

bitual inconsistency of the *soi-disant* liberals, that her claims have assumed such a holiness in their eyes. By the laws of Spain the Salique rule prevails in that monarchy, and the daughter of Ferdinand being excluded from the throne in this view, the question arises whether the will of the late king is sufficiently powerful to abrogate the law of succession. It appears to us that this is a point which none but the most skilful of the juriconsults of that country are competent to decide. But it is quite clear that the liberals in advocating the claims of the female aspirant acknowledge a principle of extreme absolutism in setting the will of the monarch above the law of the land. They talk in deed of precedents, as if there were no difference between the instances to which they refer and the present conjuncture; but setting all variation aside, and admitting that the cases are exactly parallel, we repeat that it is part or parcel of their habitual inconsistency to recur to an age of despotism for precedents to establish a principle containing the very essence of absolutism. They are placed between the horns of a somewhat awkward dilemma. If they admit the superiority of a kingly mandate to the enactments of constitutional law, what becomes of their vaunted liberality? and if they regret such a doctrine on what foundation can they then rest their claim? The only alternative they have is between the sacrifice of the young Queen and that of their principles.—*Dorset Chronicle*, Sept. 11.

COMMITTEE ON LAW OF LIBEL.

Minutes of evidence taken before the select Committee appointed to consider the present state of the law as regards libel and slander, and to report their observations thereupon to the House.—*Wednesday, June 4.*
(The SOLICITOR-GENERAL in the chair.)
(Examination of the LORD HIGH CHANCELLOR.)

Your Lordship is aware that all the circumstances relative to the publication of a libel can be given in evidence?—All the collateral circumstances, every thing relating to it except the truth and I hold that to be the greatest absurdity in the whole libel law or in almost any branch of the law.—For whereas the utmost that can be said against making the truth evidence is, that it is not in all cases a decisive test, yet if it is only an unilateral test—that is if in all cases a proof of falsehood must show the *malus animus* and that the party must consequently be convicted upon publication being proved—surely it is no reason for excluding so material a circumstance from the knowledge of the court and jury, although it be true that in some cases a proof of the truth would not be decisive of the innocence of the defendant. I am quite clear the truth ought not to be made decisive either in civil or criminal proceedings; for cases may be put where the truth instead of being a justification, would not even be any mitigation nay, where it would be an aggravation.—I will suppose the case of a woman who in early life when a girl of 16 or 17, in Cornwall had a bastard child: she then is reclaimed, and becomes a respectable person, removes to another part of the country, and when she is the mother of a family, to make the case stronger, some man with whom she has refused to lie shall then say—"If you do not I will publish your shame by letting that be known which happened in Cornwall; and he then publishes in Northumberland, that she once had a bastard child. Everybody who hears this case put, and it is not at all impossible one, must be aware that the truth to every well regulated mind, so far from being a mitigation, would be a very great aggravation; yet as the law stands, she could not obtain a criminal information, because she could not negative the charge, and she could not proceed in an action for damages because the truth might be pleaded and proved. My opinion has always been that the truth ought to be capable of being given in evidence under the general issue, with a specific notice to confine the defendant to certain points and to give the plaintiff or prosecutor full notice of what he must be prepared to meet. As the pleaders say of set-off, that it should be almost as certain as a declaration, so this notice should be almost as certain as a plea of justification. Were this change made, I should say that the law of libel would be put on an infinitely better and more rational footing than it now stands on. I would therefore in no case and in no form of proceeding, civil or criminal have the proof of the truth be conclusive, but only competent evidence with notice; then the court would judge whether it amounted to a justification or a mitigation or an aggravation or was neutral. Falsehood in almost every case that can be conceived would be decisive of guilt; the truth might be decisive of innocence or it might not.

What is your Lordship's opinion upon stamps on newspapers with reference to libel law?—My opinion is decidedly against stamps on newspapers; but that is a very large and important subject; I consider it intimately connected with the subject of libel. The worst libels are generally speaking not in books and pamphlets, but in newspa-

pers and I consider that the stamps on newspapers are one very great cause of the worst of libellous publications both public and private.

