes, there were but 17 non-resident ministers; and from the Bishop of Chester a nearly similar report of the state of that diocese.

The Earl of *Liverpool* strongly deprecated the critical severity exercised upon the petitions of the Clergy, as a gross invasion of the subject's unquestionable right to address the Legislature in whatever language might appear most suitable to the expression of his opinions, provided that it were not disrespectful.

The *Lord Chancellor* warmly approved of the part taken at this time by the Clergy, and declared that his opinions upon the Roman Catholic question was unchanged.

In the HOUSE of COMMONS—

Sir *Thomas Lethbridge* presented a petition from the parish of St. Mary, Leicester, against submitting to the demands of the Roman Catholics. In the course of a short speech, by which he introduced the petition, the Hon. Baronet was interrupted by the laughing of certain Members, to whom he read a sharp, but we trust a salutary lesson, upon the observance of good manners and parliamentary decorum.

Mr *Abercrombie*, assuming that the advice was intended for him, professed his high respect for Sir Thomas Lethbridge, and apologised for his laughter, on the ground that it was extorted by the support which the petition gave to his own opinions.

The House went into a committee upon the Custom Consolidation Act, when—

Mr *Huskisson*, in a speech of very great length, introduced his intended commercial regulations. The following is an abstract of them.—

DUTIES TO BE REPEALED ON ARTICLES OF FOREIGN PRODUCE AND MANUFACTURE.

Duty on Cotton Goods reduced from 75l, 65l 10s, and 50l, to 10l per cent.

Duty on Woollen Manufactures reduced from 50l to 15l per cent.

Duty on Foreign Linens reduced from 40l and 180l to 25l per cent.

Duty on Foreign Books reduced from 1s and upwards per lb: to 6d.

Duty on Foreign Paper reduced from 6d per lb. to 3d.

Duty on Glass Bottles reduced from 80 per cent. above excise duty here, 18s per dozen, to 3s per dozen.

Duty on Glass generally, reduced from 75l per cent. above excise duty on English glass, to 20 per cent,

Duty on Foreign Earthenware reduced from 75 per ct. to 10 or 12.

Duty on richer Porcelain somewhat higher.

Duty on Turnery, &c. prohibited at a small *ad valorem* duty.

Duty on Foreign Gloves prohibited at 30 per cent.

Duty on Copper reduced from 54l per ton to 27l. Proposes further reduction.

Duty on Spelter reduced from 28l per ton to 14l. Proposes further reduction.

Duty on Tin reduced from 5l per ton to 2l.

Duty on Lead—a smaller reduction; but he did not ment on the amount.

The duties on goods, wares, and merchandize, being either in part or wholly manufactured, and not enumerated by name in the book of rates, and prohibited to be imported into Great Britain, is at present 50 per cent., reduced to 20. The duty on goods &c., not in part or wholly manufactured, and prohibited, is at present 20 per cent.—reduced to 10.

The *maximum* of any duty left on the English book of rates is 30 per cent.

Several Members objected to particular parts of Mr Huskisson's plan; but the Right Hon. Gentleman's regulations were in the end all agreed to.

Mr *W. Smith* moved the second reading of the Dissenters' Marriage Bill.

Mr *Robertson* warmly opposed the measure, and drew a very unfavourable picture of the persons whom it was proposed to indulge, and whose title to be called Christians he utterly denied.

Doctor *Lushington* supported the motion.

Mr *Peel* avowed his dislike to the principle of the Bill; but said that he would not oppose its going into a Committee.

It was read a second time without a division.

CORK, MARCH 28.—On Saturday, a young lad named *Burgess*, son to the Post Mistress of Bandon, was committed to the County Gaol for trial at the present Assizes, for opening letters before their delivery, and extracting money out of them. We have heard the particulars, but as they will come so speedily before the public in a clear and distinct form, we refrain from going into detail.

An atrocious outrage was committed on Tuesday night last at Carrigrohan, near this city. A fine cow, belonging to a poor industrious farmer named Murphy, was houghed with a scythe, and the inhuman monsters actually cut off the two hind quarters, while the poor animal *was yet alive!* A similar outrage was committed on him a short time before. With such a fact before us, for the poor man brought in the horrid spectacle on a car, and exposed it to the public view on the parade—can we refrain from enquiring, do we live in a Christian country? or what there to reclaim such people?—*Constitution.*

His Royal Highness the Duke of York has been advanced to the degree of Grand Arch of the Masonic Fraternity.

The Mail.

WATERFORD, MARCH 30.

On Friday night Mr HUSKISSON followed up, in a speech of great length, the subject which he had so well opened on a former night. We regret not being able to make room for this important exposition of the new views entertained by Ministers on commercial subjects; but the great changes about to be made will be seen at one view, by an inspection of the scale of duties which are now to prevail. With respect to a very considerable portion of them, it certainly must be observed, that the alteration will produce but very little practical effect; with regard to others, it will probably be felt in the course of a very short time. Taking the measure, however, as an evidence of opinions changed, nothing can be more decisive. The prohibitory system, both in theory and practise, has received a blow, which it's advocates (if any there be) may well despair of seeing it ever recover.

CORN LAWS.—The most interesting question to this country, on which the liberal system in Commerce, can be brought to bear, is undoubtedly that of the Corn Laws. We think it will be difficult to stem the torrent of the new opinions on this question, powerful as the interest may be which will be raised in resisting it; and particularly as the *principle* of the change cannot be met with much show of reason. The amount of the *fixed duty*, will, we suspect, be shortly, the only point of debate between the interests which conceive themselves opposed, and that is the point to which it appears to us, attention should most particularly be directed.

The Emancipation Bill has appeared, and (as most distinctly averred by one of the Committee) has come into light, without having received any sort of help in its progress, from Mr O'Connell —contrary to the pompous and positive announcement of that learned gentleman. There is not a syllable in it, about forty-shilling freeholders, or bribing the priests; and so far the circumstance is happy, as Mr O'Connell and Mr Lawless may now let their differences descend to the tomb of the *Association*, and no longer keep an admiring world in awe, breathless with suspense, for the issue of a quarrel between such mighty champions. As we shall enable our readers to judge for themselves of the intended law in our next, we shall merely observe here, that the only novelty it contains, is a proposed Commission of Roman Catholic Bishops appointed by the Crown, who are to certify the loyalty of any R. C. Bishop or Dean, whose appointment shall have been confirmed by the See of Rome. They are also to certify the innocence of all Bulls, Dispensations, &c., received by individuals.

We repeat most confidently our opinion that this Bill will not pass into a law; and we conceive it to be a matter of the most serious regret, that sanguine expectations should be raised—only to be disappointed.

RETURN OF MAJOR DENHAM AND THE MISSION FROM THE INTERIOR OF AFRICA.

We feel great pleasure in announcing the safe arrival in Tripoli of this gallant and enterprising Officer and his companions, from Bornou, in central Africa, after a residence of eighteen months with the intelligent Schiek of that powerful and extensive kingdom. A letter which we have seen says "We shall leave this place in a few days for England, and are happy in stating that we have been successful beyond our hopes." When we consider the many attempts which have been made to explore the interior of Africa, and the number of travellers who have fallen victims to their laudable curiosity, it is some consolation to learn that an Officer of great abilities, indefatigable zeal, and the most respectable character, with other intelligent coadjutors, have been successful in a pursuit in which others have unfortunately failed, and who are likely to return in safety. We have now reason to hope for authentic information on a subject that may eventually prove of great importance to this Country in the extension of its commercial intercourse with regions but little known; and we trust that we do not flatter ourselves in presuming to expect that the more the British character is understood the more it will be respected, particularly in the example afforded by Major Denham and the partners of his mission.—*Sun of Friday.*

A meeting of the Householders of Westminster was held in Covent Garden, to petition against the window tax, on Thursday. Orator Hunt took occasion to say in the course of his speech, that the people would never consent to put £230,000 a year out of their pockets, to bribe the Irish Priests, to consent to the abolition of the forty-shilling freeholds; he then moved a resolution to that effect which was carried. Subsequently he opposed the petition which the meeting had been convened to adopt, and it was negatived!! There were then high words between him and Mr Hobhouse, whose father the orator called a *pensioner*. Mr Hobhouse retorted with great severity, and finally poor Hunt had to run into a house to escape the violence of the mob. Sir Francis Burdett was present, and appeared highly indignant at the conduct of the Blacking-maker.

MONSIEUR ALEXANDRE.

We feel great pleasure in observing, that the public of this part of Ireland, will next week have an opportunity of witnessing the entertainments of this celebrated performer. The talents of M. ALEXANDRE appear to be of the most extraordinary and peculiar kind, and, as we have been assured, afford really an astonishing exemplification, of the attainments of which the organs of speech and imitative faculties are capable.

At a Meeting of the Waterford Central Committee, Auxiliary to the British and Irish Ladies' Society, held at the TOWN-HALL on Thursday, the 24th of March, the following Report was read:—

Miss WALKER, Vice President, in the Chair.

Your Committee, in presenting their Second Annual Report, feel anxious to give an impartial statement of the results of their exertions for the past year, in order to communicate to the Friends of the Institution the nature of the difficulties which your Committee have had to encounter, and, at the same time, point out the cheering prospect of those difficulties being gradually subdued.

Although, from the monthly reports of those Districts immediately within the limits of the City, less may have been hitherto effected towards ameliorating the misery of the poorer classes, than might be expected by the more sanguine friends of the Institution, yet, in reflecting on the difficulty of at once eradicating *habits* at variance with Industry, and arising from causes too numerous to compress within the confined limits of a Report; your Committee congratulate themselves on the spirit of industry which they have infused, and the considerable relief which has been afforded, particularly to many in a state of great distress; and your Committee look forward in pleasing anticipation of further success, when the system of Relief and Employment shall come into fuller and more extended operation.

