

gether; his mother asked them if they were not going to bed; they said they were going to cast caplin; heard no other conversation.

The case for the prosecution closed.

The prisoners being called on for their defence, Mr ROBINSON, on their behalf, took some legal exceptions to parts of the evidence, which were however, overruled by the Court. Downing said he had no witnesses to bring forward, but that there was no evidence to convict him of the crime for which he stood charged but of which he was innocent. He denied the confession which had been read as his—if he had made such a confession he did not know what he was saying or doing at the time.—Malone made no observation.

The Chief Justice then proceeded to address the Jury. He particularly explained the nature of the crime of which the prisoners stood charged in the indictment; he then went through the whole of the evidence in detail, making his comments upon such part as bore most strongly on the case. After a minute recapitulation of the evidence, his Lordship observed, in conclusion, that the Jury should disregard all that part of Downing's confession which related to Malone—that though the confession was good evidence against himself, it could not be regarded in the same point of view as affecting Malone. The evidence, otherwise, he could not help remarking was very slight against Malone; it was, however, for the Jury to determine as to the guilt or innocence of either or both.

The Jury then retired, and, after an absence of an hour, returned to Court with a verdict of "GUILTY," against both the Prisoners.

The Chief Judge, after having earnestly admonished the Prisoners, proceeded to pass the awful sentence of the law, upon each of them, separately—"that you be taken to the place from whence you came, and thence, on Monday next to the place of execution; and that you be there hung by the neck, until you be dead—that your body be dissected and anatomized,—and may the Lord have mercy on your soul."

We have before remarked, that the Prisoners during the whole of the trial manifested no emotion whatever—they appeared to regard the proceedings with indifference—during the address of the Chief Justice, previous to passing sentence, Downing repeatedly interrupted him with exclamations of his innocence and the injustice of the verdict.

FREEDOM OF THE PRESS.

(From the Morning Chronicle.)

When Lord Durham determined on the step of prosecuting one of his many traducers, he must have prepared himself for much obloquy; because the same busy spirit which, ever since the extent of his services to the country in the cause of reform became known, has never ceased persecuting him with malicious inventions, would naturally resent the endeavour to arrest its activity, and thence exert itself to misrepresent his motives. In truth the Conservative journals, in full chorus, are now calling out that they are persecuted because they are about

to be denied the privilege of retailing all manner of falsehoods against his lordship.

A great deal of ingenuity has been employed in perplexing a very simple question. We are not aware that the most strenuous of the advocates of the liberty of the press ever maintained that that liberty should be extended to the transactions of private life. It is quite impossible that any good could ever result from such an unlimited liberty. The public cannot possibly enter into all the circumstances which determine the actions of men in private life; and being without the means of arriving at any sound conclusion, they ought to abstain from all interference, leaving every man to the tribunal of his own conscience, and that of his relations and friends, who can best appreciate his motives, and who best know whether he ought to retain or forfeit their attachment. Whenever the practice of tolerating inroads into private life has prevailed, the consequences have been any thing rather than beneficial. The time is not very remote when London swarmed with a set of miscreants, who regularly levied contributions on the public under the name of "making ink."—They would pitch on an individual in easy circumstances, embarked in business, to whom it was of importance to stand well with the public—they would institute inquiries into his habits in the neighbourhood—his hours of leaving home, the places he frequented, &c., and having thus obtained a few materials to serve as a groundwork for their fabrications, they would send a prospect of an intended communication to the public, with an intimation that if a certain sum were not forthcoming, it should appear. There were few men who had the courage to set these miscreants at defiance. A man who long lived by his industry in this nefarious work, and who contrived in consequence to have always a well stocked cellar at the expense of the wine merchants and others whom he intimidated, took his departure not many years ago, for another world. One shopkeeper in Holborn, who had suffered much from this sort of persecution, at length took courage to face his enemy, and had him brought to justice, when a chapter in the literary history of this metropolis was opened—one which, for the honour of human nature, it were as well to close for ever. In fact, the same want of principle and the same wants which now impel men to levy money by threatening others with accusing them with infamous vices, impelled them then to make the press the instrument of their vile purposes.

No man will say for one moment that such a system should be tolerated. But such a system must be tolerated if a license shall be allowed to drag private life before the tribunal of the public.

One exception must occur to every one; namely,—when the public conduct of a man is supposed to be biased by his private relations. Thus, for instance, no one would have thought of prying into the private life of the late Duke of York, had not a belief become general in the army that an individual had acquired an influence over his Royal Highness which was used to the detriment of the public service. In like manner, when ladies with no intelligible title to

the public money but the possession of distinguished beauty, are found to be pensioned highly, it is natural that the public should seek to discover the channel through which the public money was obtained, and should be uncharitable enough to connect the distribution of the public money with private favours. Men in office are in so far differently circumstanced from other men, from the manner in which their public life may be influenced by their private, that a little more vigilance may be tolerated respecting them. If, for instance, a Cabinet Minister were seen to gamble notoriously on the Stock Exchange—if a treasurer were to be found to play deep at Crockford's—if a judge were to be found receiving rich presents—all these are things which it is not unimportant that the public should know, and the rule of private life could not be strictly applied to them.

But even here some regard ought to be had to truth. Because a judge ought to have pure hands, it does not follow that he is to be accused of bribery with impunity.—Because a judge ought to be a man of sober, virtuous life, it does not follow that he may be accused with impunity of being addicted to degrading vices. "Lord Brougham (says the *Standard*)—we write it with grief and shame, that spirit and genius should so sink—Lord Brougham, the Edinburgh Reviewer, and contributor to the *Times*, it is said, has commenced a prosecution against the conductors of the *John Bull*, for the heinous offence of charging his lordship with delicate health and lethargic habits."—Our contemporary knows very well that, day after day, his lordship has been charged with weaknesses which would utterly disqualify him as a Judge, and Speaker of the House of Peers. These charges have been so distinctly made, with such an air of circumstance, and so often repeated, that other journals have at length stated the result broadly and unequivocally to the world; and there is not, we believe, a conductor of a journal, from the *Land's End* to the *Murray Frith* (the *ultima Thule* of journalism), who from constantly reading these charges, would not (if he had no access to private sources of information) set down in his own mind at least, his lordship as a man not fit to be trusted with the management of his own affairs, to say nothing of those of the public. Will any man, under these circumstances, say that his lordship's efficiency as a servant of the public is not greatly impaired by the circulation of such a calumny? Was Lord Eldon ever charged with a similar vice? He was often the subject of many a joke on account of his attachment to money; but we are not sure that his lordship, being a north countryman, deemed such an imputation any reproach. He would have felt uneasy under a charge of receiving bribes; but no man ever hinted that his attachment to money led him to wish to obtain it by receiving bribes. The failings of his lordship were a fair subject of animadversion—his dislike, for instance, of deciding causes on principle, and love of escaping from principle into the speculations of the case—his procrastination even after he had evidently made up his mind as to his decision—all these infirmities were fair subjects for ani-