When I was at the bar, I remember a case of the editor of a newspaper prosecuting another editor for one of the foulest libels I ever read, and the learned judge who tried the cause, and who is now no more said that it was only the editor of a newspaper who had been libelled, and therefore he did not think it a case for conviction, though it would have been quite an undefended cause, and the conviction a matter of course, if any other person had been the prosecutor. There was an acquittal accordingly: just as if a newspaper editor may be with impunity slandered, by any one who chooses. I cannot imagine any principle more directly tending to lower the character of those in whose hands the press is (mean ing by the press, the newspaper press) and to throw that press into the hands of persons disreputable and capable of abusing its power by dealing in libel either for lucre of gain, or to gratify private malice.

I am of opinion that a sound system of government requires the people to read and inform themselves upon political subjects else they are the prey of every quack, every impostor, and every agitator who may practise his trade in the country. If they do not read, if they do not learn—if they do not digest by discussion and reflection, what they have learned—if they do not thus qualify themselves to form opinions for themselves, other men will form opinions for them not according to truth and to the interests of the people but according to their own individual and selfish interests which may and most probably will be contrary to that of the people at large. The best security for a government like this for the legislature, for the crown, and generally for the public peace and public morals is that the whole community should be well informed only by having access to wholesome sound and impartial publications. Therefore they will and ought to read the news of the day, political discussions, political events, the debates of their representatives in parliament, and of the other house of parliament; and on not one of these heads can any paper be published daily or weekly without coming under the stamp law; consequently the people at large are excluded, by the dear form in which alone the respectable publishers can afford it while they pay the duty. They can only have it in a cheap form by purchasing of publishers of another description who break the revenue law by paying for no stamps and also break all other laws by the matter they publish. If instead of newspapers being sold for 6d. or 1s., they could be sold for 1d., I have no manner of doubt there would immediately follow the greatest possible improvement in the tone and temper of the political information of the people, and therefore of the political character and conduct of the people. It is my decided and deliberate opinion from very long and anxious considerations that the danger is not of the people learning too much, but knowing too little. It is no longer a question whether they shall read or not; it is no longer a question whether they shall be instructed or not; it is no longer a question whether they shall be politicians, and take part in the discussion of their own interests or not; that is decided long and long ago. The only question to answer and the only problem to solve is, how they shall read in the best manner; how they shall be instructed politically and have political habits formed the most safe for the constitution of the country and the best for their own interests. I can devise no other means than making that accessible at a cheap rate which at present they must have at a rate they cannot afford, without having it bad as well as cheap. I wish to give it them both cheap and wholesome.—*Globe*, August 28.

DESTRUCTIVE FIRE.—On Saturday afternoon an alarming fire broke out in the extensive premises of Lochrin Distillery the property of Mr Haig. The fire first appeared in the mill having originated it is supposed from the friction of the machinery, and made such rapid progress, that in a short time that part of the premises was enveloped in flame. The fire engine at the head police office was on the ground about quarter of an hour after the alarm was given, and was quickly followed by the engines from the other parts of the town; and the castle engine accompanied by a large detachment of the 68th regiment; all which together with an engine kept in the distillery were soon in full play upon the flames.—So destructive however was the fire, and so rapid in its progress that in less than half an hour from its commencement the roof of the building fell in with a tremendous crash, and the large and valuable mill consisting of eight pair of stones, and driven by a steam engine of one hundred horse power, was entirely destroyed. Great fears were at one time entertained for the safety of the engine, the fire having communicated with the upper flat of the building in which it is enclosed; but through the strenuous exertions of the firemen the flames were subdued and the building preserved. Meantime the fire communicated with an adjoining baru

filled with grain, where it raged with great violence, and for a time seemed to defy the utmost exertions to extinguish it, until having burned through the flooring, the grain fell down in such quantities as tended greatly to abate its force and check its progress. The flames were at last confined within the barn and eventually got under; but not till they had consumed every thing combustible in the interior, except small portions of flooring in one of the lofts at each end of the building. The fire was completely extinguished about half past seven, having burned three hours and a half. Some idea may be formed of the intensity of the flames from the fact, that the iron columns which supported the roof in some of the lofts in the mill, were in several instances, literally melted, and in others were found quite bent with the heat and the weight they sustained. The damage done has not been ascertained; though it is calculated that £10,000 will scarcely replace the works in their former state of efficiency: but we are happy to understand that the whole premises are insured.—*Edinburgh Evening Courant*.