Your Committee regret that they have not experienced that active co-operation from the Ladies of Waterford which they expected, with regard to personal exertions, visiting, &c., but they have the gratifying pleasure of acknowledging to have received from the Ladies of the British Association, considerable funds, with a liberality reflecting the highest credit on their benevolence. Your Committee, however, indulge a hope that the generous example of their English friends may stimulate the Ladies of Waterford to more cordial exertions in favour of the Institution.

Your Committee present a general view of the state of the Districts, which confirms the preceding observations, and feel much pleasure in stating that the districts extending into the country present a very favourable picture. In those, the manufacture of linen, sacking canvas, and flannels, has been carried on with increasing success. The poor derive an evident benefit from the Association, and are, in many cases, able to lay by a portion, if not the whole, of their earnings, to purchase clothing for their families, making this truth evident, that the introduction of permanent employment (so much wanted in the City districts) can alone secure the objects of the Association on a firm basis.

In conclusion, your Committee are satisfied that the most effectual mode of overcoming the obstacles hitherto presented, is, to establish permanent manufactures, of coarse articles of clothing, &c., to increase the number of Ladies engaged in the service of the Association, in order that visits amongst the poor may be more extended and constant; and to encourage and promote, by moderate and suitable rewards, habits of industry, sobriety, and cleanliness.

Your Committee having thus given a general outline of the progress of the Association, now proceed to a detail of its affairs, in order to elucidate more clearly the advantages attending its institution.

The total number of families in the several districts visited within the last year, amounts to 186—of these 232 females have been provided with useful employment. To contribute to their health, and to the cleanliness of their abodes, 88 houses have been whitewashed, and 425 Bundles of Straw distributed. The total amount of Goods, the produce of their industry, is as follows:—Linen and Diaper, 650 yards; Flannel, 231 do.; Sacking and Canvass, 213 do.; Stuff, 162 do.; Linsey, 27 do.; Blanketting, 23 do.; Rubbing Cloth, 59½ do.; Woollen Mats, 10; Bacon Wrappers, 42; Hanks of Thread, 663; 162 lbs. of Tow Yarn, 216 lbs. Woollen Yarn. *Articles made up*—410 Shirts, 98 Shifts, 59 Gowns, 77 Petticoats, 90 Frocks; 154 Aprons, 47 Waistcoats, 26 Wrappers, 100 Caps, 29 Bibs, 100 Collars and Frills, 173 pair Stockings, 93 pair of Socks, 8 Cloaks, 18 pair Cossack Trowsers, 14 pair Sheets, and 6 pair of Stays.

The Surplus value of the Goods thus manufactured and made up amounts to. ...	£72	6	11
The Cash in hands of different district Treasurers	37	6	8
The Cash Balance in Treasurer's hands.....	34	13	1½
The Cash in Savings' Bank.....	52	1	8
Amounting in the whole	£196	8	4½
If from this we deduct the Amount of Subscriptions and Donations received	£54	5	0
And the Sums received from the Ladies of the British Association....	108	5	0
	163	10	0
We shall have a Balance in favour of the Association of.....	£32	18	3

Your Committee cannot produce a more gratifying proof of the progressive improvement of the Institution, or of the fruits of that Industry which it has implanted. And your Committee once more appeal to the friends of the Association for their active co-operation in the furtherance of this most useful Charity, which the wretchedness of the unemployed poor of this Kingdom first rendered imperative on humanity to institute; and which even a limited experience testifies, is far from being hopeless or unprofitable.

HIBERNIAN GENERAL RAILWAY COMPANY.

The Act of Parliament, which the Committee of this great national undertaking intended to have brought in this Sessions, must, in consequence of the impossibility of complying with the rules of the House of Commons, to produce Maps, Estimates, &c. &c., which could not be got ready in time, be for the present postponed. We are, however, happy to find that this will occasion no delay in the operations of the Company, and that every measure will go on as effectually as if the Act had passed; indeed the aid of the Legislature is less required in the case of an undertaking where every heart and hand join in its advancement and prosperity, and we expect that in the approaching Summer a considerable progress will be made in the projected work. The Company will act under their deed until they receive the further sanction of an Act of Parliament.—*Dublin Morning Post.*

BRISTOL TOWN DUES.

The Town Dues Bill has at length made its appearance; and we had hoped that after the acknowledgment last year by the Common Council of certain leading principles which were so strenuously urged upon its notice, and afterwards acceded to in the arrangement entered into in London, as being absolutely necessary to encourage the trade of the Port, that some of the most important of these principles would have been again conceded to the wishes of the Non-freemen, and that the probability even of opposition would, as much as possible, have been avoided. It becomes however our duty to state, advocates as we have ever been for the removal of those restrictions and disabilities which we have incontrovertibly proved to have been the cause why Bristol does not partake of the general commercial prosperity, that the provisions of the Bill and the mode of collecting the rates are a total departure from the principles above alluded to.

It has given up the whole of the Coasting Dues.

It has conceded to Ireland the Town Dues; which, by the bye, if the Act of Union is rightly construed, is no concession at all, for by that Act, Ireland is already put upon the footing of a Coasting Country.

It has modified the Mayor's Dues by a graduated scale, and given an option to compound for a certain time.

And it has changed the *ad valorem* duty into a package rate, by which it is candid to confess, that a considerable diminution in the revenue of the Common Council must, probably *for a time*, ensue.

But if the Common Council conceives, that these concessions and alterations alone will bring back the trade of the port, or enable us to preserve that which we have, or that the great Body of the Non-freemen will be satisfied, it will find itself we apprehend, very much mistaken—*Bristol Journal.*

HOAX EXTRAORDINARY.

"Mighty like a Whale."—*Shakspeare.*

On Sunday, the inhabitants of Clontarf were alarmed by an extraordinary influx of visitors. Every road and avenue leading to the *Sheds* were thronged with travellers of every description, from the humble pedestrian to the liveried charioteer. The learned and the ignorant, the humble and the great, were all impelled forward by curiosity to one focus of attraction, the Pier of Clontarf, where some persons had, in printed handbills, promised to exhibit a *Whale*, measuring seventy feet from the snout to the tail! The carmen, who really profitted by the joke, were to be heard describing it "as large as eleven houses and longer than the pier itself." Not the least amusing part of the scene was, that those who had been themselves deceived, endeavoured to cajole others by accounts of the Whale, so astonishing and seemingly so accurate, that would have deceived even Nestor himself. It was not until five o'clock in the evening that the hubbub and confusion, from the innumerable cars, gigs and coaches, on the different roads, began to cease, and all their occupants returned, completely satisfied that "the Royal Fish" had not condescended to visit the Eastern shores of Ireland this season.—*Dublin Paper.*

MALICIOUS BURNING.—We are deeply concerned to state that, about 12 o'clock on Tuesday night, an attempt was made, by putting fire to the thatch, to destroy the dwelling house of James Kehoe, of Bragarteen, a respectable farmer, about five miles from town. The barking of his dog alarmed the owner and his son, who got out of bed and, after firing one or two shots to intimidate the incendiaries, fortunately extinguished the fire before it had made much progress. In the morning the marks of a person barefooted were traced near the house. This is not the first time that diabolical efforts have been made, and we are sorry to say with too much success, to destroy the property of this industrious and inoffensive individual. Last Summer Assizes a presentment was passed of the amount of £14 6s. for the malicious poisoning of two of his horses; and last Assizes a presentment was passed for the poisoning of two of his cows! His other cattle had been poisoned at the same time, but recovered on the application of medicine. Some time ago Kehoe had taken a farm adjoining his own, and this is the reason, perhaps, why he has been visited with such demoniacal persecution. *Wexford Herald.*

Neil, the coachman, tried at Clonmel on Friday, for the murder of his wife, was found guilty of Manslaughter, and sentenced to be transported for life.

A man of the name of *James Lynch*, an accomplice of *Barret*, who was hanged for the same offence last Assizes, was convicted of a rape on a married woman, at Cork, on Friday, and sentenced to be hanged.

BOW STREET, LONDON.—Henry Thurtell, through the intercession of Mr Halls, the Magistrate, has received the appointment of Master at Arms, in an Indiaman which is about to sail. As money was required to fit him out, several respectable persons have attended at this office to subscribe for that purpose, and there is every prospect of a sufficient sum being collected.

A great portion of the evidence of the Committee of Irish Inquiry in the House of Commons, appears in a Dublin Evening Paper of Monday.

KILKENNY COUNTY GRAND JURY.

William Ponsonby, of Bayswell, Esq. Foreman; Hon. C. H. Butler Clarke, of Castlecomer; Hon. Henry E. Butler, of Mount Juliet; Hon Pierse Butler, of Ballyconra; Sir Josiah C. Coghill, of Ballyduffe, Bart.; Sir Jonah W. Cuffe, of Lyrath, Bart.; William Tighe, of Woodstock, John Flood, of Floodhall; Thomas Kavanagh, of Ballyragget; Henry Wemys, of Danesfort; William Bayly, of Norelands; John Power, jun. of Kilfane; William M. Reade, of Rossenarra; Harvey Pratt, of Castlemorris; Gorges Hely, of Foulkscourt; Thomas Neville, of Annamult; Charles Kearney, of Kearney Bay; Richard P. O'Shee, of Shee'stown; Michael D. Keating, of Tennypark; Arthur St. George, of Kilrush; John Baker, of the Farm; Thomas T. Bookey, of Mount Garnett,; and Patrick Power, of Bellevue, Esqrs.

JOHN LEONARD, Treasurer to the Mendicant Asylum, acknowledges the receipt of the following sums for the use of said Institution:—

From Capt. Abm. Roberts, per Rev. Wm. Price.	£1	2	9
A Friend per the Rev. Mr Dixon.....	1	0	0
A Gentleman, fines at a convivial party		3	1
Card box.....		7	9½
The Weekly Collecting Committee, per Mr Sullivan.....	3	7	9½
The Parish of Ballybricken, by Mr Burne	1	9	9½

CORONATION OF KING CHARLES X.

RHEIMS, MARCH 20.—The greatest bustle prevails in every part of this town, in consequence of the King having decided that the Coronation shall take place on the 16th of May. It was rumoured, that a more distant period had been fixed upon, and the inhabitants, who expect to reap a golden harvest, had postponed many of their preparations, in the hopes of ascertaining to what extent it is intended to give eclat to the ceremony, a great number of persons belonging to the Court, and agents of all sorts, sent by illustrious foreigners, who intend to be present at the *Sacre*, having already arrived. All doubts are now dispelled, and speculations of every kind are now on foot. Several Parisians arrived three months ago, and entered into various bargains with persons who have the largest hotels. Some weeks after, others made their appearance, who took the bargains off the hands of the first; and only a few days ago, others came post haste from the metropolis, to make a third purchase. Transfers of houses, provisions, &c. are continually taking place, and our principal coffee house has become a sort of Stock Exchange. A few days since ice was at a premium of 200 per cent., a large contract having been entered into by a speculator to supply the Court with 100,000 francs worth from the mountains of Auvergne. Ice immediately was at a discount of 50. Almost every article of *comestible* has varied from ten to fifty per cent. No Coronation has taken place in this town since that of the unfortunate Louis XVI. Many of the inhabitants who were present at the ceremony, anticipate, from the preparations now going forward, that the present Coronation will be on a much grander scale than the last. An old Nobleman, residing here, whose office placed him near Louis XVI. during the whole of the ceremony, states that he heard the unfortunate monarch utter these remarkable and prophetic words, when the Crown was placed upon his head—'Elle me blesse'—(It hurts me.)

A great number of English are expected; and the Duke of Northumberland and suite are, it is said, to surpass in magnificence all the Representatives of the Sovereigns of Europe.

Mr and Mrs Canning and family were at the English Opera House on Thursday, to enjoy Mr Matthews' entertainment.

Theatre, Waterford.

FOR THREE NIGHTS ONLY.

MONSIEUR ALEXANDRE

BEGS leave to inform the Public, that on TUESDAY, the 5th, THURSDAY, the 7th, and SATURDAY, the 9th of April, he will have the honour to present them with his performance entitled the

ROGUERIES of NICHOLAS;

OR,

THE ADVENTURES OF A VENTRILOQUIST.

Pit....4s 4d.—Gallery....2s 2d.

TICKETS and PLACES to be taken at the THEATRE from 12 to 4 o'Clock.

Doors to be opened at Seven, and to begin at Half-past Seven,

For further particulars see *Hand-bills.*

March 30, 1825.

COD OIL, BARILLA, &c.

W. PENROSE has for SALE at his Stores in QUEEN-STREET, about 35 Tons COD OIL, 10 Tons BARILLA, and 25 Baskets of best DOUBLE BERKLEY CHEESE.

Waterford, March 29, 1825.

THE CANADA COMPANY.

FOR QUEBEC, CANADA,

THE EAST INDIA SHIP, *MARIA*, capable of carrying 950 Tons, E. V. ELSEWORTHY, Commander. PASSENGERS will please take Notice, that this SHIP will sail the SIXTH or SEVENTH of APRIL.—She has room for a few Passengers—whose Situations have been represented to Government—the sooner they apply the better. Those who have taken their Places, must lose no time in making their Payments, or others will be admitted in their Births.—No further Notice can be given.

Please apply early for a Passage, &c. to the Commander on Board, or at the Agent's, next door to Mr Bull, Bookseller, Quay; or at Moore and Lumsden's Brokers.

N. B. Plenty of WATER and FUEL on Board.—Ship carries a SURGEON.

March 26, 1825.

LONDON

ROYAL EXCHANGE

ASSURANCE COMPANY,

ESTABLISHED BY ROYAL CHARTER

IN THE REIGN OF

HIS MAJESTY KING GEORGE THE FIRST,

For Assuring Buildings, Goods, Merchandize, and Ships, from Fire;

ALSO FOR THE ASSURANCE OF LIVES.

THIS Corporation, established now almost a Century, insures all kinds of Manufactories, Buildings and Stock, from loss or Damage by Fire.

Assurances on Lives effected with the greatest facility and privacy, to the age of Seventy-five years. No Medical Certificate or needless reference required, when the Life to be assured appears at this Office. No extra Charge now made for Militia or Volunteer Service, serving within the limits of the United Kingdom. Persons assured with this Corporation do not depend on an uncertain Fund or Contribution, nor are they subject to any covenants or calls, to make good Losses that may happen to themselves or others, the Capital Stock of this Corporation being an unquestionable Security to the Assured in case of Loss.

Insurances effected on single Lives to the extent of £10,000.

Persons whose Annual Premiums on Fire Insurances, fall due on the 25th March are informed, that if the Premium is not paid on or before the 9th of April, their Policies will be void, as the usual 15 days allowed for payment beyond the date of each Policy will then expire.

☞ Persons whose Lives are assured by this Company, are allowed to pass, in Decked Vessels, from one part of the *United Kingdom* of *Great Britain* and *Ireland* to another, and to and from the Islands of *Guernsey, Jersey, Alderney, Sark and Man*, and also to pass, in time of Peace only, in Decked Vessels, between *Flushing* and *Ushant*, without *extra* Premium, and without being subjected to apply, as heretofore, to the Office for Special Permission.

SAMUEL CROSTHWAIT,
SANDHAM ELLY,
Agents and Receivers to the Corporation.

Waterford and Ross, March 19, 1825.

COUNTY WATERFORD.

TO BE LET, for such Term as may be agreed upon, and immediate possession given, the HOUSE and DEMESNE of TEMPLEMICHAEL, containing TWENTY-TWO ACRES of excellent LAND, with a walled-in GARDEN, and a most complete set of OUT-OFFICES.

This House is beautifully situated on the bank of the Black-Water, within Three Miles of the Town of Youghal. Application to be made (if by letter post-paid,) to Mrs JOHN SMYTH, *Youghal*, or to PATRICK LAWLOR, Esq., *Mount-uniacke*, Youghal.

29th March, 1825.

TO BE LET,

A LARGE MALT HOUSE in complete Order, situated at the end of STEPHEN-STREET, with a New KILN on the most Approved Plan, and a YARD and Range of OFFICES adjoining, with an abundant supply of WATER. The Malt House will contain, 4 to 5000 barrels of Corn.—Apply to Mr. WILLIAM M. ARDAGH, or Mr MICHAEL MORTIMER, Waterford.

March 23, 1825.

TO FRANCIS WYSE, ESQ.

SIR—

AS WE *consider our Characters to have been unwarrantably assailed by your Advertisement, published in the* 'Chronicle' *of yesterday, we beg to request a public detail of the circumstances from which our disagreement had arisen. To yourself we leave the statement; if it be truly drawn, we fearlessly assert, that it must dissipate that prejudice, which your very uncalled for, and injudicious Advertisement was calculated to raise in the public mind.*

We have the honour to be, Sir,
Your very obedient Servants,
PETER WHELAHAN,
EDWARD WHELAHAN.

Waterford, March 29, 1825.

By the Lord Lieutenant and Council of Ireland,

A PROCLAMATION.

WELLESLEY,

WHEREAS *by Our Proclamations of the Fifteenth day of April. One thousand eight hundred and twenty-two, and thirtieth day of April, One thousand eight hundred and twenty four, the Baronies of Knocktopher, Iverk, and Kells, (including in the last-mentioned Barony the Town and Liberties of Callan), also the Baronies of Galmoy, Crannagh, Gowran, Fassadining, Shillelogher, and Ida, in the County of Kilkenny, were declared to be in a State of Disturbance:*

And whereas it hath been made known to Us, that the said Baronies and Town and Liberties of Callan, have been restored to a State of Tranquillity:

We, the Lord Lieutenant, by and with the Advice of the Privy Council of Ireland, do hereby revoke and annul the said Proclamations, whereby the Baronies of Knocktopher, Iverk, and Kells, the Town and Liberties of Callan, and the Baronies of Galmoy, Crannagh, Gowran, Fassadining, Shillelogher, and Ida, in the County of Kilkenny, were declared to be in a State of Disturbance; of which all Justices of the Peace and other Magistrates of the said County of Kilkenny, and all others whom it may concern, are to take Notice.

Given at the Council Chamber in Dublin, the 14th day of March, 1825.

Manners. C. W. Dublin Nath. Meath. Cumbermere
Denis Brown. Wm. M'Mahon. J. Radcliff.
GOD save the KING.

PORT NEWS, PASSAGE, MARCH 29.

ARRIVED,

25th—*Ann, Lewis, Liverpool, white-salt; Mary, Wills, Figueira, fruit and salt: Magnet Packet, Goodland, Newport, iron.*

26th—*Salacia, Harris, Glasgow, coals; Favourite, Beer, Ayr, ditto; Caroline Walters, before mentioned; St. Patrick, Veale, Dungarvan, ballast; Lord Ebrington, Day, Swansea, coals; Five Friends, Milne, Banff, herrings; Little Ann, Marchant; and Freeman, Stephings, Newport, coals.*

27th—*Susannah, Miller, Dunmore, ballast: Emma, Jacob, London, gen. cargo; Argyle, Grossard, Liverpool, rock-salt, deals, and lathwood. Put back—Four Brothers, Howlan*

28th—*John and Jane, Power, Newport, coals, (for Ross.)*

SAILED.

25th—*Margaret, Williams, London, oats and flour; Liberty, Evans, Bristol, cattle; Aid, Downie, Limerick, ballast; Ardent, Jenkins, Bristol, oats, flour and wheat; Harford, Walters, Plymouth, wheat and flour.*

26th—*Aurora, Nichols, London, bacon, &c.*

27th—*John and Mary, Gibson, Portsmouth, oats; George IV., Hollis, ditto, provisions; Perseverance, Richards, Newhaven, oats; Erin, Allen, London, provisions; Betsey, Sagee, do. oats; New St Martin, Higgins, Cork, fish; Three Sisters, Sheridan, ditto, flags, from Ross.*

28th—*None.*

29th—*Friends, Williams, Bristol, wheat and flour; Union, Bant, Liverpool, ditto; Eagle, Morgan—Two Sisters, Corry—and Mary, Davis, before-mentioned.*

ARRIVED FROM WATERFORD.