FRANCE.—The French government have decided on non-intervention in the affairs of Spain, thus rejecting the overture of the British government.

M. Carrel (*Editor of the National*) was again sentenced on Friday by the Court of Assizes, trying without the assistance of a jury, to two months' imprisonment and 2000 francs for publishing an account of the proceedings in that Court. It is said that disgusted with the fetters imposed on the Press in France, that vigorous writer had resolved on abandoning his literary pursuits.

SPAIN.—A bulletin published in the *Journal de Paris* of Saturday night stated that Government had received a despatch from Spain which explained the late movements of General Rodil to have been with an intention to enter the Bastan in three columns.—The first arrived on the 27th ult., at Souhaire, and the second (on the same day) at St. Estavan. He was to have entered Lezaca himself on the 28th at the head of the third column; but all those places had been evacuated. The Carlist Junta and the sick of that party were on the 27th ult. at Aranz. A second despatch announced, that on the 29th, Don Carlos was at Roncesvalles with three companies and that three columns had marched from Pampeluna against him and Zumalacarrreguy, who was at Zubiri. A third despatch stated that after having swept the valley of Bastan, Rodil had moved on that of Roncesvalles. The Junta had dispersed and Don Carlos was with but one outlet from the valley—namely that leading into France. We have intelligence from Madrid to the 24th ult. A decree of the Queen Regent forbids the introduction of arms and warlike stores into any part of the kingdom between Cape Finisterre and the Bidassoa. The report of the committee of finance respecting the national debt had not yet been presented to the Chamber. The capital was quiet. It was believed that seven more of the persons guilty of the murders of 17th July would be executed.

PORTUGAL.—*Falmouth*, August 31.—This afternoon his Majesty's brig *Royalist*, arrived here from Oporto, whence she sailed on Wednesday last. Information had been received there from Lisbon, announcing the election of Don Pedro as Regent, by the Cortes, with scarcely a dissentient voice. The choice of the Emperor had given much satisfaction at Oporto; it was expected that the Queen's marriage would be the next subject for discussion.

THE CHOLERA.—The prevalence of this disorder in many places, is putting the newspaper writers and their correspondents upon their invention, as to precautions. We observe a correspondent in a provincial paper offers his advice at some length; it may, however, be condensed thus, and so rendered more easy of digestion:—"Abstain from herrings and cabbages, and be attentive to daily prayers."

The King entered his 70th year on Thursday, having been born 21st Aug. 1765.

The Pope has just promulgated throughout his states regulations concerning public executioners, their assistants, and their wives. They prescribe the cut of their clothes, the hours at which they are allowed to appear in public, and the places and churches they are permitted to frequent. Among other characteristic marks of this fraternity they are required to carry a black stick, wherewith to point out the objects they are desirous of purchasing.—*French paper*.

It is asserted that Lord Gardner will be the new Lord of the Bedchamber, vice the Earl of Gosford.

An enterprising mercantile house of Hobart Town, Australia, are about to send out a vessel to circumnavigate the circle, in the centre of which is supposed to be the South Pole. The expedition will be under the command of Captain Stein.

The *Nandi*, lately lost off the Arklow coast, had a cargo on board valued at £50,000 of which not more than £200 worth has been saved.

A great portion of the inhabitants of Littlehampton were much alarmed on Wednesday night, by a violent shaking of the earth, which resembled the shock of an earthquake. The same was also experienced at Arundel, and was felt in a remarkable degree at the castle.—*Brighton Gaz.*

The editor of the *Ami de la Verite*, Caen, was a few days since condemned to default to three months' imprisonment, and a fine of 3,000 francs, for publishing an article tending to bring the King's Government into hatred and contempt.