At Portsmouth, 23rd, New Times, Clarke, for London.
At London, 24th, Maxwell, Burgess.

SHIP NEWS.

"Beaumaris, March 23d.—*The Melancthon*, Parry, *from Dublin for Waterford, which was stranded in Carnarvon Bay, 16th Nov., was recently floated off, but in bringing her over the bar she grounded, and lies near the Perch, in a bad state, having received considerable damage in the late gales.*

WATERFORD MARKETS.—*Our Corn market continues to be but thinly supplied. Wheat, 33s 6d to 35s 6d; Oats, 12s 10d to 13s 2d; Barley, 15s 6d to 18s per barrel. Of new Butter, prime quality, but very few firkins appeared at the Crane these some days, which were principally purchased by housekeepers at 105s to 110s per cwt. In Flour, Oatmeal, Pigs, &c &c. there is scarcely a shade of difference from our last quotations.*

LONDON CORN EXCHANGE, MARCH 25—*Even though our supplies are very limited, the sale of all descriptions of grain was exceedingly dull this morning; fine samples of Wheat with difficulty support Monday's prices, and Barley is so heavy that scarcely a sale can be effected, although offered at lower prices. But Oats sell better than either of them; still the trade is far from being brisk; the cause assigned for this dullness is the favourable state of the weather for the farmers to sow their spring corn.*

IRISH PROVISIONS.—*In Beef or Pork there is no variation. Bacon is dull. Carlow Butter, 104s. Waterford, 98s.*

MARRIED,

On the 21st inst., in St. George's Church, Dublin James Hardy Eustace, of Kilbaythe, in the County of Carlow, Esq., Captain in the 8th Regiment of Foot, to Elizabeth, only daughter of Arthur Reed, Esq. M. D. of Carlow.

DIED,

On Wednesday last, in Clonmel, Mrs O'Kearney, relict of the late Thomas O'Kearney, of Newcastle, in the County Tipperary, Esq.

Suddenly, at Bristol, on the 21st, Mr Wm. Dawson Merchant, aged 70.

SPECULATIONS.

(From the XLIId Number of the Quarterly Review.)

It must be allowed that we live in an age of speculation and experiment—the one always conducive to the establishment of truth and sound principles—the other too often leading to nothing but delusion and disappointment. Both of them, however, have scope and allowance enough at this particular time. The cultivators of the arts and sciences can no longer with justice complain of any want of patronage, either on the part of government or individuals. Nor can it be said, that men of wealth, rank, or influence, turn a deaf ear to the multifarious projects which from day to day are bursting forth into light. So much, indeed, is the contrary the case, and such is the eagerness and avidity with which schemes (as wild, some of them, as were ever hatched in the college of Laputa) are seized upon from the moment they are reduced into a tangible shape as objects of speculation, that one of the first questions 'on 'Change' usually is, what new project is in the market to day? There is, in fact, such a mania for speculation, that the old Romans were not more clamorous for their 'panem et Circenses' than the monied gentry of the city are for new projects and shares; 'give us but *shares!*' is the universal cry; and it is not confined to the city—the loungers of the club houses, the young Guardsmen, the clerks in the public offices are all inoculated—indeed the frenzy is become so general and wide-spreading, that we should almost be afraid of its proceeding to a confirmed constitutional disease, were we not satisfied that it must ere long work out its own cure; for although some of the operating causes may be found in the unparallelled prosperity of the country, the great amount of surplus capital, and the consequent low rate of interest; yet we mistake much if the great force and spread of the disorder be not mainly attributable to a cause which must be less permanent; the facility, we mean, with which all classes find admittance into the new schemes, by the smallness of the first deposit: how to pay the second is a question never once asked.

But whatever the origin may have been for that rage for speculation, which has driven all ranks of the community to seek employment for their capital out of the ordinary channels, it must be admitted that very little discretion appears to be exercised in the pursuit and selection of extraordinary ones. It matters not, indeed, what the foundation of the project may be, nor whether it stand on any; it is only necessary to find out some shrewd, confident, and bustling agent, generally in the person of an attorney, who gets together a president or chairman, (of rank or distinction if possible,) with a dozen names of notoriety, containing a considerable sprinkling of M. P.'s, to act the part of directors, a banker, not difficult to be found; and an engineer, like a physician, or, like a lawyer, ready to undertake any case, however desperate, and, like them, sure to derive individual profit from the undertaking. When these *dramatis personæ* of the farce are procured and arranged, and the curtain is drawn up, the crowd rush forward, all eager to act a part, and to contribute their share to the new adventure: contented, however, to assume the parts even of mutes—mere puppets, whose motions are to be determined by those who pull the strings. This may be amusing enough to the lookers on; but in sober sadness, it is painful to observe the prevailing madness for rash and improvident speculation; no participator in which once thinks of inquiring what the probable result may be, or what is the real nature of the risks to be encountered; but onward they proceed, without one intelligent and reflecting mind to look up to, to guide or check them in their mad career. It must not be supposed, however, that the original projectors have not a due regard to their own particular interests; if the shares (of which they are the largest holders) bear a premium (which those of the most unpromising speculation are almost sure to do on their first appearance in the market), they sell out, and their object thus obtained, start upon some fresh game: if the concern lingers on, and fresh deposits are required, the unfortunate holders, unable to pay or fearful of larger demands, are compelled to sell; the price of the shares then falls, and on further calls being made, the luckless purchasers get out as well as they can, by selling at a considerable loss; the next holder does the same; and thus they go on progressively in their descent, till they reach their proper level at *zero*, of nothing, when the bubble finally bursts and the whole scheme explodes in empty air, like the infamous Poyais fraud, or King Ferdinand's repudiated bonds.

One might have thought, so nearly allied are these speculations in name and situation to a once celebrated bubble, that some unpleasant reminiscences would now and then have occurred to those who are engaged deeply in them; but as this is not the case, we are rather surprised that some hardy projector has not yet brought forward a *prospectus* for connecting the *Great South Sea* with the Atlantic, by a ship canal cut through Nicaragua or the isthmus of Panama.*

But the frenzy of speculation appears to rage highest among the mines of South America, from whose bowels the "aurum irrepertum," which the Spaniards have left, because the Spaniards had ceased to find it profitable, is to be dug out by means of English capital, English men, and English machinery; and in such abundance, that certain political economists are already lamenting the probable depreciation of the precious metals, and others are feeling some little alarm, lest the Chancellor of the Exchequer may be enabled to pay off the National Debt, which would undoubtedly be a very serious misfortune;—to these persons we have only to say, with the notable Mrs Glasse, "first catch your fish." But to what will not men persuade themselves, when we find that a single share of a certain mine named the Real del Monte, on which £70 only had been advanced, rose to a premium of £1,400 a share, or £2,000 per cent.! What other conclusion can be drawn than that the gentlemen of the Stock Exchange have either lost their wits, or found the long sought for passage by which Candide and his man Cacambo were floated down into the happy valley of Eldorado, and have ascertained that the "cailloux d'or," and the "boue jaune," are still to be had for fetching? that they have been told, "emportez-en tant que vous voudrez et grand bien vous fasse," as the good old king of that happy valley said to the Optimist. So say we; much good may the golden pebbles and the yellow dirt do ye, gentlemen; long may you cherish your golden dreams, and suffer yourselves to be gulled by sharpers, whose daily and hourly business it is to plant "springs to catch woodcocks," and whose study it is to persuade their dupes that

> "There the molten silver
> Runs out like cream on cakes of gold;
> And rubies
> Do grow like strawberries."†

† The Stock Exchange history of this wonderful mine is this. It belonged to a private gentleman of Mexico, who derived such wealth from it, that he made a present, during the last war, of two seventy-four gun ships to the King of Spain. We could another 'tale unfold,' respecting this golden bubble and its *flappers* at the west end of the town, where 'news from the mine' is regularly manufactured, from St. James'-street down to Charing Cross, to catch the city gulls, who in return lay their daily baits for the gentlemen of the west.

* The first is done! Scarcely was our ink dry, when we beheld an *invitation* from the President and Congress of Mexico for proposals.—But has Mexico really possession of that long isthmus which connects the two continents? Has not Guatimala also declared itself independent? No matter, the project will take.

STATE OF ENGLAND—MR. CANNING.