TAXES IN ENGLAND.—The following very curious document is copied from a manuscript of Benjamin Franklin, preserved in the British Museum:—"In the year 1600, the last year but one of Queen Elizabeth, the whole of the public revenue amounted to no more than £600,000 per annum. In the year 1633, the eighth year of King Charles I., to £800,000; in 1660, the 12th of Charles II., to £1,200,000; in 1686, the 2d of James II., to £1,900,000; in 1714, the 12th of Queen Anne, to £3,200,000; in 1751, the 25th of George II., to nearly £6,000,000; in 1765, the 5th year of George III., to £10,300,000. Thus, from Queen Elizabeth to Charles II.'s time, our public burdens were doubled, being a space of about 60 years, and from thence to the last of Queen Anne's reign, about 54 years, nearly trebled; from 1714 to 1751; that again nearly doubled; and what is still more extraordinary, this last enormous burden increased from £6,000,000 to upwards of £10,000,000 in the narrow compass of 14 years, being from 1751 to 1765."

A Roman Catholic chapel, capable of containing nearly five hundred persons, has been erected at Sutton Coldfield, and is rapidly approaching completion. There is not, we are informed, at present, six persons in the town who are professors of this religion.—*Birmingham Advertiser*.

The number of cholera deaths returned in in the last weekly bills of mortality reaches to as many as 103, and that precise number makes the exact amount of the increase of deaths during the same period above those of the preceding week.—*London Star*, September 3.

A smart shock of an earthquake was felt at Portsmouth on Wednesday night last, about ten o'clock. Several houses were much shaken, and some light damage was sustained. In other houses articles placed against the walls, or upon shelves, were shaken violently.—*Ibid.*

We hear almost from every quarter of the country of the unusual bearing and blossoming of Apple Trees; an instance of this kind now occurs at Sanwich, where there is an Apple Tree, in Mr Cheesman's garden, which has borne a first and second crop of fruit, and is at the present season breaking out into blossom a third time.—*Dorset paper*, September 11.

A Magistrate of this territory (New South Wales) whose wool produces him considerably upwards of £500 a year, told me lately that there are gentlemen in the Colony who already derive an income of from £1,500 to £300 a-year from their wool alone, independently of the annual increase of their flocks; but a few estates yield a still higher income.—*Dr. Lang's New South Wales*.

A GREAT MOOR ON FIRE.—The last number of the *Journal of Courland and Livonia* gives an account of a fire in a great moor, caused by the long drought. Thousands of people were employed in digging ditches to arrest its progress; but it frequently happens that the moor behind them begins to burn, the fire rising from the earth having probably spread at a lower depth than the bottom of the ditches. The drought has done irreparable damage to the crops of every description in Courland. Streams that never before were dried up, are now wholly without water; so that very few mills are able to work, and in some parts people must take their corn thirty English miles to get it ground. There has been no rain of any consequence since the spring; if any fell, the sun and wind soon dried it up.

Don Miguel arrived at Milan on the 29th August, and took up his abode at the hotel called Albergo Reale. In the evening he went to the Theatre of La Scala, where he became an object of great curiosity. The Viceroy has exchanged visits with him, but without any formality.

The Edinburgh banquet to Earl Grey is preparing on a scale of profusion and magnificence well calculated to astonish the frugal natives of Scotland. There is to be a large wooden building erected in the new High School Grounds, on the south side of the Calton hill, large enough to accommodate 2,000 or 3,000 Whigs at table, be their appetites what they may. The stewards are 200 in number, consisting of the Scottish nobility and men of rank, the Lord Provosts of Edinburgh, Glasgow, Perth, and other towns in Scotland, Members of Parliament for Scotland, the great landholders, Professors in the Universities, physicians, surgeons, lawyers, merchants, writers in the Signet, and principal inhabitants of Edinburgh. The Duke of Hamilton will fill the chair, and the Earl of Roseberry the Vice-chair.