(From the Public Ledger, *a London Paper.)*

It is admitted on all sides that the country never exhibited more unequivocal signs of prosperity than it does at the present moment; and it is further acknowledged that the public tranquillity never presented a more settled character. To these cheering phenomena must be added the loyalty that pervades all ranks of the people, not to omit the working classes, so turbulent a short time since, and now as orderly in their deportment as their condition is happy. The remarks we have just made, are familiar to every one, but the cause, which has produced the state of things to which they apply, is not equally obvious.—But as it is of the utmost importance that the principle should be clearly understood, in order that the public mind should receive no false impressions as to the origin of the improved and improving situation of the country, we have devoted this article to the subject, though to many it will convey no new information. The first symptoms of a favourable change in the circumstances of the Empire took their rise with the spirit of liberality, by which the public administration has been so distinguished of late. The more this spirit expanded itself, the more its influence became apparent; and signs of returning health followed in rapid succession; and, now that its triumph is complete, or nearly so, its salutary influence exceeds all that the most sanguine mind had ventured to anticipate. Five years since, every species of property was depressed to an alarming extent; and to crown the evil, one half of the labouring population was unemployed, and literally starving. At the present every interest is thriving; and the demand for labour in the manufacturing districts throughout Great Britain exceeds the means of supply; and our population, which some quacks had written bulky pamphlets to shew that it was superabundant, is scarcely equal to the new exigencies. Even the mighty power of the steam engine is scarcely equal to the growing demand for labour; and, in point of force, wonderful as it is, it is inferior to the spirit of liberality, which has of late been infused into the management of the national concerns. It is not the eloquence, it is not the talents for business, it is not the comprehensive and versatile mind of Mr. Canning, almost pre-eminent as he is in all these particulars, and to which he joins the closest application, which have given to his Administration its successful and lofty character. With these qualities alone he could only have propped up the falling State, and at most kept out of sight the marks of deep injury which the body politic had received before his time. But he came into office with the feelings of a Patriot, with which he combined a profound knowledge of the causes which had raised this country to the first rank amongst nations. His classical mind, too, had imbibed the spirit, as well as the lore of ancient Greece and Rome; and his soul was warmed by the flame of their liberty, as much as his literary taste was purified by the bright models they have left behind in their writings. His Administration is assimilating itself, every day more and more to the prototypes which his early studies had impressed on his mind; and the impression became deeper, like the incision in a young tree, as his fine genius expanded. At first he could proceed only slowly and cautiously, on account of the stubborn prejudices he had to contend with; but, as his influence in the Cabinet increased, his views assumed a bolder character. As he is now the most popular Minister, and consequently the most powerful, that perhaps ever governed the country, he has infused too his whole spirit into the public Administration, which is thus become the most liberal of any at this time upon earth. This is the cause too of the present unexampled prosperity; and which is certain to increase, because the impulse is sure to continue; Mr Canning has not only cured the nation of its ills, but he has presented to it the philosopher's stone; and, as he has convinced the Legislature, as well as the other thinking portion of the public, of its efficacy, there is no doubt, but it will be guarded with religious care. He has shewn them that his grand arcanum consists solely in a strict conformity between the practice and the spirit of our Government; and, as it has already operated in so short a time such wonders, any attempt to decry its virtues would be utterly useless. It may be now confidently said, that the direction he has given to the management of the national concerns is fixed; and it may be affirmed with equal confidence, that the happiness which now beams on the country, affords only a faint idea of that which is still in reserve.

The East India Company have granted a pension of a thousand a year to that most distinguished individual, Major-General Sir John Malcolm. His works on *Persia*, on the *Political History of India*, on the *Sikhs*, and on *Central India*, have attracted the admiration of our best Reviewers, without distinction of party. In Asiatic Diplomacy, there is probably no man living who has taken so active a part. From the year 1798, when he went as Assistant Resident to Hyderabad, till 1822, when he retired from the military and political direction of Central India, there were few great political operations in which he was not more or less consulted; and his negociations with the King of Persia, with Scindia, Holkar, &c., are masterpieces of ability in the diplomatic art.

LONDON—THURSDAY.

The Emancipation Bill.

The chief business of interest in the House of Commons last night was the introduction of the Catholic Bill by Sir Francis Burdett, and the discovery which ensued, that Mr O'Connell's claims to the paternity of the measure existed solely in the imagination of that learned Gentleman, and in his letter to the Catholic Association, in which he modestly said, "that the Catholics would *hear with great pleasure* that the draft of the Bill had been committed to him." Now as the truth of an assertion of this kind could not possibly be doubted by any man who has the least regard for veracity in public or in private, Mr Secretary Peel really believed that the draft of the Bill had been committed to Mr O'Connell, and very justly made that circumstance a ground for recommending that the details of the measure should be duly examined. But to the infinite surprise of the House, up started Mr Tierney, a gentleman entitled to fully as much credit as Mr O'Connell, and with more charity than conviction, declaring that gentleman "incapable of uttering an untruth," proved in an undeniable manner that he told a gross one. "As a Member of the Committee (said Mr Tierney.) I can say that Mr O'Connell had nothing to do with the drawing up of the Bill. Some mistake must have occurred. Mr O'Connell is incapable of uttering an untruth, and there must be some misconception with respect to the matter. That Gentleman may have given some information to the Members of the Committee individually, or he may have gone so far as to have written down his opinions, but he has taken no share whatever in the drawing up of the Bill." Had not Mr. Tierney uttered the truth, the other Members of the Committee were present, and would have set the matter right; but not one of them, not even Sir Francis Burdett himself, the Parliamentary father of the measure, wasted one word in vindication of Mr O'Connell's veracity. They probably considered the case hopeless, and prudently abstained from directing public attention to the errors of a friend, by a vain and judicious attempt to defend them. It appears, indeed, that the present Bill contains none of those provisions which Mr O'Connell's prophetic pen had announced to the Catholics of Ireland. It neither abolishes forty shilling Freeholders, nor makes a provision for the Catholic Clergy; but merely goes to effect an alteration in the Test Law, which will admit the Catholics within the pale from whence they have so long been excluded. No opposition was made to the first reading, except a few words from Sir T. Lethbridge; but the wish of the House was expressed to Sir Francis Burdett that he would not persist in fixing the second reading for the 14th April, as many Members would then be engaged at a distance in the discharge of their magisterial duties. The Hon. Baronet, however, had been placed in a difficult situation. The friends of the Bill, who perhaps relied for its passing through a second reading, in the absence of those very Members, had requested him not to flinch. His gentlemanly feelings, on the other hand, told him plainly that the part thus imposed upon him was repugnant both to common decency and to honour.—The fluctuations of his mind were at last set at rest by a powerful appeal made by Mr Peel to the feelings of the Gentleman, and much to the dismay, no doubt, of the inventors of the ingenious expedient to avoid discussion and resistance, the Hon. Baronet consented to postpone the second reading of the Bill to the 19th, instead of the 14th of next April.—*Morning Post.*

The Hamburgh Papers contain two proclamations of the Emperor Alexander; one convoking the Estates of the Kingdom of Poland, in which his Imperial Majesty admonishes the Senators and Deputies not to follow the example of the Diet of 1820, which he says, spent its time in continual and useless debates; and the other effectually remedying the evil of which he complains, by excluding the public from its debates. These documents sufficiently shew the disposition of the Emperor of Russia towards constitutional rights.

It appears to be the custom of the *gentlemen* of the Stock Exchange, to bustle and abuse any stranger who dares to enter the precincts of this Exchange. An aggravated instance of this brutal practice, came last week before the Lord Mayor. A Mr Harrold was the gentleman who made the complaint. His hat had been knocked off and he had otherwise been violently assailed. In return, however, he had nearly strangled one of the young brokers.

On Wednesday evening the report of the Committee appointed to inquire into the state of Ireland was laid upon the table of the House of Commons, together with the minutes of Evidence. It was ordered to be printed.

DRURY-LANE.—The Tragedy of *Brutus* was represented on Thursday night, for the first time this season. Mr Kean resumed the part of *Brutus*, a part written for him, and adapted to his peculiar talents. At the end of the play there was a general call for Mr Kean to announce the future performance, and that actor who was hissed off the stage a few weeks ago, was heard with attention, and dismissed with the warmest applause!!!

Several Bills in Chancery have been filed in consequence of disputes originating in the contracts for new projects.

It appears by the recent letters from India, that Lord Amherst is in very bad health.

Sir Walter Scott has declined the honour of being Rector of St. Andrew's University, on the score of his increasing years and aversion to business.

It is reported that a Saloon (100 yards square) of silver ore, which produces fifty per cent. of metal has been discovered in the Conception Mine, belonging to the Anglo-Mexican Mining Company. A similar Saloon was discovered about 12 years ago in the same mine.

A piece of ground attached to the residence of Count San Antonio, at Brighton, was on Saturday knocked down for £8,500, it had a frontage of 80 feet, and altogether one single acre of land. The cost of the ground 25 years ago was £512

Mr Judge, of the *Cheltenham Journal*, has announced his intention of proceeding at law against Colonel Berkeley.

BOXERS.—A giant from Yorkshire, has given the Londoners notice, that in a week he will shew himself in the ring, to contest the championship for his own money.

FROM A PRIVATE CORRESPONDENT.

"London, 23d March.

"The town seems to be full of the Irish Roman Catholic Clergy; at least one would think the whole of their Hierarchy are here; they are in attendance on the Parliamentary Committee. The Rev. Dr. Kelly, titular Archbishop of Tuam, was examined yesterday. This apparent selection and preference of Roman Catholic witnesses is not, perhaps, in a partial spirit, and we may hope to see the Committee enlightened by Protestant evidence, after the other shall have been gone through.

"You will have seen that the would-be Patriot and Whig, Mr Grattan, made an attempt, on Tuesday evening, to inflict upon his country——that country which raised the fortunes of his house—the curse of poor rates: but, thank God! Ireland found a protector in Mr Goulburn, who declared that '*he would oppose any measure having for its object the introduction of the English system of poor laws into Ireland.*'—Leave was given, as mere matter of course, to bring in the Bill; but I fancy that the proposer, after what he saw of the proper feeling of the House, and the declaration of the Representative of the Irish Government, will not have the hardihood to proceed further.

"The report continues prevalent that Mr Peel, the great champion of our Protestant Constitution, will resign, should the second reading of Sir F. Burdett's Bill be carried—great exertions will be made on that occasion. It is calculated here, that, should Mr Peel resign, a sensation will be created, not only fatal to the farther progress of the Roman Catholic Bill, but leading to a break up of the Ministry, and the return of Mr Peel into power, as Premier. He holds a place in the hearts and the confidence of the British people, which it is not easy to describe. Mr Goulburn has been seriously indisposed; but it will afford pleasure to your readers to learn that he is much better, although still not sufficiently recovered to meet the labour of a protracted debate.

"It is expected that, after the disposal of the Catholic question, the public and national business will be rapidly gone through, and the present Session of Parliament be a very short one."—*Warder.*

On the blessings of *Catholic Emancipation* the *Morning Chronicle* observes.—"That *the grand difficulty begins when Emancipation is obtained. If after such an event you should go to Munster and tell the slaving peasant he is now Emancipated, when the first feeling of joy subsides, he will see himself surrounded by the same misery by which he is at present surrounded.*" The writer however proceeds—"But though Emancipation cannot relieve the distress of the poor peasant, it removes out of the way a subject, the agitation of which serves to keep us from the consideration of the great evil. It is of the utmost moment that the attention of the public should not be withdrawn from the consideration of the social malady, by disputes which must be terminated before we can think of the steps which are to be taken, either with regard to a cure, or the ascertaining that the malady is beyond the skill of the political physician."

Upwards of £20.000 have been subscribed here and on the Continent for the sufferers by the inundations in Hanover.

Mr M'Culloch commenced his Course of Lectures on Political Economy, at the Ricardo Institution, London, on Monday week.

The French Government has refused a passport to Joseph Schmid, the fellow labourer of the celebrated Pestalozzi at Yverdun. Schmid wished to establish schools of mutual instruction in France, and that object was enough to stamp him with suspicion in the estimation of the Jesuitical party.

BATH, MARCH 21.—Mr Beckford is now very seldom seen here, and the immense works which he had projected on Lansdown Hill, appear with difficulty "to drag their slow length along." The dwarf, too, who used to accompany him in his equestrian rambles, is now *non inventus*. The personal appearance of this little being is very extraordinary. In height he is hardly four feet, although he must at least be fifty years of age. His head is almost as large as all the rest of his body, and when seated upon his pony, his legs, instead of hanging down at the sides, appear to be stretched quite flat on the animal's back. In short, he is altogether the exact counterpart of the celebrated Prussian dwarf, whose wife, when he misbehaved himself, was in the habit of placing him on the pantry shelf for correction.

BOURDEAUX, MARCH 14.—Persuading a young lady under age to elope, is here a serious criminal offence. A curious case of a village elopement has just been tried here. The gallant is a farmer's boy, and the lady only 16 years old, and of respectable condition. The case against him was, that he gained access to her chamber clandestinely in the night, and induced her to take flight with him. They were pursued by the father, and both fugitives were brought back, the one in the custody of her father, the other in the safe keeping of the police. It is strange that the witness against him was no other than the fair companion of his flight. But, fortunately for him, he was enabled to contradict her story, by proving that she was betrothed against her will to another person, and on the night preceding the intended marriage fled from home, and placed herself under the protection of the farmer's boy. He was accordingly discharged.

Another case proves the vigilance and severity with which the Bankrupt laws are administered here. A person commenced business with 3,000 francs only, obtained considerable credit, and speculated largely and unsuccessfully. It being proved that he purchased goods on credit, and resold them at a lower price, some days previously to stopping payment, he was condemned to five years imprisonment in irons.

A third case proved rather curiously, that one infraction of the law may be the means of saving a person from being punished for another. A person was observed scaling the garden wall of the Presbytery in the Commune of Civrieux: and being suspected of an intention to commit sacrilege, was seized by the gens d'arme. Being unable or unwilling to give a satisfactory account of himself, he was on the verge of condemnation, when he at last avowed himself being a smuggler, and intent only on secreting himself from the Custom-house officers.

EARLY RISING CLUB.—A Society has been formed at Montreal under this title, whose professed object is the preservation of health. Members indulging in bed beyond a certain hour, not being able to give good cause for so doing, are subjected to severe fines and forfeitures, we have not heard whether this fraternity was honoured with the patronage and support of the Faculty, although early rising has been invariably recommended by the wisest philosophers, moralists, and professional men, in our own and every other civilised country.

WITCHCRAFT IN FRANCE.—The correctional Tribunal of Dunkirk has just decided a case of supposed Witchcraft. A married couple having a delicate infant, imagined that the child was bewitched by an ugly old woman of 73. The supposed witch happening to pass their door, was invited to enter by the wife, and no sooner complied than she was commanded to cure the child in the space of five hours, in pain of being herself burned alive. To convince her it was no joke she was placed so near a large blazing fire, that her legs were nearly roasted. To escape martyrdom she confessed herself a witch, and said she wanted only her prayer book to perform the cure. Upon this she was released, and returned with a gens d'arme instead of a prayer book. The husband, charged as an accomplice, was acquitted, and the wife sentenced to a month's imprisonment, 16 francs fine, and the costs.

OUR ENGLISH VISITERS.—The members of the British Parliament, Messrs Stanley, Denison, Wortley, and Labouchere, at present and some time past on a visit to the United States, are still in Washington city. These gentlemen have made the tour of the Union, and, we understand are much pleased with the country.—Although of the first families in England, these visiters have conducted themselves in their intercourse with society in the most unostentatious manner; and to see and converse with them one might be persuaded that they are amongst the most easy, sociable, and unobtrusive persons of the Republic. They will, we are informed, remain in Washington until the inauguration on the 4th of March next.—*Washington Gazette.*

Davenant says that while he was at Cambridge a clergyman preached at St. Mary's, who was in the habit of assisting his memory by referring the heads of his discourse to the various parts of buildings or of animals. One day, in the middle of his sermon, "And now" said he, before he was aware, "I come to the *lion's tail.*" "The people," Davenant adds, "stared on him."

In Connecticut, a certain Justice was called to a gaol to liberate a worthless debtor, by receiving his oath that he was not worth £5. "Well, Johnny," said the Justice as he entered, "can you swear you are not worth Five pounds, and never will be?" "Why, (answered the other, rather chagrined at the question,) I can swear I am not worth that sum at present."—"Well, well, (resumed the Justice) I can swear to the rest—so step forward Johnny."

PRIDE OF ANCESTRY.—An anecdote is related of Mr Proger, of Werndee, in Monmouthshire, which exhibits the pride of ancestry in a striking point of view. The house, which had lately been repaired for the tenant, was in such a state of dilapidation, that the father of the last proprietor, Mr Proger, was in danger of perishing under the ruins of the ancient mansion, which he venerated even in decay. A stranger, whom he accidentaly met at the foot of the Skyrrid, made various inquiries respecting the country, the prospects, and the neighbouring houses, and among others asked, "Whose is this antique mansion before us?" "That, Sir, is Werndee, a very ancient house; for *out* of it *came* the Earls of Pembroke of the first line, and the Earls of Pembroke of the second line, the Lords Herbert of Chebury, the Herberts of Coldbrook, Rumney, Cardiff, and York; the Morgans of Acton, the Earl of Hunsdon; the Jones's of Treowen and Lanarth, and all the Powells. *Out* of this house also, by the female line, *came* the Duke of Beaufort" "And pray, Sir, who lives there now?" "I do, Sir." "Then pardon me, and accept a piece of advice: *Come out* of it yourself, or you'll soon be buried in the ruins of it!"

SIGNS IN PARIS.—The following inscriptions are to be seen in the *rue de Rivoli* in Paris, over the door of a tailor, "*Culottier de Madame, la Duchesse de Devonshire;*" and over that of a hair dresser, we find the following witty couplet:—

> "La Nature donne barbe et cheveux.
> Et moi je coupe tous les deux."

A most extensive forgery has, within the last week, been practised upon the Bank of Ireland, which succeeded to a large amount. Bills, bearing the signature of John Black & Co., were sent up through the Post Office of Limerick to that Establishment, purporting to be accepted by Nicholas Mahon, Esq. of Dublin. They were cashed by the Bank, and the money remitted according to direction. A second time the same trick succeeded, but, in the third instance, enquiry was made, and the entire transaction discovered to be a fraud.

An extraordinary event has happened in the neighbourhood of Bellez, in France. A travelling merchant, whose wife was lately brought to bed, asked one of his friends to be godfather to the child. During the feast which ensued, the father spoke of a journey it would be necessary for him to undertake; his wife said he could set out when he pleased, that the 8,000 francs, were ready, and she pointed to the spot where they were deposited. On the following day the husband went to Bellez to make the necessary preparations, and during his absence the godfather went to the woman and demanded the 8,000 francs, telling her he meant to murder her, but allowing her to choose between being shot or hanged. She preferred the latter. By this she gained some time; but the scoundrel made himself master of the money, and then prepared very coolly to execute his victim. He got on a stool, drove a nail into the wall and attached a rope to it which he had bought, tied a knot, put the rope round his own neck, and thus tried if the rope would support the weight of the unfortunate woman. Like Bluebeard, he then asked her if she was ready? Fortunately, just at this moment the joint stool broke, and the man himself remained suspended by the rope he intended to apply to the woman. She immediately procured assistance, the man was cut down alive, and carried to prison, where a trial, and a fate similar to that from which he was rescued, await him.—The money, which was found at his feet, does away with any doubt as to his motives.—*Paris Paper.*

PUBLISHED BY WILLIAM DART,
At the Office of the Paper, Old Exchange Place, Quay.

Orders received by NEWTON & Co. *Warwick-sq are, London*—R. BARKER 33, Fleet-street, *London*—J. K JOHNSTON & Co. *No.* 1, *Eden-Quay Dublin.*

SUPPLEMENT to the WATERFORD MAIL.

WEDNESDAY, MARCH 30, 1825.

(Continued from Second Page.)

the Magistrates; they said to the men, we do not want to deceive you, we tell you, you cannot at present be tried under the Insurrection Act, but give bail to stand your trial at the next Session, and you shall be let out. And what prevented the men from giving bail? Mr Lanigan, the Attorney—who though in general most correct, and just in his ideas, was mistaken in his advice—perhaps the prospect of thirteen actions against Magistrates dazzled his sight, and prevented him from seeing with his usual clearness. Here is a run against Magistrates—and Mr Lanigan would make the most of it—but is it not plain it is his *own* action? I admire the philanthrophy of any man who defends the poor, but more particularly of an Attorney, who brings *thirteen* Actions at once! Who really has brought these actions? Rorke, the Plaintiff, *innocently* tells Switzer the Gaoler, "I have no Action, if there have been Latitats served, I knew nothing about it." I come now to the transaction in October, which though not legally admissible in evidence, I shall state, in order to repel an aspersion thrown on the defendants in open Court. The accusation is, that Mr Pepper searched in the thatch of Rorke's house for "military stores," as Mr Richards calls it with triumph; Mr Richards, who lives in a slated house in Gloucester-street, may think very little of bullets in the thatch; but it is no jesting matter in this county, where unfortunately "every bullet has its billet." Mr Pepper *did* receive information that ammunition was concealed in the house of Rorke and one Hasset, and in an unguarded hour, he searched the houses and found them, instead of saying to his informant, go to Mr Going, or some other Magistrate, I cannot act, because Rorke has brought an action against me, I cannot act against him, though I were to see him about to commit murder,—what an easy way to tie up the hands of an active Magistrate! Bring an action against him, and he can never act as a Magistrate against you, or if one action wont do, file thirteen against him at once. Mr Pepper was not conscious of any personal feeling towards the plaintiff, and was not deterred from the career of his duty, and then says Mr Lanigan, now I have you on the hip; because you searched Rorke's house and found bullets, you must have been influenced by malice in the first transaction! Rorke got off 'tis true, but why? the Insurrection Act punishes the concealment of ammunition *in* a house, and being a Penal Act, Mr Blacker construed it strictly, and said that it does not apply to concealing it *outside* a house, and Rorke was discharged. I entreat of the Jury (said Mr Doherty) to stand between the defendants and their opponents. The Jury must not be overpowered by the eloquent declamation of Mr Sheil, who would address them last, and who would loudly descant upon the liberty of the subject, Magna Charta, Bill of rights—all high sounding words; but the Jury should consider nothing but the motives of the defendants, and the probability of the plaintiff's guilt. There is no wish to abridge the liberty of the subject: but the Jury by a well considered verdict would stop those ill designed actions. The Jury would not seek to conciliate the lower orders by acting with injustice towards the higher orders.

[Here the Learned Gentleman quoted Hawkins' Pleas of the Crown, and several Law authorities on the subject of Arrests.]

Will the Jury say, the defendants arrested the plaintiff out of their own heads, or sought maliciously to defame and oppress the party? Was not there reasonable cause of suspicion? Thirteen men in a bed room, with the door fastened! Gilmartin will be put on the table, and probably will refuse to answer a single question; but Warren will prove that Gilmartin made the signal. Joe Costigan, who attended on the 11th and on the 18th, will prove that illegal oaths were administered; that Gilmartin desired him to go out of the way, for that the police would arrest the entire party. Last October, Costigan came forward and told the whole story.

The Jury by their verdict will say whether the facts which came to the defendants' knowledge, do not justify them, and they will punish the audacity of the plaintiff—a convicted offender—who dares to come from the other Court, where he ought to stand as a criminal, and seeks to punish the Magistrates who sought to bring their villainy to light.

[The above is but a very faint and a very imperfect outline of the learned gentleman's address, which, though occupying full two hours in the delivery, was heard throughout with a degree of attention, such as we have rarely witnessed—whether as regards the matter, the eloquence, or the delivery, this speech was unquestionably one of the most successful efforts of forensic oratory ever delivered in this Country, and produced a corresponding impression on the auditory.]

FOR THE DEFENCE.

George Warren.—Policeman, examined,—Witness is stationed in Toomevara; Sergeant Mullins is over him; remembers 15 men being arrested on the 19th January 1824: he was one of the party who arrested them. He had got orders on the previous Thursday from Serjeant Mullins, to watch the meeting. Witness knows John Gilmartin, whom he saw on the day of arrest, but had no conversation with him; had before Sunday a conversation It was between the hours of 4 and 5 when they were arrested; the parties had been sitting in a bed room, and the door closed upon them; it was the publican who had ordered the door to be opened for him. Saw several persons inside, two empty half gallons, some glasses, &c. witness searched for, and found, two papers, one of which was upon the chair, and another on the ground; handed the papers to his comrade Benjamin Butler; he got these papers back almost immediately; put a private mark upon them; took those papers to Lieut Pepper, and desired him to go to Mr Thomas Ryder Pepper with those papers and shew them to him.

Cross-examined—Witness had no conversation on that Sunday with Gilmartin—seven Policemen had arrested the people in the public house—found, and had an expectation of finding papers; after witness had found the papers, he handed them to his comrade, to read them; witness put his cross upon those papers; it is not from the contents he knows the papers, but the form of the papers; witness cannot read or write; he touched the pen when marking these documents.

To a question by a Juror—Witness is a peace preservation man, and not of the Constabulary force; had no conversation with Gilmartin on that Sunday, Heenan, in whose house they were drinking on that day, has been since that transported.

Benjamin Butler examined—This witness corroborated mainly the evidence of the last witness on his direct examination. He stated that their police office was opposite to Heenan's exactly, and that the people could be seen going in and out of the house.

Examined on the direct—Witness knows Tim Maher, and overheard a conversation which had passed between him and his mother, who said to him—"Tim, are you there?—did'nt you promise me, and the great God, you would avoid their meetings"—"*whisht!*" said Tim, "I don't care about them, as they have not got the papers."

Re-cross-examined by Mr Sheil—Witness told this latter story in two days afterwards. Is there a "*Corridor*" in the guard house? Witness—There is no *door* but the one door.—(Great laughter.) The mother said to her son Tim, that nobody was in hearing, and he, witness, was in hearing.

Thomas Mullins, Sergeant, examined—Witness had the command of the party in Toomavara in January, 1824; got information on the morning of the 15th January, that a meeting would be in Toomavara on the following Sunday; left directions to that effect with Warren. Was in the Barrack room and at Toomavara when the men were arrested; they were sent as prisoners to Nenagh.

John Gilmartin examined by Mr Doherty—This witness when he had come upon the table put his body in a curious position. Mr Doherty, before he interrogated, reminded the witness of the solemn oath which he had just taken, in the presence of God. Witness said that he lived near Toomavara. Knew Captain Pepper, and knew Rorke the plaintiff, and Heenan; recollects having been at Moneygall, in company with many others, about 20, and of his having spoken to Mr Pepper, upon the nature of the suspicions entertained of his, witness's, character for having gone occasionally to Mr. Pepper, for summonses. How does witness know any thing about Toomavara, only he went on a Sunday to mass; knows Warren a Policeman; had been at Heenan's house after mass; saw the plaintiff Rorke there, and many others; can't say a signal was given to Warren; saw the latter at the police door, 15 men were sitting in a back room; knows John Costigan, who had been along with witness, when he went for a book when he returned, the company were all taken which greatly surprised witness, and he ran away from the house speedily; don't remember saying any thing to a policeman about the company; witness took off no hat, by way of signal; believes that a special Sessions was held in Nenagh; can't say he was asked to go there as a witness. [Here the witness took time to consider before he would give any answer.] Remembers that Mr Pepper and Mr Duckett had asked him some questions; was asked to give evidence, and said that he would do any thing in his power; but that his relations were all against his giving any evidence, and one relation offered him £50 not to go forward to give any evidence, and leave the country; he was an old man who made him the offer, and several of his friends advised him not to give any evidence.

Cross-examined by Mr Richards—Witness had a conversation with Mr Duckett and Mr Pepper, but don't remember having had any conversation with Mr Lanigan; pays his rent to Mr Otway; paid some rent two months ago; was allowed £4 in his rent by Mr Pepper, as game keeper; was five or six years game keeper to Mr Pepper and Mr Otway; and this was the first money he ever got for his services as such; by virtue of witness's oath, the coat that he wore he did not get from Mr Pepper.

Re-examined by Mr Doherty—Mr Pepper had told witness, that if he gave witness any money it would be out of his own pocket, until Mr Otway returned from England, whose agent he was.

Joseph Costigan examined—Witness lives in the neighbourhood of Toomavara; knows the plaintiff, John Rorke; recollects the Sunday when fifteen men were taken up; saw Rorke at Heenan's public house; they were all in a room up stairs; knows John Gilmartin, who was at Toomavara same day; witness saw *an oath administered* to one Delany and Gleeson, by one John Ryan; Gilmartin was not in the room when the oath was administered; Rorke was present when the oath was taken; and was speaking about Gilmartin, who, he said, should swear; witness left the room in company with Gilmartin, saw Gilmartin making a signal by lifting his hat off his head; witness had been at Moneygall the previous Sunday.

Cross-examined by Mr Sheil—Witness had been lately in Dublin, and came from it on Saturday last; had been there a month; saw Mr Pepper before he went, and when he returned; witness did not shake hands with Mr Pepper—Mr Pepper sent for witness; saw him on Sunday evening; dont know what he said to him, but to do justice and to avoid Gilmartin's company; witness was about 15 minutes in company with Mr Pepper; can't tell what Mr Pepper said to him during that time; witness's business brought him to Dublin; the reason he, witness, went to Dublin, he would tell; saw Mr Pepper three days before he went to Dublin; it went abroad that Gilmartin communicated some circumstances; witness saw the Castle-yard, and the guard relieved—(a laugh.) Mr Pepper gave witness a letter to the Kildare-street Institution, in order that he might improve himself.

Mr Sheil—"And I suppose to improve the schools"—(a laugh.) Witness was sent up for protection; he had got money for support from Mr Pepper; was supported for four months

witness would read or write with Mr Sheil, for a pound note! Witness often wrote Captain Rock's notices! was in gaol for writing and posting notices three years ago; witness got a letter to Admiral Oliver; didn't get subsistence from the Admiral; but got money from another gentleman; knows Heenan, but had no conversation with Mr Pepper about him; witness was in gaol three years ago; frequently slept in gaol for protection; knows Thomas Stapleton; a slated house had never been built for witness; "*Oh Lord a slated house*" never—witness never said he would prosecute at the Assizes for Mr Pepper; never was assisting at the breaking of a house; but fired shots into a house; after Rorke was arrested he saw Mr Pepper; Mr Pepper knew that witness was with Gilmartin; he knew it before the last Spring Assizes, and was told it by the men who had given the signal; witness had a conversation with Mr P. before and after the fifteen men had been arrested at Toomavara. Witness would not prosecute them for £100. But said though that he would give evidence in this case, but would not in a criminal prosecution. Witness was along with Gilmartin on the day the oath was administered at Heenan's, Toomavara.—Case for the defence closed.

Mr SHEIL said he would call the attention of his Lordship and the Jury to the testimony of the last witness. He swore that upon a certain occasion, at Heenan's, in Toomavara, he saw an oath administered in his presence to one Gleeson. This he swore on his direct examination, and he subsequently swore when cross-examined by him, that he, Costigan, left the room in company with Gilmartin, and also returned in company with him. Therefore, if the oath had been administered in the presence of one, it must be in presence of the other. Here was a palpable and clear inconsistency, by the witness for the defence, whom he would call their great prop—their fulcrum, their mighty column, who had been kept in precious reserve; who had been specially delegated to the city of Dublin, to the worthy and excellent Admiral Oliver, in order to be instructed by the Kildare-street Society. This is the witness, who had participated so largely of the beneficence of the defendant; the writer of rock notices, who had been employed in firing shots into houses, who had received such powerful recommendation for the advancement of his moral improvement, and which has been so dear to the heart of the defendant; who had received such high encomiums to be admitted into the Kildare-st. Society. He, the Learned Counsel, in adverting to the infamous evidence, had inverted the natural order of his observations. He would gather the leading circumstances of this case. What were the facts? Fifteen men, arrested in open day light; they are brought before Capt. Pepper on informations. Where are the informations? Where are they? Informations upon oath that they had assembled for seditious purposes, as George Warren "*states and believes.*" This information not having been produced, is an additional and damning fact against the defendants in this action. These unfortunate men are manacled; are bound in chains; they are loaded with infamy, and they are led along ignominiously the march of oppression, to the gaol of Nenagh. On the 21st of January bail is refused for them. At the Sessions, bail is refused. The case comes before Mr Blacker; these men might have been tried; the constables were present, and could have been examined then, as well as now. What Mr Blacker had done on that occasion, reflected the highest credit on his head and heart; he expressed his astonishment at the case being brought into his Court. What could their object be, therefore, by indulging in their own views? They, the defendants, witnessed Mr Blacker's impressions of the case; if the defendants had acted in the first instance under a mistake; if they had been erroneously led away, by a gross and fatuitous mistake; could that excuse be offered on their behalf, after the 21st January, 1824. Their minds after that day could not carry the same impressions. He, Mr Blacker, had, he might say, *ignored* the Bills; the informations against those 15 men had been laid before the King's Counsel. Did those Magistrates repair their error? No. But they sought bail of a specific quality to which they were not cognizable. First, there was a refusal to take bail at all. Secondly, they demanded bail of a specific quality; and, only observe the course which those honourable, high-minded Magistrates had adopted. What have they done? when the agent had been absent, they induced these men to do that which the King's Counsel said ought not to be done. Was this, he would ask, common decency? Was it fair dealing with the people? It was impossible to view it in any other light than in the spirit of a criminal oppression. These defendants evinced more anxiety to defend themselves than to repair the injury they had done. These men are bailed for the Assizes—the Assizes arive—are they prosecuted? are bills sent up? are the informations returned?—They are incarcerated upon the mere "*belief*" of an individual. However bold Mr Doherty's statement, it could not for an instant justify the illegality of the defendants. After their committal they are brought before a Special King's Counsel. We find those Magistrates discarding his advice—we find them taking advantage of the ignorance of these poor persecuted people; the Assizes arrive, and we find them not to have discovered any new evidence. If an excuse can be offered, let it be defined, and thus an additional act of trespass has been committed by the defendants. They have attempted at some proof by their defence, but which has been only followed by disaster. Why have they had recourse to the subtleties of the law? To those cobweb distinctions. If their part was honourable they ought to challenge the fullest inquiry—they ought to have felt that character was better than gold. But would high-minded, honourable, impartial, men, have recourse to shelter themselves under the subtleties of the law? The speech so eloquently delivered by Mr Doherty, was distinguished by a good deal of merriment, a good deal of sophistication. But he was compelled to take a local, ephemeral view of the great and simple principle of the case. He, Mr Sheil, would call upon the gentlemen, not for a Nenagh Verdict, but a great constitutional Verdict. You had been told to look upon the Irish Peasant; but he would tell you to look upon that Peasant as a British subject, and not to allow him to be treated like a beast or a stone. He would call upon them to avenge the injury done to the public rights of every man who crawls the earth. He called upon them to set the law above rich and influential magisterial despotism, and to place them under the protection of the despotism of the law. In Jan. we find six or seven individuals from one parish sitting in a public house; there appears no delegation; in view of the police office, who could see into the very room where they were drinking? Was it likely that men would go there for seditious purposes. Could you believe Butler, who swore as to the conversation which took place between Maher and his mother? was such a tale at all credible? Where was the proof adduced upon the part of the defence—unless assertion should be allocated for proof? If an individual should go and tell you a story, are you upon his saying to deprive 15 British subjects of their liberty. Mr Doherty had animadverted in eloquent trappings, on documents found of a serious nature, by a person who could not read. There was no proof that these papers were the same which were originally found. We find the literary culture of this Policeman neglected, while the "abominable culprit" is introduced as a candidate to the Kildare street Association. What was the evidence of the game keeper, Gilmartin, the procurer of the sports of the defendants—this accomplished game-keeper, who hung upon the caprice and pleasure of Mr Pepper. His mind was filled with terror—he saw the transportation of Heenan, and the trial of Rorke under the Insurrection Act, was before his eyes. Those police witnesses could not state the differences of their *belief*—and the Moneygall story was a base and foundationless falsehood, and was not supported by a single tittle of evidence by Gilmartin. Are these 15 individuals to be deprived of their liberty upon mere surmsie? are you to suspend the freedom of your fellow-countrymen, upon such grounds? Let it not be said that the lower orders do not suffer as much in their feelings in cases of oppression—that their infliction is not as galling and as deep, as those of the Aristocratic of the land. Only look at several individuals, guarded by seven armed policemen—manacled—and pompously paraded through the country. Look at them as men—let there be no artificial distinctions made. They are men, with flesh and blood—with hearts, with blood in their veins. They must feel the ignominy cast upon them by an illegal imprisonment—superadded to this infliction, is the grand stigma cast upon them, in their several relations of child, father, friend, and relative. Led along like a procession of slaves through their progress of infamy to the felon's cell. The very savage of the desert is the hero of his palace. What deep agony must they not have felt. On their brows rolled the sweat of shame, and their very hearts arose in their throats. In England no such scene as this could occur. What, he would ask, would be the feelings of a traveller from the sister Kingdom, who on passing through your county, beholding fifteen of your peasantry bound and manacled—he would naturally enquire, what crime had they committed. And if this procession of infamy would excite indignation in the breast of an Englishman, why not create the same indignant emotion in Ireland. There is not surely any thing in our Irish habits, which could furnish matter for a palliation. A short time since the manufacturing classes in England had been in a state of insubordination; they had broken looms. Did any British advocate attempt to justify a tyrannic coercion on the part of the Magistracy: he dared not to have attempted it in a Court of Justice. For if he did, it would have the effect of inflaming the damages considerably. Were the value and blessings of liberty less in this country than in Great Britain? In that country they have set a value upon their independence; the commonest peasant is in his character lofty; even the beggar with the rags upon his back, feels an independence in his mind. You would not behold in the humbler classes of Great Britain that sycophantic air. Look at their port; their manliness of attitude; what does it arise from, but from a consciousness of an incorporation in British Freedom? The winds of heaven may assail the bleak tenement of the poor man; the rain may drench his bed of straw; but no rich man can lift the latch of this man's door. He ardently hoped, that we may *be morally united with the British people*, that this unfortunate island may not only be favoured with an influx of her gold—but also with an influx of their high moral sentiment. He had heard it stated, that they would be addressed upon inflammatory topics. He deprecated any such intention for his own part—this Court was not the fit *arena* for political discussion. The best security for upholding the tranquillity and peace of the County, is in the purity of the administration of justice—if the poor man should find that he could not get redress in that Jury Box, we may again have a recurrence of those scenes of conflagration, so much to be deplored—the burning haggard and the conflagrated cottage, and a return of aboriginal lawless independence. If they are refused redress, have they not hands to defend themselves—have they not eyes to see—are they not warmed by the same heat; if you wrong them will they not seek revenge? If you tickle him, will he not laugh; if you prick him will he not feel pain; if you poison him will he not die!—If the poor man cannot hope for justice from the rich man's oppression, let that motto over the seat of justice be taken down, "*justitia, firmatur solium*" and put in its place the motto of a late Lord Chancellor; "that there is one law for the rich and another for the poor." Before he, the learned Counsel, sat down, he would draw their attention to a witness, to whose adjudications we must all listen. Who bears attestation to the inward motions of our hearts? a witness whose voice is heard in the silence of the passions, and whose approving voice, at our last and aspiring moments, will be the best and most consoling hope for another and a better life. To that witness, Gentlemen, said the learned Counsel, I commit my client's case; that witness is CONSCIENCE. The Jury would, by a verdict for his client, put an end to those Aristocratical prejudices which have too long and too fatally prevailed in your County.—That they would by their verdict, not afford any ground for the imputation, that sacrilege was committed upon the altar of justice.

The Lord Chief Justice then read over his notes of the evidence. He told the Jury that in point of law they were bound to find for the plaintiff; on the quantum of damages they should be guided by a full consideration of all the circumstances of the case.

The Jury found for the plaintiff, 10s. damages and 6d. costs.